

FFWPU Europe and the Middle East: Scholar Condemns Japan's Violation Of Minority Rights

Knut Holdhus
January 27, 2024



Cole Durham, January 2024

Referring to historical example, religious freedom scholar deplors Japanese government's infringement on minority rights



Sekai Nippo

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The dissolution request is unjustifiable under international law. Do not repeat the mistake of the US persecution.

Interview with Cole Durham, Professor Emeritus at Brigham Young University, USA.

The Issue of the Former Unification Church as Seen by an Authority on Religious Law

By [Toshiyuki Hayakawa](#) (早川 俊行)

How are overseas religious experts viewing the Japanese government's request for a dissolution order of the [Family Federation for World Peace and Unification](#) (formerly known as the [Unification Church](#))? Cole Durham, Professor Emeritus at Brigham Young University Law School in the United States, founded by the Church of Jesus Christ of Latter-day Saints (Mormons), recently visited Japan and granted an exclusive interview to Sekai Nippo. Interviewer: Editorial committee

member Toshiyuki Hayakawa (早川 俊行)

- What are your thoughts on the Japanese government's response regarding the former Unification Church?

I have researched religious corporation laws in various countries and international laws protecting religion for the past 40 to 50 years. Modern Japan is a great democratic nation, and I have great respect for Japan's concern for human rights and peacekeeping. However, I am deeply perplexed by what is happening to the former [Unification Church](#) in Japan.

As a general principle, I understand that extreme situations can arise where religious organizations themselves engage in egregious acts. However, the assassination incident involving former Prime Minister Shinzo Abe was perpetrated by someone who is not a member of the faith and has no connection to the former [Unification Church](#). This does not provide a reason to dissolve a legally recognized organization.



The flag of the [Family Federation](#), waving in Japan

democratic institutions. From my experience, Japan is a country that recognizes and protects human rights more than many others. However, Japan sometimes exhibits discomfort with minority groups. This is the true test of whether human rights are being upheld.

- Are there any similarities between the situation of the Church of Jesus Christ of Latter Day Saints, which faced severe persecution in the United States, and the current situation of the former [Unification Church](#)?



Wood engraving depicting the tarring and feathering of Joseph Smith. On 24th March 1832, he was dragged from his bedroom in the middle of the night. His attackers strangled him, tore off his clothes, beat him, and attempted to force him to ingest poison. They then tarred and feathered his body and left him for dead

The similarities date back to the 19th century. The Church of Jesus Christ of Latter-Day Saints is one of

If they are doing their best to comply with the law, they should not be subject to dissolution procedures. They have the right to be a legal person under international law.

- How do you view the outcome of the dissolution order request trial?

I cannot say for certain what the ultimate outcome will be, but my hope is that the judicial process operates in a fair manner. This case is fueled by intense emotions triggered by the assassination incident. I hope that the courts and administrative procedures adhere to international guidelines and respect the right of the former [Unification Church](#) to maintain its status as legal person.

I have great trust in Japan's deeply rooted democratic institutions. From my experience, Japan is a country that recognizes and protects human rights more than many others. However, Japan sometimes exhibits discomfort with minority groups. This is the true test of whether human rights are being upheld.

the most persecuted groups in American history. In the late 1880s and early 1890s, there were efforts to dissolve the church. The old legal entity of the Church of Jesus Christ of Latter-Day Saints was dissolved by a Supreme Court decision, and much of its property was confiscated.

At the time, the church incurred the wrath of the federal government because it practiced polygamous marriage. Additionally, there were concerns that the hierarchical structure of the church was undemocratic.

However, now most people perceive this as part of the dark history of the United States. The dissolution request lawsuit was unjustified and should not have been brought, as it infringed upon both the collective rights of the church and the individual rights of its believers.

This is similar to the situation of the former [Unification Church](#). In order for Japan to remain faithful to its democratic traditions, it is necessary to avoid situations where the rights of believers are ignored, as happened with the U.S. government.

- What is needed for the former [Unification Church](#) to be accepted in Japanese society, based on the experience of the Church of Jesus Christ of Latter-Day Saints?

There has always been a tendency for excessive reactions to new religious movements. Therefore, there is a growing interest in how the Church of Jesus Christ of Latter Day Saints has progressed from persecution to acceptance throughout its history.

One of the steps toward acceptance is for individual believers to make society aware that they are ordinary people who abide by the law. Our church adheres to the belief of obeying the law and following the rules of the country in which we reside.

Another important aspect is humanitarian aid activities. Our church has one of the world's leading humanitarian aid organizations and closely collaborates with other religious groups.

In other words, it means becoming "good neighbors". However, it takes time to be accepted by society. It took us a hundred years as well.

- Unlike the United States, where religious freedom is a founding principle, its importance is not widely recognized in Japan. How do you view the importance of religious freedom in maintaining a healthy society and democracy?



Cole Durham at conference on Freedom of Religion or Belief, London Oct. 2016

What I often emphasize is that freedom of religion is the oldest recognized human right internationally. In fact, many other human rights such as freedom of speech and equal protection originally stem from issues related to freedom of religion.

