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JAPAN

Abductions and confinement for the purpose of religious de-conversion (Violations of Articles 7, 9, 12, 18, 23 and 26 of the ICCPR)

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INTRODUCTION

During my second semester of my sophomore year at the University [...] I was in the midst of struggle with human relationships and contradictions in society. Through the series of lectures, I felt the heart of God and joined the church. (Unification Church member M.K., who was abducted by her parents three times).

I filed criminal charges against those involved in my confinement. The police and the prosecution office, however, did not arrest a single person, nor did they even obtain warrants to search for evidence [...] I was deeply disappointed that the Japanese criminal justice system still does not prosecute the perpetrators of such crimes. (Toru Goto, forcibly confined for 12 years and five months. Extract from his presentation at the CESNUR conference in Taiwan in 2011).

States are obliged to protect the right to conversion against possible third-party infringements, such as violence or harassment against converts by their previous communities or their social environment. In addition, States should promote a societal climate in which converts can generally live without fear and free from discrimination. (UN Special Rapporteur on freedom of religion or belief, August 2012).¹

This report highlights violations of Japan's obligations under the International Covenant on Civil and Political Rights (ICCPR) that have occurred in the context of abductions and confinement carried out by close family members of converts to new religious movements. In many of these cases anti-cult activists and representatives of other religious groups subjected the victims to forced "exit counseling" in order to de-convert them.² The report focuses mainly on the plight of Unification Church (UC) members as abduction and coercive "exit counseling" continue to be acute problems for this religious group.

Thousands of adult converts to the UC have allegedly been subjected to abduction, forced confinement and unsolicited "exit counseling" since 1966, with a peak for the years 1987 to 1995.³ Since 2009 there have been

Locked up by her relatives for 120 days

N.I., a convert to the UC, was reportedly abducted by her parents and other close family members in January 2012, shortly before she was due to get married to her fiancé, also a UC member. She was locked up in a room on the 7th floor of an apartment building for 120 days. In an account of her confinement, made available to HRWF, she stated: *"The entrance door's knob was covered with a peculiar tube-type apparatus, which was locked with a numerical padlock [...] the two windows facing the porch were completely sealed with wooden bars blocking any possible exits."* Three times N.I. was visited by an anti-cult activist, who, as N. I. reported, was fully aware that she was being held against her will. N.I. added: *"I felt cornered spiritually. I demonstrated my resistance in a hunger strike, but [gave up] after three days."* One day in April N. I. was able to find out the pin code of the padlock as her mother was opening the door of the apartment. Two weeks later, while the parents were talking to the visiting anti-cult activist, she managed to escape.

Fellow church members told her later that they had urged the police to search for her but police reportedly told them they were *"unable to intervene in family matters [...] if the violence is not so severe."*

¹ *Interim report of the Special Rapporteur on freedom of religion or belief*, 13 August 2012, p. 8, (<http://daccess-dds.ny.un.org/doc/UNDOC/GEN/N12/461/30/PDF/N1246130.pdf?OpenElement>).

² HRWF chose not to use the word "deprogrammer" as it implies that members of new religious movements were allegedly subjected to "programming" when entering the movement. (See, for example, James T. Richardson: *Deprogramming: from private self-help to governmental organized repression*, Crime Law Soc Change (2011) 55, pp. 324.) Instead it uses the term "exit counselor" to describe anti-cult activists who conduct de-conversion sessions in circumstances of forced confinement. The terms "exit counselor"/"exit counseling" are used in inverted commas throughout the report to indicate that the implication that the anti-cult activist provides advice and information on a voluntary basis does not correspond with reality in the cases featured in this report.

³ The UC, founded by the Korean Reverend Sun Myung Moon, started its activities in Japan in 1959 and was incorporated on 16 July 1964. The UC estimates that around 4,300 members have become victims of abduction and forced confinement for the purpose of religious de-conversion since 1966. According to a UC leader in Japan, this figure includes all those cases where *"someone suddenly [got] out of contact without any precursor, his/her parents were opposed to the church, and he/she later sent a memo to announce their leaving from the church."* HRWF was not able to independently verify these figures. The task of establishing reliable figures is complicated by the fact that numerous people have recanted their faith during forced confinement and "exit counseling" and, in retrospect, usually have no interest in providing information about the coercive nature of their de-conversion. The UC estimates that in one third of all 4,300 cases the people remained in the UC or later returned to it. Many of these people told the UC about their experiences during forced confinement.

that another 14 former UC members may also have been abducted and pressurized to recant their faith.⁴ According to the UC, some 80 per cent of all abduction victims have been women.

The other religious movement that was severely affected by abductions and unsolicited "exit counseling" in Japan are Jehovah's Witnesses.⁵ According to the Japanese branch of the Watch Tower Bible and Tract Society and the independent Japanese journalist Kazuhiro Yonemoto, from 1992 to 2001, between 150 and 180 adult Jehovah's Witnesses were subjected to similar treatment.

The victims' fellow-believers and, in many cases, their fiancé/es, have largely encountered indifference and a failure to take appropriate action on the part of the police. The abductee has only a slim chance that the police will come to his or her rescue. When victims have been released by their abductors or managed to escape and wanted the perpetrators to be punished in criminal proceedings, their complaints have gone nowhere. To the knowledge of Human Rights Without Frontiers (HRWF), no criminal case has ever been opened to punish alleged perpetrators of the crimes of abduction and forced confinement for the purpose of religious de-conversion in Japan.

Why have female UC members been particularly vulnerable to abduction?

- There is a widespread expectation in Japan that daughters, more than sons, should be obedient to their parents. Parents often view their children as "possessions."
- Many Japanese fathers feel obliged to protect their daughters from all evil and danger until they are happily married and the UC is widely regarded as a dangerous sect.
- There is a high percentage of marriages in the UC between Korean men and Japanese women. As a result, many women move abroad and are not able to be around their parents in old age.
- The parents' generation in Japan is in many cases affected by prejudice against Koreans originating from hostility between the countries prior to and during the Second World War.

