

Research Notes

Dangerous for Many Religions: The New Japanese Guidelines on Religious Donations and “Religious Abuse of Children”

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ABSTRACT: On July 8, 2022, former Prime Minister Shinzo Abe was assassinated by the son of a member of the Unification Church (now called the Family Federation for World Peace and Unification). A campaign against this movement followed in Japan, and among the main accusations were that the Unification movement manipulates followers to donate excessively and creates an unhealthy environment for children. As a by-product of these campaigns, the laws on donations were amended, and in December 2022 the Consumer Affairs Agency (CAA) released guidelines on how to interpret them with respect to donations made to religious organizations. At the same time, the Ministry of Health, Labour, and Welfare issued guidelines on the “religious abuse of children.” While they are clearly aimed at hitting the Unification movement, these documents also include provisions seemingly directed against the Jehovah’s Witnesses, Evangelical Christians, and the Roman Catholic Church.

KEYWORDS: Unification Church, Family Federation for World Peace and Unification, Religious Abuse of Children, Japanese Directives Against Religious Abuse of Children, Assassination of Shinzo Abe, Anti-Cult Movement in Japan.

1. The Guidelines on Religious Donations

Did you feel “confused” when you decided to donate to an unpopular religious organization? This is evidence that “mind control” was at work, and you can get your money back. But what if you honestly cannot remember that you felt “confused”? This is evidence that in your case “mind control” was particularly effective, and you can still ask to be reimbursed.

Scholars of new religious movements believed they had debunked the pseudo-scientific theory of brainwashing (or “mind control”) in the 20th century, comforted by the fact that in 1990 the *Fishman* decision in California had stopped its use as a weapon against the so-called “cults” in American courts. But the dead horse of brainwashing is now being resurrected in Japan, after former Prime Minister Shinzo Abe (1954–2022) was assassinated on July 8, 2022, by one Tetsuya Yamagami, whose mother is a member of the Unification Church (now called the Family Federation for World Peace and Unification). Yamagami’s mother went bankrupt in 2002, allegedly because of her excessive donations to the Unification Church. Twenty years later, Yamagami killed Abe claiming he wanted to punish him for having appeared in two events of an organization connected with the Family Federation.

Rather than blaming the assassin—and the sensational media campaigns against the Unification Church that had turned his head—most Japanese media found fault with the religious group, with the strange argument that if his mother had not donated to the church Yamagami would not have killed Abe (Introvigne 2022a). A number of moves by the government followed. A procedure was started that may lead to de-registering the Family Federation as a religious organization, and Japanese laws regulating donations were amended, including through the “Act on Prevention of Inappropriate Solicitation of Donations and Similar by Corporations and Similar Organizations” (Act no. 105 of 2022).

The courts and agencies enforcing this Act are now supposed to use guidelines in the forms of questions and answers released by the Consumer Affairs Agency (CAA) on December 28, 2022, which clarify the scope of the law (an English translation of the full text is published as Appendix A to this article; quotes in this paragraph refer to the questions in the documents unless otherwise indicated).

The guidelines explain that the Act’s purpose is threefold. First, it extends pre-existing statutes protecting consumers against corporations to entities that are not corporations but not-for-profit associations or foundations, and their employees or legal representatives. It does not extend to donations made to individuals. However, it is specified that,

if a member of a religious group is not a representative or an employee of the group, but solicit donations to that group, obviously there is an implied contract between the religious corporation or similar organization and the individual. Accordingly, the act of

such an individual is regarded as an act of a corporation and similar organization, and is subject to the provisions of the Act (Q4).

Second, it prohibits certain forms of solicitation of donations. It introduces the notion of “duty of consideration,” meaning in the case of donations that

the solicitation should not make it difficult or excessively burdensome for an individual to make an appropriate decision as to whether or not to donate (Q6).

Since this is somewhat abstract, the law and the guidelines specify which contents and means of solicitation are prohibited.

As for the contents, they prohibit to take advantage of a “state of anxiety” induced in the donors about “misfortunes” that may fall upon them or their relatives in this life or in the afterlife. The word “anxiety” is ambiguous. In 1843, Danish Lutheran philosopher Søren Kierkegaard (1813–1855) gave to one of his most famous books the title *Fear and Trembling* (de Silentio 1843). The words of the title came from Paul’s Second Epistle to the Corinthians 7:15 in the Bible. Kierkegaard argued that “fear and trembling” is an appropriate Christian attitude before God since we can never be sure whether we will be saved or not. Were Kierkegaard, and the author of the Second Epistle to the Corinthians, inducing a “state of anxiety” in their readers? The answer is yes, and this is typical of many religions, which also teach that such “anxiety” can be relieved by faith and good deeds—including donations.

Note that in the case of members of religious organizations, it is possible according to the guidelines that the “state of anxiety” had been induced at the time of joining the group and reinforced through the continuous teaching of the movement’s theology. As a consequence, it can be recognized that devotees of certain religions are in a permanent “state of anxiety,” and it would not be needed to connect the “anxiety” with the specific moment of the donation.

As for the manipulative techniques used for taking advantage of the “state of anxiety,” they are defined as those used to induce a situation of “confusion” where the donor

is mentally incapable of making judgments under free will, such as when the person is puzzled and perplexed and does not know what to do. It is a broad concept that also includes awe (fear and dread) (Q10).

This is, as one question in the guidelines note, what is commonly called “mind control.”

But what if donors cannot honestly remember that they were “confused” when they donated? Is this evidence that they were not victims of “mind control” and donated freely? Not at all, the guidelines answer.

Even if the donors, when they made a donation, were unable to determine whether or not they were confused, it may still be possible to exercise the right of revocation after they got out of that condition... if at the time of the donation the donors were unable to determine whether they were confused, and even if they believed that they were donating based on a sense of duty or mission, but later they considered what happened more calmly and realized that they had donated out of confusion because somebody solicited them and took advantage of their anxiety, it would be possible for them to exercise the right of revocation (Q11).

The third aim of the Act is to allow those who donated because they were manipulated through unlawful solicitations or mind control to be reimbursed. Several provisions allow their relatives to exert a right of subrogation and ask for reimbursement, even if the donors are still “confused” (and are still members of the religious movement) and would not ask to be reimbursed themselves.

Knowing that in some cases Japanese courts of law have recognized the validity of undertakings by donors not to seek reimbursements in the future, the guidelines declare such undertakings as uniformly invalid.

“Does the Act interfere with freedom of religion or belief?” the guidelines ask. They answer that it does not, because it only targets organizations and practices “that are generally regarded by our society as socially inappropriate.” They can also be publicly denounced through reports and other acts informing the population that a certain group solicits donations unlawfully.

Here, as in other measures introduced or proposed after Abe’s assassination, Japanese authorities refer to a standard of what society in general regard as appropriate and acceptable or otherwise. This is a recipe for discrimination. Japan is a signatory of the United Nations International Covenant on Civil and Political Rights (ICCPR). In 1993, the United Nations Human Rights Committee adopted General Comment No. 22 to art. 18 ICCPR, which deals with freedom of religion or belief. Section 2 of General Comment no. 22 states that Article 18 prohibits any form of discrimination

against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility (U.N. Human Rights Committee 1993).

Japan makes the fact that certain new religious movements are “the subject of hostility”—and of the accusation of using brainwashing or “mind control,” long recognized by scholars of new religious movements as a pseudo-scientific concept (Introvigne 2022b)—a justification for treating them differently. This is an obvious violation of Article 18 ICCPR.

2. *The Guidelines on “Religious Abuse of Children”*

“Religious abuse of children” is discussed in a document published at the end of 2022 by the Ministry of Health, Labour, and Welfare. It includes directives sent to all local governments throughout Japan, under the title “Q&A on Handling Child Abuse and Similar Cases Related to Religious and Similar Beliefs” (an English translation of the full text is published as Appendix B to this article; all quotes in this paragraph are from that text, unless otherwise indicated).

