

Japan: A Witch Hunt to Eradicate the Unification Church

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ABSTRACT: On September 22, 2024, the author sent a report to several United Nations personalities and offices. It is published here leaving references to court cases and laws in an intertextual form. The report deals with the procedure started by the Japanese government after the assassination of former Prime Minister Shinzo Abe in 2022, which seeks the dissolution of the Unification Church (now called Family Federation for World Peace and Unification) as a religious organization. The request is based on civil cases the Church lost, some of them filed by ex-members that had been previously “deprogrammed,” and on faulty anti-cult theories of “brainwashing.” The report argues that the actions taken in Japan against the Unification Church and other groups stigmatized as “cults” are incompatible with the country’s international obligations under the International Covenant for Civil and Political Rights.

KEYWORDS: Unification Church, Unification Church in Japan, Family Federation for World Peace and Unification, Assassination of Shinzo Abe, Dissolution of the Unification Church in Japan, National Network of Lawyers Against Spiritual Sales.

The Family Federation for World Peace and Unification (hereafter designated for ease of understanding as “the Church” or “the Unification Church” or “the UC”) is the subject matter of the following report.

I. Background—Application of the UN Special Procedures

We refer to our previous report on abductions and forced de-conversions (called “deprogramming”) in Japan sent on behalf of the Victims’ Association to the Special Rapporteur on freedom of religion or belief on 23 July 2013.

The present report is a follow-up regarding those practices in Japan, which resulted in an avalanche of tort cases against the Church initiated by deprogrammed followers turned into apostates and made to complain against “fraudulent and brainwashing evangelism” (see the ruling of the Kobe District Court, page 83, upheld by Osaka High Court). Those tort cases were subsequently used as the basis for the government to initiate proceedings for the dissolution of

the Church, presently pending.

The report on deprogramming, which included documented cases with allegation letters from victims of such practices, was also sent at the time to the Human Rights Committee.

The Human Rights Committee took up the matter in its sixth periodic review of Japan and, after a back and forth with the Japanese government that was pretending to ignore the problem and our providing of evidence of the police and justice refusal to take action, included the following recommendation in its Concluding Observations on 20 August 2014 (CCPR/C/JPN/CO/6):

Abduction and forced de-conversion.

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

The State party should take effective measures to guarantee the right of every person not to be subject to coercion that would impair his or her freedom to have or to adopt a religion or belief.

A few months later on 14 November 2014, for the first time, a victim of such misdeeds, Mr. Toru Goto, was awarded substantial damages in a civil case against his family and two deprogrammers by the Tokyo High Court for the twelve year-illegal confinement and forced persuasion he was subjected to in a failed attempt to have him recant his faith. The Court granted him compensation commensurate to the harm suffered and ruled that the deprogramming itself, done by Pastor Yasutomo Matsunaga, was illegal (Tokyo High Court 2014 [2023]); a decision soon confirmed by the Supreme Court of Japan.

Even if this deprogramming practice seemingly ended thereafter, the attempt to eliminate the UC and its members persisted and even drastically increased to date.

This report describes the following developments with the series of tort cases leading to a threat of dissolution of the Church, stripping of its assets, the enactment of two new laws tailor-made for the UC, implementation of a new form of State organized deprogramming of its second-generation believers, and other severe discrimination issues against its members.

It should also be underlined that throughout the years, the Human Rights Committee regularly issued another recommendation to the Japanese government concerning its illegal limitation of the right to freedom of religion or belief based on “public welfare.”

In recurrent Concluding Observations in 2008, 2014, and 2022, the

Committee recommended the following to the Japanese government (8 December 2008, CCPR/C/JPN/CO/5 §10, 20 August 2014, CCPR/C/JPN/CO/6, and 30 November 2022, CCPR/C/JPN/CO/7 § 37):

Restriction of fundamental freedoms on grounds of “public welfare.”

21. The Committee reiterates its concern that the concept of “public welfare” is vague and open-ended and may permit restrictions exceeding those permissible under the Covenant (arts. 2, 18, and 19).

The Committee recalls its previous concluding observations (see CCPR/C/JPN/CO/5, para. 10) and urges the State party to refrain from imposing any restriction on the rights to freedom of thought, conscience, and religion, or freedom of expression unless they fulfill the strict conditions set out in paragraph 3 of articles 18 and 19.

Japan never complied with those repeated recommendations since the Japanese Constitution still enshrines to date articles allowing restrictions to human rights when they are based on the protection of “public welfare” (Articles 12 and 13).

Worse, the law article relied upon by the government to request the dissolution of the UC refers expressly to the infringement of “public welfare” (Article 81(i) of the Religious Corporation Act).

II. Ensuing Developments—Organized Avalanche of Tort Cases

The over three decades of deprogramming of Unification Church members done with carte blanche from the Japanese government resulted in an avalanche of tort cases initiated by former members, who had been de-converted and persuaded by the deprogrammers and the anti-cult lawyers’ association to file suits against the Church.

This association, named the National Network of Lawyers Against Spiritual Sales (hereafter “the lawyers’ Association” or “the Network”), a movement close to the socialist and communist parties, was established in 1987 to combat the Unification Church at a time when the latter was openly fighting against Communism.