Civil courts have dealt with five cases of UC members in the context of forcible confinement for the purpose of religious de-conversion. HRWF is concerned that the judgments may have been influenced by a discriminatory attitude towards the UC. Although the courts acknowledged in all cases that the plaintiffs were placed under conditions that restricted them in their freedom of movement, against their will, some courts found that no unlawful act had taken place. In all cases where parents were perpetrators the courts expressed considerable understanding for their actions and either awarded no damages to the plaintiffs or set a relatively small amount, which may not be commensurate to the harm suffered. The courts did not unequivocally condemn unsolicited "exit counseling."

Human rights violations that occurred in the context of abductions, deprivation of liberty and forced "exit counseling" by non-state actors in Japan have been largely disregarded by national and international human rights organizations since the first case in 1966. The issue has largely been a taboo in Japan as media have only reported about it on rare occasions and domestic human rights groups have not exposed it either. To HRWF's knowledge, to date none of the relevant special mechanisms or treaty bodies of the United Nations (UN) has taken up the issue. Although HRWF and the Japanese Victims' Association Against Religious Kidnapping, Confinement and Forced Conversion made submissions ahead of the Universal Periodic Review of Japan in 2011, which were included in the Summary prepared by the Office of the High Commissioner for Human Rights, no government delegation mentioned the topic during the Review.⁶ The 2012 report that the government of Japan submitted to the UN Human Rights Committee to inform the upcoming review does not address this issue, nor do any of the previous state reports. The United States Department of State is the only institution that has regularly monitored and documented this issue in its annual reports about freedom of religion and belief around the world. The United States Commission on International Religious Freedom (USCIRF) drew attention to the issue in its Annual Report, issued on 30 April 2013, and pointed out that although "*Japan is a thriving democracy with an advanced judicial system, both of which have generally promoted and protected the*

⁴ In 11 cases abduction victims stayed in the UC after their release or escape and reported that they had been confined by their relatives. As 13 people, who unexpectedly "disappeared" from the Church, later recanted their faith in the UC it could not be confirmed whether all of them had been abducted or whether some of them left the Church voluntarily or agreed to exit counseling on a voluntary basis. At the time of writing, HRWF was aware of one further alleged abduction of a young UC member.

⁵ The independent Japanese journalist Kazuhiro Yonemoto also reported one case of a member of the Japanese Yamagishi movement.

⁶ Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21, Japan, UN doc. A/HRC/WG.6/14/JPN/3, (<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/155/80/PDF/G1215580.pdf?OpenElement>).

*freedom of religion and belief [...] over the past several decades, thousands of individuals belonging to [...] new religious movements (NRMs) have been kidnapped by their families in an effort to force them to renounce their chosen beliefs.*⁷

Structure of the report

Chapter 1 of this report, “**Violations of Japan’s international obligations**,” highlights those Articles of the ICCPR that HRWF believes have been violated in the context of abductions and forced confinement for the purpose of religious de-conversion in Japan, both by non-state actors and by police and judicial bodies.

Chapter 2, “**Abduction, confinement and unsolicited exit counseling (Violations of Articles 7, 9, 12, 18 and 23 of the ICCPR)**,” analyses testimonies of victims and alleged perpetrators pertaining to preparing and carrying out the abduction, the nature of the forced confinement, and unsolicited “exit counseling.” The chapter covers violations of Articles 7, 9, 12, 18 and 23 of the ICCPR. It also addresses questions about the identity of the victims, the parents and the “exit counselors.”

Chapter 3, “**Police failure to protect victims (Violations of Articles 2, 18 and 26)**,” documents the failure of police in Japan to take appropriate action on reports of alleged abductions in the context of religious de-conversion. It also highlights the discriminatory nature of the police’s response to these abduction cases and their reluctance to protect the victims’ right to freedom of religion.

Chapter 4, “**Impunity persists (Violations of Articles 2, 18 and 26 of the ICCPR)**,” details the inability of victims to obtain justice through the criminal justice system as prosecutors have not brought charges against any of the alleged perpetrators. Victims have in many cases filed civil lawsuits, but some rulings appear to have been influenced by a discriminatory attitude towards the UC.

At the end of the briefing is a list of **recommendations** that HRWF believes the authorities of Japan should implement in order to bring the country’s practices in line with its obligations as a party to the ICCPR.

Methodology

This submission is based on fact-finding missions conducted by HRWF to Japan, South Korea and Spain in 2010 and 2011 and further desk research in 2013. Sources of information include interviews by HRWF researchers with abduction victims, written statements of abduction victims detailing their experiences that were provided to HRWF by the Japanese branch of the UC, interviews conducted by HRWF with representatives of the Japanese branch of the Watch Tower Bible and Tract Society and representatives of the UC in Japan, as well as Kazuhiro Yonemoto, a prolific independent Japanese journalist.⁸

Most abduction victims who informed HRWF of their experiences and whose cases are included in this

⁷ Annual Report of the U.S. Commission on International Religious Freedom, April 2013, Covering 31 January 2012 to 31 January 2013, p. 302.