Unlike the legislative measures against donations to religions, this text escaped the attention of most English-language observers, except for a good article published on January 7, 2023, in the *Financial Times* by its Asia business editor, Leo Lewis (Lewis 2023).

Lewis commented that

in its rush to enact something, Japan has skipped some extraordinarily nuanced theological questions and created potential trouble for a much larger circle of organisations and activities than it has bargained for (Lewis 2023).

Noting that the directives can also affect “Japan’s mainstay religions of Shinto and Buddhism, and even the substantial Christian presence here,” he suggested that “the political backlash could be more severe than the one it was meant to head-off.”

What is it all about? As Lewis understood, the guidelines “have the Unification Church squarely in their sights,” and are designed for “breaking it down.” However, whoever drafted them also took into account post-Abe-assassination attacks against the Jehovah’s Witnesses and conservative Christian groups.

The starting point of the guidelines may seem well-intentioned. They state that child abuse should never be tolerated, and perpetrators cannot use religious liberty as a defense. I agree. The problems, however, start when the document tries to define what child abuse in a religious or spiritual context is. The first case,

it states, is “physical abuse.” It reminds the local governments that corporal punishments are illegal in Japan, and cannot be justified by religious reasons. This is less obvious than it may seem, and has given risen to significant legal contentiousness in Germany and elsewhere, where conservative Christian groups insist that mild corporal punishment is prescribed by the Bible. On the other hand, there are now similar provisions in most democratic countries.

Less common is the statement that taking children to religious services where they are required “not to move for a long period of time,” or told “to make specific movements or keep specific postures, such as prostrations,” also amounts to physical abuse. We can certainly imagine excesses in this field, but except in the People’s Republic of China, where those under 18 years of age are prohibited from attending religious services, minors routinely participate in religious activities where they are asked to remain seated or to genuflect or prostrate at certain times during the service, and this is an integral part of their socialization into their parents’ religion.

What is certainly new in the directive is the definition of a religion-based “psychological abuse.” This is defined as “forcing the children to participate in religious activities and similar,” or inducing minors to certain specific behaviors by “threatening them with words such as ‘If you don’t do this, or do this, you will go to hell,’” or “with images or materials that may arouse fear.” Although perhaps less fashionable now, Christians of my generation remember how priests and pastors at Catholic Catechism or Protestant Sunday School did tell children that sinners go to hell. My parents did too, and as for “images or materials that may arouse fear” the provision may imply that Dante’s *Divine Comedy*, with its graphic depictions of hell, is forbidden to minors in Japan, and Japanese travel agents should not take families with minors to the famous Medieval Cemetery of Pisa or to countless European cathedrals whose frescos or paintings show how devils will torment the sinners in the afterlife (Buddhist depictions of Cold Hells are not less terrifying).

It is also forbidden as religious “psychological abuse” to prevent minors from “socializing with friends in a way that our society generally accepts,” keep them away from birthday parties (something only the Jehovah’s Witnesses do among religions active in Japan), or from comics, cartoons or video games “that are considered age-appropriate for the children based on their general acceptance in our society.” This may seem a minor point but betrays the rationale of the

directive in general, i.e., that religionists do not have the right to pass to their children a way of living that is different from what is “generally accepted in our society.” Obviously, many religions teach that what is “generally accepted” by the majority is in fact morally decadent or unacceptable.

Minors, we read in the guidelines, have a right to keep their religion confidential, perhaps because by revealing it they may be bullied at school or ridiculed. As a consequence, parents cannot require “children to wear ornaments and similar that objectively reveal their belief in a specific religion.”

Perhaps Japan has not experienced the heated European discussions about the Muslim hijab, or does not have enough male minor Sikhs for which it is mandatory to wear a turban since a very young age, but here it seems that minor Jewish boys should be prevented to wear a kippah in public as well.

Taking children to religious activities is not illegal per se, but it becomes “psychological abuse” to socialize them into religions that “significantly deviate from accepted social standards.” Again, a stand is taken discriminating against religions that may just want to live differently. How and by whom it will be determined that a religion “significantly deviates from accepted social standards” is also unclear.

There are severe threats against parents who make excessive donations to religious organizations and have no money left to provide for their children and pay their tuition fees. They are threatened with the possibility of losing the custody of their daughters and sons. This is a clear allusion to the case of Abe’s assassin and the controversy about donations to the Unification Church. The text even mentions cases in which parents-thieves steal the money earned by their student children through part-time jobs to donate it to dubious religious organizations. I believe the only such case in Japan is the claim against her parents by a girl who once belonged to the Unification Church and goes under the pseudonym of Sayuri Ogawa. Her story is demonstrably false (Fukuda, this issue of *The Journal of CESNUR*).

Parents and guardians are also threatened with losing the custody of their children if they refuse for them “essential medical treatments.” The example repeatedly given is “refusing a blood transfusion,” and also having children “carry a card to express that they refuse blood transfusions.” This indicates that, without naming them, the provision targets the Jehovah’s Witnesses.

Catholic and other Christian groups are in turn the targets of a provision that defines as neglect, again punishable with the loss of custody, the parents' refusal to give their consent to an abortion in the cases where Japanese laws allow it for underage girls. Without entering into the merits of such laws, the Catholic Church and several conservative Protestant denominations forbid their members from approving of or cooperating with an abortion in all cases.

That sexual abuse cannot be justified by religious pretexts is obvious, but the directive specifies that children should not be exposed to materials using "sexual expressions" or discussing sexual acts, which may create a problem with certain books of the Bible. More problematic is including into the field of "sexual abuse" situations where minors are requested to "disclose their own sexual experiences" to the "staff" of any religion. In this case, not only the religious personnel but also the parents will be punished.

Stated in these terms, the provision forbids and qualifies as "sexual abuse" the Catholic confession of minors and similar practices in other religions. Confession in the Catholic Church starts at age seven. Many Catholic confessors would agree that the sins most frequently confessed by Catholic teenagers have to do with their "sexual experiences," and certainly the questionnaires used for preparing the confessions do include references to sexual sins.

Special provisions refer to adopted children and children in foster care. Techniques to discover religion-based abuse are suggested, observing that minors subject to "psychological abuse" in a religious context often are not aware that they are abused, and would insist they are not. The directive implies that they should not be believed. A lengthy part listing agencies who can offer support to the Children Guidance Centers in this field, including the unavoidable lawyers who fight against the Unification Church, is also included.

Fighting child abuse is a laudable aim. Sexual and other forms of child abuse unfortunately do occur in a religious context too. They are not protected by religious liberty. Children are beaten, forced to work without a salary in a variety of businesses, and sexually abused or trafficked by several organizations and individuals. Some of them are religionists, including as we all know priests and ministers of mainline religions. They betray the trust of children and families, and should be severely punished.

However, physical violence, being submitted to slave labor in a factory or agricultural field, rape, sexual assault, and forced prostitution are all-too-real forms of abuse. “Religious child abuse” and “psychological child abuse” are much more elusive categories. Parents have a right to pass their religious faith to their children. This is not a right for parents in mainline and majority religions only. It extends to parents who belong to minority religions, whose values are not those regarded as “normal” by social majorities—but in our increasingly secularized societies the gap is widening between the opinions of the majority and what most religions teach, on several subjects.

Perhaps parents want to teach their children that the prevailing social attitude on sexuality, abortion, or economic materialism is wrong. Perhaps they find the majority’s view reflected in movies, comics, magazines, or video games they want their children to stay away from. Some of them may believe, such as the Jehovah’s Witnesses do, that celebrating birthdays is against God’s command expressed in a sacred text. Others would insist that teaching their children that criminals not only go to jail but may eventually go to hell may contribute to educating them to become good law-abiding citizens. Some parents donate significantly to religious organizations or charities, and teach their children that this generosity makes them better persons. And some ask children to go to confession, and discuss their wrongdoings with a minister of God.

We may agree or disagree with each of these attitudes or behaviors. They may not correspond to our preferred idea of pedagogy. But it is absurd and discriminatory to equate these ways of educating children based on certain religious belief with child abuse or neglect.

