

ABDUCTIONS AND FORCED RELIGIOUS DE-CONVERSIONS IN JAPAN
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Introduction

This report is presented by the Association of Japanese Victims of Kidnapping and Forced Religious De-Conversion (the Association) which offices are in Tokyo, Japan. Attached to the report, the Association submits ten Allegation Letters from victims of abductions and forced religious de-conversions whose rights have been flouted.

All are adult followers of the Unification Church (UC) who were kidnapped and confined by their families for months or years, with the help of and under the recommendations by so called “exit counsellors” who then exerted “persuasion” under coercion on these followers to make them recant their faith.

These ten victims, in majority women, were later released and told their stories. One of them had been confined for over 12 years.

All but one of the “counsellors” who submitted them to “deprogramming” through critics, deprecation, insults and oral and physical abuses belong to Protestant Churches which might see the Unification Church as a competitor. All of them alleged they knew about the true faith and the right version of the Bible and attempted enforced “rehabilitation” of the victims’ beliefs.

The term “deprogramming” is never used by these counsellors or parents. But their purpose is to undo Mind Control which their adult children are allegedly under due to their affiliation to the Unification Church, which is precisely the concept of deprogramming as it was performed in the United States before the Courts outlawed it in the 1980s.

Various abuses are associated with these practices: abuse of freedom of religion or belief, degrading physical treatments, enforced disappearances, violence against women and abuse of the rights of religious minorities.

In all these cases, the Japanese State is liable under its international human rights commitments for the violations of the victims’ rights it allowed to be perpetrated: the police did not take action to put an end to the confinements and sometimes supported them actively, Japanese civil Courts denied injunctions to stop these practices and no criminal prosecutions have ever been launched by public prosecutors.

In this context, abductions and forced religious de-conversions continue to this day.

Considering the thousands of cases which took place since the late 1960s, the Unification Church has been warning its members about the counter information and ill influence of these deprogrammers on parents and the possibility of their kidnapping and confinement for the purpose of religious de-conversion.

One follower is currently missing: he has disappeared and sent a text message with a GPS location for him to be rescued. He had previously signed a power of attorney to have his Attorney or the Unification Church people search him in case he did not give any news because he knew that his parents were opposed to his faith and susceptible to have him confined. The police refused to take action and just took his

parents' word that he was having a "family discussion". The Association is enclosing an additional Allegation Letter in this regard, from a witness who urged the various Japanese authorities to intervene, to no avail.

Therefore, in addition to the above mentioned allegation letters of victims witnessing of their painful experience, the Association is respectfully asking for urgent action for this person to be rescued and released.

Here follows the list of enclosed allegation letters by victims and their specific features:

- Recent victims who accepted to testify: **Keiichi M.**, **Miyuki K.**, **Atsuko M.** and **Nobuko I.**, respectively confined in 2010, 2011 and 2012;
- **Toru Goto** who was confined for over 12 years, was finally released in 2008, had his criminal suit dismissed and is now fighting his case before civil courts;
- **Emiko Motoki** and **Kozue Terada** whose criminal complaints were dismissed as prosecution was deemed unnecessary in spite of Kozue Terada's win in civil court finding that the illegal acts were established;
- **Mitsuko Antal** whose claim for an injunction not to abduct and confine her again for religious de-conversion was denied by civil courts;
- Two additional cases of violence against women: **Yukari H.** who was five months pregnant during confinement and **Miyama Kiyomi** who had to recant her faith after her second confinement of 2 years and 7 months;
- An allegation by a witness concerning **Takanori I.** who has been missing since 27 April 2013.

I - General situation

Japanese society is in majority following Buddhism and Shinto, both being intermingled in cultural if not religious practices.

In Japanese tradition, family is considered as sacred and children owe respect to their parents who keep authority on them even when they are adults, especially female children. Parents also expect that their children will take care of them when they get old.

A lot of concern has been expressed by parents of Unification Church followers because their children married Korean citizens and would go and live abroad, this concern being also fuelled by historical racism against Koreans. Concern has been expressed too about followers' belief that Rev. Moon and his wife were the True Parents of the followers, which would make adult children reject their biological parents. This has revealed to be misunderstanding forwarded by the media and deprogrammers since Rev. Moon's followers' consideration that he was their spiritual father has not prevented in practice UC members from being attentive on keeping ties with their parents and family members and doing anything possible to explain their faith to their opposing and hostile families. This is actually the reason why they still paid visits to their hostile families even though they knew that there was a risk that they would be abducted and confined and tried sincerely even in detention to make their families understand their faith.

However, exploiting parents' fears and the fact that they would rather have their children in the hands of Protestant Churches than the Unification Church, deprogrammers enrol them in seminars where they are "educated" or rather misinformed further about the Unification Church and told about experiences from other parents who had their children successfully "deprogrammed". There, they get briefed on how to implement abduction and confinement which the deprogrammers carefully call "protection" or "custody" so that the parents do not feel that they would do something illegal. De-conversion under coercion is cautiously called "persuasion" or "rescue".

This "education" of parents to prepare their children's "rescue" usually lasts for years, without the UC member knowing about it, and constitutes a substantial financial income for the deprogrammers hired to break UC members' faith. According to a September 2012 Report of Human Rights Without Frontiers International established after a fact finding mission in Japan, the cost for a deprogramming can vary between 4 million yen (40,000 €) and 10,000,000 yen (100,000 €). A lawyer who used to bring cases of former UC members claiming damages to the UC happened to become knowledgeable about deprogrammers' practices. He testified in one of the victim's law suit, Toru Goto, and his testimony attached is quite revealing. Deprogrammers also extort names of other UC members from the victims they successfully have recant their faith, as a sign of goodwill and condition for release, so they can contact new families to propose their services.

Part of the parents training is instructions by the deprogrammers to rent a flat at an address unknown from other UC members to confine their adult children and to have padlocks, chains and locking devices on the doors and windows from the inside so they cannot escape. Abduction is to be performed by as many people as possible to physically subdue the UC member. Evidence has been provided with the enclosed allegation letters. As an example, in the recent case of Atsuko M., she was abducted by her father, mother, elder sister, uncle, aunt, her biology teacher at middle/high schools, and her nurse when she was an infant age – two men and five women, 7 people in total, who dragged her in a station wagon and drove her to an unknown confinement place.

In case the police comes or calls, the parents are told to answer that this is just a family discussion, child-parents talk, and considering that this is about recanting affiliation to the Unification Church, the police would not intervene.

One of the tricks used by the deprogrammers to have UC members recant their faith is emotional blackmail and pressure based on their feelings towards their parents and the sentiment that they owe them respect and obedience. Deprogrammers make these adult children feel guilty for allegedly inflicting sufferings to their parents due to their affiliation with the Unification Church.