In fact, the Network was created to prevent the enactment of the Anti-Espionage Law, which was being promoted at the time by the International Federation for Victory over Communism (IFVOC), an affiliate of the former Unification Church. At the time, Attorney Hiroshi Yamaguchi, a key member of the Network, stated at its inauguration that “Money made from spiritual sales is being used to fund the Unification Church and the IFVOC’s efforts to enact the Anti-Espionage Law”

(Fukuda 2023, 52). These lawyers alleged that the moneys made by the Church through “spiritual sales” were then used to combat Communism.

Their name National Network of Lawyers Against Spiritual Sales, is inspired by consumer law to designate sales that used to be done by some Church members (mostly from their own private companies) of items such as seals, statues, vases, miniature pagodas, and others at prices significantly higher than their intrinsic value—a practice that can be found also in some traditional religions such as the Catholic Church.

The lawyers’ Network used the label “spiritual sales” also for the donations made to support the Unification Church and its functioning. They claimed that the Church was “selling” eternal salvation and creating anxiety in its followers to obtain donations—although the concepts of hell and redemption are beliefs common to most religions.

“Spiritual sales” is a term coined by anti-cult advocates to make donations made to religious minorities considered as consumer law matters and allow their claim for a refund to the donors as fraudulent sales. This term was used by the anti-cult movement in other countries, such as Germany where a bill was introduced in 1997 to regulate what they called “commercial services of assistance in overcoming life’s difficulties” (“life help”), referred to by the anti-cult associations as “Psycho Contract Law.”

In the summer of 1997, Lutheran and Catholic Church representatives for Germany sent a joint statement to the Federal Council, the Upper House of the Parliament, expressing their concern that the severe restrictions in the draft legislation would also apply to their Churches, specifically regarding the payment of spiritual counseling services that they delivered. The bill was abandoned thereafter (see Duval 2012, 214–15).

Network lawyers managed to persuade the Japanese courts that donations to the Unification Church should be presumed to have been obtained through “creating anxiety” based on those beliefs and depriving the donors of their “free will.”

With their reasoning based on consumer law, the Network lawyers ignore the faith of Church members who raise donations and maintain that they are only motivated by profit-making. The beliefs that they profess should be considered, they allege, as just a cover for duping followers.

All the former followers who underwent confinement and forced de-conversion were referred to those Network lawyers by the deprogrammers or their families, once de-converted, to sue the Church for tortious soliciting of donations and

proselytism and obtain damages.

Masumi Fukuda, a trained sociologist and renowned freelance journalist, did a thorough investigation of the whole phenomenon and interviewed numerous “deprogrammed” followers. She then sent a letter to the government with her findings, asking them to drop their dissolution claim (Fukuda 2023).

She gave a figure of over 4,300 believers in Japan who have been abducted by physical violence or deception, locked up for long periods of time in apartments or other places, and not released until they abandoned their faith.

She concluded that most of the claimants for torts were followers who underwent such process and had to prove their real will to quit the Church by suing for damages.

She described in detail the process of deprogramming followed by civil lawsuits for tort. She explained:

In the 17th century persecution of Christians in Japan, to save their life it was not enough for them to tell the authorities they had abandoned Christianity. They were asked to trample a painting of Jesus underfoot to prove they were no longer Christians. Similarly, now it was not enough for deprogrammed believers to state they were no longer members of the Unification Church. They should prove they had really left the church by claiming they had been “victims of spiritual sales,” and filing lawsuits demanding that the church return the money they had paid for the items they had purchased, such as marble vases, two-stories pagodas, seals, and other items (Fukuda 2023, 54–5).

She also pointed out that the Network of anti-UC lawyers was deeply involved in the deprogramming issue, and all those who finally accepted to recant their faith were systematically referred to them for suing the Church.

She wrote,

The Network. was thus deeply involved in this abduction and confinement business because they were the attorneys in the subsequent lawsuits filed by former believers against the church. There were lawyers who became rich through these cases, as did deprogrammers and Christian pastors involved in the abductions, who received substantial amounts of money from the relatives of the believers they deprogrammed (Fukuda 2023, 55).

Actually, the Network’s lawyers were sometimes involved in the process in the first place as they were those who advised the families to de-convert their kin through deprogramming.

When the lawyers were consulted by the believers’ parents, they first introduced them to the deprogrammers. If and when deprogramming was successful, the lawyers took over from the deprogrammers as “handlers” of the former believers, made them plaintiffs, and filed lawsuits. The anti-Unification-Church group, including Attorney Kito and journalists

Yoshio Arita and Eight Suzuki, still defends deprogramming to this very day, and claims it was performed to “protect” the former members of the Unification Church (Fukuda 2023, 55).

In one of the tort cases relied upon by the government to request dissolution of the Church, the three claimants had been abducted and confined by their families and subjected to deprogramming by two Protestant pastors, who tried to “persuade” them that true Christianity differs from the teachings of the UC (Kobe District Court, decision of 10 April 2001, case #9; the Court dismissed the claims but the Osaka High Court reversed the judgment and granted damages to the claimants on 21 May 2003).

They were claiming damages for “fraudulent and brainwashing evangelism.” After deprogramming, the claimants came to believe that the Church’s doctrine was nonsensical and decided to leave.

One of the two deprogrammers, Pastor Mamoru Takazawa, was questioned and cross examined during the Court hearings and stated the following (Kobe District Court, Minutes of court hearing, 26 March 1996, page 81):

Q: Are you aware that the defendant UC has criticized your rescue activities as kidnapping and confinement?