⁸ Kazuhiro Yonemoto is known for his articles, research papers and a book criticizing certain activities of new religious movements and cults, such as Aum Shinrikyo, Happy Science Group, Houno Hana, Jehovah’s Witnesses, Kensei Kai, Life Space, Powerful Mate, Shinran Kai, the UC and Yamagishi Kai. He also published several anti-cult books: *Founder Arrested* (Takarajima), *Inspiration to Ryuhou Okawa* (Takarajima) criticizing the founder of the Happy Science Group, *Paradise of Brainwashing – Tragedies in Yamagishi Kai* (Yosensha) and others. However, when he became aware of the practice of forcible confinement and unsolicited “exit counseling” for the purpose of religious de-conversion, he had the intellectual honesty and concern for civil liberties and the law to publicize them. Kazuhiro Yonemoto has been monitoring the issue of abduction for the purpose of religious de-conversion since 1999 as a researcher totally independent from the UC. His first article in 1999 was entitled *Documentary: Drop Out*. Then he wrote comprehensive and critical pieces over the forced de-conversion issue in magazine articles in 2004 and in the book *Our Disturbing Neighbors* in 2008. In 2002, Kazuhiro Yonemoto interviewed three women – Asako Shukuya, Misako Takasu and Hiromi Nakajima – who had left the UC after being abducted, deprived of their freedom and submitted to unsolicited “exit counseling.” In 2004, he published an article based on these interviews, entitled *Untold saga and terrors of religious confinement*, in the monthly magazine *Gekkan Gendai* in 2004 (the publisher, Kodansha, is known to be very critical of the UC). Moreover, the journalist interviewed two recent victims of abduction who managed to escape in 2010 – Miyuki Hara and Keiichi Murata, both from Tokyo – and published their testimonies on his blog (<http://yonemoto.blog63.fc2.com>).

report want to remain anonymous. Therefore only their initials are used or, in some cases, further changes were made in order to make their cases unrecognizable. They are trying to rebuild the relationship with their parents after the abduction and do not want to damage these efforts by publicizing their stories. This report only mentions the names of those victims who gave the organization permission to do so.⁹

Human Rights Without Frontiers

HRWF is an international non-governmental human rights organization that was founded in 1989 and has since promoted the principles of human rights by advocating for the implementation of international human rights standards and obligations by all countries around the world. The organization has branch offices in Belgium, China, the USA and Nepal and associate members in Armenia, Azerbaijan, Bulgaria, Congo, Georgia, Iraq, Japan, Russia and South Korea. HRWF is a non-partisan organization that neither supports nor rejects the creed of both the UC and the Jehovah's Witnesses but seeks to defend the freedom of religion of all of these movements' members.

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⁹ Usually these victims have cut ties with their families, engaged in legal battles with their parents and, in some cases, other alleged perpetrators, who were involved in the abduction and subjected them to unsolicited "exit counseling."

1) VIOLATIONS OF JAPAN'S INTERNATIONAL OBLIGATIONS

This chapter highlights key articles of the ICCPR that HRWF believes have been violated in the course of abductions and forcible confinement for the purpose of religious de-conversion.

Freedom of religion (Article 18 of the ICCPR)

As a party to the ICCPR, Japan has obliged itself to guarantee freedom of thought, conscience and religion (Article 18 of the ICCPR).¹⁰ This human right includes the freedom to have or adopt and to manifest a religion. Article 18, part 2 stipulates that “[no] one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”

In its General Comment 22, paragraph 2, the UN Human Rights Committee points out that “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.”

In his 2012 interim report to the UN Secretary General, the Special Rapporteur on freedom of religion or belief focused on the right to conversion as part of that freedom. The following excerpts are particularly relevant to the situation of abduction victims in Japan. He stressed that “[s]tates are obliged to protect the right to conversion against possible third-party infringements, such as violence or harassment against converts by their previous communities or their social environment.”¹¹ He further stated that the “right not to be forced to convert is also relevant to non-State actors or to third parties, namely, private individuals or organizations. If individuals or organizations try to convert people by resorting to means of coercion or by directly exploiting situations of particular vulnerability, protection by States against such practices may prove necessary.”¹²

However, as this report demonstrates, in cases of abduction and forced confinement, parents, often with the guidance and/or active support of “exit counselors,” have forced members of new religious movements to recant their faith and the authorities of Japan have failed to protect the victims’ freedom of religion or belief.

Right to liberty and security of person (Article 9) and Freedom of movement (Article 12)

Article 9 of the ICCPR states that “[e]veryone 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.”

Article 12 of the ICCPR stipulates that “[e]veryone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.”

In Japan victims of abduction, confined by their close relatives in order to force them to renounce their faith, have been locked in rooms or apartments for weeks, months or even years.

Right not to be subjected to torture or other ill-treatment (Article 7)

Article 7 of the ICCPR stipulates that “[n]o one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”

Paragraph 11 of General Comment 28 highlights the Human Rights Committee’s opinion that domestic violence can fall in the category of inhuman or degrading treatment and included under this article.

Victims of abduction for the purpose of religious de-conversion in Japan have in many cases reported to have been subjected to physical violence during the process of abduction. Some have also alleged

¹⁰ The Constitution of Japan stipulates rights relevant to freedom of religion. Article 20 of the Constitution states that “1) [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.”

¹¹ Interim report, 2012, p. 8.

¹² Interim report, 2012, p. 9.

that their parents or other relatives subjected them to ill-treatment while they were held in forced confinement. To HRWF's knowledge, none of the alleged perpetrators has been brought to justice.

Right to marry and found a family (Article 23)

Article 23, part 1 of the ICCPR stipulates that the *"family is the natural and fundamental group unit of society and is entitled to protection by society and the State."* Part 2 of the same Article adds that the *"right of men and women of marriageable age to marry and to found a family shall be recognized."*

In many cases parents of UC converts have carried out abductions – among other reasons – to prevent their adult daughter or son from getting engaged to another UC member or shortly before the legal registration of their religious marriage. There have also been cases where parents, while forcibly confining their daughter or son, have urged them to nullify their engagement or divorce their spouse, as one condition of their release.

In August 1995, Toru Goto and his fiancée attended the UC's International Marriage Blessing Ceremony. However, Toru Goto was abducted by his parents on 11 September 1995 and only released 12 years and five months later.