Kozue Terada taped a telephone conversation with her deprogrammer, Pastor Takazawa, after she was released by her Korean husband. Transcript of the conversation was filed with her criminal and civil complaints and is attached to her allegation letter. Takazawa commented about the advice he had given to a father in another abduction and confinement case:

Yes, my explanation is that, in the end, he should express his parental love. Most of the Unification Church members are good-hearted and care about their parents. So, putting handcuffs on his daughter is a terrible way. Rather, I advised him that in case the daughter objected vigorously, he should tie up his daughter by rope to prevent her escape, and loop the other end of rope around parent's neck. Then, in case she attempts an escape, she has to choke her parents. Then she will realize heart and love of parents. My speech implicated such kind of treatment to her.

This illustrates what "persuasion" actually means and the emotional manipulation exerted by these "exit counsellors".

Feelings towards their parents also explain why victims are sometimes reluctant to file complaints after their release. Some have done so and some still have the hope to improve their relationships with their parents. Deprogrammers have cleverly insisted on the fact that it was parents performing the confinements in order to evade their responsibility. But victims were not duped and have filed complaints against them as the true instigators and organizers of the deprogramming. However, recent cases have been deterred from seeking judicial remedy by the police inaction or support during confinements and the denial of prosecution and remedy when complaints were filed.

II - Religious "Persuasion" and "Rehabilitation"

Once the UC members are confined, "persuasion" starts. Pastors are called in to indoctrinate the confined members against the Unification Church, using criticism of its main religious doctrine "the Divine Principle", accusations and rumours about its religious leader Rev. Moon, destabilization and pressure, verbal and physical assaults. Former Unification Church members who were successfully "deprogrammed" are also brought along as part of the "persuasion" process.

If the UC members state that they recant their faith, then starts the "rehabilitation" phase. This step has the following purposes. First, those who expressed their will to leave the Church while being confined have to go through a screening to check whether they really lost faith. It is a process to penetrate their disguise or pretending. Also, some may keep lingering affection to the UC because of personal relationships. So the aim of "rehabilitation" is to completely cut off their mental relationship to the UC. To this end, they have to learn the doctrine of Protestant Christianity to make sure they understand the alleged falseness of the UC religious doctrine.

One of the victims, Kiyomi Miyama, was forced to recant her faith and visit another confined victim, Toru Goto, as part of her "rehabilitation" process. She gave her testimony which was filed in Toru Goto's civil case.

I visited Mr. Goto's room in 1998. When a former member of Unification Church tapped on the front door, Mr. Goto's family member opened the heavy lock and let us in. His family member locked the door again from inside with chains and a padlock behind us. Mr. Goto's head was drooped the whole time

Miyamura was showering him with words of criticism. When we left the room, Mr. Goto's family member unlocked the front door for us and relocked it after we stepped out.

(...)

Mr. Goto kept looking down. I felt terrible stress in the anguished, tense atmosphere of the persuasion. I felt very, very sorry for Mr. Goto, who cast his eyes down. Therefore, I could not say anything to him. I also did not want to say anything to help Miyamura's persuasion.

Attached to Toru Goto's allegation letter is one of his deprogrammers' (Pastor Matsunaga) instructions manual where he laid down for parents the criteria to be met before the "child may be allowed to go out". The willingness to give names and participate to other UC members' "rescue" is amongst the criteria for the confined follower to be released. The fact that the follower now prays in the name of Christ is also a criterion.

All the cases attached testified that the "persuasion" and "rehabilitation" administered under coercion by Pastors of various Protestant denominations addressed their beliefs and tried to demonstrate their falseness and the wrong interpretation of the Bible by the Unification Church.

Pastor Takazawa, in his taped telephone conversation with Kozue Terada, confirmed that he would continue the confinements and "persuasion" in the future because parents ask for it and explained further: "Since the name of Jesus whom I believe in is defiled, as a Christian, I have little tolerance for this sort of things. By all means I have to convey the truth and continue to testify. I am doing it as a witness to Christ. That is the meaning of my activity." He added that he wanted "everybody to believe in the true Jesus". (§ 334-336)

One of the recent victims, Keiichi M., testified that he was taken to a "rehabilitation centre" for so-called cult members "Inochi no Ie" (house of life) and explained:

At the beginning we read Genesis from the Bible and I listened to lectures about how Christians see God, sin and the messiah. Then we read the Book of Isaiah. But my parents asked her [the deprogrammer] to talk about the Unification Church and Rev. Moon. So she changed the topic. She mentioned some wrong ideas that the Unification Church believes. It was more about scandals of Rev. Moon. From the beginning to end, it was nothing but Church accusation.

Another victim, Emiko Motoki, was confined in the very premises of a Christian Church. She was confined there for 13 days and was found by the police locked up with her parents on guard in the Church facility. Her Korean husband had alerted the Korean embassy and the police had to bring her to her husband at the police station. About her confinement at the Tsuchizaki Bible Christ Church, she reported: "I was visited by the Church's Pastor Matsuyama, who gave one-sided criticism of the Unification Church on the assumption that his denominational teachings were absolutely right."

However, the police did not ask the Pastor who kept her confined in his own Church to come to the police station with her nor was any investigation and prosecution initiated.

III – Degrading Treatments

The whole process of “protection” and “persuasion” includes degrading treatments.

Verbal aggression and destabilization are part of it. As an example, Kozue Terada reported about her deprogrammer: “From then on, I was forced to endure his ‘exit counselling’ for two hours almost everyday until the end of November. In that process, he attacked my personality, calling me ‘retarded’, ‘psycho’, ‘a person like a murderer’ and ‘one with a face like a slug in June’.”

Physical mistreatment is also part of it. First, the abduction is a physical assault since the victims are surrounded by a number of people who overpower their resistance and forcefully get them into a van to take them to unknown confinement places.

Then the confinement and “persuasion” are accompanied by degrading treatments.

A recent case, Miyuki K., who was abducted and tentatively de-converted three times, reported physical assaults:

Until they [the deprogrammers] came, my father and my sister attacked me verbally because I didn’t listen to their accusation sincerely. Several times it escalated to physical abuse. My sister beat my back and took my hair and dragged me around.

The allegation letter by Kiyomi Miyama gives a good understanding of the treatments she was subjected to during her second confinement during 2 years and 7 months:

I was taken to a small apartment that was prepared for my confinement and kept in a tiny 8 foot by 8 foot room at the back of the apartment. The front door was locked many times with chains and locks. The windows used glass that was re-enforced with wire so that it could not be broken through, as well as secured so they could not be opened, and covered with plastic so one could not see in or out.

I was shocked and angry. So in protest I did not speak a word with the ‘deprogrammer’ or my family for six months. Since I did not speak a word for six months, my brother got angry. He grabbed my hair and struck my head against the wall over and over again. Then he threatened me and said “You must talk with the deprogrammer.” I was terrified and gave up my protest and started to talk to the deprogrammer. (...)

As I hadn’t talked for a long time, the muscles of my mouth didn’t work normally. I couldn’t speak. The vowels didn’t come out the way that they should have. And Mr. Miyamura, the ‘deprogrammer,’ did not like that I could not talk well. He grabbed my hair, took me to the kitchen, and put my head into the sink. He turned on the tap and said “Wash your mouth out!” His true deprogramming began from that day and continued for three months. He did

not just break my faith, he broke me as a person. It was mental and physical torture.