A: Yes, I am aware of that.

Q: What are your thoughts on such criticisms?

A: I believe that it is not kidnapping or confinement because the parents are involved, so it should be considered protection.

He went on stating:

Q: When did you start using physical restraint?

A: As I mentioned earlier, I believe it was around 10 years ago. However, it wasn’t just me; it was generally a unified practice among pastors involved in rescue activities nationwide (Kobe District Court, Minutes of court hearing, 21 May 1996, page 25).

Then the deprogrammer admitted to the Court that he knew that this practice was normally illegal but intended to continue with the following justification (Kobe District Court, Minutes of court hearing, 26 March 1996, pages 81–2):

Q: Are there any people who leave UC on their own without undergoing rescue activities?

A: Once someone has firmly embraced UC’s beliefs, I believe it is impossible for them to leave naturally.

It is precisely to break the unswerving faith of UC believers that the deprogramming has been created and has flourished into a nation-wide family activity under the auspices of the government.

To invalidate the good faith and strong beliefs of the followers, the theory of undue influence or “brainwashing evangelism” has been forged and underlies all the claims for torts filed by the Network of lawyers who advised the parents to practice this kind of “protection.”

The problem is, apart from the fact that those lawyers apparently participated in an illegal activity under international human rights law and still advocate such practice to date, that they have succeeded over the years to obtain from Japanese courts a series of tort sentences which were then used for a dissolution request against the Church.

The Japanese courts have endorsed the theory of an alleged “undue influence” of the Unification Church to justify ordering the refund of donations to the claimants, even after hearing their deprogrammers explain their initial strong faith at the time of the donations.

On this basis of “undue influence” they have ruled the Unification Church activities “illegal” and the rulings, based on the deprogrammers’ hearings, are included in the government claim for dissolution.

III. Recent Developments: Abe Assassination and Media Blitz

Although the Unification Church had been ostracized in the past with accusations of “spiritual sales” from the lawyers’ Network, it was the assassination of former Prime Minister Shinzo Abe (1954–2022) on July 8, 2022, that triggered a resurgence of the media campaigns against it.

Prime Minister Abe manifested sympathy for the peacebuilding activities of a UN accredited NGO affiliated to the Unification Church, the Universal Peace Federation (UPF), on some occasions, by participating through a video in 2021 and by sending a message in 2022 to two UPF events.

His murderer, Tetsuya Yamagami, accused Shinzo Abe of supporting the Unification Church. He was the son of a woman member of the Unification Church who made large donations some 22 years ago. He justified his crime by stating that his mother went bankrupt because of her donations to the Church. Why it took him 22 years to react he did not explain, nor did he mention that in 2009, upon the family’s request, half of the donations were returned to them. What or who incited him to attack the Minister after this long time-lapse, no one seemed to question. One fact for sure is that Yamagami had ties to the anti-cult movement.

After the murder and his arrest, a media blitz started against the Unification

Church, initiated by the lawyers' Network. At a press conference held by the Network on July 12, 2022, in response to the assassination, the lawyers, one after another, vehemently condemned the UC. They stated that, "As far as the former Unification Church is concerned, Tetsuya Yamagami (Abe's assassin) and his mother are 100% the victims, and the cult is 100% the perpetrator." They described the Unification Church as "anti-social" and "great evil" (Fukuda 2023, 51).

As a result of these media reports, loudspeaker trucks from far-right groups surrounded the headquarters and churches of the UC in major cities, blaring "Get out of Japan!" at high volumes. Threatening letters, including death threats, were sent via postcards and email. Church members faced discrimination at school, work, and society, while some were opposed by family members over their faith. In some cases, women were subjected to domestic violence from their husbands, resulting in injuries, or were forced to divorce.

The ensuing media frenzy put pressure on the Japanese government to cut any ties with the Church and, under the accusations from the lawyers' Network making them responsible for the disaster, the government officials initiated a dissolution procedure and passed several laws to eliminate the Church from the Japanese landscape.

The lost tort cases were used by the lawyers' Network to fuel heavy accusations in the media and request dissolution, and in turn the media attacks put the courts under pressure to adopt more rulings to the Church's disadvantage.

Finally, on 19 October 2022, Prime Minister Kishida changed the interpretation of the Religious Corporation Act (RCA) on the requirements for the dissolution of religious corporations. Article 81 of the Act provides:

When the court finds that a cause which falls under any of the following items exists with regard to a religious corporation, it may order the dissolution of the religious corporation at the request of the competent authority, an interested person, or a public prosecutor, and by its own authority: (i) in violation of laws and regulations, the religious corporation commits an act which is clearly found to harm public welfare substantially...

The Prime Minister decided overnight that civil findings of tort would constitute a "violation of laws and regulations" and a dissolution procedure was started against the Unification Church.

The Japanese Ministry of Education, Culture, Sports, Science, and Technology ("MEXT") which oversees religious corporations, filed for dissolution. In the Japanese acronym, the "M" stands for Ministry, the "E" for Education, and the "T"

for Technology. The “X” is used to represent “cross,” indicating the Ministry’s responsibility for the intersection of different fields such as culture, sport, science, and religion.

