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SUBMISSION TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL
with regard to the Universal Periodic Review for Japan

From the Universal Peace Federation, USA Chapter. (UPF is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations)

Japan Must Demonstrate its Commitment to Religious Freedom by Enforcing Its Laws Against Illegal Abduction and Confinement for Purposes of Interfering with a Person's Right to Choose His or Her Religion or Belief.

The Universal Peace Federation, USA Chapter, calls for the UNHRC to hold Japan accountable for violations under Articles 9 and 18 of the International Covenant on Civil and Political Rights. Under these protocols, Japan is responsible to make serious efforts to ensure that "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." It must also ensure that: "1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice."

Statement of the Problem

It is reported that thousands of religious believers in Japan have been victimized by abduction and illegal confinement for forced de-conversion since the 1960s, but government of Japan apparently turns a blind eye. Despite numerous criminal complaints, no prosecutions have resulted for the alleged crimes. UPF has investigated these reports through fact-finding in Japan, interviews with over 100 Japanese victims in Japan, Korea and the United States, and a review of relevant court documents, academic papers, and written testimonies. We find the reports to be both credible and extremely disturbing, especially in a national regarded as generally exemplary in many areas of human rights.

Recently, the number of reported victims has been 6-12 per year for the past five years. The abductions are carried out by family members who object to the victim's choice of religion (usually the Unification Church) or agents of these aforesaid family members. Attempts to report missing persons and to ask the police to investigate their disappearances are rebuffed on grounds that only family members can report a missing person. Even registered letters from victims who feared beforehand that they might be abducted by their relatives are rejected by police as insufficient reason to investigate unless a family member reports it. In many cases police cooperate with the perpetrators. Attempts to bring the matter to the attention of the Justice Ministry and national-level police agencies have not resulted in local police cooperation to find

and liberate victims. As a result, believers are subjected to long periods of physical confinement with no outdoor exercise, psychological abuse which demeans their choice of religion and dehumanizes the victim, and occasionally physical intimidation and sexual harassment. Christian ministers skilled in “deprogramming” are usually brought to the confinement place to criticize the Unification Church doctrine and influence the victim to renounce his faith. This raises the specter not only of “faith-breaking” but also “forced conversion,” since many abductees have been “rehabilitated” by clergymen and eventually join their churches.

Due to the controversial character of the Unification Church in Korea, civil courts have usually treated the issue as a “family matter,” ignoring the fundamental human rights issue or seeing it as secondary to the principle of family honor and integrity. These phenomena add up to a practical denial by the Japanese state of the principle that everyone has a right to choose their own religion, and a failure to ensure that no one should be subjected to arbitrary arrest and confinement without due process of law.

Ways in which Japan has not complied with the ICCPR

- Japan has failed to investigate reports of missing persons made by victims’ pastors and co-religionists, using the excuse that such reports may only come from immediate family members, despite the fact that it is the family members themselves who are suspected of abducting and illegally confining the missing person.
 - For example, on November 24, 2010, three days after the disappearance of Mrs. A.Y., staff members of the Unification Church reported the circumstances of her going missing to the police. After a few days they were told: “We confirmed her safety and we won’t receive your request to search for her.” It should be noted that they did not confirm her freedom, only her “safety.” They adopted this attitude in spite of the fact that she had submitted a letter requesting rescue in case of her disappearance.¹
 - A typical letter reads as follows: “I am a member of the Holy Spirit Association for the Unification of World Christianity. I have been opposed by my family due to my faith and I am at risk of being confined against my will under the pretense of protection and exit counseling. Because of this, if I suddenly disappear and direct and indirect communications become impossible, I hereby request the legal advisors (lawyer Nobuya Fukumoto and others) of the Holy Spirit Association for the Unification of World Christianity to take all necessary actions to rescue me.”²

- The Justice Minister and police officials have given lip service in Diet hearings to an appropriate attitude in investigating such cases, but have not in fact instituted a policy which local police enforce or even know about.

¹ This case is typical of many others in the last few years. The Unification Church reports that in at about 90 percent of recent cases, police have refused to investigate such cases, even when a registered letter is present by an attorney acting on behalf of the victim.

² Original signed/stamped letters in Japanese available on request.

