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JAPAN

*Submission by Human Rights Without Frontiers
to the UN Universal Periodic Review (UPR)*

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Executive Summary

Human Rights Without Frontiers (HRWF) is an independent, nongovernmental organization based in Brussels, Belgium, which also has branch offices in Hong Kong and Kathmandu and affiliated organizations in Armenia, Azerbaijan, Congo, Georgia, Hungary, Iraq, Japan, Moldova, Russia and South Korea. Since its founding in 1989, HRWF has focused much of its monitoring, documentation, civil society development and advocacy in international institutions on problems of religious freedom.

In this submission, (HRWF) takes up a single issue, namely abduction and deprivation of freedom for the purpose of religious de-conversion in Japan, which has been an acute human rights problem in Japan for around 30 years. Despite large-scale violations of human rights and repeated failure of Japanese authorities to respond to appeals by victims, the problem has received insufficient attention despite affecting reportedly thousands of Japanese citizens. In 2010 and 2011, and with Japan's 2012 Universal Period Review in mind, HRWF has undertaken an empirical analysis of this issue. HRWF provides information about this issue under sections C and D (as stipulated in the *General Guidelines for the Preparation of Information under the Universal Periodic Review*):

- In section C, HRWF describes violations of Japan's international legal commitments as a signatory to the International Covenant on Civil and Political Rights (ICCPR) respecting the failure to protect religious freedom.
- In section D, HRWF provides recommendations to the Japanese authorities regarding how these problems might be resolved.

C. Promotion and Protection of Human Rights

1. HRWF has documented the abduction and confinement of Japanese citizens for the purpose of religious de-conversion, and the failure of Japanese police and judicial authorities to investigate and prosecute those responsible for such cases of domestic violence, constituting a serious violation of Japan's commitment to provide equal treatment under the law and respect freedom of religion.
2. HRWF conducted in-depth interviews with around 20 victims of these practices in 2010 and 2011, most of whom were members of the Unification Church and the

Jehovah's Witnesses, as well as journalists, lawyers, and experts. In 2011, at least four adult converts to the Unification church were abducted by their parents to attempt to force them to change their religion, while in 2010 and 2009, there were nine and three known cases, respectively. The first such case was reported in 1966, and there are unconfirmed reports of as many as 4000 persons having been thus abducted. The only organization outside of those associated with the victims to have provided any documentation is the United States Department of State, which has noted the problem repeatedly since 2000.

3. The illegal kidnappings investigated were all organized by the victims' families acting in cooperation with "exit counselors" who together conspired to violate the law. While no one can deny legitimate parental concerns about their children's associations, HRWF found that inaccurate and defamatory media stories about the dangers of "sects," as well as the efforts of pastors of mainline Christian denominations, have contributed to decisions to engage in illegal abductions.
4. In captivity, victims were subjected to coercive attempts to de-convert them, mainly by pastors and members of Protestant churches with assistance from former members of the new religions. As a result, victims have suffered severe long-term effects, including Post Traumatic Stress Disorder and other severe psychological disorders as well as the complete disruption of their personal and professional lives. In an extreme case, Unification church member Toro Goto was violently abducted and held for almost 12 years, during which he was ill-treated including by starvation, but after his release in 2009, prosecutors declined to indict his kidnappers on grounds of insufficient evidence. *Human Rights Without Frontiers* knows 24 cases for which there were criminal complaints between 1980 and 2008. In 1980, Miss Mitsue Tashiro, Miss Tomoko Okubo and Mr. Hideo Mima filed a complaint against the mental hospital where they were confined, and an exit counselor named Tomigoro Goto. In all the other cases, criminal complaints were filed against the perpetrators of abduction and confinement but some of them did not do it against their parents. The cases of Miss Hiroko Tomizawa (2000), Mrs. Kozue Terada (2002), Mrs. Emiko Motoki (2002) and Mr. Toru Goto (2008) referred to above, were all personally investigated and confirmed by HRWF. Only a few complaints before civil courts have been taken into consideration.
5. HRWF has received information from reliable sources that in 2009, four persons

were abducted and subjected to coercion to force them to change their faith; in 2010, seven; in 2010, five; and to date in 2010, one. All have been members of the Unification Church; their identities are known to HRWF but must be withheld for their own security.

6. Article 18 of the International Covenant on Civil and Political Rights clearly obligates Japanese authorities to prohibit and prevent coercion by private parties to force followers of religious denominations to recant their faith, and they are also bound to ensure that appropriate remedies are granted in such cases. Article 18 para 2 states: “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.” The obligation to ensure freedom applies in cases where coercion is exerted by private parties independent from the State.
7. Such an interpretation of the scope and meaning of Article 18 has been confirmed by the Human Rights Committee in its General Comment 22, which clarifies that new or minority religious movements or belief movements are to be protected on an equal basis as traditional religions. Therefore if hostility is manifested by members of a traditional religious community, such as a Protestant pastor involved in fighting against competing religious or belief minorities, which is the case with regard to the human rights violations herein described, the Japanese authorities have an obligation to enforce Article 18 of the ICCPR and to ensure that the rights of the followers of such minority religion or belief are respected.
8. Japanese courts are bound to apply the provisions of the ICCPR when ruling on cases of abduction and forced de-conversion of followers of religious minorities. A study by HRWF of relevant case law from the United States, a number of European countries demonstrates that, while authorities have initially been reluctant to sanction abductions for the purpose of forced de-conversion when parents were the initiators, legal reasoning has progressed. Ultimately, the courts have concluded that abduction for forcible de-conversion could not be reconciled with the protected right to religious freedom, and constituted a violation of criminal laws. The European Court of Human Rights has ruled that the right to religious freedom must be protected regardless of any hostility expressed by relatives towards one’s religious choices.

D. Recommendations for Action by the State Under Review

9. Human Rights Without Frontiers submits the following recommendations:

1. The appointment of an Ombudsman for Religious Freedom in the Ministry of Justice with the power to investigate violations of religious freedom due to abduction and deprivation of freedom with the purpose of forcing people to change their religion.
2. The Japanese Diet (Parliament) should hold public hearings involving victims, police authorities and judicial authorities, as well as international experts and international human rights lawyers familiar with legal standards on deprogramming developed by the ECHR, US and European Courts.
3. The National Police Agency (警察庁 *Keisatsu-chō*) should conduct an independent internal review of how the cases documented in this report have been handled, and follow-up with investigations of these crimes as well as the failure to initiate such investigations in the past.
4. The Police and Judicial authorities should inform the public of the law and clear guidelines regarding steps that may and may not be taken by families regarding religious practices of their children.
5. The Police and Judicial authorities should prosecute the persons directly and indirectly involved in the abduction of adults for the purpose of making them change their religion under coercion and in confinement conditions, and should not refrain from initiating criminal cases.
6. Any officials found to have neglected their responsibilities or to have colluded with the perpetrators of crimes should be punished accordingly.
7. Official apologies should be offered to victims.
8. Japan should sign and ratify the First Optional Protocol to the ICCPR.