

## FFWPU Europe and the Middle East: Japan Deny's Key Religious Freedom: Right to Convert

Knut Holdhus  
October 8, 2024



**The right to convert others to one's religious beliefs is a key part of freedom of religion according to experts on international human rights**

**BITTER WINTER** 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.

Part 2 of comments on [third article of Bitter](#)

[Winter's 5-part series](#)



*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*

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### Spreading the word

Patricia Duval, expert on international human rights, emphasizes in her report to the UN that the right to engage in proselytism, or the act of trying to convert others to one's religious beliefs, is a key component of the broader right to express and practice religious faith, and as such, is legally protected.

Heiner Bielefeldt, the former Special Rapporteur on Freedom of Religion or Belief, dedicated a portion of his 2012 Interim report to the Human Rights Council (dated 13th August 2012, A/67/303) to the concept of "the right to try to convert others by means of non-coercive persuasion." In this report, he highlighted that some countries impose strict legislative or administrative constraints on activities aimed at spreading religious messages. Such constraints can unfairly limit the right to engage in conversion efforts through peaceful or non-coercive persuasion. This right, according to Bielefeldt, is an essential part of religious freedom.

One example of legitimate proselytism can be found in the practices of the [Family Federation](#) (formerly the [Unification Church](#)). As described in the court decision mentioned above - High Court of Tokyo 13th May 2003 - members of the former [Unification Church](#)

invite newcomers to participate in seminars or training sessions, "allowing the doctrines, '[Divine Principle](#),' to gradually permeate their understanding," This method of communication falls within the scope of non-coercive persuasion and is considered a valid expression of proselytism.

The Special Rapporteur also noted that many of the restrictions placed on religious outreach activities are often implemented in a manner that is openly discriminatory. In some cases, religious groups, especially those known for active missionary work, face social prejudices that can escalate into widespread paranoia. According to Duval, this is precisely the situation currently faced by members of the [Family Federation](#) in

Japan. Due to deep-seated societal biases, their proselytizing activities are increasingly being perceived as "anti-social".



*Heiner Bielefeldt, German philosopher, historian and Catholic theologian. He served as United Nations Special Rapporteur on Freedom of Religion or Belief from 2010 to 2016*

Patricia Duval mentions how an important legal precedent addressing this issue occurred in a ruling by the Tokyo District Court on 15th January 2008, which was included in the government's request for the dissolution of the [Family Federation](#). The court found,

"However, when solicitation activities or the sale of goods, as described above, are carried out by unduly instilling anxiety or fear in the other party, exploiting their psychological state, and when such donations or purchases of goods are conducted in a manner that cannot be said to be based on the free will of the person in question according to societal norms, or when they involve the expenditure of an unreasonably large sum of money, considering the actor's social status, assets, or circumstances, thereby significantly deviating from what is generally considered acceptable by society, such solicitation or sales activities must be deemed antisocial."

"Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."



**International Covenant on Civil and Political Rights**

To prevent such prejudicial verdicts and protect the rights enshrined in international treaties, the Special Rapporteur emphasized that any restrictions placed on missionary activities by states must fully adhere to the standards outlined in Article 18(3) of the International Covenant on Civil and Political Rights (ICCPR). This article sets out the permissible limits on the freedom to manifest religion. Article 18(3) says,

"Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others."

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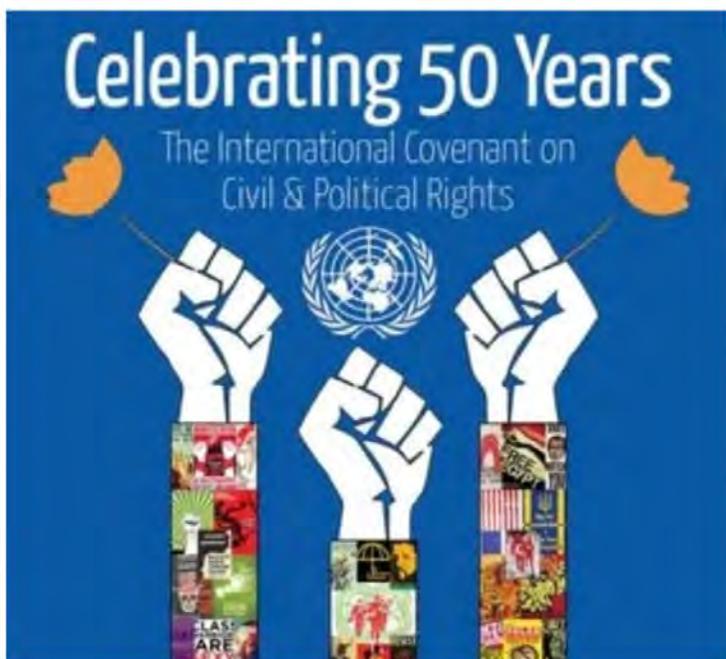
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# Japan Clearly Violating Its Rights Commitments

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*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 and expert on international human rights law. She has defended the rights of minorities of religion or belief in domestic and international law.

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*Unification Church"* to several UN offices. *Bitter Winter*, the leading international magazine on religious freedom and human rights published 3 days later, on 25<sup>th</sup> 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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## Public welfare and social acceptability



International Covenant on Civil and Political Rights

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.**



From header of the webpage of the Human Rights Committee, a subpage on the site of the UN Human Rights Office of the High Commissioner

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.



## 文部科学省

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](#)

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**



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restricting religious freedom undermines  
its commitment to the international  
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