Respecting religious pluralism and freedom of religion or belief does not mean only to allow citizens to freely practice their faith, but also to pass it to the new generations and their own children. The post-Abe-assassination hysteria is not reason enough for a democratic country such as Japan to forget its commitment to religious liberty, which is consecrated in its Constitution and by its having signed the United Nations International Covenant on Civil and Political Rights.

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APPENDIX 1

Text of the Guidelines on Donation (English Translation)

The Act on Prevention of Inappropriate Solicitation of Donations and Similar by Corporations and Similar Organizations: Explanatory Document (Q&A format)
December 28, 2022

[General Discussion]

Q 1: What is the purpose of enacting the Act on Prevention of Inappropriate Solicitation of Donations and Similar by Corporations and Similar Organizations?

The purpose of the Act on Prevention of Inappropriate Solicitation of Donations and Similar by Corporations and Similar Organizations (Act no. 105 of 2022, hereinafter referred to as “the Act”) is to prohibit the unfair solicitation of donations by “corporations and similar organizations,” meaning both corporations and associations or foundations that are not corporations and that designate a representative or an administrator. The Act also provides for

administrative and other measures against such corporations and similar organizations that solicit donations.

The other purpose of the Act is to protect, in combination with the Consumer Contract Act (Act No. 61 of 2000), those who receive solicitations of donations from corporations and similar organization.

In other words, to be as effective as possible under the current Japanese legal system, the Act prohibits malicious and socially unacceptable forms of solicitation of donations, including donations that do not constitute consumer contracts, and introduces administrative measures such as recommendations, as well as orders and reports, against such solicitations. In addition, the Act also provides for the revocation of donations made in a confused situation after having been subjected to inappropriate solicitations, since such promises are vitiated by an intrinsic defect. Furthermore, a “duty of consideration” is imposed on those who solicit donations. Therefore, the Act also makes it possible to take administrative measures such as warnings and similar against the inappropriate solicitations of donations made in breach of the law. It contributes to the recognition of certain acts as illegal according to the Civil Code (Act no. 89 of 1896) and, based on this, also makes claiming damages easier.

Thanks to the Act and the parallel “Act for Partial Revision of the Consumer Contract Act and the Act on the National Consumer Affairs Center of Japan” (Act no. 99 of 2022), it becomes possible to obtain a relief that could not have been obtained in the past for damages caused by the inappropriate solicitation of donations, and to prevent such damages to be caused in the future.

Q 2: Does the Act interfere with freedom of religion or belief? And is there the risk that it would prevent the formation of a social culture promoting donations to legitimate NGOs and other institutions?

The Act acknowledges the importance of donations in our society, and takes into account the need for academic freedom, religious freedom, and freedom of political activity. In enforcing the Act, these freedoms should be taken into account.

It is also true that the duty of consideration and the prohibitions introduced by the Act are limited to forms of solicitation of donations that are generally

regarded by our society as socially inappropriate. These provisions are not meant to interfere with the normal solicitation of donations by NGOs and other legitimate organizations, nor to introduce inappropriate restraints to the promotion of a culture of donation. On the contrary, we believe that the prevention of inappropriate solicitations of donations by corporations and similar organizations will lead to a better understanding of the nature of donations, and a greater sense of security in the field of solicitation of donations.

Q 3: What amendments have been introduced by the House of Representatives during the Act's discussion in the Diet?

The House of Representatives has introduced the following amendments (*) to the "Act on Prevention of Inappropriate Solicitation of Donations and Similar by Corporations and Similar Organizations": (1) about the duty of consideration, it has amended the words "corporations and similar shall consider" (when soliciting donations) to "corporations and similar shall carefully consider;" (2) it has made reports, public announcements, and measures possible if a corporation or similar organization fails to comply with its duty of consideration; and (3) it has changed the period within which the Act shall be re-examined and if necessary amended, from "approximately three years" to "approximately two years" after the Act has been enacted.

(*) We refer, specifically, to the "Proposed Amendments to the Act on Prevention of Improper Solicitation of Donations and Similar by Corporations and Similar Organizations," submitted by Councilor Masahisa Miyazaki and four others at the House of Representatives' Special Committee on Consumer Affairs, and passed. Their main content includes the above items (1) through (3).

Q 4: In what cases is the solicitation of donations considered as a solicitation made by corporations and similar organization, and subject to the provisions of the Act, even if the donations are solicited by an individual?

If an individual solicits a donation, but the act is considered as a solicitation by corporations and similar organizations, it is subject to the provisions of the Act. Specifically, any solicitation by representatives, executive officers, or employees of a corporation is considered to be an act of the corporation. In addition, in the

case of religious donations, even if a member of a religious group is not a representative or an employee of the group, but solicit donations to that group, obviously there is an implied contract between the religious corporation or similar organization and the individual. Accordingly, the act of such an individual is regarded as an act of a corporation and similar organization, and is subject to the provisions of the Act.

As explained in Q 1 above, not only corporations but all the associations or foundations that have a designated representative or administrator are subject to the provisions of the Act. In addition, the donations subject to the provisions of the Act include both those made by an individual to a corporation or a similar organization in the form of a gift, and the donations made by an individual to a corporation or similar organization through a contract transferring property rights belonging to the individual for free.

Q 5: Should not donations to individuals also be subject to the provisions of the Act?

As explained in Q 4 above, even if the donation is made to an individual, if the solicitation of the donation by the individual is deemed to be an act of a corporation or similar organization, then the donation is subject to the provisions of the Act. On the other hand, if the donation is purely between individuals and is not regarded as the consequence of a solicitation of a donation by a corporation or similar organization, it is only subject to the provisions of the Civil Code and the other relevant laws that have been enacted before the Act.

[The Duty of Consideration]

Q 6: What is the purpose of regulating the “duty of consideration”?

The “duty of consideration” focuses on the conditions and other circumstances individuals may find themselves in as a result of the solicitation of donations. For example, when a corporation or similar organization solicits donations, the duty of consideration implies that the solicitation should not make it difficult or excessively burdensome for an individual to make an appropriate decision as to whether or not to donate. The provision on the duty of

consideration in fact covers a wide range of acts that may result in such a situation. In addition, it makes it easier both to recognize that certain acts should be regarded as unlawful according to the Civil Code and to claim damages based on such violations, when an inappropriate solicitation of donations has been made in breach of the provision on the duty of consideration.

In addition, the amendments introduced by the House of Representatives allow us to require corporations and similar organizations that solicit donations to carefully consider the situation of the potential donors and others who are solicited, and to admonish through an advice or warning the organizations that act against the duty of consideration. These amendments have made the Act more effective.

Q 7: Is it possible to use the advice warning an organization that it has violated the duty of consideration as a basis to have the donations reimbursed?

The details of each advice shall be determined on a case-by-case basis. However, in general, it is difficult for us to recommend to individuals to seek a refund based on an advice because of the principle of the non-intervention of the state in civil affairs. On the other hand, for example, we could include in our advice to a corporation or a similar organization that it should sincerely respond to requests for reimbursement.

[Prohibited Acts / Revocation Based on the Solicitation of the Donation]

Q 8: How should the words in the Act “at the time when the solicitation of donations was made” be interpreted?

The words “at the time when the solicitation of donations was made” indicate the period between the time when the corporation and similar first contacts an individual about a donation (after which the individual may think about it for some days, or even for months) and the time when the individual actually makes the donation.

If it can be considered that the period from the date when a potential donor is approached by or joins a religious organization to the date of the donation

includes an ongoing series of solicitations of donations, then the whole period is considered to constitute “the time when the solicitation of donations was made.”

Q 9: In what cases is the period from the date when a potential donor is approached by or joins a religious organization to the date of the donation considered as “the time when the solicitation of donations was made”?

