

FFWPU Europe and the Middle East: Japan Ignores United Nations - Continues Blatant Unification Church Persecution

Knut Holdhus
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Patricia Duval presenting her report in Geneva 25th September 2024

French expert on international human rights points out Japan's non-compliance with repeated recommendations from UN Human Rights Committee

BITTER WINTER On 22nd September 2024, Patricia Duval, French attorney specialised in international human rights law, sent 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 25th September 2024 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.



Heiner Bielefeldt, German philosopher, historian and Catholic theologian - Served as United Nations Special Rapporteur on Freedom of Religion or Belief from 2010 to 2016

Part 1 of comment on [first article of Bitter Winter's 5-part series](#)

Patricia Duval first mentions that this report follows up on a previous submission regarding abductions, forcible detentions and faith-breaking (also known as "deprogramming") in Japan.

The submission was sent on behalf of victims of faith-breaking to the UN Special Rapporteur on Freedom of Religion or Belief on 23rd July 2013.

The current report addresses ongoing practices in Japan, which have led to "an avalanche of tort cases" where the [Family Federation](#) (formerly the [Unification Church](#)) was sued for damages. These cases were initiated by former followers who, after being deprogrammed, became apostates - persons who have abandoned their beliefs - and then were made to file complaints about "fraudulent and brainwashing evangelism".

Here, Duval refers to a ruling of the Kobe District Court, page 83, later upheld by the Osaka High Court. Such tort cases were later used as grounds for the authorities to begin proceedings for the dissolution of the [Family Federation](#), in a case which is currently pending.



The 2013-report on faith-breaking contained documented cases and letters where victims made allegations. The report was also submitted to the UN Human Rights Committee. During its sixth periodic review of Japan in August 2014, the UN Human Rights Committee engaged with the Japanese government on this issue, despite the

government's attempts to dismiss the problem. Following the submission of evidence showing the authorities' refusal to act, the Committee included the following recommendation in its Concluding Observations on 20th August 2014 (CCPR/C/JPN/CO/6):



Faith-breaker: pastor Yasutomo Matsunaga of the Niitsu Evangelical Christian Church

"Abduction and forced de-conversion: The Committee is concerned at reports of abductions and forced confinement of converts to new religious movements by family members in efforts 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 subjected to coercion that would impair his or her freedom to have or adopt a religion or belief."

The same year, on 14th November 2014, Toru Goto, a victim of kidnapping, forcible detention for more than 12 years, and repeated attempts to break his faith, was awarded substantial damages in a civil case by the Tokyo High Court. The court ruled against his family and two deprogrammers for their inhuman mistreatment of Goto to make him abandon his faith. The court deemed the deprogramming conducted by pastor Yasutomo Matsunaga illegal and awarded compensation in proportion to the harm suffered. This decision was later upheld by the Supreme Court of Japan.

Although the practice of deprogramming seemed to have stopped afterward, efforts to wipe out the [Family Federation](#) and its members continued and have even intensified to this day. This report outlines a series of developments, including numerous tort cases - alleged civil wrongs that may have caused harm - leading to the threat of the dissolution of the [Family Federation](#), the potential confiscation of its assets, the passage of two new laws specifically targeting the [federation](#), the implementation of a new state-led faith-breaking for second-generation members, and other drastic instances of discrimination against its members.



Toru Goto outside Tokyo High Court at the beginning of a civil case in March 2011

It is important to highlight that over the years, the UN Human Rights Committee has consistently issued recommendations to the Japanese government regarding its unlawful restrictions justified on the grounds of "public welfare" on the right to freedom of religion or belief. In its recurring Concluding Observations in 2008, 2014, and 2022, the Committee reiterated its concerns. It called on Japan to address these issues (8th December 2008, CCPR/C/JPN/CO/5 §10; 20th August 2014, CCPR/C/JPN/CO/6; and 30th November 2022, CCPR/C/JPN/CO/7 §37):

Japan has not complied with these repeated suggestions. To this day, the Japanese Constitution retains provisions allowing human rights restrictions in the name of "public welfare" (Articles 12 and 13). Even more concerning is that the legal article the government is using to request the dissolution of the [Family Federation](#) explicitly refers to the violation of "public welfare" (Article 81(i) of the Religious Corporations Act).

Text: Knut Holdhus

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Japan and the Unification Church: The Duval Report. 1. Organized Tort Cases

09/26/2024 PATRICIA DUVAL

A+ | A-

Creating multiple tort cases against the Unification Church was part of a strategy aimed at destroying the Church and violate international principles of religious liberty.

by Patricia Duval*

*A report sent to several United Nations offices on September 22, 2024.

Article 1 of 5.



Attorney Patricia Duval presenting her report in Geneva.

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.

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; a decision soon confirmed by the Supreme Court of Japan.



Toru Goto at the Supreme Court. From X.

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 Corporate Act).

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 in order 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." 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 which 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.

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."



Network lawyer Hiroshi Yamaguchi. Screenshot.

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.

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."

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.

"The Network," she wrote, "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."





Masumi Fukuda. "Bitter Winter" photo.

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."

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).



Kobe District Court. Credits.

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 81-82):

"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

The practice of brainwashing and other forms of "re-education" and deprogramming has now become a national activity that has flourished into a "nation-wide" family activity under the auspices of the Government.

In order 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 in order 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.



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Patricia Duval is an attorney and a member of the Paris Bar. She has a degree in public law from La Sorbonne University, and specializes in 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.

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