- On May 21, 2000 National Police Agency Commissioner-General Setsuo Tanaka stated in a Diet hearing that “no matter who caused the case, such as parents, child or relative(s), if there is any criminal act, we shall strictly deal with it in accordance with the laws of Japan and the evidence.”³ On May 14, 2010 Chairman Hiroshi Nakai of the National Public Safety Commission stated, “When police receive reports of abduction and confinement, even in cases where it involves parents and children, the police should listen to what each side has to say and deal with the situation strictly according to the law.” At the same hearing, Justice Minister Keiko Chiba promised investigations, even of cases more than a year old, stating: “In cases such as abduction and confinement where victims feel significant danger even after the passing of time, we will consider how exceptions may be made to investigate after a complaint has been filed.”⁴ In fact, no such investigations have occurred, and local police consistently declare that they are not aware of the above-stated policies. Even when shown hearing transcripts, they have refused to investigate relevant cases stating that they must hear these policies through proper channels.
- Prosecutors have refused to bring criminal charges against the perpetrators of kidnapping, illegal confinement, and violation of a victim’s right to religious freedom even when the perpetrators are clearly known and there is substantial evidence of crime.
 - Not one criminal complaint by a victim has resulted in an indictment, despite at least 16 cases being filed.⁵ A particularly egregious example is the Toru Goto case, in which the victim was held for more the 12 years and filed charges against his abductors soon after his release in 2008. Police were slow in investigating and did not obtain warrants to search the confinement apartment, allowing perpetrators to cover or destroy signs of forced imprisonment. Prosecutors even accepted the defendants argument that locks placed on inside doors and windows served to keep Unification Church members from bothering the victim, rather than, as he himself affirmed, to keep him from leaving the premises. Prosecutors ultimately declined to bring charges due to “lack of evidence.” Goto subsequently brought civil charges against this abductors and faith-breakers, and this case is currently in the Tokyo District Court.⁶
- Even when the victim personally informs the police that he is being physical held against his will police have actively cooperated or sided with the perpetrators of illegal confinement by refusing to intervene on behalf of the victim, insisting that the issue is merely a “family matter.”
 - For example, Miss M.H. testifies that “On August 2010, my family pressured me to have a conversation at an apartment in Kawasaki City. When they took me out from our family home, I screamed for help. Police heard my voice and came. I

³ <http://www.religiousfreedom.com/PDF/Japan/Goto/10.%20Diet%20Inquiry%20to%20the%20Government.pdf>

⁴ http://www.tongilgroup.org/system_eng/bbs/board.php?bo_table=neo_news&wr_id=4

⁵ www.religiousfreedom.com/index.php?option=com_content&view=article&id=478%3Adismissed&catid=47%3Adprogramming-issues&Itemid=30

⁶ http://www.religiousfreedom.com/index.php?option=com_content&view=article&id=579%3Agoto-court-statement&catid=68%3Aforced-de-conversion-victim-statements&Itemid=30

asked an officer to help me. But he said it is a ‘family discussion’ and ignored my plea.” Many other victims also report that police refused to help them even when the victim directly informed them she was being held against her will and wished to leave the premises.

- Civil courts likewise treat the issue as an internal family dispute and have failed to punish the perpetrators, even when the facts are clear.
 - Mitsuko Antal was abducted twice and subjected to faith-breaking by a Christian minister, Rev. Shimizu, who boasted of “deprogramming” scores of “Moonies.” After her second escape, Mitsuko and her husband Chris, a US citizen, sued her parents and Rev. Shimizu. Although the District Court found that she was indeed confined against her will and subjected to attempts to make her change her religion, it declined to punish either Rev. Shimizu or her parents. It also refused the plaintiffs’ petition to enjoin the perpetrators from repeating their acts. The Antal’s appealed to both the High Court and the Supreme Court of Japan, but the lower court’s decision was essentially upheld.⁷

Thus, religious believers in Japan are systematically denied justice at every level, from the local police, to prosecutors’ offices, to the highest courts in the land. Japan’s constitutional and criminal justice code have adequate provisions to address the problem. There are laws against kidnapping, against arbitrary confinement, and against threatening or infringing on a person’s civil liberties, including the right to freedom of religion. What is lacking is only the political will of the Japanese government to enforce the law in cases where the rights of the members of a relatively small and marginalized group are at stake.⁸ We therefore expect the UNHRC to hold Japan accountable under the above-mentioned sections of the ICCPR, to guarantee the rights of its citizens of every faith to security of their person and religious freedom.

⁷ Lee J. Boothby, White Paper Report and Call to Action to Uphold the Right to Thought and Action by Ending Forcing Deprogramming, 2003. <http://www.religiousfreedom.com/documents/Japan/Boothby.htm>

⁸ International standards, on the other hand, guarantee religious freedom for such groups. See for example Comment No. 22 (1993) of the UN's Human Rights Committee, which clarifies: “Article 18 [guaranteeing religious freedom] 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 reasons, including the fact that they are newly established, or represent religious minorities that may be subject of hostility by a predominant religious community.”