A case of an ongoing series of solicitations of donations occurs, for example, when potential donors are told that bad luck or other misfortunes may befall their family to arouse their anxiety. Then, they join the religious organization, which by teaching them certain doctrines takes advantage of their anxiety, and induces in them a state of confusion where they are led to believe that donations are a way to avoid further misfortunes, such as bad luck and similar, among their relatives.

Even if it cannot be determined that there has been an ongoing series of solicitations, if a corporation or similar organization takes advantage of a state of anxiety that continues from the time when the donor joined the organization, and solicits donations, this would constitute the wrongful act of “taking advantage of anxiety,” and can thus be considered as a prohibited act, with the consequence that the donation will be subject to revocation.

Q 10: What does “confusion” mean?

The term “confusion” refers to a situation in which a person is mentally incapable of making judgments under free will, such as when the person is puzzled and perplexed and does not know what to do. It is a broad concept that also includes awe (fear and dread).

This is in accordance with the explanation of “confusion” in the current Consumer Contract Act. The provisions on the right of revocation in the Act and in the Consumer Contract Act are equivalent. The Act, however, regulates donations in the same way whether the donation is the consequence of a contract signed by a consumer or not. Therefore, it is appropriate that the notion of “confusion” of the Act is the same as the one of the Consumer Contract Act.

Q 11: Can I revoke the donation even if I did not feel uneasy at the time, claiming I was a victim of the so-called mind control?

The answer to the question is that, even if the donors when they made a donation were unable to determine whether or not they were confused, it may still be possible to exercise the right of revocation after they got out of that condition, by making a claim and proving their case.

Similarly, if at the time of the donation the donors were unable to determine whether they were confused, and even if they believed that they were donating based on a sense of duty or mission, but later they considered what happened more calmly and realized that they had donated out of confusion because somebody solicited them and took advantage of their anxiety, it would be possible for them to exercise the right of revocation, by making a claim and proving their case.

Q 12: If the organization requires donors to sign an agreement (the so-called “memorandum”) when they are in a state of confusion, is the memorandum valid?

If the donors signed a memorandum in which they agreed, should they change their mind, to seek only a partial refund of the donation or no refund at all, and they were in a state of confusion, then the memorandum is considered invalid as it is against public order and morals according to the Civil Code.

In addition, although cases should be examined individually, when a corporation or a similar organization solicits donations, and asks donors to sign a memorandum or make a videotaped statement where they waive in advance any right to be reimbursed, this may be regarded as evidence that the solicitation of the donation by the corporation or similar organization was unlawful. In addition, it should be noted that in this case a claim for damages based on the fact that an act regarded as unlawful by the Civil Code was committed may be more likely to be approved.

Q 13: What does “necessary and indispensable” mean? Why according to the Act for a solicitation to be prohibited it should present the donation not only as “necessary” but also as “indispensable”?

In fact, it is not crucial that those soliciting the donations use the words “necessary and indispensable.” The Act applies whenever the solicitation creates a feeling that the donation is indispensable and urgent. Many cases of malicious solicitation leading to large donations create such feelings of necessity and urgency.

If the Act had used only the term “necessary,” the scope of the regulation would have been too broad, extending to religious and similar activities that are generally permitted, such as the common exorcisms against bad luck. In addition, “indispensable” is not limited to cases in which only one option is presented to the donor. For example, if somebody solicits a donation by presenting two options, “To avoid a significant disadvantage, you should either donate one million yen or forgive the same amount of debt,” this may be deemed to be within the scope of the Act’s reference to a donation presented as “necessary and indispensable.”

[Prohibition of Financing Donations Through Borrowing and Similar]

Q 14: What is the purpose of prohibiting that donations are financed through borrowing and similar?

The Act prohibits suggesting that the donor should borrow money to donate it. It also prohibits the act of persuading donors to dispose of or liquidate residential real estate or business assets that are essential to support their and their families’ livelihood and donate the corresponding proceeds. This is based on the consideration that a donation is a one-sided act that places a burden solely on the individual making it, and soliciting donations that would place an excessive burden on the individual should be prohibited. On the other hand, it does not forbid to solicit the donation of residential real estate or business assets. This is based on the consideration that the act of soliciting donations by suggesting that such assets should be converted into cash is considered to be more malicious. If, at the time of the solicitation of the donation, there is no suggestion that such assets should be sold, or the assets are voluntarily sold or donated, then the person who solicits the donation does not violate Article 5 of the Act.

In addition, in the case of donations of real estate where the family also resides, to solicit a donation without considering whether the donors, their spouses, and

their family may experience problems in maintaining livelihood may constitute a failure to comply with the duty of consideration.

[Measures Against Violations and Similar]

Q 15: How will the provisions for public reports, as well as recommendations and orders, regarding the prohibited acts, operate?

With regard to the preparation and publicity of reports, recommendations, and orders, regarding prohibited acts, the Act should be interpreted somewhat narrowly, taking into account that the Act may affect a large number of corporations and other organizations, and refers to a broader concept of donations as transfers of property rights without compensation and similar deeds.

Specifically, the “special necessity,” which according to the Act is required for the reports, will be found, for example, in a case in which the prohibited acts of solicitation are systematically committed against an unspecified or large number of persons, their social impact is regarded as significant, and it may be assumed that a report is really necessary to protect the persons who are solicited. The recommendations and orders shall apply to the cases in which the prohibited acts not only appear to be systematic and malicious but also will most likely continue against an unspecified number of persons, and therefore it may be assumed that such measures are needed to prevent the spread of the damage over a wider area.

In addition, the Act states that donations play an important role in society, and it is necessary to take into account academic freedom, religious liberty, and freedom of political activity. The provisions about reports, recommendations, and orders shall be enforced by duly taking this statement into account.

[Subrogation Rights of the Creditors]

Q 16: What special provisions protect the subrogation rights of creditors?

To provide relief to family members, the Act facilitates the use of the subrogation rights of the creditors. This system permits to exercise rights on behalf of another person to the extent that this is necessary to protect one’s own rights. In general, under the Civil Code, creditors may not exercise their right of

subrogation until their credits become due (Article 423.1.2 of the Civil Code). However, the Act includes a special provision. It refers to creditors to whom periodic payments are due in fulfillment of an obligation of support or similar, whose debtors are individuals who have made donations in cash to a corporation or a similar organization. They may exercise their right of subrogation, and act in the name and on behalf of their debtor, demanding the reimbursement of the donations up to the amount needed to cover the unpaid periodic payments, including those not yet due.

Since the subrogation right of the creditors is an exception, whose aim is to allow the exercise of other rights, it is granted in this case only when the debtor (i.e., the individual who made the donations in cash as described above) does not have other resources.

Q 17: How do the special provisions for the subrogation rights of creditors operate in practice? In particular, what about the case of minors?

If minors want to avail themselves of the right of subrogation, but their guardians cannot be expected to exercise their parental authority properly, special procedures may become necessary, such as the suspension of parental authority, the appointment of a guardian of the minor, or the appointment of a special representative when there is a conflict of interest between the guardian and the minor. However, considering the fact that it may be difficult for minors in a situation of need to carry out these procedures on their own, support, especially legal support, is considered to be particularly important when they intend to exercise their subrogation rights as creditors.

To contribute to the relief of the damage suffered by relatives of the donors, including minors, it is important not only to enact legal provisions, but also to provide support to enable them to recover the damages through the appropriate exercise of their subrogation rights as creditors, taking into consideration the various situations that may arise in individual cases. Accordingly, the Japan Legal Support Center and related institutions and organizations, and similar groups, should work together to develop a consultation system and offer other forms of support.

[Others]

Q 18: When will the Act come into force?

As a general rule, the Act will come into force on the date (January 5, 2023) when twenty days will have passed from the date of its promulgation (December 16, 2022). However, the provisions that prohibit the solicitation of donations financed through borrowing and similar, and the administrative measures against the violations, will come into force on the day that will be indicated by a Cabinet Order, within a period not exceeding one year from the date of the promulgation.