The MEXT started requesting information from the UC, which under Japanese law is the preliminary step to seek the dissolution of a religious corporation. From November 2022 to July 2023, the MEXT exercised its right of question to the UC seven times. A wide range of inquiries were made, covering organizational and operational matters, but also legal matters such as lawsuits, complaints, and settlements, and the types of donations received. The inquiries also included a part on the religious doctrines and beliefs themselves, and how they could be used to have followers make donations to the Church.

Finally, on 13 October 2023, the MEXT filed a lawsuit at the Tokyo District Court requesting the dissolution of the Church, based on 32 lost tort cases. The first hearing on the merits of the dissolution claim will be held at the Tokyo District Court in December 2024.

IV. Tort Cases—The Rulings by Japanese Courts

The courts have unconditionally adopted the reasoning based on consumer law from the lawyers’ Network, as detailed above. Under this reasoning, they ignored the faith of the Church members who raised donations and presumed that their purpose was only profit-making. The courts considered that the beliefs that they professed was just a subterfuge for duping the new followers, in spite of recognizing the strong faith of UC members under “undue influence.”

In its plea for dissolution, the Ministry (MEXT) maintains the following:

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

The grounds for this accusation are that the UC lost 32 court cases and was sentenced to pay damages. MEXT concludes that the UC violated the law and committed acts which can clearly be “found to harm public welfare substantially,” pursuant to Article 81(i) of the Religious Corporation Act.

Apart from the fact that this provision of the Act contradicts blatantly UN recommendations as it is not a permitted limitation under Article 18.3 ICCPR, the reliance on the 32 court cases is flawed by at least five factors:

1-In many of their findings, the courts mention that the “victims” were “rescued” or “protected,” another word for deprogrammed, which means that they were coerced into abandoning their faith and persuaded to sue the Church. It can be concluded that those cases were fabricated against the UC and the former followers’ faith at the time of their donations established for fact, since coercion was needed to have them recant their beliefs (note that out of the 32 tort cases, 121 claimants have been deprogrammed pursuant to court findings).

2-The courts use the debunked theory of mental manipulation to reject evidence provided by the defense that the former believers chose at the time to donate on their own free will.

3-The facts involved are very old (between forty to twenty years ago) but the courts used the same theory to deny the plea by the defense that they were time-barred (over three years old); they refused to apply the statute of limitation in force for civil suits, finding that the “victims” were not aware of being victims until they met with the anti-UC lawyers’ Network, as they were under the undue influence of the Church. This is a discriminatory application of the law.

4-The courts applied a presumption of guilt if donations were deemed by them to be superior to what is “socially acceptable,” an arbitrary and vague notion used to rule the soliciting of donations illegal.

5-The courts condemned the “use of the spiritual world” to obtain donations for the Church, i.e., the content of the doctrine related to the belief in karma, hell, and redemption, which is however inherent to religion itself and the right to establish and maintain religious institutions.

The 32 tort cases referred to by MEXT contain the same general theory on illegality:

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

their social status and assets, thereby significantly exceeding the socially acceptable scope, such actions must be deemed illegal.

The argument of social acceptability, which is a vague and discriminatory notion, is used by the Japanese courts to restrict the right to proselytize of the UC and turn its proselytism into a tortious act.

The High Court of Tokyo, in a decision of 13 May 2003 cited by MEXT amongst the 32 tort cases supporting its dissolution request, ruled as follows:

The plaintiffs were then led to participate in a series of seminars (workshops) or training sessions and other activities in stages, allowing the doctrines, “Divine Principle,” to gradually permeate their understanding. Furthermore, under the name of practicing the doctrine, they were engaged in specific missionary and economic activities. Even when the plaintiffs began to harbor doubts about the process by which they were recruited or the activities they were currently engaged in, they were made to believe that abandoning their faith would result in them and their entire family being deprived of salvation in this world. This created a psychological barrier, making it difficult for them to leave the UC (High Court of Tokyo, page 6, upholding the ruling of the Niigata District Court of 20 October 2002, page 147).

The very manifestation of belief through spreading the faith of the Unification Church is found to be tortious by the court, and deemed to infringe the victim’s free will. The court found:

In general, acts of soliciting and proselytizing to spread a religion, as well as engaging believers in various activities and soliciting donations, are considered within the scope of legitimate religious activities protected by the freedom of religion, as long as they are based on socially justifiable purposes and are reasonable in terms of methods and outcomes according to social norms. However, if these acts, when judged comprehensively in terms of purpose, method, and result, significantly deviate from socially acceptable scope, they should be deemed illegal. This holds true even if the solicited believers superficially appear to have joined the religious organization and acted based on their faith in its doctrine; such solicitation and proselytizing may still constitute tortious acts against believers who were persuaded to engage in missionary activities and make donations.

This ruling was confirmed by the Supreme Court on 12 November 2004.

It must be concluded that, under the influence of the anti-UC Network of lawyers and the media, the courts have accepted the theory of mental manipulation to condemn the Church members for proselytizing and spreading their faith, in violation of their right to freedom of religion or belief.

The presumption of guilt against UC members is so strong amongst Japanese courts that, even if the defense can prove that the claimants gave donations on the basis of their faith, this evidence is disregarded and invalidated by the judges under

the theory of undue influence. Thus, the Church and its members are unable to make their voice heard and obtain justice before the domestic courts in Japan.