But the most outrageous example of degrading treatments is Mr. Toru Goto's case.

He was confined a second time for 12 years and 5 months. After eight years of detention, he decided to do hunger strikes in protest. After his third hunger strike, his family starved him in retaliation. He reported:

After the period [third hunger strike] was over, however, they would not provide me with foods. Only after my solicitation, they complied and offered rice water and thinned sports drink. Such liquid foods continued for seventy days so that I became awfully skinny like someone about to die out of hunger. I had to steal some raw rice, soaked in water before cooking, just to survive the deprivation. After my second solicitation, they began to provide me with only meager foods, and this punishment continued until my release from detention on February 10, 2008.

After 12 years and 5 months of detention, considering the overall cost of the deprogramming and the fact that he would not recant his faith, his family threw him out on the pavement with nothing but the clothes on his back. The same day, he was diagnosed with malnutrition, anaemia, muscle weakness and atrophy and admitted in a hospital. He was weighing 52 kilos for 1.82 m height. For a while, he could barely stand on his feet and had to be fed and physically rehabilitated before being discharged from the hospital two months later.

He was in a state of extreme malnutrition, not as a result of his fasting but due to the prolonged meal punishment of two years after the last fasting. He had been confined from the age of 31, and when he was released, he was already 44 years old.

The hospital doctor who treated him when he was in intensive care at the hospital stated in his medical certificate: "Such conditions pointed to abuse by the family, and judging the extent of abuse to be life-threatening, I reported this to the Sugamo Police." However, the police never opened an investigation and his criminal complaint was dismissed on the basis of insufficient evidence despite of the doctors' statements and numerous other evidences filed.

IV – Violence Against Women

Most cases, eight out of the ten testimonies attached, concern women. Some kidnappings and confinements are performed before a Blessing Ceremony where they would get engaged to men sharing their faith, or after they participate to such a Ceremony but are not yet legally married or even when they are already married.

The Blessing Ceremonies of the Unification Church have often been wrongly labelled "mass weddings". However, in Japan, the Blessing ceremony is not a legal wedding ceremony. It is a blessing ceremony where couples exchange vows. It is followed by a separation period during which the couples refrain from having sexual relations before consummating their marriage. Then the couples register their marriage and

start living together. This is the “start of family”. In the attached allegation letters, “starting family” means this period of time when the couples actually start living together and building a family.

Amongst the eight women who testified in the attached allegation letters, one (Nobuko I.) was about to participate to a Blessing Ceremony and get engaged, and she was abducted and confined to prevent her participation and de-convert her. Five others were already married.

One of them, Kiyomi Miyama, was required to annul her marriage as a condition for her release. She was not allowed to see or speak to her husband, and was just given papers to sign. When her marriage annulment procedure was complete, she was finally released after 2 years and 7 months of confinement, mentally and physically broken.

In Yukari H.’s case, the father decided to deprogram his wife and two daughters who were followers of the Unification Church. He started with the mother who was successfully deprogrammed. The mother then participated in her daughter Yukari’s deprogramming. She later repented and testified on her daughter’s abduction and confinement for Toru Goto’s court case as the same deprogrammer Matsunaga intervened for Yukari, her mother and Toru Goto.

She reported how she, a woman of 52 years old, was confined to be persuaded to recant her faith: “Around May, 1992, while I was around the back entrance of our store, Yamagen, Hyougo Kawakami (brother-in-law) came in from the back door, and started to say ‘I’m going to take you to *Ubasute-yama* (mountainous places where old people considered a burden were taken and abandoned in the old days)’. He got me into a car, and drove to an apartment in the mountains.” She was then confined, persuaded by Rev. Matsunaga from an Evangelical Christian Church for several weeks and recanted her faith.

Then on Rev. Matsunaga’s recommendations, she and her husband proceeded to have their daughter Yukari deprogrammed. Yukari was over five months pregnant and her mother described her abduction the following way: “Yukari shouted ‘I’m not going, I’m not going!’ and resisted as much as she could, but being unable to move well at five months, she was easily put in the car by the many family members. We drove Yukari to an apartment in Niigata City, and locked her in a unit on the fourth floor.”

Yukari was confined for three months and was pressured to do an abortion. Her family had made arrangements with an abortionist accepting to perform an abortion on an over five month foetus. She was overwhelmed with terror and anxiety of being submitted to forced abortion and agonizing over what the baby was going through. She was released in her ninth month of pregnancy after being extorted a statement that she would not return to the Unification Church.

Mitsuko Antal, who had gotten married in the US but had not told her parents, was scolded and assaulted by the deprogrammer when he found out that she had married a UC member. She reported:

Rev. Shimizu yelled, "You are truly a big liar!" He urged me to write a notice of withdrawal from the UC and a letter nullifying the marriage. I rejected it. Rev. Shimizu pledged to break my marital union by any means, hitting me three times in the face with a floor cushion. As I was speaking to my parents, he hit both my shoulders very strongly three times with his hands. Every time, this caused me to tremble and fall forward.

She also reported physical abuse by her family:

On June 2, I felt abnormally heavy mental pressure. I stayed in the toilet and sat in front of the entrance. Owing to my attitude, my mother cried and father became irrationally upset and angry at me. When I tried to resist, my parents put my face down on the floor and held my arms behind my back, shouting "This is the parental love!" They bound both my feet with a cord. I cried out, "Why are they doing this? I am not a criminal!"

After three suicidal attempts, she eventually succeeded to escape by climbing through a window and holding on the rain gutter pipe. The gutter broke and she fell from the second floor, fracturing her 1st lumbar vertebra. But she was free and joined her husband again and has been living in the US ever since. Apart from her physical injuries, she was diagnosed with nervousness, insomnia and malfunction of the nervous system due to stress and put under therapy for PTSD (Post Traumatic Stress Disorder).

In the case of Emiko Motoki, she was abducted at night when she was sleeping next to her husband during the first visit they made to her parents to introduce him after their marriage and start of family in Korea. She was suddenly woken up, overpowered by family members, her hands and legs were tied up while her husband was held down and unable to move, and she was carried out through the window into her parents' car and driven to the Church facility where she was confined. Her criminal complaint for abduction and confinement was later dismissed.

V – Support by the Japanese Authorities

A – Police Inaction or Support

The first striking element concerning the police reaction to these practices is its refusal to search for missing persons.

In the case of the currently missing person, Takanori I., a 21 year old student legally of age, a representative of CARP (Collegiate Association for the Research of Principles), which is a student club affiliated with the Unification Church, who was living with Takanori went to the police to file a missing person report.

The legal provisions governing the search for missing persons in Japan are the "Rules on activities to find a missing person", which are part of the "Rules of The National Public Safety Commission." These rules are based on the Police Act of Japan.

The National Public Safety Commission is placed right under the Prime Minister and is the top of Japanese Police Organization. Its Rules are to be applied by all the police forces in Japan.

Chapter 2 Article 6 of the "Rules on activities to find a missing person" states that when a person goes missing, the chief of police who has jurisdiction over the domicile or residence of the person shall receive a notification on the missing person ("missing-person report") from the following persons:

(...)

