

FFWPU Europe and the Middle East: Japanese Government Relies on Hazy Concept of Undue Influence

Knut Holdhus
October 22, 2024



Faithful believer offering donation

International human rights expert claims Japanese leftwing lawyers and government have built their entire case against religious minority on hazy concept of "undue influence", a notion they would not use against any other religion

**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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Text: Knut Holdhus



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

Soliciting donations

Religious freedom encompasses the right not only to practice one's beliefs but also to create and sustain religious institutions. This includes the right to solicit donations, a fundamental element for many religious organizations.

The 1981 Declaration of the UN General Assembly explicitly recognizes this in Article 6(b), which guarantees the freedom "to establish and maintain appropriate charitable or humanitarian institutions," and Article 6(f), which affirms the freedom "to solicit and receive voluntary financial and other contributions from individuals and institutions." These principles confirm the legitimacy of religious groups, such as the [Unification Church](#), in seeking donations, provided such contributions are obtained without coercion or violence

In the case of the [Unification Church](#)'s fundraising practices and the sale of religious items, an in-depth analysis has been provided by Massimo Introvigne, a noted sociologist of religion and former OSCE representative responsible for addressing issues of racism, xenophobia, and religious discrimination. Introvigne's analysis was published 3rd September 2022 on [Bitter Winter](#) and titled "[The Abe Assassination. Donations to the Unification Church: Separating Facts from Fiction](#)"

His article discusses the aftermath of former Japanese Prime Minister Shinzo Abe's assassination and its connection to the [Unification Church](#). The assassin, Tetsuya Yamagami (山上徹也), blamed Abe's ties to the [church](#) for his mother's financial ruin due to her large

donations. The terrorist's claims were echoed widely by the media. This led to widespread anti-[Unification Church](#) sentiments and accusations of undue influence in Japan.



Dr. Massimo Introvigne, April 2023



Masumi Fukuda speaking in Kumamoto 16th June 2024



Professional faith-breaker Takashi Miyamura, responsible for hundreds of deprogrammings based on abduction and forcible detention. He is said to have been advisor to the Constitutional Democratic Party (CDP)

Introvigne highlights that the media and political forces in Japan unjustly targeted the [Unification Church](#), framing it as responsible for Abe's assassination, despite the [church](#) being a victim of the killer's actions.

The Italian academic further critiques how public opinion, fueled by misinformation, escalated into mob-like hostility, with numerous hate incidents and threats directed at the [church](#). The article argues that the legal and social response against the [church founded](#) in South Korea, especially the current dissolution case against it based on claims from civil cases, undermines religious freedom in Japan.

In her article Patricia Duval also refers to an article written by Japanese investigative journalist and author Masumi Fukuda (福田ますみ) in [Bitter Winter](#) 29th January 2024 headlined "[Dissolve the Anti-Cult Lawyer Group, Not the Unification Church. 2. Myth and Reality of the 'Spiritual Sales'](#)"

Fukuda argues that the true anti-social group in Japan is not the [Unification Church](#) but a network of activist leftwing lawyers campaigning against new religious movements. Fukuda claims that the group orchestrated a decades-long campaign against the [Unification Church](#), falsely framing it as responsible for "spiritual sales" (high-pressure sales of religious artifacts). She asserts that the [Unification Church](#) was not involved in such practices and that these accusations had political motivations, as the [church's](#) conservative, anti-communist stance clashed with the leftist ideologies of many lawyers in the network.

Fukuda also sheds light on the disturbing practice of faith-breaking - abductions and forced de-conversions of [church](#) members - which was linked to the lawyers' activities. She suggests that the narrative of victimhood pushed by these lawyers was a cover for financial gain and political agendas rather than genuine consumer rights concerns.

Duval points out that "in the absence of any element of violence" or criminal activities, still legal challenges against the [Unification Church](#) have emerged in Japan, spearheaded by the above-mentioned group of hostile leftwing lawyers. These lawyers have introduced the concept of "undue influence" to suggest that donations were obtained by compromising the donors' free will. This concept has been embraced by Japanese courts, which have ruled that contributions to the [Unification Church](#) were coerced, not through overt violence, but through a subtle infringement on individual autonomy.

This notion of undue influence, however, appears selectively applied to the [Unification Church](#). It implies that the [church's](#) influence over its followers is "undue" and, therefore, unacceptable, in a way that would not be applied to other religious organizations.