V. Violation of Japan's International Commitments

Recurrent recommendations from the UN Human Rights Committee have reminded the Japanese government of the only permitted restrictions to the right to express one's religion or belief, as provided at Article 18.3 of the International Covenant on Civil and Political Rights (ICCPR or Covenant):

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

– Social Acceptability and Public Welfare

As the Human Rights Committee stressed, public welfare is not included in the list of possible restrictions, nor is social acceptability.

On the contrary, the Committee in its Comment no. 22 on Article 18 gave the following guideline for its interpretation:

Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms "belief" and "religion" are to be broadly construed. Article 18 is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate 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 on the part of a predominant religious community.

Therefore, the fact that some religious beliefs or practices would not be considered as "socially acceptable" cannot be a criterion for Japan to be legitimate in its attempt to eliminate the Unification Church from its religious landscape.

And the argument used by the Ministry of Education in its dissolution request that UC believers made the tort claimants donate by "preventing their normal judgment, resulting in the disruption of the peaceful life of many people including their family members" is totally irrelevant.

International human rights law does not take in consideration the "disruption of peaceful life" of family members due to the conversion of their kin to new religious movements.

It is the same with the infringement of "public welfare." It is not listed in the possible limitations to freedom of manifesting one's religion or belief under Article

18.3 of the Covenant that Japan has committed to. Actually, Article 81(i) of the Religious Corporation Act providing for dissolution in case of substantial harm to public welfare should have long been cancelled following the various UN recommendations received by the Japanese government.

– Proselytism

In addition, the right to proselytize is part of the right to manifest one's religious beliefs and is protected as such.

Former Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, devoted part of his 2012 Interim report to the Human Rights Council (13 August 2012, A/67/303) to “the right to try to convert others by means of non-coercive persuasion” and reported that some

States impose tight legislative or administrative restrictions on communicative outreach activities. This may unduly limit the right to try to convert others by means of non-coercive persuasion, which itself constitutes an inextricable part of freedom of religion or belief.

There is no doubt that the invitation by UC members for newcomers to participate in seminars or training sessions “allowing the doctrines, ‘Divine Principle,’ to gradually permeate their understanding,” as it was described in the above court decision, falls into the category of “non-coercive persuasion” and legitimate proselytism.

The Special Rapporteur added that “many such restrictions are conceptualized and implemented in a flagrantly discriminatory manner,” and that

members of religious communities that have a reputation of being generally engaged in missionary activities may also face societal prejudices that can escalate into paranoia.

This is precisely the situation of the followers of the Unification Church in Japan who are facing societal prejudices which have escalated into paranoia and have led to their proselytism to be seen as an “anti-social activity.”

In particular the Tokyo District Court ruled on 15 January 2008 (a decision included in the government request for dissolution):

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

To avoid those prejudicial situations, which infringe the rights protected by the Treaties, the Special Rapporteur concluded that

Any restrictions on missionary activities deemed necessary by States must therefore meet all the criteria set out in article 18 (3) of the International Covenant on Civil and Political Rights.

– Soliciting Donations

Inherent to the right to manifest one’s religion or belief is also the right to establish and maintain religious institutions, which includes the right to solicit donations as spelled out by the 1981 Declaration of the UN General Assembly:

Art. 6 (b): The right to freedom of thought, conscience, religion, or belief includes the freedom, “to establish and maintain appropriate charitable or humanitarian institutions.”

Art. 6 (f): The right to freedom of thought, conscience, religion, or belief includes the freedom, “to solicit and receive voluntary financial and other contributions from individuals and institutions.”

It is therefore totally legitimate for UC members to solicit donations and other contributions for the functioning of their Church, as long as they are not extorted by violence.

On the practice of soliciting donations and sale of religious artifacts by the Unification Church, we refer to the in-depth review published by Massimo Introvigne, a prominent sociologist of religions and former OSCE Representative for combating racism, xenophobia, and religious discrimination (Introvigne 2022, 80–82; see also the article on this subject by Masumi Fukuda: Fukuda 2024).

In the absence of any element of violence, the lawyers of the anti-UC Network have coined the concept of undue influence, adopted by the Japanese courts to find that the contributions were obtained through infringing the donors’ free will. Influence by a religious organization is deemed to be “undue” and not “socially acceptable” when it comes from the Unification Church.

In her letter sent to the Ministry in December 2022, Masumi Fukuda quoted a statement by Attorney Yoshihiro Ito, a member of the Network who said:

The courts tend to accept easily claims that would never be accepted in other cases if they are directed against cults... In civil lawsuits, there is a kind of unwritten rule that if a cult is involved, it will lose the case (Fukuda 2023, 64).

In conclusion of the above, the government’s request for dissolution of the UC, based on biased tort cases and a flawed article of law on “public welfare” constitutes a serious violation of Japan’s commitments under the Treaties.

VI. Enactment of New Laws

In parallel to the dissolution request and tort cases, two new laws have been passed to target specifically the Unification Church, even though it is not expressly mentioned in the text: one to prevent “unjust solicitation for donations” and one to help the alleged victims to file for damages and freeze the assets of religious corporations subject to dissolution.

– The December 2022 Law on “Unjust Solicitations”

Act no. 105 on “Preventing Unjust Solicitation for Donations by a Corporation” (hereafter “law on unjust solicitations” or “donations law”) was enacted on December 16, 2022, to amend the existing Consumer Contract Law. Article 3.1 of this law makes it an obligation for those who solicit donations to make sure that they do not “suppress the free will” of donors, a provision adopted to enshrine the vague and discriminatory concept of undue influence in the law.