At the time of the founding of the United States, the idea of freedom of religion was a groundbreaking experiment that had never been attempted before. Until then, there was a tendency to believe that in order to achieve a peaceful society, it had to be religiously homogeneous. However, that was not actually the case. I have learnt that the worst that can happen is for the state to enforce a certain pattern on people.

Religious beliefs are closely tied to the core of human dignity, and when those beliefs are attacked, people become outraged and may retaliate in various ways, leading to social instability. Conversely, when religious beliefs are respected, people understand that they can live peacefully according to their beliefs

and become grateful to the state and society.

After more than two centuries of experience in the United States, about two-thirds of the world's countries have enshrined freedom of religion as one of the fundamental principles in their constitutions. Empirical evidence suggests that in countries where freedom of religion is upheld, many social goods are maximized.

Freedom of religion is like a canary in a coal mine for identifying the status of other human rights. Without freedom of religion, other human rights are also lost. Freedom of religion is the foundation of a pluralistic society and the key to maintaining stability.

Cole Durham obtained his Doctor of Juridical Science degree from Harvard Law School in 1975. From 1976, he served as a faculty member at Brigham Young University Law School, and in 2000, he became the inaugural director of the International Center for Law and Religion Studies at the same institution, a position he held until 2016. As an authority on religious law, he has held key positions in the advocacy of international religious freedom, including serving as a member of the Advisory Panel on Freedom of Religion or Belief for the Office for Democratic Institutions and Human Rights at Organization for Security and Co-operation in Europe (OSCE)

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Part 3 of Norishige Kondo's speech 10th Sep. 2023

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Norishige Kondo (近藤徳茂), author and Deputy Director of



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the Legal Affairs Department of the *Family Federation of Japan*, spoke at a special symposium on the theme "Abduction and Confinement – Who Destroys Families?" 10th September 2023 at the Shibuya, Tokyo headquarters of the *Family Federation of Japan*. It was organised by the *Japanese Victims' Association against Religious Kidnapping and Forced Conversion*. His speech was titled, "Response of Public Institutions to the Abduction and Confinement Issue".



Norishige Kondo speaking in Tokyo 10th Sep. 2023. Photo: Screenshot from live transmission by *Japanese Victims' Association against Religious Kidnapping and Forced Conversion*

Next I would like to talk about the abduction and confinement case of a male believer named K.S. He was kidnapped and held captive on a 10th floor apartment rented on a weekly basis in November 1992.

The police were called because K.S. caused a big commotion, and riot police rushed to the scene. However, they only listened to the parents' side, and told K.S. that the *Unification Church* issue was a parent-child issue. The police left the scene, telling him not to cause any more trouble.

In the end, K.S. was released after causing a commotion for 10 days. He was abducted and held captive for a second time, and then a third time in April 1997.

That time, he was abducted by relatives near the police station, put in a van, and taken away. However, they were immediately followed by a police patrol car. The police wanted to take him to the police station.

However, 20 relatives got out of their vehicles and confronted the police, shouting, "The *Unification Church* is an evil group. This is a parent-child issue." In the end, the police officers were overwhelmed by this and asked the relatives to tell K.S. that because it was a parent-child problem, the police left it alone.

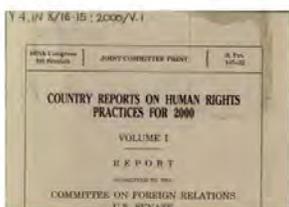
K.S. was able to escape from the place he was forcibly detained on 18th September 1997, when a gap suddenly opened up. He was however eventually brought back there by his parents. A police car later arrived as a result of a report from a witness, but after listening to both sides, the police ended up leaving K.S. in the apartment where he was held by his relatives.

Next, I would like to talk about cases in which the Public Prosecutor's Office did not prosecute. All of the cases listed here were cases that were filed with the Public Prosecutor's Office for kidnapping and forcible detention or attacks on churches. In the end, all those cases were dismissed by the prosecutor despite having been reported to the police.

There was an incident called the Tottori (鳥取) church attack, in which about 20 men carrying weapons abducted a female church member. And the female believer herself filed criminal charges on the grounds that she had been forcibly detained for one year and three months.

There was also a case where a woman was attacked and abducted in a parking lot after a meal at a restaurant in Kawasaki (川崎). Then, there was a case where a woman from Yamagata (山形), who returned from her and her husband's home in Korea, was attacked and pressured by her relatives that night. There was also a case where a woman from Kochi (高知) was abducted when she returned from her and her husband's home in Korea to visit her mother.

Then there was the incident where Toru Goto (後藤徹) was abducted and held captive for 12 years and five months. There was also an incident in which a Hiroshima (広島) couple was





separated from their young children, abducted and held in an Osaka (大阪) apartment. However, the prosecutor's office decided not to prosecute in all those cases.

On the one hand, the **U.S. State Department** has addressed the **issue of abduction and confinement** of **Unification Church** believers in its International Religious Freedom Report and Country Reports on Human Rights Practices since 1999.