2) Spouse of the missing person (including persons who are in a de facto state of marriage, even if it has not been legally registered) and other relatives.

(...)

5) In addition to those listed in the preceding items, a person living together with the missing person, employer of the missing person, and person who has close relationship with the missing person in social life.

In the case of Takanori I., the CARP representative, Mr. M., went to various police corps to file a missing person report pursuant to Article 6.5) above.

Mr. M. went to the Community Safety Division which, in a local police station, is in charge of searching for missing persons. They have to follow the rules of the National Public Safety Commission. Here is his report:

Mr. M. explained that he is living with Takanori I. and falls under the category of "people who live with the missing person" according to Article 6 of Rule No. 13 of the "Rules of The National Public Safety Commission", entitled "Rules on activities to find a missing person". He asked the police to file a missing person's report. However, Mr. K. [policeman] replied "We must give priority to family members and relatives. First we should contact his parents. We will do it." Mr. M. replied "His parents are suspected of confining him for religious reason. So we want you to directly talk to him and establish whether he is voluntarily discussing with his parents or he is under detention." But the policeman said "When we contact his parents and find he is there with them, it means that he is not a missing person. We can do nothing more. That is the scope of services by the Community Safety Division. If you expect more, please consult with the Police Affairs Department."

Mr. M. then went to the Police Affairs Department which is a department of the Japanese police organization which deals with serious crimes mainly after an incident happened, e.g. robbery, murder, injury, battery, etc. He reported:

The policeman said "When the 'Rules on activities to find a missing person' refers to 'people who live with the missing person', it means that only in case parents and relatives are out of contact, such kind of people can file the missing person report. Here 'people who live with the missing person' does not mean just a roommate or 'room sharing' person. It means that the missing person can't live properly without that person; it means that level of relationship."

So he refused to take his missing person report. Then the policeman of the Community Safety Division, Mr. K., called back the CARP representative. He said that he contacted the parents and that they told him "We are just having a family discussion; so please don't worry." The CARP staff asked him whether he talked with Mr. Takanori I. himself. But the policeman said "Once I was told that Takanori is together with his parents, I cannot deal with it as a missing person case; then the job of the Community Safety Division ended at that point and anything beyond that is off limits."

Both the Community Safety Division and the Police Affairs Department had been shown a power of attorney drafted by Takanori I. telling that he knew he was at risk of being abducted and confined because of his family's antagonism to the Unification Church, and requested CARP staff and/or his lawyer to search and rescue him if he did not give any news. Moreover, he had a buzzer in case of emergency which was activated and indicated his parents' house location.

However, the police refused to take action or even to accept a missing person report.

The CARP representative went back to the Police Affairs Department on the advice of Takanori I.'s lawyer and called the lawyer on the phone from there to try to put him through to the policeman. However, even put on a loud speaker, the lawyer was unable to get any answer from the policeman who deliberately refused to speak to him.

The same position of the police is shown in other cases, for example in the recent case of Nobuko I. While she was confined, a representative of the Unification Church visited the Police station and asked help to search her whereabouts. The police officer listened to his explanation, but he replied, "I am sorry but criminal law does not intervene in family matters." The UC representative explained that it was not a usual family talk and that there was a high possibility of confinement. The police replied "If the case is between parents and a child, even involving some violence, the police cannot intervene. We cannot accept a request from you because you are not her family member."

However, the statement that criminal law cannot intervene in family matters is not based on any provision of the Japanese penal code but on mere practice which traditionally considers family as sacred.

In other cases, the police inaction turned into active support.

In the recent case of Miyuki K., the police refused to help her when she was being abducted. When her family tried to take her out from home by force, she screamed for help and the neighbours called the police. When a police officer came to check what was happening, her parents and relatives explained him the situation. Miyuki asked the police officer to help her but he said that it was a family talk and ignored her pleading. She was then abducted and confined.

Kiyomi Miyama also screamed for help and the police was called and showed up. But the police did not bother to speak to her or check how she was doing. She reports:

My parents told the police that I had joined the Unification Church and that they were trying to change my mind. They told the police that this was a 'family matter.' The police said OK, and left. But behind the door, my brother had forced me onto the floor. His hand covered my mouth so I could not scream.

A striking example of police behaviour is given in Kozue Terada's case. At the beginning of her confinement, the deprogrammer, Rev. Takazawa, bragged to her about his connections with the police stating "Even if a policeman comes, as soon as he finds it is about the Divine Principle, he will collaborate with me, saying 'Keep on your good work!'. He took 5 to 6 name cards of policemen from his wallet, and emphasized, "I have a connection with the police."

This actually showed to be true. Kozue Terada succeeded to get a message out calling for help through the milk box at the front door. A policeman showed up and she reports:

The policeman knocked on the front door. I cried out saying. "Help me! I am illegally confined!" Then my parents covered my mouth with their hands and dragged me to the back of the room, while I tried to resist. As I continued to cry out for help, my mother continuously slapped my head and face with her full force six or seven times using both hands. It did not silence me so my father put a comforter over my entire body, pinned me down face up on the straw mat, sat on me and covered my mouth. Meanwhile, my mother reported to Rev. Takazawa by cellular phone, saying "It is the police. A policeman is here alone" and asked for instructions.

After her phone call, her mother walked to the front door and told the policeman "This child is mentally ill. She joined the Unification Church and has become a child who tells lies to her parents." She added that a Christian minister would come an hour later. The policeman said that he would wait on the ground floor by the apartment building and left. One hour later, Rev. Takazawa showed up and he followed the policeman to the police station. Rev. Takazawa returned by himself about an hour later and said "The police know me. They understood our situation and told me to be careful not to disturb the neighbours".

In the conversation Kozue Terada had with him and taped after her release, Rev. Takazawa explained that he had confined ("protected") several hundreds of people in the past and confirmed that, in her case, the police had understood that she was confined. He further explained what had happened at the police station when he was asked to go there:

If I explain the fact and situation well, however, they understand that it is not an illegal confinement but a parent-child discussion. So, it's actually true, isn't it? Because parents are also inside together. So, on the contrary, if I was not accompanied by your father, mother or Yumiko, and took a member of my church and lock the person in the room, it would be a confinement without a presence of parents. But in this case, there were parents who have been worried about you for so many years, together in the room, and I was doing it at their request. Then, the police understood the situation and said, "I got it."

So their prejudice and hostility towards the Unification Church make the police agree with the abductions and confinements. And since the parents are present, the police agree that they are parent-child discussions so they do not intervene. In Kozue's case, the police just recommended to make sure not to disturb the neighbours, which meant to make sure that her screams could not be heard.

Evidence provided with the attached allegation letters have shown that police support can even go further.

In Mitsuko Antal's case, she was abducted when she went to renew her driving licence at the licence centre, which is a police related facility. She was told to wait and was led by a clerk to the infirmary. There, she saw her parents, uncle, aunt and others waiting for her. All these people were there to kidnap her; they brought her to a van and drove her to a flat where she was confined.