In addition, some provisions prohibiting certain forms of solicitation of donations (specifically, the prohibitions of Article 4, Section 3 and 4 of the Act, and the right of revocation pertaining thereto) will come into force on the same day of the coming into force of the Consumer Contract Act as amended by the “Consumer Contract Act and the Act on Special Measures Concerning Civil Court Proceedings for the Collective Redress for Property Damage Incurred by Consumers” (Act no. 59 of 2022) (i.e., on June 1, 2023).

Q 19: Will all the acts prohibited by the Act become illegal on the day the Act will come into force?

The provisions prohibiting certain forms of solicitation of donations will come into force on the day that will be provided by a Cabinet Order, within a period not exceeding one year from the date of the promulgation. This is because administrative penalties and criminal penalties should be imposed only after a reasonable period allowing citizens to become aware of the new laws. Therefore, certain actions violating the provisions of the Act will only be considered illegal if committed on or after that date.

Q 20: Does the Act require corporations and similar organization to deliver their donation records to the authorities?

The Act regulates the inappropriate solicitation of donations by corporations and similar organizations, but does not require these organizations to deliver their donation records to the authorities. The accounting procedures of

corporations and similar organizations that receive donations should be implemented according to the laws and to the provisions of the by-laws and statutes that the corporations themselves have adopted.

In general, it is recommended that a corporation or a similar organization that receives a donation should properly deliver a document or receipt that certifies the content of the donation. In addition, if individuals donate to corporations, they may be able to prove the date and amount of their donations by obtaining their transaction history from their bank, or in other ways.

(*) This explanatory document (Q&A format) was prepared on December 28, 2022. Supplements to this document and other similar documents will be issued in the future if necessary.

APPENDIX 2

Text of the Guidelines on “Religious Abuse of Children” (English Translation)

Q&A on Handling Child Abuse and Similar Cases Related to Religious and Similar Beliefs

[About the definition of child abuse and cases of child abuse]

1-Basic Concepts

Q 1-1: When considering whether or not a case constitutes child abuse, should cases related to religion be treated differently from other cases?

(Answer)

Even if the guardians have religious or similar beliefs (including beliefs that produce anxiety as they refer to the action of spirits or other elements that it is difficult to prove rationally) as part of their background, if the guardians commit an act that falls under the definition of child abuse as defined in one of the sections of Article 2 of the Child Abuse Prevention and Treatment Act, it is necessary to take measures, including temporary custody and similar, to ensure the safety of the children, as in other cases of abuse for other reasons.

Taking into account that Article 14 of the Convention on the Rights of the Child stipulates that children's rights should be respected, including their freedom of thought, of conscience, and of believing in religion and other belief systems, and that children do not always believe in religion out of their own free will, Child Guidance Centers and municipal governments need to take immediate action, when an act that corresponds to child abuse is suspected, even in cases related to religious or other beliefs.

Questions 2-1 to 5-2 below provide examples of child abuse cases that may occur against the background of religious or other beliefs. However, when determining whether a case falls under the category of child abuse defined in one of the sections of Article 2 of the Child Abuse Prevention and Treatment Act, it is necessary to come to a comprehensive assessment, considering the child's situation, the guardian's situation, and their living environment, rather than mechanically applying the indications of the following paragraphs. In addition, the determination should be made from the child's side.

Q 1-2: How should cases be handled in which guardians commit acts that constitute child abuse because they have been so instructed or incited by specific third parties, for example members or believers of a religious organization?

(Answer)

Acts of child abuse can constitute the crimes of battery, injury, forcible indecency, forcible sexual intercourse, abandonment by a person responsible for protection, and others. In addition, the act of directing or instigating these crimes can make those responsible accomplices (Article 60 of the Criminal Code), abettors (Article 61), or accessories (Article 62) of these crimes.

Therefore, when dealing with such cases, it is necessary to cooperate with the police appropriately, including by sharing information with the officers promptly.

The Child Guidance Centers should consider the best interest of the child, and should not hesitate to consult with the police about accusations of child abuse if needed.

2-Physical Abuse

Q 2-1: Do cases in which guardians force children to participate in religious activities and similar by using corporal punishment constitute child abuse?

(Answer)

The use of corporal punishment that causes or is likely to cause physical injury to a child's body for any reason, including for forcing children to participate in religious activities and similar, constitutes physical abuse.

Q 2-2: Does the act of a guardian who slaps or whips children for not listening seriously, or falling asleep, while attending a religious event such as a lecture on doctrine, constitute child abuse?

(Answer)

The act of a guardian who slaps or whips children for whatever reason constitutes child abuse.

Q 2-3: Does it constitute child abuse if guardians force children to participate in religious activities such as worship services, lectures on doctrine, and similar, and require children not to move for a long period of time, or direct them to make specific movements or keep specific postures, such as prostrations, or throw their whole body to the ground, or compel the children to attend religious and similar activities until late at night?

(Answer)

The acts of guardians who require children not to move for a long period of time, or directs them to make specific movements or keep specific postures, constitute physical abuse.

In addition, the acts of guardians who require children to participate in religious activities and similar until a certain time constitute neglect, as they may interfere with attendance at school or the everyday life of the child, and may be inappropriate from the perspective of a healthy upbringing and care for the child.

Other acts are discussed in Q 3-1 below (see the answer), as they correspond to psychological abuse.

3-Psychological Abuse

Q 3-1: Does it constitute child abuse if guardians force children to participate in religious or missionary activities, force them to make certain decisions regarding life, or instill a continuous fear on them from childhood through severe verbal reprimands or threats using references to the spirit world or similar? In these cases, how should we qualify the guardians' attitudes of ignoring, constantly rejecting, or discriminating children for the purpose of forcing them to participate in religious or similar activities, or as a result of the children's reluctance to participate in such activities?

(Answer)

It constitutes psychological abuse or neglect if a guardian forces the children to participate in religious activities and similar, or prevents the children from making free decisions about their career paths or places where they want to work and similar, including by refusing to sign documents with the required guardian's consent or to fill in emergency contact forms, or by threatening the children with words such as "If you don't do this, or do this, you will go to hell," "You will be destroyed," or with images or materials that may arouse fear, instill fear, or by continuously taking hostile attitudes such as ignoring or harassing the children.

Q 3-2: Does it constitute child abuse if guardians constantly prevent children from socializing with friends, or from marrying those who do not follow a particular religion, or from participating in social events such as birthday parties and similar? And how should the acts of guardians who constantly and daily bombard children with words of criticism of these people and attitudes be considered?

(Answer)

Considering each child's age and level of development, if guardians constantly prevent children from socializing with friends in a way that our society generally accepts, and impairs the children's socialization, those acts constitute neglect. In

addition if, as a means of restricting children from socializing with friends or from marrying certain partners, guardians continuously exhibit threatening or rejective attitudes as described in Q 3-1 above (see the answer), or call the children's friends, teachers, or other persons with whom the children socialize "enemies," "Satans," or other similar names, to instill in the children a strong sense of fear, those acts constitute psychological abuse.

Q 3-3: Does it constitute child abuse if guardians prohibit children from watching, reading, or using certain fairy tales, cartoons, comics, and games because they are regarded as being against the guardians' religious or similar doctrines? And how should we qualify the acts of guardians who allow children to access only those forms of entertainment that are approved by their religious or similar organizations?

(Answer)

Prohibiting entertainment and similar for reasons based on child custody and education does not immediately constitute child abuse. However, it constitutes psychological abuse if, because of their religion or beliefs, guardians systematically prohibit children from accessing forms of entertainment or similar that are considered age-appropriate for the children based on their general acceptance in our society. In addition, it constitutes psychological abuse if guardians allow children to access only the forms of entertainment approved by their religious or similar organizations, because these are acts that undermine the children's free will, unless such restrictions may be regarded as reasonable based on educational or similar considerations, even if these derive from religion or belief.

Q 3-4: Does it constitute child abuse if guardians force children to declare in front of others that they believe in a certain religion?