Right to an effective remedy (Article 2) and the Right to be free from discrimination (Article 26)

Article 2, part 3 of the ICCPR, obliges states to *"ensure 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."* States must also *"ensure 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"* and *"enforce such remedies when granted."*

However, as will be demonstrated in chapters 3 and 4 of this report, the authorities of Japan have not provided an effective remedy to victims of abductions and confinement for the purpose of religious de-conversion. In the large majority of cases the police have not taken appropriate steps to promptly end forced confinement and unsolicited "exit counseling." Investigations have allegedly been conducted in a perfunctory manner or not at all and perpetrators of abductions and unsolicited exit counseling who have acted under conditions of deprivation of liberty have not faced criminal responsibility. Civil courts have refused to issue injunctions against "exit counselors" that would order them to refrain from unsolicited "exit counseling" in the future. Damages awarded in civil lawsuits have been relatively low and may not be commensurate with the crime/s committed.

Article 26 of the ICCPR stipulates that *"[a]ll persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."*

There are indications that the authorities of Japan have not provided converts to new religious movements with an effective remedy for reasons of deep-rooted prejudice in society and within government and judicial authorities against non-traditional religions like the UC. As a result, police and judicial authorities have turned a blind eye and have not taken appropriate action on reports of abductions and on criminal complaints lodged by victims after their release or escape. Thus members of new religious movements have been treated unfairly and denied protection against crime for reasons of discrimination, based on their religious creed.

2) ABDUCTION, FORCED CONFINEMENT AND UNSOLICITED “EXIT COUNSELING“ (Violations of Articles 7, 9, 12, 18 and 23 of the ICCPR)

This chapter describes key patterns that HRWF researchers have observed when studying the issues of abduction, forced confinement and “exit counseling” for the purpose of religious de-conversion in Japan. It addresses questions about the identity of the victims, the parents and the “exit counselors” and provides further information about the process of the abduction and the nature of the forced confinement victims have been subjected to. HRWF believes that Articles 7, 9, 12, 18 and 23 of the ICCPR have been violated in numerous cases in connection with actions carried out by the parents, other close relatives, the family’s friends and “exit counselors.”

From parents’ legitimate concerns to the abduction decision

The conversion of a family member to a new religion that may involve the convert to fundamentally change his or her life can have serious implications for the whole family. Often parents or spouses are afraid of influences their loved ones may be exposed to as members of new religious movements such as the UC or the Jehovah’s Witnesses. Their fears often increase when they hear directly or indirectly about the negative media coverage concerning the said groups and of brainwashing techniques allegedly applied by the UC. Parents also fear that their children who joined a new religious movement may be financially exploited.

In the case of Jehovah’s Witnesses the conversion of one spouse has in many cases led to friction between husband and wife. Most abductions of Jehovah’s Witnesses were carried out by husbands who did not accept their wife’s conversion.

Initially the UC mainly proselytized among university over age students and is still converting many young adults. Parents of young converts to the UC have often been shocked by the changes their daughter or son underwent after having been recruited by the Church. Like most Japanese, the parents considered themselves non-religious but partook in some social Buddhist and Shinto practices.¹³ In many cases the new converts moved into dormitories to live with fellow-believers. The UC practice of Reverend Moon to recommend matches between men and women for future marriages and that, in line with UC teachings, they became their “True Parents,”¹⁴ can be particularly challenging to the biological parents.¹⁵ They may perceive it as a usurpation of their natural relation with their child, a loss of their child’s free will and a form of psychological subjugation. In fact, in many cases the victims of abduction have been young women or men who were either due to be engaged to another UC member or who were already religiously married but whose marriage was yet to be legally registered.

UC member N.I. was forcibly confined by her parents for four months in the first half of 2012. She was due to get married in the International Marriage Blessing Ceremony in South Korea on 24 March. She recalled in an account of her confinement made available to HRWF: *“I was deprived of the opportunity of attending the wedding, to my serious despair. Apparently, my parents plotted my confinement, partly to abort my participation in the ceremony.”*

At a loss, many parents have looked for an association or individuals with whom to consult such as former members of new religious movements, religious ministers, cult-watchers, anti-cult activists and associations. In search of a solution to their anxiety, they may finally come across “exit counselors” and may be invited by them to attend study sessions and seminars where they get to know parents in a similar situation and are told about alleged dangers members of the incriminated religious movements are exposed to. In fact, “exit counselors” frequently themselves contact parents of UC members and invite them for conversations and seminars. “Exit counselors” in many cases urge abduction victims who recanted or pretended to recant their faith following unsolicited “exit counseling” to provide them with a list of names of UC converts. Most “exit counselors” are pastors and lay people of Protestant churches,¹⁶

¹³ Japanese usually practice the Shinto ritual at New Year, the Christian or Shinto rite for marriages and the Buddhist rite for funeral.

¹⁴ According to UC doctrine, the concept of “True Parents” means that they become their “spiritual parents.”

¹⁵ Since Reverend Moon’s death in 2012 the UC has continued to perform this role.

¹⁶ According to journalist Kazuhiro Yonemoto, around 200 pastors of one specific denomination were involved in “protective persuasion” and “unsolicited or forceful exit counseling” for the purpose of de-conversion from new religious movements and conversion to Protestantism in the first 20 years of the phenomenon. For various reasons (age, possible lawsuits, negative publicity around the issue and awareness of the psychological damage

some of whom use the concerns of converts' families as an opportunity to fight against a competing heresy and, in many cases, to recruit new members.