In the letter Rev. Shimizu, her deprogrammer, sent in reply to her protest letter after she escaped (and which was filed with her civil claim), he explained the role played by the police back then:

“According to your parents' testimonies, your whereabouts were not known to them so they filed a request with the police to search for you as a runaway at that time. They received a notification that someone who appeared to be you was visiting a driver's license centre, and eleven people including your parents, your uncles and aunts on both your father's and mother's sides went to the centre and placed you under their custody.”

So Mitsuko Antal, who was an over-age adult of 25, was considered as a “runaway” by the police because her family did not know where she was and the police gave information to the family on where to find her. On the other hand, the police do not want to search over-age missing UC members when they are confined.

This happened during Mitsuko's first confinement from which she succeeded to escape. Two years later, she was abducted and confined a second time. After she successfully escaped from that confinement too, her sister found several sheets of paper with her father's handwriting detailing the plan of her abduction and confinement.

The plan detailed the way the abduction should be performed, who would do what, who would deal with the neighbours for example in case Mitsuko made trouble, and in particular the plan listed the following target: “Communicate with Akishima Police in advance (May 14)”. The abduction took place on May 16, which means that the police were informed two days ahead of the kidnapping which was going to take place.

This constitutes active support of the police in abduction and confinement.

B – Lack of Prosecution

Subsequently, no prosecution has ever been initiated against the deprogrammers and/or parents who performed abductions, confinements and extortion of faith retraction, in spite of criminal complaints filed by the victims.

a) Investigation

Public prosecutors as well as the police are authorized to conduct investigations under the Japanese Code of Criminal Procedure (articles 189 and 191). Of course, the police have the first and primary responsibility for criminal investigation. Actually most criminal cases are initially investigated by the police and other judicial police officers. Once the police investigate a case, they must refer it to a public prosecutor together with documents and evidence, even when the police believe evidence is insufficient. The police have usually no power to finalize cases.

Public prosecutors either instruct the police to conduct a supplementary investigation, or conduct an investigation by themselves on the cases sent from the police. Moreover, public prosecutors may initiate and complete investigation without the police, and often do so in complicated cases.

Japanese criminal procedure has two ways of investigation: one is compulsory and other is on voluntary basis. Investigation on voluntary basis does not need a warrant issued by a court, because possible suspects or eyewitnesses agree to cooperate with the police investigation. On the other hand, compulsory investigation such as arresting and raid need a warrant issued by a court.

In the past, all investigations on abduction and confinement cases of UC members were without warrant, compulsory power, arrest or raid at all. Usually, the police sent a paper to the Prosecutor based on what the victims stated and occasionally on what witnesses or actors of the deprogramming (parents or deprogrammers) stated and on this basis the Prosecutor decided whether the case should be prosecuted or not. No serious investigation was ever conducted by the police, nor was any investigation ordered by a Public Prosecutor.

b) Prosecution

After completing the investigation, public prosecutors examine the evidence and determine whether or not to indict (institution of public prosecution).

Prosecution can be denied on the grounds of insufficient evidence or on the prosecutor's judgment. Under Article 248 of the Code of Criminal Procedure, after weighing the offender's age, character, and environment, the circumstances and gravity of the crime, and the rehabilitative potential of the accused, public action does not have to be instituted.

According to the internal rule of the Ministry of Justice, *Kunrei*, there are 20 kinds of "reasons of non-institution of prosecution." Among them, the following three kinds of reasons are related to our cases.

"Reasons for Non-institution	Meanings written in the internal rules of the
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of prosecution”	Ministry of Justice, <i>Kunrei</i>
a) Absence of any Evidence	It is clear that the suspect is not the person who committed the crime, or there are not any evidences which proof the fact of the crime.
b) Insufficient Evidence	There are not enough evidences which proof the fact of the crime.
c) Suspension of Prosecution	The fact of the crime is clear but prosecution is not needed due to the situation: character, age and circumstances of the suspect, gravity and circumstances of the crime, and the circumstances after the crime.

Institutional safeguards have been set to check the prosecutors' discretionary powers not to prosecute. Victims or interested parties can appeal a decision not to prosecute to the Committees on the Inquest of Prosecution which have been established to hold inquests on prosecutors' decisions. These committees meet several times yearly and decide whether a case should be reinvestigated and prosecuted.

In the present cases, Article 248 has been used to dismiss prosecution against the authors of abduction and confinement when the illegality of the acts had been established.

c) Abductions and Confinements: No Investigations or Criminal Charges

In Emiko Motoki's case, after her husband requested the help of the Korean embassy, the police finally went to take Emiko, who was confined in a Church facility, to the police station. So the police knew where she was or at least had the means to know and free her before. The police came with the Pastor and his wife into the room where Emiko was locked in and under the guard of her family. The police thus could not ignore that she was confined. However, they did not even bother taking the Pastor and his wife to the police station to be heard although they were caught in flagrant crime of illegal sequestration.

Emiko and her husband filed a criminal complaint but it was dismissed by the Prosecutor. Concerning her parents, the Prosecutor decided a suspension of prosecution. Concerning the Pastor and his wife the Prosecutor decided the following:

In regard to the arrest at the house of Masashi Motoki and confinement before arriving at the Gloria Chapel by Suspect Yutaka Matsuyama and Jun Matsuyama, it is insufficient evidence. In regard to the fact of confinement at the Gloria Chapel by them, it is suspension of prosecution.

This means that he considered that there was insufficient evidence of their involvement in the abduction. On the other hand, regarding the confinement at the Church, the Prosecutor found the criminal acts established but due to the circumstances, he decided not to prosecute. The circumstances being presumably that the parents wanted to “rescue” their daughter against her will from the Unification Church.

In Kozue Terada's case, she filed a criminal complaint and a civil suit. Here is what she reports about criminal proceedings:

Following my criminal complaint to the Osaka Prefectural Police on February 19, 2002, the police investigated the case. I was interviewed by police officers. I went to Kochi Prefecture together with the police officer in order to verify the route of my abduction in a police car. In pivotal points, they got out of the car and conducted on-the-spot inspections. All of these inspections were done on a voluntary basis at my request but there was no compulsory search including arrest or raid. The Prosecutor never ordered any investigation nor conducted one himself. Consequently, the prosecutor did not indict anybody.

Additionally, although her confinement and forced de-conversion were found to be illegal acts by the civil courts, the Prosecutor refused to prosecute anybody. In spite of all the evidences provided - in particular the interview of Takazawa admitting to have performed hundreds of confinements for the purpose of de-conversion - and the findings of the civil courts, the Prosecutor decided a "suspension of prosecution" against deprogrammer Takazawa and her parents.

This suspension of prosecution against Takazawa was certainly not based on his rehabilitative potential as he was stating in the interview that he would continue confining believers in the "wrong" faith since parents were so worried. The suspension was based again on the "circumstances" of the case, i.e. the fact that the offenders wanted to de-convert Kozue Terada from her faith in the Unification Church scriptures.

This decision of the Prosecutor constituted an outright *carte blanche* for the deprogrammer to continue.

