

NGO Information for the  
International Covenant on Civil and Political Rights (ICCPR)  
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JAPAN

**ISSUES RELATING TO ARTICLE 18-1 OF THE INTERNATIONAL  
COVENANT ON CIVIL AND POLITICAL RIGHTS:  
INFRINGEMENT OF FREEDOM OF RELIGION IN JAPAN BY  
NEIGHBORING NATIONS, THE MEDIA, AND ACTIVIST GROUPS**

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1. ICCPR article pertaining to freedom of religion

Article 18.1

Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. Summary

Freedom of religion is a legitimate right, one that is recognized by the Constitution of Japan and by the International Covenant on Civil and Political Rights. Unfortunately, government officials' pilgrimages to Yasukuni Shrine have been met with criticism and abuse of all sorts, so much so that those officials no longer dare to pay their respects in public view. Their freedom of religion has clearly been violated. Action must be taken, and quickly, to put a stop to this undeserved abuse.

3. Points at issue

3-1. Freedom to manifest one's religion and beliefs

Article 18 of the International Covenant on Civil and Political Rights recognizes the “freedom, either individually or in community with others and in public or in private, to manifest (one’s) religion or belief in worship, observance, practice and teaching.”

Moreover, according to Article 20 of the Constitution of Japan, “Freedom of religion is granted to all.”

### 3-2. Violation of freedom of religion

Nevertheless, that very freedom is being violated in Japan. Representative of such violations are the vicious criticism and obstruction of the prime minister’s pilgrimages to Yasukuni Shrine by certain media corporations, neighboring nations, and activist groups.

Yasukuni Shrine was founded in Tokyo by Emperor Meiji in 1869. Its original name was Shokonsha, which means “shrine for summoning the souls of the departed.” It was renamed Yasukuni Shrine in 1879. Since the Meiji era, soldiers who died fighting in Japan’s foreign and civil wars, representing the imperial government, have been enshrined there. To a great many Japanese, Yasukuni Shrine is a familiar and beloved presence; more than 5 million visitors pay their respects there every year.

Japan’s prime ministers made a total of 60 pilgrimages to Yasukuni Shrine between 1945 and 1985, while they were in office. During those years they were never condemned or criticized. Then, in 1985, 40 years after World War II had ended and without any provocation whatsoever, the People’s Republic of China issued a proclamation expressing its disapproval of Japanese prime ministers’ paying their respects at Yasukuni Shrine; this stance has remained unchanged since then. And as if in support of China, certain Japanese media corporations and activist groups have taken it upon themselves to condemn prime ministers’ pilgrimages to Yasukuni Shrine, and have attempted to obstruct them. Pilgrimages undertaken by other government officials have been targeted as well.

### 3-3. Japanese mass media encourage critics of pilgrimages to Yasukuni Shrine

Criticism of prime ministers’ pilgrimages to Yasukuni Shrine first gained media attention in the *Asahi Shimbun* (April 19, 1979 edition). At that point there had been no objections to such objections, not from within or without Japan. But in 1985 the *Asahi Shimbun* launched a relentless barrage of criticism. When some Japanese political parties joined the bandwagon and urged the Chinese to follow suit, the PRC stepped up its criticism. Since then criticism from neighboring nations, which use pilgrimages to Yasukuni Shrine as a diplomatic bargaining chip, has escalated, resurfacing repeatedly.

### 3-4. Controversy surrounding government officials’ pilgrimages to Yasukuni Shrine

#### (1) Separation of religion and state

Article 20 of the Constitution of Japan guarantees freedom of religion to all. Reinforcing this guarantee is Article 18-1 of the International Covenant on Civil and Political Rights. These two authorities allow no room for objection to prime ministers’ pilgrimages to

Yasukuni Shrine. Moreover, paying respects to the war dead is not a religious act, but the manifestation of a very natural human sentiment. Therefore, it is inappropriate to maintain that such pilgrimages are in violation of the separation of religion and state.

## (2) Enshrinement of Class-A war criminals

Disapproval of Yasukuni Shrine seems to stem from the fact that Class-A war criminals are also enshrined on its premises. However, from time immemorial, it has been the Japanese outlook on life and death to forget our hatred for our enemies once they are dead, forgive them, and mourn for them. Furthermore, ex-post-facto law was applied to the designation of Class-A war criminals, and serious doubts remain about its legal basis. Those designated Class-A war criminals stoically accepted the court's judgments and the punishments meted out to them. Praying for the repose of their souls is not a religious act, but to the Japanese, a very natural sentiment.

## 3-5. Interference in Japanese domestic affairs

Certain neighboring nations (China, South Korea, and North Korea), dismiss Japan's historical and cultural background, continue to heap criticism on Japan and to use government officials' pilgrimages to Yasukuni Shrine as a diplomatic bargaining chip, severely impairing freedom of religion, an inalienable right, in Japan. Equally guilty are Japanese media corporations (*Asahi Shimbun*, to name one) and certain political parties and activist groups that fuel the flames of criticism.

Objections to pilgrimages to Yasukuni Shrine lodged by neighboring nations constitute interference in Japan's domestic affairs. Additionally, such actions belittle and denigrate strenuous efforts on the part of Japan to build friendly relations with those same neighboring nations by issuing countless apologies in connection with World War II, paying reparations and supplying ODA, both in massive amounts.

## 4. Conclusion and Advice

Government officials have been making pilgrimages to Yasukuni Shrine continuously since 1985. Condemnation of such pilgrimages is disrespectful to the war dead and imposes mental anguish on their families, and all citizens of Japan. It also constitutes a particularly serious infringement of freedom of religion.

Freedom of religion is a right guaranteed to each and every Japanese. Pilgrimages to Yasukuni Shrine are one way of exercising that freedom. Consequently, no one has the right to condemn or obstruct them. In fact, the condemnation or obstruction of pilgrimages is a violation of freedom of religion as recognized by the Constitution of Japan and the International Covenant on Civil and Political Rights.

A prime minister's pilgrimages to Yasukuni Shrine are eminently natural expressions of Japanese sentiment; they also bring great consolation to the families of the war dead. Subjecting the pilgrimages to criticism or obstructing them would be tantamount to dishonoring the wishes of the war dead and causing their families great mental anguish. For those who approve of government officials' pilgrimages to Yasukuni Shrine and wish them to continue, preventing them from taking place would certainly be considered infringement of freedom of religion in the broadest sense.

To protect freedom of religion for the Japanese people, both private citizens and government officials, we respectfully request that ICCPR exhort the Japanese government to issue advice and directives, as follows:

- (1) Distribute information about freedom of religion on a widespread basis; educate the public in a proactive manner.
- (2) Do not tolerate unreasonable provocation from certain neighboring nations and activist groups; instead, take a stand and issue a rebuttal.
- (3) Ensure that all Japanese, both government officials and private citizens, enjoy the ability to exercise freedom of religion by asserting their religious beliefs and convictions, in accordance with Article 18 of the International Covenant on Civil and Political Rights and Article 20 of the Constitution of Japan.