The new law contains a provision specifically designed for religious donations:

Article 4: When soliciting donations, a corporation, etc. must not confuse the individual who is being solicited to donate by engaging in any of the following acts: ... (vi) indicating to the individual that psychic sense or other special abilities that are difficult to be reasonably verified have shown that a serious disadvantage would occur to the life, health, property, or other significant matters of the individual or their relatives, unless the individual takes certain measures to fuel their fear, and then, informing the individual that the serious disorders can be completely avoided if the individual donates and the donation will be essential.

The mention of hell or karma in briefings to potential donors, such as the “karma talks” by the UC, could then be considered as confusing the individual to obtain donations.

The Catholics and Buddhists have such practices, but needless to say this provision is not intended to be applied to traditional or “socially acceptable” religions, but only to new religious movements derogatorily labeled as “cults,” and more specifically the Unification Church.

If Article 4 is found to apply and the donors have been “confused,” then the donation can be rescinded. In case they were confused after being taught about hell or karma, the time limit for rescinding is increased from five to ten years from the time when the donors manifested their intent to donate.

In addition, the law provides that rescission of the donation can also be claimed by the creditors of a regular financial support obligation such as husband, wife,

children, or those towards whom the donor has a duty of support under the Japanese Civil Code, such as ascendants and brothers or sisters. Lastly, the new law provides support for the persons who donated to obtain rescission and recover damages through a special help from the Japan Legal Support Center (procurement of legal advice) and a user-friendly consultation system (a hotline for these specific victims).

In case of “unjust solicitation,” the Ministry can order the religious organization to stop such soliciting of donations and in case of non-compliance with the order the individuals involved are liable to penal sanctions of imprisonment.

All these measures make it now very risky for new religious movements to solicit donations since they are liable to penal sanctions if any donor later complains to have been made anxious by a briefing on karma or divine punishment. But above all, this State apparatus is designed at inciting those who donated to the Church to rescind their donations and claim damages, with the help of lawyers paid by the State.

– The December 2023 Law on Relief of “Victims of Specific Torts”

On December 30, 2023, Law no. 89 was enacted. It is called the “Law on Special Provisions for the Operation of the Japan Legal Support Center for Prompt and Smooth Relief of Victims of Specific Torts, and Similar, and Special Provisions of the Disposition and Management of Property by Religious Corporations.”

It contains special provisions for the operation of the Japan Legal Support Center (legal aid) for the relief of “Victims of Specific Torts,” and special provisions for the “Disposition and Management of Property by Religious Corporations.” Law 89 is also referred to by Japanese Officials as the “Act on Victims of Specific Torts” or “Special Measures Act” or “Special Act.”

It has been adopted to target specifically the Unification Church and has two objectives:

– one is help to the “victims of specific torts” for filing suits to obtain damages, and

–second is surveillance of the assets of any religious corporation against which a claim for dissolution has been filed by the government, that is to say the Unification Church as it is the only one in this situation to date.

“Specific torts” refers to torts that have given rise to a specific request of dissolution order, i.e., soliciting donations through “preventing the donors’ normal judgment” and disrupting public welfare, per the dissolution request

of MEXT.

Pursuant to Law 89, religious corporations against which a dissolution request has been filed are classified in two categories: “designated religious corporations” and “specially designated religious corporations.”

If there is a “substantial” number of “victims” a group will be listed as a “designated religious corporation”:

Article 7.1: The competent authority may designate a target religious corporation as a designated religious corporation if it finds that the target religious corporation falls under any of the following: (i) It is expected that there will be a significant number of victims of specific torts, etc., related to the target religious corporation. (ii) It is necessary to grasp the status of disposal and management of the target religious corporation’s assets.

Then, if a corporation is labeled as “designated religious corporation” and if there is a risk that its assets may disappear, it will become a “specially designated religious corporation” (Article 12).

The organizations in the “specially designated” list are those suspected of disposing of their assets pending dissolution. They will be under stricter surveillance, and the victims’ lawyers would have an easier access to their inventories and accounts to let them take legal action to secure their claims.

To clarify the designation of designated religious corporations and specially designated religious corporations by MEXT pursuant to these provisions, the government has issued Guidelines on 15 February 2024 “Criteria for Operation Concerning the Designation of Designated Religious Corporations and Specially Designated Religious Corporations Under the Law on Special Provisions for the Operation of the Japan Legal Support Center for Prompt and Smooth Relief of Victims of Specific Torts, and Similar, and Special Provisions of the Disposition and Management of Property by Religious Corporations.”

According to the Guidelines, a “victim of a specific tort” is a person who has or may have a legal right to claim damages. Victims of a specific tort are not limited to victims recognized by the claimant when requesting a specific dissolution order, but also victims of the same type of act that was not known at the time of the request.

They also include persons “whose intention to file a compensation request is not yet clear.” This means potential victims which would come forward later on. The Guidelines also provide that the “significant number of victims” will be determined on a case-by-case basis but however, in general cases, it will be enough that there are several dozens of them.

Regarding the second requirement of Article 7.1, the Guidelines provide that if

the religious corporation is expected to have a significant number of victims, then it is generally recognized that there is a need to understand the status of asset disposal and management.