In the case of Toru Goto, when he was hospitalized after his release and diagnosed with malnutrition, the doctor established a certificate stating that "Such conditions pointed to abuse by the family, and judging the extent of abuse to be life-threatening, I reported this to the Sugamo Police". In spite of this report to the police from the hospital doctor, the police never investigated. On April 2, 2008, Toru Goto who had been confined for over 12 years submitted a criminal complaint to the Head of the Sugamo Police for attempted extortion, arrests, confinement and injury. The police did not arrest a single person, nor did they conduct searches at their residences.

In the first four months after the case surfaced, the police had done nothing but a brief questioning of the accuser. Meanwhile, the accused were able to collude in destroying evidences and forge their stories. Subsequently, the Prosecutor dropped the case for "insufficient evidence" on December 9, 2009.

Toru and his attorney visited the Prosecutor, who verbally explained to them why no charges had been brought. The Prosecutor explained that the accused admitted that the entrance door was locked with security chain and padlock, but they claimed that they had done so in order to block UC people from taking Toru back while the deprogrammer worked to persuade him. In other words, they admitted that Toru Goto was confined but justified it saying it was to prevent the UC from rescuing him. The Prosecutor bought the story and denied charges.

Lawyer Yoshiro Ito, a lawyer who was part of the Network of Lawyers Against Spiritual Sales (anti-cult association) and used to bring cases of former UC members claiming damages to the UC happened to know about Miyamura's (Toru's deprogrammer) deprogramming activities and quit the Network. When he heard that Toru Goto had been confined for over 12 years, he gave testimony for Toru's subsequent civil suit. He mentioned inter alia that the police did a two-hour voluntary interrogation of him on Miyamura's illegal activities of abduction and confinement but did not even take a deposition in writing from him.

Toru appealed to the Tokyo Committee for the Inquest of Prosecution, with the hope of re-opening the criminal case. On October 6, 2010, Toru Goto's appeal was rejected by the Committee.

As concerns his claim that he was tentatively de-converted under coercion, the Committee's decision has a three paragraphs development where it reproduces the family's assertion that they never criticized his faith and **no reference is even made to the deprogrammers**. Their role is totally occluded from the Committee's reasoning although the justification for the lock-up was to allow "persuasion" to occur.

The Committee found that the padlocks and chains were not "unreasonable" considering that some confined members had been freed by Unification Church members before. Then in total contradiction with these findings, the Committee concluded that Toru Goto was not confined and had stayed in the condominium to "proselytize" his family.

Finally, after finding that he had been submitted by his parents to a poor diet and was weighing 52 kgs for 1.82 meters high, the Committee nevertheless concluded that due to their love towards the plaintiff, it was doubtful that they had injured him.

On January 31 2011, Toru Goto filed a civil lawsuit against his family members and deprogrammers, where he provided all the necessary evidence. The hearings took place in March, April, May and June 2013. Written argumentations will now be exchanged and a decision is expected to be rendered by the end of the year.

C - Civil Courts: Denial of Injunctions to Stop Abductions and De-Conversions

The case of Mitsuko Antal is quite typical of the reasoning of the courts.

Civil Courts found her abduction and confinement to go "beyond the boundaries of what would be considered a socially accepted idea", but ruled that they were to be excused by parental love and should not allow her any compensation, in spite of the severe consequences on her health, both physical and mental. They also denied any injunction to the defendants not to commit abduction and confinement for the purpose of her de-conversion in the future.

In its March 8, 2002 decision, the Tokyo District Court first found that there were security chains to the entrance door which was padlocked and the windows fixed so that Mitsuko could not go out, and that she had escaped through a window and fallen from the second floor. However, the Court found: "The actions of the defendant

parents with regard to these two 'discussions,' considering the fact that they were clearly taken out of love as parents, the defendants, and hoping for the happiness of their child, may not be equated immediately with 'confinement,' nor can it be declared that they 'forced' Plaintiff Mitsuko to leave the Unification Church which she believed in."

Although the Court admitted that Mitsuko was confined and "persuaded", it used its discretion and systematically avoided the findings of "confinement" and "extortion" to deny her request of injunction. This is an unfair decision which damages her right to judicial redress and protection. It is also an indirect support to this kind of activities, since it refuses measures designed at preventing such misdeeds to be repeated in the future.

As concerns Rev. Shimizu's implication, the Court referred explicitly to the answer letter he sent her after her confinements and that she filed as evidence. However, the Court ignored the part where he recognized to have advised her parents that she would escape if the door was not locked. Instead the Court found that he "was presumably unable to witness the padlock over the entrance door's security chains".

Concerning the intimidation and abuse by Rev. Shimizu, the court recognized the fact that he said: "You should stay behind iron bars all your life!" and "Iron bars aren't serious enough. You should be in solitary confinement!" The court also found that he hit her in the face with a floor cushion and hit her shoulders very strongly with his hands.

However, the Court adopted the justifications he gave in the answer letter to her:

"However, according to the evidence [answer letter by Rev. Shimizu], the reason why Defendant Shimizu took such action as described above, was that having heard the fact from Matsumura that Plaintiff Mitsuko had attended the international joint wedding ceremony together with plaintiff Christopher, the defendant learned that Plaintiff Mitsuko had been telling a lie in denying this to both her defendant parents and himself. He felt he should make Plaintiff Mitsuko aware that lying is a crime, how indignant people become when they learn that they have been lied to, and tried to admonish her; however, as Plaintiff Mitsuko continued to take the attitude of not taking his words seriously, it is noted that Defendant Shimizu attempted to call her attention so that she would listen well".

Here again the Court ruled: "The above behaviours of Defendant Shimizu used physical force against Plaintiff Mitsuko and are deemed undeniably inappropriate but should not be considered to constitute illegality as to entitle damage compensation."

Although the Court was very aware of the facts of intimidation and abuse, it used its discretion and underestimated the illegality of the facts and found them justifiable because she had not told the truth about her religious affiliation and was unwilling to listen to enforced critical discourse about her religion.

This constitutes a direct violation of her right to hold the religious beliefs of her choice and not to reveal them.

Subsequently, this judgment by the District Court was upheld by the High Court and the Supreme Court, and she lost her chances to receive legal remedy for her damage.

In Shimizu's letter provided as evidence, he explained what appears to be a really infantilizing discourse concerning an adult follower, and emotional blackmail. He stated:

I then urged you to "listen to your parents well." What you are saying that I "pushed your shoulders" had to be my action at that time.

"We are engaged in a serious discussion. Look at your parents' eyes and pay more attention." I remember saying something like that. While you deceived others, how can you say that the actions of deceived people, who appealed to engage you in discussions while disappointed and discouraged, were "violent acts" (*Shukyo Shimbun*)? It clearly shows your attitude that you are not at all remorseful about lying and harming others.

His whole reasoning and pressure on the victim was based on the fact that she harmed her parents by being affiliated to the Unification Church. He called her a criminal because she lied about her religious affiliation.

And this is the kind of discourse that justified the deprogrammer's illegal behaviour in the civil courts findings.