Masumi Fukuda, in her correspondence with the Japanese Ministry of Education, Culture, Sports, Science and Technology (MEXT) in December 2022, highlighted this legal inconsistency. She cited a statement from Attorney Yoshiro Ito (伊藤芳朗), a member of the anti-[Unification Church](#) lawyers' network, who remarked that Japanese courts tend to accept

claims against the [church](#) that would be dismissed if made against other groups. Ito noted an "unwritten rule" in civil lawsuits where the involvement of a so-called "cult" often results in an automatic loss for that group, regardless of the merits of the case.

Given this context, the Japanese government's recent request to dissolve the [Unification Church](#), which is

largely based on these contested civil cases and an ambiguous interpretation of the legal principle of "public welfare", raises concerns about the country's adherence to international treaties. These actions appear to violate Japan's commitments to protecting religious freedom as outlined in its international obligations.



The use of biased legal frameworks to target the [Unification Church](#) and justify its dissolution sets a dangerous precedent for how religious organizations are treated under the law, particularly in cases where allegations are based on subjective judgments about influence rather than concrete evidence of wrongdoing.

In conclusion, Duval describes the government's move to dissolve the [Unification Church](#) - since 2015 called the [Family Federation](#) in Japan. The administration's case is rooted in allegations of undue influence and vague legal standards. The case represents a troubling breach of Japan's commitments to uphold the principles of religious freedom. The selective application of legal concepts such as undue influence to one particular [religious organization](#) undermines the fairness and impartiality expected in a democratic legal system and could result in significant

repercussions for the broader religious landscape in Japan.

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Key Religious Freedom: Right To Convert Others

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• October 8, 2024 • Knut Holdhus



The right to convert others to one's religious beliefs is a key part of freedom of religion according to experts on international human rights



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 forums.

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Spreading the word

Patricia Duval, expert on international human rights, emphasizes in her report to the UN that the right to engage in proselytism, or the act of trying to convert others to one's religious beliefs, is a key component of the broader right to express and practice religious faith, and as such, is legally protected.

Patricia Duval, expert on international human rights, emphasizes in her report to the UN that **the right to engage in proselytism, or the act of trying to convert others to one's religious**

Heiner Bielefeldt, the former *Special Rapporteur on Freedom of Religion or Belief*, dedicated a portion of his 2012 Interim report to the *Human Rights Council* (dated 13th August 2012, A/67/303) to the concept of "the right to try to convert others by means of non-coercive persuasion." In this report, he highlighted that **some countries impose strict legislative or administrative constraints on activities aimed at spreading religious messages. Such constraints can unfairly limit the right to engage in conversion efforts through peaceful or non-coercive persuasion.** This right, according to Bielefeldt, is an **essential part of religious freedom.**



Heiner Bielefeldt, German philosopher, historian and Catholic theologian. He served as United Nations Special Rapporteur on Freedom of Religion or Belief from 2010 to 2016. Photo: [Bitter Winter](#)

One example of legitimate proselytism can be found in the practices of the [Family Federation](#) (formerly the [Unification Church](#)). As described in the court decision mentioned above – *High Court of Tokyo* 13th May 2003 – members of the former [Unification Church](#) **invite newcomers to participate in seminars or training sessions, "allowing the doctrines, 'Divine Principle,' to gradually permeate their understanding,"** This method of communication **falls within the scope of non-coercive persuasion and is considered a valid expression of proselytism.**

The Special Rapporteur also noted that **many of the restrictions placed on religious outreach activities are often implemented in a manner that is openly discriminatory.** In some cases, religious groups, especially those known for active missionary work, face **social prejudices that can escalate into widespread paranoia.** According to Duval, this is precisely the **situation currently faced by members of the Family Federation in Japan.** Due to **deep-seated societal biases,** their proselytizing activities are increasingly being perceived as "anti-social".

Patricia Duval mentions how an important legal precedent addressing this issue occurred in a ruling by the *Tokyo District Court* on 15th January 2008, which was included in the government's request for the dissolution of the [Family Federation](#). The court found,

"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 **prevent such prejudicial verdicts and protect the rights enshrined in international treaties,** the Special Rapporteur emphasized that any **restrictions placed on missionary activities by states must fully adhere to the standards outlined in Article 18(3)** of the *International Covenant on Civil and Political Rights* (ICCPR). This article sets out the permissible limits on the freedom to manifest religion. Article 18(3) says,



International Covenant on Civil and Political Rights

"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."

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Featured image above: Two Japanese ladies spreading the word.
Illustration: Microsoft Designer Image Creator, 8th October 2024.

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