The "exit counselors" discourse instills more fear in the parents' minds and success stories of abduction by other parents may induce them "to rescue" their loved one(s) by any means, including abduction. In this way, family members may be slowly convinced that there is no alternative solution other than abduction, isolation from co-religionists, coercive persuasion and "exit counseling" leading to de-conversion and sometimes to conversion to another religion, usually Evangelical Protestantism.¹⁷

Counseling programs that comprise presentations of the Protestant interpretation of the Bible and focus on the alleged contradictions or errors in the doctrine of the targeted movement with regard to the Bible may be considered legitimate on the "free market of religions" and in agreement with the principle of freedom of expression, when participation in such programs is voluntary. However, when those programs accept or advocate that religious de-conversion be carried out in conditions of confinement and coercion imposed on individuals, this cannot be condoned in the light of international human rights standards.

In 1994, Tamiya Tamaguchi, a former UC member who converted to Protestantism and died in 2002, published the book, *Unification Church: Rescue and Rehabilitation*, encouraging parents to carry out abductions for the purpose of religious de-programming. The book makes detailed recommendations about each phase of the "rescue operation:" the recruitment of relatives to perform the abduction, the search for an apartment and its adaptation to confinement conditions, the rental contract, the household utensils to be chosen or avoided, the meals, the possible visit of the police, and so on. The publication of such books or manuals can be seen as aiding and abetting such illegal acts.

A.Y. holds a PhD in environmental sciences and has a job in a well-known institute in Japan. She was abducted on 1 January 2011. A.Y. testified to HRWF:

As my mother told me after the confinement, she visited the Shinjuku West Church of the UCCJ¹⁸ and visited Kimiaki Nishida who was engaged in so-called "mind control" research. She said she had four consultation sessions with exit counselor Takashi Miyamura. As part of an ordinary family like mine, my mother would never have thought of kidnapping and confinement.

It is not easy to find a parent who wants to testify about the abduction of his or her son or daughter. However, K.S., the father of S.A., who was abducted by her parents and other relatives three times, testified to HRWF about their psychological preparation by third parties.¹⁹

My wife and I were not religious people but like most Japanese, we occasionally had some Buddhist practices. We were advised to take part in meetings of the Anti-UC Parents Association held in a Christian Church in Azabu (Tokyo). Afterwards, we visited a Protestant church in Niitsu City, in Niigata Prefecture, driving for three hours each way every weekend to participate in the anti-UC study session. There were usually 50-80 parents in a situation similar to ours. The sessions comprised some Biblical training meant to help us convince our children of their errors, testimonies of parents who had managed to remove their children from the UC and instructions about the implementation of the rescue operation. Once we had decided to take action, we had private meetings with the pastor. He told us to bring the relatives and friends who would help us and gave us all sorts of strict instructions concerning the logistics. We rented an apartment from someone who had managed to remove his daughter from the UC after a successful exit counseling program.

Carrying out abduction and forced confinement

The abduction procedure must be thoroughly prepared. Parents, husbands or other close relatives

caused by their persuasion techniques) their number has decreased significantly and just a dozen might still be active now.

¹⁷The "exit counselors" avoid frightening terms such as abduction, confinement or deprogramming and prefer "softer" and more socially acceptable words such as "rescue" from the movement, "custody," "protection," "persuasion" and "family discussion." In this way, they cannot be accused of perpetration of or incitement to illegal acts.

¹⁸ UCCJ: United Church of Christ in Japan.

¹⁹ She was deprived of her freedom during one week in 1983 (she pretended to recant), two months in 1993 (she escaped) and about two months in 1995 (she faked her recantation). She could not be de-converted.

carefully select the location of the confinement premises and adapt them to the upcoming situation so that the confined person cannot be seen or heard and cannot communicate with the outside world. In most cases the apartments are rented from a sympathizer of anti-cult activists or another family who succeeded in de-converting their child.

Parents and relatives must be ready to serve as guardians day and night for an undetermined period, which can range from a few weeks to several months or years in exceptional cases. This may disturb their professional life or necessitate its interruption.

In Case No. 1732 filed with Kobe District Court in 1994 (a "Lost Youth Compensation"²⁰ lawsuit) the UC lawyer asked pastor Mamoru Takazawa, who had acted as an "exit counselor" and was the pastor of an "independent" Protestant church:

Q: Do you advise the parents that, as their children dedicate their lives for their faith, they must also devote their lives to rescue them?

T: Surely, I tell them so.

Q: Do you also advise them to make up their minds, even giving up their jobs, in order to rescue their children?

T: Unfortunately, there occur such cases from time to time.

Q: Rather than 'from time to time', if the deprogramming needs months of efforts, the parents are constantly pressured to quit their jobs, aren't they?

T: Because parents generally judge that their children's life is more precious than their jobs, they naturally come to the inevitable conclusion themselves. This is the reality.

In the case of UC members, the usual pretexts parents have put forward to deceive the convert to come to the site of the planned abduction are a regular visit to the parents, an invitation to a restaurant or a family event. As the abduction and forced confinement usually cannot be carried out solely by the parents, it often necessitates the participation of several people, such as other close relatives and friends. In one case the parents reportedly hired members of a mafia-like group to carry out the abduction (see below).

Several victims recounted their experience of the abduction to HRWF, during the organization's fact-finding missions in 2010 and 2011. For example, a UC member, whose abduction was carried out in a similar way to many other abductions of UC members, told HRWF under the cover of anonymity:

I had come to my parents' on 1 January [2011]. We went to the local Shinto shrine as most Japanese do on the first day of the year and in the evening, my father started to argue about my new faith. Suddenly, the living-room was filled with people, including my uncle, my aunt, a biology teacher and a female nurse. They surrounded me. I grabbed my mobile telephone on the desk. As I resisted, they pushed my arms more strongly while my sister forcibly took away my telephone. I started screaming. Dressed in a nightgown, I asked for a change of clothes, to no avail. Grabbed tightly at my arm, I went out through the entrance and found a black vehicle I had never seen. I was pushed inside. Ahead of our car ran a white car in which my sister and the biology teacher had taken a seat. The cars stopped in front of a three-storey apartment named "Espoir Shirakawa." It was around 1:30 am. I was firmly taken up the stairs to the second floor.