(Answer)

Because it seriously harms the child's mental health, it constitutes a psychological abuse if guardians force children to declare that they believe in a certain religion, even if in fact the children themselves do not believe in that religion, or force the children to disclose their religion or beliefs to others

without taking into consideration that the children themselves do not want others to know their religion or beliefs (including by forcing children to wear ornaments and similar that objectively reveal their belief in a specific religion).

Q 3-5: If a religious or similar organization, or guardians who have received instructions from a religious or similar organization, force the children to repeatedly participate in missionary activities, do these actions constitute child abuse and child labor?

(Answer)

It constitutes psychological abuse if a religious or similar organization, or guardians who have received instructions from a religious or similar organization, force the children to participate in missionary activities through acts and strategies such as those described in Q 3-1 and Q 3-2. In addition, if a religious or similar organization, or guardians who have received instructions from a religious or similar organization, use threats or violence to force children to participate in religious missionary activities, these may be considered as cases of extortion under the Criminal Code. Therefore, when dealing with such cases, it is necessary to work with the police, including by sharing information quickly.

In addition, the cases of those who work (e.g., as reception clerks) and should receive remuneration in the same manner as ordinary workers, but are induced to believe that they are performing a religious service or training, should be examined individually on the basis of the actual circumstances, considering the specific conditions of work. Therefore, it should be noted that such persons may be considered as workers.

Child guidance centers should also take the above points into consideration and handle the cases of possible illegal labor, working with the police and the Labor Standards Inspection Office.

4-Neglect

Q 4-1: Does it constitute child abuse if guardians cause children to join a religious or a similar organization whose doctrines lead to practices that deviate significantly from generally recognized social standards, including by violating

laws and regulations, and an organization that in fact forces its members to act in this way (with reference to cases in which children are regarded as members of the organization)?

(Answer)

As stated in Q 3-1 (see answer), it constitutes psychological abuse if guardians force children to engage in religious or other acts. In addition to the above, it constitutes neglect if guardians are aware that there are in the organization persons who directly or indirectly instigate children to act in a manner that significantly deviates from accepted social standards, and the guardians do not take action to prevent the children from participating in these acts, which may include the act of making the children formally join such religions. In cases of religious and similar beliefs, it may be assumed that the guardians may not be aware of the nature of these acts. Therefore, in such cases, police or Child Guidance Centers need to give guidance to the guardians, paying attention to the contents described in Q 6-1 below (see the answer), and should consider whether other measures are necessary, including temporary custody of the children.

Q 4-2: Does it constitute child abuse if, because guardians have given significant amounts of money to religious or similar organizations (regardless of how this was called: donation, or contribution, or similar), the children's family life is severely disrupted, and the guardian does not provide children with an appropriate housing environment, clothing, foods, and similar, which are needed for a healthy child-rearing, or if the children's educational opportunities such as attending elementary school, junior high school, high school, or university and similar are disturbed?

(Answer)

It constitutes neglect if, because guardians have spent their money in belief-related, religious, or similar activities, they do not provide children with appropriate housing environment, clothing, foods, and so on, which are needed for creating a healthy child-rearing environment, including cases in which the family life is severely disrupted. It also constitutes neglect if, because of these acts, a guardian makes it difficult for a child to attend, enroll in, or start elementary school and junior high school, which are part of mandatory education.

With regard to enrolling in or starting high school, if the children themselves want to enroll in or start high school, and guardians do not allow them to do so without sensible reasons, but only due to their religion or belief, this constitutes neglect or psychological abuse as an act that impairs the children's independence and seriously harms their mental health. With regard to enrolling in or starting university, see Q 4-3 below (see the answer).

In such cases, the child may be able to exercise the right to rescind the donations made by the guardian and others under Article 8, Section 1, of the Act on Prevention of Inappropriate Solicitation of Donations and Similar by Corporations and Similar, acting on behalf of the guardian, to preserve the child's right to claim support from the guardian.

In order for the child to actually exercise this right, the child must exercise the right to rescind the donations after the child has filed a claim to support from the guardian, and the claim pertaining to the guardian's obligation to support has been determined.

If it is necessary for the child to conduct court and similar proceedings, normally the guardian, i.e. the person who has custody of the child, shall file a suit, or start other proceedings. However, if there is no legal representative such as a person with legal custody of the child, or if the legal representative is unable to act as such, such as when a person who had custody of the child has had the custody suspended, a special representative shall be appointed by the court, who would represent the child with respect to these claims.

In order for the child to obtain the appointment of a special representative, it is necessary to file a petition for such appointment with the court. For the child to actually file such a petition, the procedure will be facilitated if a lawyer represents the child. Therefore, when the Child Guidance Centers and similar institutions handle such cases, they need to cooperate with other relevant organizations, such as bar associations and similar.

Bar associations have a system whereby a child can be represented by a lawyer at no cost if certain criteria are met.

Q 4-3: Does it constitute child abuse if guardians do not allow children to enroll in high schools, universities and similar on the basis of religious or similar beliefs?

(Answer)

Enrolling in or going to high school is the same as described in Q 4-2 (see answer).

On the other hand, it does not immediately constitute child abuse if guardians do not allow children to enroll in universities (including by refusing to sign documents requiring the guardians' consent, or to fill in emergency contact forms, as well as by not allowing children to take a part-time job to earn the money they need to cover expenses such as college fees and others).

However, when the children themselves want to access higher education and it is possible to do so, considering the family's financial situation and other circumstances (including the possibility of using supports such as scholarships and similar), then it constitutes psychological abuse if guardians prevent children from accessing higher education based on their religious doctrines or beliefs, through the following acts:

- Threatening the children with expressions such as "If you don't do this, or do this, you will go to hell;"
- Trying to persuade the children to renounce higher education with arguments such "It is useless to go to school because the world is doomed;"
- Systematically exhibiting an attitude of hostility, such as ignoring the children or refusing to provide financial support and similar.

Q 4-4: Does it constitute child abuse if a guardian, against the child's will, gives the income earned by the child through a part-time job or similar to a religious or similar organization (regardless of how it is called: donation, contribution, or similar)? In this case, what remedies are available?

(Answer)

It constitutes psychological abuse as an act that seriously harms the children's mental health and betrays their trust if guardians take the children's income from part-time jobs and similar (including scholarships and similar loaned or provided to the children for their enrollment in or attendance of high school, university and similar), by taking advantage of the right to manage the child's property, and use

this income for purposes that objectively and obviously are not beneficial to the children's present or future life, against the children's will.

The income earned by a child through a part-time job is the property of the child, and if a guardian spends it against the child's will and for a purpose that is not beneficial to the child's present or future life, this is a tort committed by the guardian against the child.

In addition, if a guardian is instigated by a religious organization and donates to it the property of the child without the child's permission, the child can claim compensation for damages directly against the religious organization, because in this case a tort against the child has been committed by the religious organization.

Furthermore, the chief of the Child Guidance Center may file a petition for a trial depriving the guardian of the right to manage the child's property (Article 835 of the Civil Code and Article 33-7 of the Child Welfare Act). After this trial for depriving the guardian of the right to manage the child's property, the chief of the Child Guidance Center may file a petition asking for the appointment of a new guardian of the minor (Article 33-8, Section 1, of the Child Welfare Act). Then, the newly appointed guardian of the minor, as the child's legal representative, may file a claim for support by the original guardian, and after the claim pertaining to the original guardian's obligations to support is determined, the new guardian of the minor may exercise the right to rescind the donations based on Article 8 of the Act on Prevention of Inappropriate Solicitation of Donations and Similar by Corporations and Similar.

Q 4-5: Does it constitute child abuse if a guardian acts in a way aimed at not providing a child with essential medical treatment (e.g., by refusing a blood transfusion) because of the teachings and rules of the religion the guardian believes in?

(Answer)

It constitutes neglect if, for whatever reason, guardians do not allow children to visit a medical institution without a reasonable reason, or do not allow children to receive certain medical treatments (surgery, medication, blood transfusion, and others), which medical doctors have determined the children need (including

by forcing the children to carry a card to express that they refuse blood transfusions or other treatments).

