

FFWPU Europe and the Middle East: Japan Constructs Laws Limiting Religions

Knut Holdhus
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On May 19, 2023, Prime Minister Kishida, who is visiting Hiroshima Prefecture, held a summit meeting with President Emmanuel Macron of the French Republic. This is the photo that Bitter Winter used to illustrate its article, writing that Japan's campaigns against new religious movements increasingly resemble those of France



In report to UN offices, international human rights expert exposes how Japan has introduced new laws specifically to make it impossible for minority religions to operate



Patricia Duval, French attorney and expert on international human rights law defended the rights of minority 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 Nation

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.

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

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Text: John Milton / Knut Holdhus

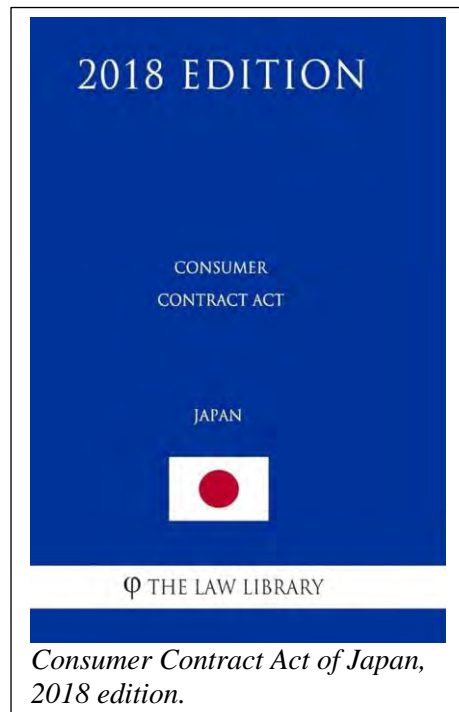
Enactment of new laws

In her report to the UN, Patricia Duval points out how special laws have been introduced in the "land of the rising sun" which pose serious threats to religious freedom. The laws contain unclear concepts like "undue influence", that is open to a wide variety of

interpretations and can easily be exploited by opponents of religion.

Japan's 2022 law on "unjust solicitations" puts new religious movements under scrutiny

On 16th December 2022, Japan enacted Act No. 105, known as the "Law on Preventing Unjust Solicitation for Donations by a Corporation" or simply, the "donations law".



Amending the country's Consumer Contract Act, this new regulation aims to "safeguard" individuals from "unjust solicitations", especially in the context of donations. A significant focus of the law is the prevention of coercive or "undue influence" tactics used by organizations, primarily targeting non-traditional religious groups, often labeled as "cults".

Defining and regulating "unjust solicitation" for donations

The donations law sets forth several obligations for organizations soliciting donations, making it mandatory that they avoid suppressing donors' free will. Article 3.1 explicitly addresses this issue, incorporating the concept of "undue influence" into the legal framework. Critics argue that this vague term could open the door to subjective interpretations, potentially leading to discriminatory practices against new religious movements.

Duval writes,

"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.'"



Sage Yagnavalkya. He was a sage and teacher who played a central role in one of the Upanishads, early Hindu philosophical and metaphysical texts. It is assumed that the concept of karma dates back to him, who lived ca. 500 BC. His idea would later become widely accepted: "A person becomes good through good actions and bad through bad actions." The Family Federation does not use the word "karma" in its teachings but explains that our actions are important for our spiritual growth

This stipulation indirectly targets practices like the "karma talks" [Editor's note: term coined by activist lawyers opposed to the [Unification Church / Family Federation](#)] associated with the [Family Federation](#). Activist leftwing lawyers claim that potential donors may be warned of adverse spiritual consequences, such as bad karma or even hell, if they fail to contribute. Talking about bad karma is of course not unique to the [Family Federation](#) and is seen in various forms across many religious traditions. According to Patricia Duval the new law appears, however, to narrowly apply to non-mainstream religions, effectively exempting established institutions like Buddhism and Catholicism.

Consequences of "confusing" donors

If a donation is made under conditions deemed "confusing" or "coercive", the new law allows donors to rescind their contributions. The time frame for rescission is five years but can extend up to ten if donors were influenced by teachings on karma or similar spiritual warnings. This extension is significant, as it provides a broader window for individuals who may later feel manipulated to revoke their

donations, potentially destabilizing the financial security of smaller religious organizations.

The law also allows certain relatives or dependents of the donor - including spouses, children, parents, or siblings - to request rescission if they believe a family member was unfairly pressured. This provision

aims to protect those who may be financially impacted by the donation. It grants recourse not only to donors but also to their immediate family members, who may seek restitution if they can demonstrate that the donor's decision harmed the family's financial stability.

Legal assistance and penalties



In a further step to support individuals seeking rescission, the law enables the Japan Legal Support Center to offer assistance to those seeking legal recourse, including providing advice and operating a dedicated hotline. These measures are designed to streamline the rescission process and make it easier for individuals to reclaim donations made under questionable circumstances.



Additionally, if the Ministry of Consumer Affairs and Food Safety identifies a pattern of unjust solicitations, it can order the religious organization to cease its fundraising activities. Failure to comply with this order can result in criminal penalties, including imprisonment for those responsible.

A targeted move against new religious movements

Many view the law as a thinly veiled attempt to curb the activities of new religious movements like the [Family Federation](#). While framed as consumer protection, critics argue that it may incite former donors to rescind contributions and pursue damages, with the support of state-funded legal assistance. They contend that the legislation disproportionately affects non-traditional religious groups, effectively labeling

their practices as socially unacceptable while ignoring similar practices in mainstream religions.

Implications and future considerations

The donations law marks a significant shift in Japan's approach to regulating religious organizations, raising questions about freedom of belief and religious expression. While supporters argue that it provides necessary protections against exploitation, detractors worry it could stigmatize and financially weaken smaller religious movements.

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Japan and the Unification Church: The Duval Report. 4. Enactment of New Laws

09/30/2024 PATRICIA DUVAL

A+ | A-

After the Abe assassination, statutes limiting the freedom of “controversial” religions to solicit donations further endangered religious liberty.

by Patricia Duval*

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

Article 4 of 5. Read [article 1](#), [article 2](#), and [article 3](#).



Japanese Prime Minister Kishida meets French President Macron. Japan's anti-cult campaigns increasingly resemble those of France. Credits.

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 in order 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.



Unification Church leader Dr. Hak Ja Han Moon visiting Tokyo in 2017. Source: Family Federation for World Peace and Unification.

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 71: 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.



Historically, all religions were accused by opponents of enriching themselves by milking their devotees. Here, in a print from the years of the French Revolution, a priest supported by an aristocrat rides a poor peasant whose donations made him rich and fat. From X.

In order 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 **public statement** about the enactment of the new law on victims of specific torts on 14 December 2023 (Law 89): "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 in order 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.



TAGGED WITH [JAPAN](#), [RELIGIOUS LIBERTY](#), [UNIFICATION CHURCH](#)

Patricia Duval



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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