Another relevant case is that of Kozue Terada.

Although the Osaka District Court found that her abduction and confinement were "illegal acts" and awarded her damages, it still denied requests of injunction.

Plaintiff Kozue Terada was seeking an injunction against her parents and the deprogrammers not to attempt to forcibly de-convert her in the future. The Court denied it on the basis that it was unlikely that the parents and deprogrammer would make an attempt of a similar action against Kozue in the near future.

The Unification Church, which was also a Plaintiff in the case, sought an injunction against Deprogrammers Takazawa and Ojima not to attempt to forcibly de-convert the members and believers of the Unification Church in the future. This request was based on the fact that Takazawa himself admitted, during an interview filed in the case, to have performed hundreds of abductions, confinements and forced de-conversions in the past and had the intention to continue these practices. He had just been sentenced to damages in another case of a woman, Hiroko Tomizawa, confined for over one year.

However, the District Court denied the injunction with the following reasoning:

In the Tomizawa case, it is found that Takazawa conducted the persuasion activity on Hiroko Tomizawa at the request of her parents. It is also found that she was abducted and confined by her parents and Takazawa, and forced by Takazawa to forsake her faith.

On the other hand, however, there are actually many ex-members who have accepted the persuasion by Takazawa and Ojima and left the church. It is found that the circumstances of persuasion activity by Takazawa and Ojima vary according to the response and nature of the person to be persuaded. For the above-mentioned reasons, Plaintiff the Unification Church's demand of an injunction is groundless.

So the fact that some members recanted their faith due to Takazawa's "persuasion" justified in the Court reasoning that no injunction be pronounced. That is to say that in the judges' view, deprogramming could be beneficial in case the victim finally agreed to it.

This was confirmed by the Osaka High Court which was even more explicit in its ruling:

Regarding the Unification Church's request for an order of injunction:

The complainants assert that Takazawa and Ojima have abducted and confined hundreds of Unification Church believers and pressured them to abandon their faith, and that there is abundant possibility that the two will continue such activities.

However, a significant number of people have left the Unification Church as a result of the activities of Takazawa and Ojima with respect to its members. In these cases, even if it is supposed that the activities of Takazawa and Ojima were of an illegal nature, the illegality was cancelled out in many cases by the fact that the believers consented to having their freedom restricted. So the activities of Takazawa and Ojima are not illegal in every case.

This finding contradicts the jurisprudence adopted by Courts in the US which was the first country where deprogramming was performed and which outlawed this practice in the 80s.

A first precedent back in 1980 of the Minnesota Supreme Court held that "when parents, or their agents, acting under the conviction that the judgmental capacity of the adult child is impaired, seek to extricate that child from what they reasonably believe to be 'a religious or pseudo-religious' cult, and the child at some juncture assents to the activities in question, limitations upon the child's mobility do not constitute meaningful deprivation of personal liberty sufficient to support a judgment for false imprisonment."

However, this precedent was overturned by a decision of the Minnesota Federal court in the William Eilers case. At the conclusion of the Eilers trial, the Judge entered a verdict of guilt on Eilers' false imprisonment count against each of the defendants. The defendants contended that there was no actual confinement because there was evidence that the plaintiff consented to the defendants' actions. However, the Judge stated: "Many people would feign consent under similar circumstances, whether out of fear of their captors or as a means of making an escape... Under the circumstances, the court finds, in agreement with many other authorities, that plaintiff's apparent consent is not a defence to false imprisonment."

The William Eilers case was a turning point and has led to subsequent jurisprudence that eventually got rid of the deprogramming practices in the US.

Similarly, in the Japanese cases, the illegality of abductions, confinements and forced de-conversions cannot be “cancelled out” by the fact that “the believers consented to having their freedom restricted” like the Osaka High Court found, because this consent was obtained under duress.

The rulings of the Japanese courts, together with the police actions and Prosecutors’ decisions violate the international commitments of Japan in the area of human rights.

VI - Legal Argumentation: Violations of International Human Rights Instruments

Article 18 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of religion or belief and in particular Article 18.2 provides:

No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

Under these provisions, signed and ratified by Japan, Japanese citizens are free to adopt a religion or belief of their choice and the Japanese authorities are bound to ensure that no Japanese citizen is subject to coercion that would impair this freedom. This obligation applies even in cases where this coercion is exerted by private parties independent from the State.

Under Article 2.3 of the ICCPR, the State shall ensure:

- (a) that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;
- (b) that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
- (c) that the competent authorities shall enforce such remedies when granted.

Therefore, the Japanese authorities are bound to enforce the prohibition of coercion exerted by private parties to force followers of religious denominations to recant their faith. They are also bound to make sure that appropriate remedies are granted in such cases.

The Human Rights Committee, established under Article 28 of the Covenant in order to ensure its implementation, adopted General Comment 22 to explain the scope and meaning of the right to freedom of conscience and religion guaranteed by the Covenant. It makes it very clear that new or minority religious or belief movements are to be protected on an equal basis as traditional religions.

2. Article 18 protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms "belief" and "religion" are to be broadly construed. Article 18 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 reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.

Therefore if hostility is manifested by members of a traditional religious community, such as a Protestant pastor involved in fighting against religious or belief minorities as in the present issue, the Japanese authorities have a duty to enforce Article 18 of the ICCPR and to make sure that the rights of the followers of such minority religion or belief are respected.

In its General Comment 22 the Committee explained further:

5. The Committee observes that the freedom to "have or to adopt" a religion or belief necessarily entails the freedom to choose a religion or belief, including the right to replace one's current religion or belief with another or to adopt atheistic views, as well as the right to retain one's religion or belief. Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, to recant their religion or belief or to convert.

Thus the rights protected by the Covenant are very clear: Article 18 protects the right to retain one's religion or belief and the Japanese authorities have to enforce this right – even if such beliefs are seen with hostility or concern by a predominant religious community or by parents of adult followers.

Any coercion on followers of new or minority religious or belief groups to have them recant their faith or convert to traditional religions, like the use of physical detention and enforced "persuasion", is illegal under the Covenant.

And Japanese Courts are bound to apply the provisions of the ICCPR when ruling on cases of abduction and forced de-conversion of followers of religious minorities.

The Japanese Constitution also protects freedom of religion in the following terms:

Article 19: Freedom of thought and conscience shall not be violated.

Article 20: 1) Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority.
2) No person shall be compelled to take part in any religious acts, celebration,

rite or practice. 3) The State and its organs shall refrain from religious education or any other religious activity.

Nevertheless the Japanese conception of the authority of family over their adult children violates Japan's commitment to freedom of religion or belief.

The Courts found that all the misdeeds against Mitsuko Antal for example were justified by the fact that she had lied to her parents about her participation in the Unification Church and it was evil to lie to her parents.

This is a very infantilizing discourse (she was 25 years old and adult). **And this application of the law in Japan tends to create a right of parents to demand that their adult children comply with their own beliefs.**

However, such a right does not exist under international human rights law.

Adult believers are entitled to the protection of Article 18 of the ICCPR and their rights include the right not to reveal their religious beliefs.