HRWF also learnt of some cases where abductions were carried out in exceptional circumstances. For example, Masashi Yoshimura was allegedly abducted by a mafia-like group hired by his parents.

Masashi Yoshimura who practiced martial arts and graduated from Kyoto University to become a civil engineer told HRWF that in 1987 his mother had been advised by an anti-UC Parents' Association to hire people from the Hokkaido Group, a mafia-like group, to perpetrate the abduction of her son and she did. He recalled:

I was abducted in broad daylight on the street. Four men grabbed my arms and legs, threw me into a

²⁰ Many members who left the UC filed complaints on the advice of anti-UC activists or counselors for alleged damages suffered as a result of losing several years of their youth in the UC and asked for financial compensation. The so-called "Lost Youth Compensation Cases" began in Sapporo City, Hokkaido, claiming that the witnessing activities conducted by UC members were illegal. These cases were conducted by the Network of Lawyers against Spiritual Sales, a network of around 300 lawyers who specialized in such anti-UC cases and for whom these cases represent a significant source of income. The trial at Sapporo District Court lasted for 14 years from 1987 to 2001. In most but not all cases the plaintiffs were awarded compensation.

taxi against my will, handcuffed me and took me directly to an airport in Nagoya. A Cessna was waiting for us. We were the only passengers. I was taken to Hokkaido and kept in a building of the Hokkaido Group for two months and a half. Other rooms were also rented for two other abductees during my stay. Fortunately I managed to escape. I cannot imagine how much my parents paid for this failed operation. I filed a complaint on criminal grounds but the Prosecutor's Office dismissed it.

Hiroko Tomizawa was also abducted under unusual circumstances as her relatives and several private detectives and anti-cult activists carried out an armed attack on the church.

On 7 June 1997, at 2 pm, my father who is a former police officer, relatives, five private detectives, and members of an anti-Unification Church group (about 20 people in all) made a surprise attack on a Unification Church in Tottori with weapons including stun guns, iron pipes, and chains. The group destroyed the glass in the entrance door, unlocked the door, interfered with Church activities, attacked four Church members, injured them, and kidnapped me. I was pushed into a station wagon and taken away.

However, they didn't take me directly to Osaka. Instead they took a detour to Shikoku and kept me for three days in a room on one of the highest floors of a resort condominium in Naruto.

On 10 June, after 10 pm, I was handcuffed, taken out of the room and pushed again into the station wagon by force. We took the ferry to Osaka via Awaji Island. On 11 June, we arrived in Osaka where I was put in confinement in the room of an apartment on the 10th floor.

HRWF knows of one case where a couple that belonged to the UC was abducted by both sets of parents at the same time.

On 22 September 1996, Tsutomu Tojo and his wife Kumiko participated in a Buddhist memorial service in remembrance of a family member's death and afterwards went to another relative's house. Kumiko Tojo told HRWF:

While resting after having tea, the door of the room suddenly opened. Surprisingly, not only my relatives but also my husband's came in. We were forced into two separate vans and taken to two different places of confinement. I did not have enough power to resist. So, I cried out my husband's name but my voice could not reach him. It was incredibly shocking.

After the abduction the UC convert is usually taken to the confinement premises. In Japan the periods of deprivation of liberty have usually ranged from a few days or weeks to several months and sometimes more than a year. The most extreme case is that of UC member Toru Goto, who was held in confinement by his family for over 12 years.

In one case that has come to HRWF's attention, a pregnant UC member was confined for three months in 1997 until the eighth month of pregnancy. She was released on condition that she had to recant her faith.

Y.H. lived with her husband in South Korea and went to visit her parents in Japan in August 1997, when she was five months' pregnant with her first child. The first evening of her stay at her parents' house, several relatives abducted her and took her to an apartment in Niigata City. In a written statement describing her experiences during the period of confinement that the Japanese branch of the UC made available to HRWF Y.H. recalled that the "door to the apartment had a chain [in addition to] the chain lock on the door wound around the knob and secured with a padlock. Every single window was locked with a special key so that it couldn't be opened from the inside and there was special film put on the window panes so that you could not see outside at all. The bathroom door was fixed so that you couldn't lock it from the inside." Reportedly, Rev. Matsunaga of the Niitsu Evangelical Christian Church and several former UC members came to her on a regular basis and subjected her to unsolicited "exit counseling," which she described as "offensive." Throughout the time of her confinement, Y.H. was tormented by her concern for the unborn baby. She recalled: "I knew that the stress that a pregnant mother feels is felt hundreds of times more strongly by the baby in the womb, and so I agonized over what the baby was going through until I thought I would go mad." She was particularly frightened when her cousin, a nurse, told her "if you realize your mistake about the UC here and decide to have an abortion, normally, doctors won't do it. But, I have made a special request for you and found someone who will perform an abortion even if you're past five months." In the middle of November Rev. Matsunaga reportedly urged her to make a written statement that she would not go to the UC anymore and list all

errors in the doctrine and practice of the UC. Against her will, she complied in order to save herself and her child and was released at the end of November. However, she stayed with the UC after her release.

HRWF learnt of cases where abduction victims alleged to have been beaten, thrown on the floor and jumped on, or repeatedly smothered with a pillow by their relatives.²¹

R.H., a UC member who was confined for several days in July 2000, recalled in her account of the abduction and forced confinement, made available to HRWF by the UC of Japan, that her father *“threw [her] on the floor and jumped on top of [her]”* after she had attempted to escape from the apartment where her family had confined her. *“I was filled with despair at not being able to escape and was shocked by the violence applied by my father,”* she remembered.

