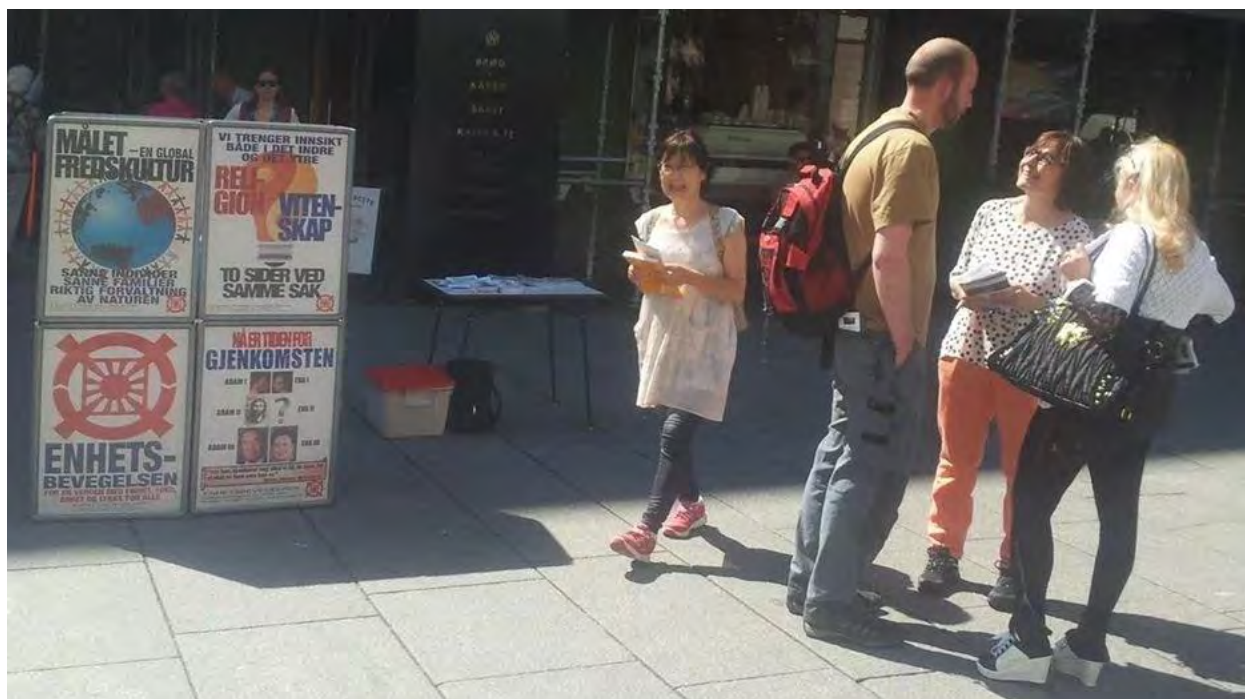


FFWPU Europe and the Middle East: Japanese Government Denys Right to Spiritual Self-Determination

Knut Holdhus
November 11, 2024



From a [Family Federation](#) information stand in Oslo, Norway 16th July 2016



Patricia Duval, French attorney and expert on international human rights law. She has defended the rights of minorities of religion or belief in domestic and international fora, and before international institutions such as the European Court of Human Rights, the Council of Europe, the Organization for Security and Co-operation in Europe, the European Union, and the United Nations. She has also published numerous scholarly articles on freedom of religion or belief

French human rights expert reveals in report to UN how members of religious minority in Japan are being denied their spiritual self-determination

BITTER WINTER Patricia Duval, French attorney specialised in international human rights law, sent on 22nd September 2024, a 29-page report titled "Japan: A Witch Hunt to Eradicate the [Unification Church](#)" to several UN offices. [Bitter Winter](#), the leading international magazine on religious freedom and human rights published 3 days later, on 25th September, an [executive summary](#) of the report. The day after, the magazine started publishing a 5-part series where Duval gives a more detailed description of the content.

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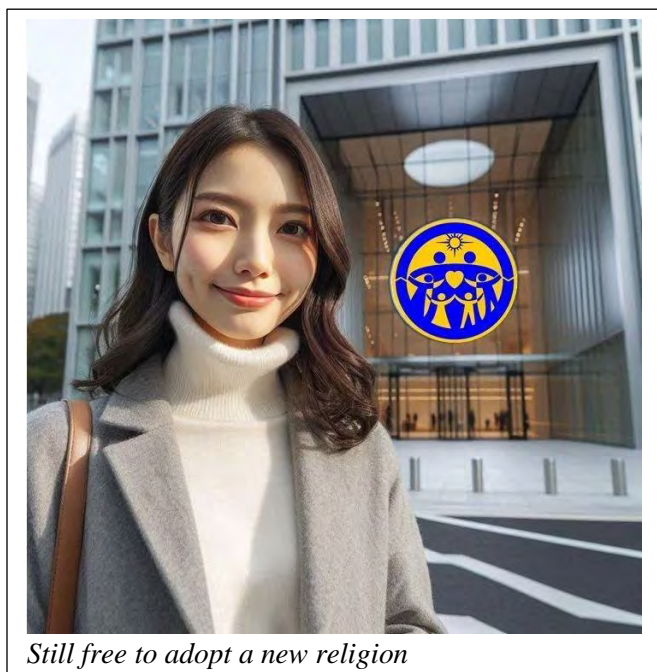
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Text: John Milton / Knut Holdhus