In summary, if a religious corporation subject to dissolution has several dozens of victims or potential victims, including all the members who have not yet complained, under Article 7.1, then it is systematically suspect of possible evasion of assets and its finances should be monitored, under Article 7.2.

Therefore, there is no doubt that the UC is considered by the government as a designated religious corporation, which assets are under surveillance, pending the court decision on its dissolution. As a matter of fact, financial institutions have become reluctant with any remittance abroad and other money transfers.

The lawyers of the victims, i.e., the Network of anti-UC lawyers, are watching the state of Church's assets for their claims for damages. Even the Japan Federation of Bar Associations made a statement about the enactment of the new law on victims of specific torts (Law 89) on 14 December 2023:

In addition, the special provisions for the services of the Legal Support Center should be implemented flexibly so that many people, including those who have already used the Legal Support Center to request the services of the National Unification Church Victims Defense Lawyers Group, can be fairly exempted from repayment. Furthermore, the scope of civil proceedings for specific torts should not be limited to the recovery of economic damages due to so-called donations but should also broadly cover domestic cases and other related civil cases resulting from the breakdown of family relationships.

So, the National Bar Federation is supporting the anti-UC lawyers' Network in their fight. The potential victims, who are the lawyers' clients, are exempt from financial expenses to sue the Church. Their "burden" is alleviated to have more claimants to strip the Church of its assets.

Not only do these lawyers go for the refund of donations, but they also incite families to claim punitive damages for family splitting due to the conversion of their kin to new religious beliefs.

VII. Return of a New Form of Deprogramming

– Mental Manipulation

All the tort cases against the Unification Church are built on the concept of undue influence and mental manipulation. In all these cases, the courts assume that the UC has an undue influence and review the cases to find any elements to support

their ruling that the soliciting of donations or proselytizing was not “socially acceptable” and thus tortious.

This theory of mental manipulation has no scientific basis and has been rejected by scholars internationally, as the European Court of Human Rights spelled out in its decision *Jehovah’s Witnesses of Moscow v. Russia* on 10 June 2010 (IC-302/02, 10 June 2010).

In this case, the association Jehovah’s Witnesses of Moscow had referred to the European Court the decision of a Russian court to dissolve their community. The Court specifically reviewed the validity of the accusation by the Russian authorities that the right of citizens to freedom of conscience was violated because they were submitted to psychological pressure and “mind control” techniques.

After noting that members of the religious denomination testified before the Russian courts that they had made a free and voluntary choice of their religion and therefore followed its precepts of their own will, the Court found that

there is no generally accepted and scientific definition of what constitutes “mind control” and that no definition of that term was given in the domestic judgments (§ 128 and 129).

Accordingly, the Court ruled that “the findings of the Russian courts on this point were based on conjecture uncorroborated by fact” and found a violation by Russia of the right to freedom of religion or belief of the Jehovah’s Witnesses members.

In spite of this evolution in democratic countries, Japan brings back this debunked theory and, as Russia did against the Jehovah’s Witnesses, uses it to seek dissolution of the Unification Church. The Japanese authorities have now designed a whole legal apparatus forged on this theory to eliminate new religious movements from its religious landscape, starting with the dissolution of the Unification Church.

This includes the fact of including in the notion of “victims” the believers who might file complaints in the future—meaning implicitly when they are persuaded to do so—as they are deemed to not yet be aware of being victims.

Invalidating the free will of believers of new religious movements is equivalent to no less than denying them the freedom to choose to adopt new beliefs and considering them as mentally incompetent as concerns religious choices.

Using this theory, the State is then entitled to make choices for its citizens in their place in the name of protecting “public welfare.” This constitutes a violation of the right of Japanese citizens to freedom to adopt a new religion or belief, and a

blatant violation by Japan of its obligation of neutrality in religious matters under the international treaties it has signed and ratified.

– Family Break-ups

Under the same reasoning and the concept of undue influence, the families are entitled to rescind donations pursuant to the new donations law, in lieu of their kin believers. They are also entitled, according to the chairman of the National Federation of Bar Associations, to sue for damages claiming that the UC broke down their family relationships.

The European Court of Human Rights was faced with the same kind of accusation of family break-ups by the Russian government against the Jehovah's Witnesses in the above-mentioned case. And the Court found:

Nevertheless, as long as self-dedication to religious matters is the product of the believer's independent and free decision and however unhappy his or her family members may be about that decision, the ensuing estrangement cannot be taken to mean that the religion caused the break-up in the family. Quite often, the opposite is true: it is the resistance and unwillingness of non-religious family members to accept and to respect their religious relative's freedom to manifest and practice his or her religion that is the source of conflict (§111).

This was precisely the case for the thousands of Japanese believers who were abducted by their families, locked up, and forced to undergo anti-UC indoctrination until they would accept to recant their faith.

After letting this practice continue for decades, Japan is now providing the possibility for the families who committed such acts to sue for damages due to the family break-ups caused by the conversion of their kin to the Unification Church in the first place. And all this is possible with Unification Church money since the damages will be paid by the assets seized when the dissolution is decided to pay the "creditors," i.e., all the potential claimants for the years to go.

This brings the following question: do adult citizens have the right in Japan to convert to new religions if their families disagree? The facts tell us that they do not, and this constitutes again a blatant violation of their right to choose and adopt the beliefs of their choice protected by international instruments.