If necessary, emergency measures should be considered, such as temporary custody or a petition for suspension of the guardian's custody of the child, filed by the chief of the Child Guidance Center (Article 834-2 of the Civil Code and Article 33-7 of the Child Welfare Act).

Q 4-6: Does it constitute child abuse if guardians prevent the children from participating in certain school events and similar, because of the teachings, rules, or other prescriptions of the religion guardians believe in?

(Answer)

It constitutes psychological abuse or neglect that, while the children themselves would like to participate in school events and similar, guardians prevent children from participating, not considering that this may deprive the children of appropriate upbringing and educational opportunities, even if the act is based on religious or similar beliefs.

Q 4-7: When guardians seriously neglect their obligation of taking care of children, this constitutes neglect. Does it constitute neglect even if it is due to the guardians' activities related to religion, such as service activities and missionary activities (e.g., training sessions, seminars, pilgrimages to sacred places, and so on)?

(Answer)

It constitutes neglect if guardians seriously neglect their obligation of taking care of children due to the guardians' activities related to religion, such as service activities and missionary activities (e.g., training sessions, seminars, pilgrimages to sacred places, and so on), even if this is due to solicitations or other inducements by a religious or similar organization.

Q 4-8: Does it constitute child abuse if guardians force children to pursue a certain career path based on religious doctrine or other reasons, without considering the children's own wishes or choices, or, at the time where they may

have pursued higher education, induce children to start a job based on the doctrine or precepts of a religion or belief system?

(Answer)

It constitutes psychological abuse if guardians threaten the children by using words such as “If you don’t do this, or do this, you will go to hell,” or by continuously taking a negative attitude such as ignoring the child and similar, or if in practice they prevent the children from pursuing higher education or starting a job by refusing to sign documents requiring the guardian’s consent or fill in emergency contact forms and similar, because of the guardians’ religious doctrines or beliefs.

Q 4-9: Does it constitute child abuse, if members of a religious or similar organization have committed violent acts or oppressive acts in words or attitudes against the children in facilities owned by the religious or similar organization, or at events held by such organization, and guardians fail to take appropriate measures against such acts?

(Answer)

It constitutes neglect if guardians know that the children have been victims of violent acts or oppressive acts in words and attitudes, or other acts that are considered child abuse in this document, in facilities owned by religious or similar organizations, or at events held by such organizations, but do not take any measures to ensure the children’s safety.

Q 4-10: Does it constitute child abuse if a girl who has become pregnant not through her own will, but e.g. after a sexual assault or similar, wants to have an artificial abortion, but her guardian does not consent to the abortion because of doctrines related to religion? And how should such cases be handled?

(Answer)

A medical doctor can perform an artificial abortion on an underage girl

(i) in the case that the girl herself has clearly expressed her will to have an artificial abortion, and became pregnant as the result of a sexual intercourse

during which she was unable to resist or reject the man due to his assaulting or threatening attitude; or

(ii) in the case the continuation of pregnancy or the delivery is likely to cause serious physical or economic damage to the mother, her body, or her health.

If a guardian does not consent to the artificial abortion in these cases, for whatever reason, it constitutes neglect.

In such cases, child protection authorities should work with doctors designated under the Motherhood Protection Law, and consider how to handle the matter, including by suspending the guardian's custody of the minor, petition for a temporary restraining order, or take other measures ensuring that the girl may have her necessary artificial abortion.

5-Sexual abuse

Q 5-1: Does it constitute child abuse if somebody shows or verbally describes to children material that includes sexual expressions that are inappropriate for their age, claiming that they are part of an education to learn religious or similar doctrines?

(Answer)

It constitutes sexual abuse if somebody shows genitalia or sexual intercourse to children, or shows or verbally describes to children materials or images that includes sexual expressions (words or illustrations about sexual intercourse, masturbation, lewdness, and similar) that are inappropriate for their age, even if this is done in the name of teaching religious or similar doctrines.

Q 5-2: Does it constitute child abuse if somebody forces a child to talk about the child's own sexual or similar experiences to the staff of a religious organization or other relevant people, claiming this is a part of religious activities?

(Answer)

It constitutes sexual abuse if somebody forces a child to disclose the child's own sexual experiences to others. It constitutes sexual abuse or neglect if the guardian does not take special measures to prevent it, knowing that the child will

be exposed to such an act on the premises of an organization, even if the guardian does not directly engage in such an act.

6-Points to keep in mind when handling cases of child abuse and supporting self-reliance

Q 6-1: When we deal with child abuse cases related to religion, what are the points we need to pay special attention to, including when dealing with the children and interacting with the guardians? Is there any difference if we know that the case is related to religion or belief, or do not know it, at the time of its first notification or finding?

(Answer)

Children who may have been subjected to child abuse related to religion or belief may be strongly influenced by their guardians' ideas and values based on religious and similar doctrines; therefore, it may be difficult for them to recognize their own situation as a problem and to make claims about it.

It is necessary to objectively assess their situation, and to provide explanations and guidance to the children themselves and their guardians based on the definition of child abuse, if we suspect that the case may be one of child abuse.

However, there may be cases in which it would be difficult to change the guardian's behaviors or thoughts toward children based on religious or similar doctrines, even by providing guidance. There are also concerns that guidance and similar may lead to an escalation of child abuse acts by the guardian, or that the religious groups and similar organizations may increase their influence on the family. Therefore, it is necessary to place the highest priority on ensuring the safety of the child and, if necessary, we should not hesitate to take measures such as temporary custody.

In considering these measures, it is important to ask advice from the special agencies and other bodies mentioned in Q 6-5 below (see answer).

Q 6-2: When children consult with a Child Guidance Center or send messages suggesting that they strongly desire to be separated from their guardians for a certain period, because of the guardians' acts related to religious or similar

beliefs, and the children's own anxiety or other feelings, even without evidence of acts constituting child abuse, how should such cases be handled?

(Answer)

If the children themselves come for consultation, for whatever reason, the staff at the Child Guidance Center shall listen to them carefully, taking into consideration the child's anxiety and feelings. It is the same when the children want to be separated from their families. The staff at the Child Guidance Center shall verify the reasons for such a request and the children's situation, and consider how to handle the case, including through temporary custody. In addition, when a religion or a similar organization is present in the background, it is also necessary to pay attention to the possibility that a parent may harm the child physically or psychologically. The staff should contact the parents and conduct the essential investigation after ensuring the child's safety, including considerations about temporary custody and other measures.

Q 6-3: How should a case be handled if persons older than 18 consult with a Child Guidance Center regarding issues related to their parents' religion or belief?

(Answer)

If the persons request support for self-reliance on the basis of separation from their families, the Child Guidance Center needs to explain to them the system of self-reliance support homes and similar institutions, and consider measures, for example admission to such a home, according to the request of the persons. Even if the persons do not request to be admitted in a self-reliance support home or similar, the Child Guidance Center should not handle the case passively based solely on the fact that the person is over 18 years of age. The Center should verify what the person's issues are and arrange the necessary contacts, such as connecting the person to relevant institutions and organizations, including the Japan Legal Support Center, welfare offices, and others.

Q 6-4: Is there any room for including among cases of child abuse those in which a guardian commits a series of acts against a child's body or mind based on religious and similar beliefs, and each act has little influence on the child, but the

sum of the acts as a whole may be regarded as inappropriate from the perspective of child-rearing environment and welfare?

(Answer)

In determining whether an individual case constitutes child abuse, a comprehensive assessment is needed based on the circumstances of the child, of the guardian, and of the living environment, and this regardless of whether the case is related to religious or similar beliefs or not. For this reason, even if the case appears to be minor, it is necessary to pay sufficient attention to the fact that there may be circumstances which may qualify the act as child abuse, and to come to a conclusion by considering comprehensively the effects of the act on the child.

Q 6-5: What kind of projects as public support programs are available for those who have experienced child abuse with religion or beliefs in the background?