Kozue Terada was confined by her parents from October to December 2001. In December she was able to smuggle a note calling for help out of the apartment hoping that somebody would find it and alert the police. Indeed, on 19 December a policeman came and, while he was standing outside the door, Kozue Terada, who had heard him knock at the door, reportedly called: *“Help me! I am illegally confined!”* She reported that her parents quickly covered her mouth with their hands and dragged her across the room. She added: *“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.”* According to Kozue Terada, she sustained injuries to her neck and sacroiliac arthritis as a result, which had to be treated after her release from forced confinement for about one month to heal.

In a report made available to HRWF, a UC member, who was abducted by her parents three times, in 2005, 2006 and 2010 respectively, stated: *“Several times it escalated to physical abuse. My sister beat my back and took my hair and dragged me around.”*

Out of love, parents are ready to pay huge amounts for the sake of their children. Renting a van, a room or a house and remodeling them for confinement purposes for an unforeseeable period of time entails major expenses. Moreover, during fact-finding missions in 2010 and 2011 HRWF collected testimonies suggesting that “exit counselors” had been paid by parents for their activities and in June 2013 an “exit-counselor” for the first time admitted before a court that the parents had paid him for his services. HRWF was not able to verify the amounts that were allegedly paid. On 17 June 2013 “exit counselor” Takashi Miyamura told Tokyo District Court that he had received between 200,000 (approx. 1,500 EUR) and 300,000 Yen (approx. 2,300 EUR) from parents of UC members.²² Abduction victims interviewed by HRWF reported rates between 4 million Japanese Yen (approx. 31,000 EUR) and 10 million Yen (approx. 78,000 EUR).²³

Forced “exit counseling”

In many abduction cases known to HRWF, parents of UC converts arranged for “exit counselors” to visit their son or daughter in order to convince them to give up their faith. In many cases they came on a regular basis, no matter whether or not the convert wished to speak with them. Sometimes “exit counselors” brought along former UC members in order to contribute to the de-conversion. In numerous cases “exit counselors” are believed to have been aware that the victim was deprived of liberty while they were conducting their sessions, chiefly because of heavy locking devices that were visible when entering and leaving the place of confinement. HRWF has received reports from several abduction victims stating that they were sure the “exit counselors” who visited them knew that the young man or woman was locked up.

²¹ See also the case of Toru Goto below, who claims that his relatives almost suffocated him on several occasions.

²² Throughout the report the amount in EUR is based on the exchange rate in 2013, at the time of writing the report.

²³ According to Kiyomi Miyama, who was abducted and confined twice during six months and 29 months, the average rate of “exit counselor” Takashi Miyamura for rescuing “cult members” was approx. 40,000 EUR. According to Sayuri Hara, her parents regularly gave envelopes with certain amounts of money to pastors and “exit counselors.” She also read in her mother’s notebook that her parents had borrowed the equivalent of around 30,000 EUR from an uncle. Unofficially, journalist Kazuhiro Yonemoto was told by the police that the average price was four million Yen (approx. 31,000 EUR). Yonemoto was also informed by an anti-UC pastor that an “exit counselor” without any religious motivation had proposed to a concerned mother a remuneration of 10 million Yen (approx. 78,000 EUR) when she was considering abduction.

Kozue Terada, who was abducted in 2001 and confined in an apartment in Osaka, recalled in a written statement made available to HRWF:

In the morning of 29 October 2001, my uncles and younger sister left the apartment for work, and three people, my father and two aunts, remained to keep watch over me.

Around 2:00 pm, Rev. Mamoru Takazawa of the Kobe Shin Church came to the apartment. I protested to Rev. Takazawa, saying, "This is a forced confinement!" Takazawa said, "Yes, this is forced confinement," adding, "But your father and mother are confined, too." Rev. Takazawa insisted that he was "requested to engage in the discussion" and stayed for about two hours criticizing the Unification Church doctrines.

At 2:00 pm on 30 October, Rev. Takazawa came to the room. Ignoring my desires, he continued to force me to have a dialogue with him. I said, "I don't want to be here! I am going to call the police. Let me borrow a cell phone!" As I extended my hand, Rev. Takazawa got emotional and said, "Even if a policeman comes, as soon as he finds it is about the Unification Church, he will collaborate with me, saying 'Keep on your good work!'" Rev. Takazawa took five to six name cards of policemen from his wallet, and emphasized, "I have a connection with the police."

In another case, UC member A.Y. was abducted in 2011. In an account of her confinement made available to HRWF, she described that an "exit counselor" and two former UC members forced her to listen to their criticism of the UC and Rev. Moon. The "exit counselor" reportedly told her that "[i]f we unanimously agree with you, I will release you." She added: "[I understood] that he holds the power to decide whether I should be released from the room or not."

The complicity of the "exit counselor" in the deprivation of freedom is clearly attested to in several civil court cases.

For example, according to the records of Case No. 1732 (a "Lost Youth Compensation" lawsuit), filed with Kobe District Court in 1994, on 21 May 1996, the UC lawyer asked Mamoru Takazawa, the pastor of an "independent" Protestant church, questions about an escape attempt of a confined UC member (referred to as the Okamoto incident):

Q: Do you sometimes arrange places for confinement?

T: Sometimes. Depending on the situation, I may be obliged to propose some places.

Q: Do you also instruct them that the rescue operation needs the cooperation of their relatives?

T: That is right.

Q: You advise them to assemble as many relatives as possible?

T: Well, right [...]

Q: When a turn of action draws near, you discuss the date of confinement and other details with the parents concerned, don't you?

T: What do you mean, the date?

Q: I mean you need to arrange the detailed plans, say, a UC follower will come home so and so, date. So, you bring the relatives on the day, arrange the apartment for confinement beforehand, etc.

T: Such things are naturally arranged by the family concerned.

Q: Aren't you involved in the preparation?