Japan's new laws implicitly support families who reject a member's religious conversion, effectively denying the individual's right to spiritual self-determination

In her recent report to the UN, Patricia Duval describes an alarming aspect of new laws passed in Japan that clearly violate "the right of Japanese citizens to freedom to adopt a new religion or belief". Japan's recent legislation aimed at the [Family Federation](#) allows families of members to claim damages based on the concept of "undue influence", framing family estrangements linked to religious conversion as civil wrongs that make potential claimants suffer harm

or loss. Critics argue that this move infringes upon individual rights to religious freedom, raising ethical and legal concerns about Japan's approach to religious expression.



Family rights over donations and estrangement claims

Under the new law, families of [Family Federation](#) adherents can rescind donations made by relatives, asserting that undue influence was involved. Families who believe their kin were pressured into donating can contest these donations, even if the donors themselves have not objected. If a family suspects that a religious conversion influenced their kin's behavior or financial decisions, they can contest donations made to the [Family Federation](#) and potentially sue for damages due to family estrangement.

A network of activist leftwing lawyers in Japan hostile to the [Family Federation](#) asserts that these provisions allow family members to claim damages, alleging that the [Family Federation](#)

has caused family break-ups. This presumption is that [Family Federation](#) practices have negatively impacted familial harmony, warranting compensation. However, this interpretation has garnered criticism from scholars and advocates of religious freedom, who argue it ignores individual autonomy and fails to account for the diverse causes of family disputes.

International precedents on religious freedom and family disputes



In a similar case, the European Court of Human Rights (ECHR) addressed accusations from the Russian government against the Jehovah's Witnesses, claiming the group's practices led to family break-ups. The ECHR's 2010 decision in "Jehovah's Witnesses of Moscow v. Russia" ruled against this notion, noting that personal dedication to religious beliefs, if freely chosen, cannot be blamed for family conflict. The court stated,

"As long as self-dedication to religious matters is the product of the believer's independent and free decision [...], the ensuing estrangement cannot be taken to mean that the religion caused the break-up in the family" (§111).

This ruling highlights that family conflicts are complex and can arise from both sides' unwillingness to compromise. It underscores the need for governments to respect individuals' rights to freely choose their beliefs without automatically assigning blame to religious organizations for family disputes.

Japan's stance on religious conversion and individual autonomy

Critics emphasize the troubling implications for personal autonomy. By enabling families to claim damages for religious conversions they deem harmful, Japan questions the ability of adult citizens to make independent spiritual choices. Reports of forcible faith-breaking practices in Japan, where families detain [Family Federation](#) adherents to coerce them into renouncing their beliefs, complicate this issue.

Despite the controversy surrounding such practices, Japan's new law implicitly supports families who reject a member's religious conversion, effectively denying the individual's right to spiritual self-determination. This legal stance challenges the freedom of religious expression protected under international agreements like the International Covenant on Civil and Political Rights (ICCPR), to which Japan is a signatory. Under these frameworks, citizens retain the right to choose and manifest religious beliefs without fear of reprisal or interference.

Potential consequences of Japan's approach

If implemented broadly, Japan's legal measures could set a worrying precedent, encouraging similar actions in other countries where governments may seek to curtail minority religious practices. Advocates argue that these policies threaten not only religious freedom but also social harmony by perpetuating divisions within families and placing undue scrutiny on religious minorities.

Japan's current approach positions the state as an arbiter in religious disputes, questioning the legitimacy of new religious movements. As international eyes turn to Japan, the outcome of these policies will be closely watched, as they carry potential implications for freedom of belief in other democratic societies worldwide.



Forcibly [detained for 12 years](#) in an attempt to break his faith, but not allowed by authorities to press criminal charges: Toru Goto (後藤徹), here in 2008 barely able to move after being held in [forcible detention](#) by faith-breakers for more than 12 years

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Japan Copying Faith-Breaking Concepts Of China

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Japan embracing faith-breaking concepts of “undue influence” and “mental manipulation”, rejected in the free world, but embraced by totalitarian regimes like Russia and China



Patricia Duval, French attorney and expert on international human rights law. She has defended the rights of minorities of religion or belief in

Patricia Duval, French attorney specialised in international human rights law, sent on 22nd September 2024, a 29-page report titled “Japan: A Witch Hunt to

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Japanese authorities have designed a whole legal apparatus forged on debunked concepts in order to eliminate new religious movements

Japan enacts law based on debunked concepts of “undue influence” and “mental manipulation” in order to make it impossible for large minority faith to operate

Patricia Duval points out in her report to UN 22nd September 2024, how all the civil cases in Japan against the [Family Federation](#) (formerly the [Unification Church](#)) were based on the debunked concepts of “undue influence” and “mental manipulation”.