As to the role played by the Pastors of Protestant Churches and the support of the Japanese authorities, this constitutes an outright violation of the duty of neutrality of the Japanese State in religious matters. Article 20 of the Japanese Constitution is not being applied in this regard.

For all these reasons, Japan has violated its international commitments under Article 18 of the ICCPR.

There are other provisions of the ICCPR which are relevant to the present issue:

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 9

1. 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.

(...)

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

The Human Rights Committee adopted General Comment 23 to explain the meaning of Article 27:

6.1. Although article 27 is expressed in negative terms, that article, nevertheless, does recognize the existence of a "right" and requires that it shall not be denied. Consequently, a State party is under an obligation to ensure that the existence and the exercise of this right are protected against their denial or violation. **Positive measures of protection are, therefore, required not only against the acts of the State party itself, whether through its legislative, judicial or administrative authorities, but also against the acts of other persons within the State party.**

Japan is thereby bound to protect religious minorities, such as Unification Church believers, against the acts of private persons within its territory.

As concerns Articles 7 and 9 of the ICCPR (degrading treatments and unlawful detention), there are two additional international Conventions binding Japan: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which Japan adhered to, and the International Convention for the Protection of All Persons from Enforced Disappearance which Japan signed and ratified.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment provides in relevant parts:

Article I

1. For the purposes of this Convention, the term "**torture**" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or **intimidating or coercing him or a third person**, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction **other acts of cruel, inhuman or degrading treatment or punishment** which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or **with the consent or acquiescence of a public official or other person acting in an official capacity**. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

And the articles mentioned provide:

Article 12

Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities.

In brief, Japan is responsible for ensuring that the competent Japanese authorities investigate promptly any complaint from victims of degrading treatments. Which it has failed to do, thereby violating its international commitments.

The International Convention for the Protection of All Persons from Enforced Disappearance provides in relevant parts:

Article 1

1. No one shall be subjected to enforced disappearance.

Article 2

For the purposes of this Convention, "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or **by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.**

Article 3

Each State Party shall take appropriate measures to investigate acts defined in article 2 committed **by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice.**

Here again, Japan is responsible for investigating any instance of enforced disappearance committed by private parties and bringing the authors to justice. The Japanese authorities violated Japan's commitments under this international instrument too.

Finally, the UN Declaration on the Elimination of Violence against Women provides:

Article 1

For the purposes of this Declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats

of such acts, **coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.**

Article 4

States should condemn violence against women and **should not invoke any custom, tradition or religious consideration** to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

(...)

(c) Exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons;

Japanese authorities have constantly put forward the argument that criminal law does not intervene in family matters to evade their responsibilities under international human rights instruments.

However, this is just a practice based on tradition and there is no provision in the Japanese criminal law preventing the police or prosecutors to act in family matters.

Toru Goto filed an opinion by Lawyer Yamagami, Doctor of Laws, with the Committee for the Inquest of Prosecution before it examined his appeal of the non prosecution decision. Dr. Yamagami criticized the police and prosecutor's attitude in Toru's case and made developments on why criminal law is designed to intervene in family matters. He detailed the recently enacted legal provisions allowing for prosecution in cases of domestic violence. First he addressed spousal violence:

Areas in which such interventions are desperately needed are the areas of domestic violence (DV); a term used for spousal violence in specific, and child abuse. First of all, since the "Act on the Prevention of Spousal Violence and the Protection of Victims" (the so-called "DV Prevention Law") was legislated in 2001, there has been growing recognition among the public that violence which takes place between husband and wife can also apply to crime.

To begin with, spousal violence applies to penal offence such as assault (Japanese Penal Code Article 208), injury (Japanese Penal Code Article 204), intimidation (Japanese Penal Code Article 222), compulsion (Japanese Penal Code Article 223) and rape (Japanese Penal Code Article 177). Furthermore, due to revision made in 2004, the DV Prevention Law has now expanded the definition of "violence" to "the words and deeds of one spouse that cause equivalent psychological or physical harm to the other," let alone bodily harm. (Article 1)

Mr. Goto's case was not about spousal violence, but Dr. Yamagami concluded that it was inappropriate to apply the theory of "non-intervention in family matters" to this case because the victim was reporting harms of serious violence that fell under categories of assault and (attempted) compulsion.

Then Dr. Yamagami addressed another area where law must intervene in family matters, the area of child abuse.

According to Article 2 of the Child Abuse Prevention Law legislated in 2000, there are four definitions to child abuse; (1) physical abuse, (2) sexual abuse, (3) neglect (underfeeding, lack of supervision and default of other parental responsibilities) and (4) psychological abuse.

It is stipulated in this law that those who exercise parental power over their children would not be discharged of assault, injury and other related crimes just because of their position to exercise such power (Article 14-2). It dismisses the excuse that parents have the rights to conduct violence against their children.

Mr. Goto was not a child but an adult, and his parents and siblings were not in the position to exercise parental power over him. Dr. Yamagami concluded that considering that even parents, who are in the position to exercise parental power over their children, are forbidden to abuse them, the illegality of the abuse is even more than obvious if the one abused by his parents and family is an adult. Among the above four definitions of abuse, Mr. Goto was subjected to (1) physical abuse, (3) neglect and (4) psychological abuse, for over 12 years.

However, Japanese police and prosecutors have consistently refused to put an end or to sanction these abductions and confinements of religious minority members under the pretext that they were done with the participation of the victims' parents.

Japanese criminal provisions are sufficient to and should have allowed the authorities to intervene in this sense, so are the Rules for Searching a Missing Person which are sufficient and should have allowed for the victims to be rescued by the police. The non application of Japanese law has resulted in violations of Articles 7, 9, 18 and 27 of the ICCPR and of the other previously mentioned international human rights instruments binding Japan.

Conclusion

Mrs. Asma Jahangir, the then Special Rapporteur on Freedom of Religion or Belief, presented her 2009 annual report during the 13th term of the UN Human Rights Council held on March 1 to 26, 2010. The Universal Peace Federation, an NGO in special consultative status with the Economic and Social Council of the UN affiliated to the Unification Church, submitted a written statement on kidnappings and confinements for religious de-conversion in Japan.

Mrs. Asma Jahangir's first conclusion and recommendation as regards the role of the State was the following: (A/HRC/13/40, 21 December 2009)

“States have the main responsibility for implementing international human rights standards, including on the promotion and protection of freedom of religion or belief. On the one hand, States must refrain from violating

freedom of religion or belief and, on the other hand, they also have the obligation to protect persons under their jurisdiction **from violations of their rights, including abuses committed by non-State actors. Measures should not only consist in prosecuting the perpetrators of such acts and providing compensation to the victims, but also in devising specific Preventive action to avoid the recurrence of such acts in future.**" (§52)

In contravention with all these international human rights norms and recommendations, the Japanese authorities have not prosecuted the authors of abductions and confinements for religious de-conversion, have rarely provided compensation to the victims and denied to give injunctions to the authors not to do it in the future, and have also refused to undertake immediate and preventive action by searching for missing persons.