– State Organized Deprogramming

Article 18.2 of the Covenant provides: "No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice." Coercion to recant one's beliefs is clearly forbidden under the

commitments made by Japan.

After the scandal of illegal abductions and enforced persuasion and the publication of pictures of Toru Goto emaciated and ill after his release from a twelve year-confinement, it seems that the Japanese state is now trying to organize a new form of “deprogramming,” without the embarrassing element of abduction.

However, the term “coercion” mentioned at Article 18.2 does not only refer to physical constraint but can also designate psychological pressure, such as in mandatory “counseling” against one’s faith.

On January 18, 2024, *Nikkei Shinbun*, one of the major newspapers in Japan, reported on a Cabinet meeting which took place on the same day entitled “Ministerial Conference on Supporting the Victims of the Former Unification Church” (*Nikkei Shinbun* 2024).

During the conference, a support plan was finalized based on the Special Measures Law passed in December 2023 (Law 89). The new support measures focus on victim relief, beyond the asset transfer monitoring and legal assistance for damage claims already enshrined in the Law. Later, the government announced the main points of its support plan on its website (“Ministerial Conference” 2024).

The relief measures are expressly designed for the Unification Church and relate to the special “counseling” to be delivered to “victims” or potential victims not yet aware of being victims, like the second-generation believers or children of the Unification Church members. The government establishes a new system in which former followers of the Unification Church, critical apostates, serve as instructors to provide “advice and guidance” to government counselors.

This system is based on the idea that,

Many victims under mind control are often unaware of their distress. Former followers will share their insights based on their experiences during training sessions for counselors (“Ministerial Conference” 2024).

The training by apostates is supposed to “make it easier for counselors at child guidance centers and mental health and welfare centers to address these issues.” The plan is tailor-made to deliver counseling to the UC believers and their children—second-generation believers—to make them aware that they have been manipulated and turn them against their Church.

In particular, the government will

expand the number of counselors and social workers stationed in schools to make it easier for children and young people from second-generation believers to seek help (“Ministerial Conference” 2024).

According to the plan posted on the government website, the Ministry of Justice is to

expand the number of schools where “Human Rights Classes” are held (from elementary schools to junior high schools and high schools) and distribute the “Children’s Human Rights SOS Mini Letter” to elementary and junior high school students (“Ministerial Conference” 2024).

If the Human Rights Classes are held by counselors trained by apostates from the Unification Church, one can figure out their content. The “SOS Mini Letter” is an envelope distributed to the children to allow them to send an “SOS” to the authorities (Ministry of Justice 2024).

After inciting a help demand from the kids/students, the government plans to support them to leave home. The new measures provide that they will be offered “a temporary living space away from their parents or other believers, facilitating their path to rebuilding their lives.”

Under the cover of helping problem children, the State is organizing an “exit counseling” at school to pressure second-generation believers to recant their beliefs and escape from their families; this is the new form of “deprogramming” that Japan has planned in January this year.

This institutionalized “counseling” to indoctrinate the children against their parents’ faith represents not only an infringement of their right to freedom of belief pursuant to Article 18.1 of the ICCPR but also to Article 14.1 of the Convention on the Rights of the Child (CRC): “States Parties shall respect the right of the child to freedom of thought, conscience and religion.”

It also constitutes an outright violation of their parents’ right to educate their children according to their own faith pursuant to Article 18.4 of the ICCPR:

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

And to Article 14.2 of the CRC:

States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

The plan tailor-made by the government for the Unification Church also includes that the Children and Families Agency should provide support at child guidance centers, “based on the ‘Q&A regarding responses to child abuse related to religious beliefs.’”

The Q&A they refer to are the Guidelines on child abuse related to religious beliefs, published on 27 December 2022 by the Ministry of Health, Labor, and Welfare. We refer here to the report made by the Jehovah's Witnesses (Watch Tower Bible and Tract Society 2024) on those Guidelines and the Special Rapporteurs' letter to the Japanese government expressing their concerns on the matter (Special Rapporteur on freedom of religion or belief et al. 2024).

Conclusion

“Brainwashing evangelism” is a concept that has been coined in Japan to discriminate against the Unification Church's faith-based activities. The criterion of societal acceptability has been used and is being used by Japanese courts to find its activities “anti-social” and tortious, including the spreading of the faith and soliciting of donations to maintain the Church institutions. This in turn has been used by the government to file for the dissolution of the Church in the name of “public welfare.”

Pending dissolution, and through the enactment of two tailor-made laws, the Japanese authorities have endeavored to hinder its activities and organized the plundering of the Church's assets through fostering claims for damages from deprogrammed members.

Under the theory of undue influence, happy believers are stripped of their legal capacity in religious matters and their families are entitled to rescind their donations in their place, and to sue for damages for the alleged family break-up.

After endorsing the illegal deprogramming of the UC members for decades, the Japanese government is now organizing the reeducation of their children and the estrangement from their parents like in totalitarian States.

All these human rights violations result in a dramatic situation for the Unification Church believers and second-generation believers in Japan.

If nothing is done to stop this alarming trend of discriminatory repressive measures from the Japanese authorities, this religious movement will disappear, and its members will have to either relocate to another country or accept to recant their faith under coercion.

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