(Answer)

Various types of consultation support and daily life support and others for issues related to religious beliefs and similar are listed below. Child Guidance Centers need to offer their assistance so that those who need them can use these supports appropriately. In addition to the above, we are checking specialized agencies and others from which Child Guidance Centers can ask advice and consultation support for children. We will supply a list separately.

[Contact for general help (if you don't know where to find a consultant)]

-Japan Legal Support Center “Hotline for spiritual sales and other cases.”

The Japan Legal Support Center set up a toll-free number to provide information on consultation contacts for those (including the children themselves) who suffers from problems related to the “former Unification Church” or similar problems.

Those who are in a financially difficult situation but have legal problems may be able to use free legal consultations and waivers of legal fees and other expenses provided by the Japan Legal Support Center.

Tel: 0120-005931 (toll-free number)

E-mail inquiry: see

https://www.houterasu.or.jp/houterasu_news/reikandaiyarumail.html

[Supports for those who experience financial and legal problems]

-Consultation contacts on children's rights of the bar associations.

Many local bar associations give free legal consultation on issues related to children, such as domestic problems and child abuse, by phone or in person. Children can consult without the cooperation of their guardians, and some help desk also accept consultations from Child Guidance Centers and similar agencies. For details on how to consult, please see below.

List of consultation contacts:

https://www.nichibenren.or.jp/legal_advice/search/other/child.html

[Support for high school students]

If you have a domicile in Japan and meet certain criteria, you may be eligible for support for tuition fees and other educational expenses for high school and other schools.

Tuition support (high school tuition support fund) is a system for students whose family income is below a certain amount. If the student completes the necessary procedures at the school after enrollment, the national government supports tuition fees paid to schools through each prefecture or local authority (in other words, the school receives the tuition fee on behalf of the student). In addition, a student from a household on welfare or a household on no-income-based levy of the resident tax is eligible for scholarship (with no need to return it later), and support for educational expenses other than tuition fees, such as expenses for textbooks and teaching materials (high school supplemental scholarship fund).

(Contacts for consultation and other support regarding details of the system and other details):

https://www.mext.go.jp/a_menu/shotou/mushouka/1292209.htm

https://www.mext.go.jp/a_menu/shotou/mushouka/1292214.htm

(1) In case of tuition support (High school enrollment and similar, grants)

Public high schools and similar:

https://www.mext.go.jp/a_menu/shotou/mushouka/1292209.htm

Private high schools and similar:

https://www.mext.go.jp/a_menu/shotou/mushouka/1292214.htm

National high schools and similar:

School Support and Teaching Materials Division, Elementary and Secondary Education Bureau, & High School Study Department First, High School Study Support Office, Ministry of Education, Culture, Sports, Science and Technology, Japan (Tel: 03-5253-4111 [ext. 3577]).

(2) In case of support for educational expenses other than tuition fees (high school supplemental scholarship fund):

https://www.mext.go.jp/a_menu/shotou/mushouka/detail/1353842.htm

*In addition to the above, please consult with each prefecture's offices as there may be other types of supports such as loan-type scholarships and the prefecture's own commuting expenses and other benefits.

[Support for attending universities and similar]

New system of higher education study support:

Students at universities, junior colleges, colleges of technology, and vocational schools are eligible for tuition fee reductions and exemptions, and are provided with grant-type scholarships, if the student is from a household on no-income-based levy of the resident tax.

(Loan-based scholarships are also available for students from a wider range of household incomes)

*Consultation contacts for support contents and procedures

Student affairs division and scholarship contact of each university, vocational school and similar:

Japan Student Services Organization (JASSO) Scholarship Consulting Center

Tel: 0570-666-301

[Support for the needy]

Consultation contacts about the support for the needy (*1) are set in municipalities with welfare offices throughout Japan, and support staff provide consultation by telephone and in person. In addition to this, they offer temporary living support projects for those with limited assets and income and in need of housing (providing temporary accommodation and foods, and supporting self-reliance through starting jobs, and other benefits).

In addition, Hello Work (*2) provides employment support according to the need of each individual. And the Local Youth Support Station (commonly known as “Saposute”) (*3) deals with young people (unemployed persons aged 15-49) who have concerns and difficulties in starting a job, provides professional consultation support and similar offered by career consultants and other specialized personnel.

(*1) Consultation contact of self-reliance consultation support organization:

<https://www.mhlw.go.jp/content/000936284.pdf>

(*2) Nationwide Hello Work:

https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyou/hellowork.html

(*3) Nationwide Saposute:

<https://saposute-net.mhlw.go.jp/station.html>

[Support for those who need psychological care]

Mental health and welfare centers (*) located in each prefecture offer telephone consultation services. In addition, the Social Inclusion Support Center offers the services of a special consultation support project (“Yoriso Hotline”) (**), which is a 24-hour, 365-day toll-free telephone consultation service, for those who have few social connections or other problems. The center offers, if necessary,

interview consultations and accompaniment support, as well as telephone consultations, and provides support to help solving specific problems.

(*) Contact information for the Mental Health and Welfare Center:

<https://www.zmhwj.jp/centerlist.html>

(* *) Yoriso Hotline:

0120-279-338 (for residents outside Iwate, Miyagi, and Fukushima prefectures)

0120-279-226 (for residents in the above three prefectures)

[Education consultation at school]

At schools, school counselors provide psychological care for students and guardians, including about worries and anxieties related to religion, and school social workers may put them in contact with the appropriate agencies. In addition, the toll-free 24 Hours Children SOS Dial (*) provides support for students who consult by telephone.

(*) 24 Hours Children SOS Dial: 0120-0-78310

7-Additional issues

Q 7-1: How should cases be handled when adoptive parents abuse children who were adopted through regular or special adoption, based on religion or belief, or adoptive parents try to inculcate religious beliefs into the adopted children?

(Answer)

In the case of adoptive parents who abuse children who were adopted through regular or special adoption, based on religion or belief, or adoptive parents who encourage adopted children to adopt their religious beliefs, the way of handling such cases is the same as in the cases when biological parents operate in the same way towards their biological children. Therefore cases should be handled according to answers to questions Q 1-1 through Q 6-4 above.

Q 7-2: How should cases be handled when foster parents and similar, who were entrusted with the upbringing of a child under the Child Welfare Act, abuse children entrusted to them based on religion or belief, or encourage the children to adopt their religious beliefs?

(Answer)

Social care is a form of social protection and upbringing of children on public responsibility. When foster parents, family homes, and foster homes and similar, who are in charge of social care, take care of the children entrusted or placed with them, it is important that they respect the children's inner freedom and independence, and ensure a safe and secure living environment to the children.

As mentioned in Q 6-1, it is necessary to pay sufficient attention to the fact that it may be difficult for the children to recognize their own situation as a problem and to make claims about it, in cases when they are strongly influenced by the ideas and values based on religion or belief of their caregivers.

If an act that constitutes abuse as described in Q 1-1 to Q 6-4 is committed with a religious or similar background against a child entrusted to foster parents or a family home, or placed in foster care or similar, it is necessary to take appropriate measures in accordance with the provisions of Articles 33-10 to 33-16 of the Child Welfare Act, dealing with abuses of children under social care and similar.

To prevent abuses against children under social care, including those with a religious background, Child Guidance Centers and foster parent support agencies shall provide regular consultation supports, visiting support, and interviews with the children and so on, even after the children have been entrusted to foster parents or family homes, or placed in foster homes and similar institutions, to identify signs and other indications of inappropriate foster care of the children as early as possible. And if necessary, the centers and agencies should intervene and offer guidance, advice, and other support to foster parents, family homes, or children's homes and other such institutions at an early stage.

In addition, Child Guidance Centers and foster parent support agencies should tell regularly to children entrusted or placed into social care that they encourage them to actively consult with their staff about any worries, difficulties, infringement of their rights and similar, including those deriving from religion or

beliefs, inter alia by offering opportunities for interviews. It is also necessary to make efforts to build a relation in which children would feel it is easy to seek a consultation.