Illustration: *Human Rights Vectors* by Vecteezy

These **outdated notions** are also the basis for Japan's recent legal actions against the [Family Federation](#). Critics naturally argue that **this approach violates both scientific standards and international human rights principles, setting a concerning precedent for religious freedom**. This has intensified global debates on religious freedom and state neutrality.

Mental manipulation thrown out as legal argument in Europe

In recent years, the Japanese government has heightened scrutiny over new religious movements, targeting especially the [Family Federation](#). Echoing leftwing activist lawyers who have campaigned against the [Family Federation](#) for more than 40 years, the authorities suddenly after the Abe assassination in July 2022, started to claim that the [federation](#) exerts undue influence on members, resulting in harm through solicited donations and proselytizing practices considered not “socially acceptable”. Legal experts and rights advocates have voiced **concerns about the subjective and discriminatory nature of these claims, highlighting the lack of clear, scientific basis for the concept of mental manipulation**.

Japan's reliance on these unproven claims aligns it with certain authoritarian governments, like Russia, which have taken steps to restrict minority religious groups under similar arguments. The *European Court of Human Rights* (ECHR) examined a similar issue in



Courtroom of the *European Court of Human Rights* in Strasbourg. Photo (2014): Adrian Crycuk / Wikimedia Commons. License: CC ASA 3.0 Pol. Cropped

“*Jehovah's Witnesses of Moscow v. Russia*” (IC-302/02) in 2010. The Russian government dissolved the Jehovah's Witnesses' community in Moscow, alleging the group employed psychological pressure and “mind control” techniques that compromised members' freedom of choice.

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However, the **ECHR ruled against Russia, concluding that claims of mind control were unsubstantiated by scientific evidence and that no clear definition of the concept exists.** The Court found that members of the Jehovah's Witnesses voluntarily chose to practice their faith and ruled that Russia's dissolution of the group violated members' right to religious freedom.

The ECHR underscored that it was **legally and ethically flawed to discount members' voluntary choices based on unproven psychological theories.** As a result, Russia was found to have infringed on the rights of its citizens to practice their chosen religion. This ruling set an important precedent, clarifying that freedom of conscience cannot be compromised by unfounded claims of undue influence.

Japan's framework targeting new religious movements

Duval emphasizes that Japan's revival of the mental manipulation theory to justify actions against the **Family Federation** raises **questions about state impartiality in religious matters.** Recently, **Japanese authorities implemented a legal framework explicitly targeting the Family Federation.** Critics believe this framework is designed to remove certain new religious movements from Japan's religious landscape. The framework includes **redefining "victims" to encompass potential future claimants** who may not currently consider themselves victims but might later be persuaded to file complaints. By framing certain beliefs and practices as socially unacceptable, **Japan risks invalidating members' free will and effectively labeling them as incapable of making their own religious decisions.** Nothing less!

This framework suggests that the **state could intervene to determine what constitutes acceptable religious beliefs,** invoking public welfare as justification. However, such intervention risks infringing upon individual liberties by assuming a paternalistic role in religious matters and deciding which beliefs are valid and who is competent to choose them.

Violations of international agreements on religious freedom

Critics argue that by targeting religious organizations based on mental manipulation, **Japan risks undermining its commitment to international human rights standards, including the right to religious freedom.** Under treaties like the *International Covenant on Civil and Political Rights (ICCPR)*, Japan is obligated to maintain religious neutrality and protect its citizens' freedom of belief. The current legal strategy of the Japanese authorities undermines these protections by setting a precedent in which the state questions the legitimacy of certain religious choices.



International Covenant on Civil and Political Rights

Japan violates international treaties it has ratified, such as the International Covenant on Civil and Political Rights (ICCPR).

Broader implications for religious freedom

Japan's approach raises broader concerns about religious freedom within democratic societies. If courts continue to accept mental manipulation arguments without scientific support, minority religious groups could face stigmatization and legal restrictions if deemed outside traditional norms. By employing unproven theories to dissolve religious groups, Japan could inadvertently embolden other nations to adopt similar tactics, raising global concerns about state intrusion on personal beliefs.

The case against the **Family Federation** marks a pivotal moment in balancing state authority with individual freedoms. The future of Japan's religious landscape – and that of other democracies – will hinge on governments' respect for religious autonomy amid growing social and legal pressures.

Featured image above: *Outrageous dehumanizing Japanese human rights violations: International human rights expert states that Japan risks invalidating members' free will and effectively labeling them as incapable of making their own religious decisions. Here, members of the Family Federation in Japan participating in a Happy Family seminar aimed at improving the relationships between husband and wife and parents and children. Photo: FFWPU*

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