Cover of year 2000 issue of Country Reports on Human Rights Practices. *Public domain image*



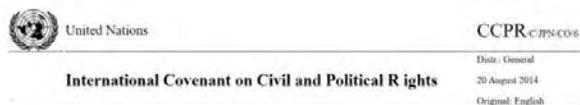
Hitoshi Hida (桧田仁), member of the House of Representatives in Japan. Photo: Family Forum / FFWPU

Also, on 20th April 2000, Hitoshi Hida (桧田仁), a member of the House of Representatives, asked questions about the abduction and confinement issue in the Diet.

In response to this, the Commissioner General of the National Police Agency stated, "If there is any act that violates the criminal law, even if it is committed by a parent, child or relative, we will take strict action against them in light of the evidence we respond to." That's what he said clearly.

Additionally, in June 2014, a **United Nations recommendation** was issued to the Japanese government.

In this section, under the heading "Abduction and forced de-conversion", it states:



From header of UN document with United Nations' recommendations to Japan on human rights of believers.

"The Committee is concerned at reports of abductions and forced confinement of converts to new religious movements by members of their families in an effort to de-convert them (articles 2, 9, 18, 26).

The State party should take effective measures to guarantee the right of every person not to be subject to coercion that would impair his or her freedom to have or to adopt a religion or belief."
[International Covenant on Civil and Political Rights, Human Rights Committee: Concluding observations on the sixth periodic report of Japan, 20th August 2014]

This (pointing to slide) is about civil cases. The cases written in blue are cases which were won. We were able to

CIVIL CASES

- Tottori church, assault case: won case
- Tottori, female believer abducted and confined: won case
- Akishima, woman abducted and confined: lost case
- Fujisawa, woman abducted and confined: half settled / half lost
- Machida, female believer abducted and confined: won case settled
- Kochi, married woman abducted and confined: won case
- Toru Goto abducted and confined 12 years, 5 months: won case
- Hiroshima, husband and wife abducted and confined: won case

English version of slide in Japanese used by Norishige Kondo 10th Sep. 2023 about civil cases. Photo: K. Holdhus

majority of cases. The UN recommendation mentioned earlier was issued around this belt line (blue line in slide), but after the UN recommendation, the scope of liability for tortious acts and the amount of compensation for alleged harm have

increased considerably.

And this year, on 14th June, **prominent human rights defenders** from Western Europe prepared and sent a written opinion to the Japanese government. The written opinion included a request for an end to the current religious persecution of the **Family Federation**. The issue of abduction and confinement was also mentioned.

“The enormous amount of violence and suffering involved in deprogramming should always be considered when trying to understand the harsh relationships between the **Unification Church / Family Federation (FFWPU)** and its opponents in Japan.” (“**Why Japan Should Guarantee Religious Liberty to the Unification Church/Family Federation: A Letter to the Government**”, **Bitter Winter** 3rd July 2023

Incidentally, there is a lot of talk these days about filing a request for the dissolution of the **Family Federation**. The main purpose of this written statement of opinion document [by the European scholars] is however that religious persecution such as requesting the dissolution of the **Family Federation** must not be carried out.

Therefore, although this content may be a little different from the theme of this symposium, I would like to read out some excerpts.

The section of the article is subtitled, “The liquidation of the **FFWPU** would expose Japan to international condemnation, and legitimate attacks on religious freedom in nondemocratic countries”.

“The international Freedom of Religion or Belief (FoRB) community is watching what is happening in Japan, which represents the most serious FoRB crisis in a democratic country of our century. We hope that all organizations that support and defend FoRB in Japan and internationally would support our appeal.



Massimo Introvigne.
Photo: **FOREF**



Aaron Rhodes.
Screenshot
January 2023



Willy Fautré.
Photo: **FOREF**



Jan Figel. Photo: Elekes Andor.
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The liquidation of the **Family Federation** as a religious corporation would be a measure comparable to the actions taken against several religious minorities in China and Russia, and unprecedented in a democratic country. It would also expose Japan to considerable international criticism. What is more, should the Japanese government proceed with this action, it will give cover to assaults on religious groups by authoritarian and totalitarian states around the world, undermining efforts by international human rights institutions to protect religious liberty.

We urge the Japanese government to protect the FoRB of all religious and spiritual groups operating in Japan, including those that have powerful, well-financed, and politically motivated opponents, to withdraw all measures threatening FoRB, and to guarantee to the **Family Federation** as a religious corporation the peaceful exercise of its right to

religious liberty.” (From “Why Japan Should Guarantee Religious Liberty to the Unification Church / Family Federation: A Letter to the Government”, by four European academics and human rights activists (Willy Fautré, Jan Figel, Massimo Introvigne, Aaron Rhodes), published in [Bitter Winter](#) 3rd July 2023).

That’s all. Thank you for your attention.

Featured image above: Illustration of Toru Goto being abducted in 1995. Photo: [Japanese Victims’ Association against Religious Kidnapping and Forced Conversion](#)

“Japan Criticized for Glaring Rights Violations” – text: Norishige Kondo

See [part 1](#), [part 2](#)

More about glaring rights violations: [Japan: 4300 Abductions and Forcible Detentions](#)

Even more about glaring rights violations: [Heroic Battle against Evil Japanese Practise](#)

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