T: That is inevitable. I have to be aware of their plan, however passively.

In the minutes of the same court case the following interaction is recorded between the UC lawyer and Mamoru Takazawa:²⁴

Q: In that incident, did he jump off to the ground?

T: He did not mean to jump off but he tried to escape. His family dashed to him and pulled him back but in the ensuing scuffle, he went off the balcony and fell down to the ground.

Q: You mean he was heavily wounded in his escape attempt?

T: That is correct.

Q: His escape attempt indicates that he did not like to be forced to hear your persuasion talks.

T: I guess so.

Q: And he was not in a situation in which he was free to get through the entrance.

T: You are right.

²⁴ This questioning also took place on 21 May 1996.

In Case No. 458 about a donation issue dealt with by the Takasaki Branch of Maebashi District Court in 1993, pastor Yoshio Shimizu of the United Church of Christ in Japan recognized his involvement in "exit counseling" under conditions of forced confinement:

Q: How many people have you attempted to persuade to leave the UC?

T: I remember the names of over 50 people.

Q: For the persuasion, you confine the UC followers somewhere?

T: You mean I carried it out?

Q: Do you mean you have not carried out the confinement?

T: What is the definition of the confinement?

Q: It may involve locking windows, hiding shoes or keeping constant guard, etc. (...)

T: There are such cases.

Q: Can't you persuade them without resorting to such methods?

T: There are cases that required them.

Outcomes of abduction and forced confinement

The confinement of the convert can come to an end in various ways. HRWF knows of cases where the abductors released the victim after she or he had renounced their faith; after the failure of the "exit counseling;" after release by external actors; and after the victim's escape. Some report having been abducted a second or even a third time.

An acrobatic escape

A.Y. holds the record of the shortest confinement period (24 hours) and of the most acrobatic escape. She told HRWF:

On 3 January 2011, at about 2:40 am, while my parents and my sister were sleeping, I cautiously closed the sliding door separating my room and my sister's. I took my handbag and opened the sliding window to the balcony. I was then outside on the second floor and in front of me at arm's length, there was an electricity pole. I went over the wall of the balcony, stretched my arm, held the pole's picket, moved onto the pole and climbed it down falling on my hips down to the ground. The apartment was too high for me to jump down. I could have been badly injured.

Rescued from confinement by her fiancé and a lawyer

In 2009, H.K. who was then 29, was abducted by her parents and driven to a remote location, where she was confined for two months and subjected to "exit counseling." In the meantime, her fiancé and co-religionists looked for her with the help of a private detective. They found her confinement place and visited it with a lawyer. H.K. told HRWF:

When the bell rang and my father opened the door, I was surprised to hear familiar voices. My fiancé, members of my church and a lawyer were standing outside the entrance door. They asked me if I was there against my will. I said "yes" and I left the apartment with them. I was really happy. Afterwards, I tried to contact my parents but they did not answer my calls, my emails or my letters. It is a pity.

Abducted twice: The case of Y.K., a female Jehovah's Witness

Y.K. was abducted twice by her parents near the shop where she was working. The first time, in 1998, she was released after three days in confinement, after her brother had informed her congregation. The second time, in 1999, she was abducted at 4.45 am and taken to a place some two hours' away by car. After four months of confinement, she managed to escape.

Psychological consequences for abduction victims

Many abducted converts experienced post-traumatic stress disorder (PTSD) as a result of the abduction, forced confinement and efforts to de-convert them.²⁵

²⁵ For further information about the psychological consequences of abductions and confinement for the purpose of religious de-conversion and on the consequences for family relationships, please refer to Willy Fautré, *Report*

In 2004, Keiko Ikemoto²⁶ and Masakazu Nakamura²⁷ published a study entitled *Forced deprogramming from a religion and mental health: A case report of PTSD* in the International Journal of Law and Psychiatry.²⁸ The victim was a 32-year old female Jehovah's Witness without any personal or family psychiatric past history.²⁹ She was kidnapped and kept in solitary confinement by her family for 20 days. According to what the researchers wrote about the post-traumatic disorder she experienced, after she returned to her house, the psychiatrist diagnosed a moderate to severe depressive state. As she was afraid to stay alone, she stayed at her friend's house for three weeks. She was too fearful to ride a bicycle; noise made her irritable; when somebody talked in a rhythm similar to that of the clergyman, she could not bear it; she complained of anxiety and insomnia; she experienced the sensation of being bound hand and foot at night. The victim also felt guilt for recanting her faith and could not restore her relations with her parents. A year later, as reported in the study, the woman told the therapist: *"I'm doing well at work, but I feel slightly listless since that event. I can't forgive my parents even now. My feelings towards my parents are similar to those for a rapist. I feel strained whenever I recall that event.' For her parents' part, as they had noticed the serious influence of the confinement and betrayal on her, they wanted to apologize to her. However, she would never wish to meet her parents again."*

In their conclusions about the relation between "exit counseling" under coercion and PTSD, Keiko Ikemoto and Masakazu Nakamura referred to James R. Lewis, a scholar in religious studies, and David G. Bromley, a professor of sociology:³⁰

Lewis and Bromley (1987) reported that among 36 of those who had experienced involuntary counseling, 61% showed a floating and altered state, 47% nightmares and 58% amnesia, and that the incidence of these symptoms was lower among those who had voluntary counseling (41%, n=29), although it was still higher than voluntary seceders, who did not require other's participations (8-11%, n=89). Their results showed that even voluntary counseling is harmful in the context of mental health. This might indicate that the situation in which autonomy in religious belief is harmed can cause trauma and PTSD. In the present case, another cause of trauma was the moral sense of the patient, which was injured by her transient withdrawal from her faith, resulting from involuntary counseling.

S.N., a victim interviewed by HRWF, declared under cover of anonymity, that since after his confinement in 1993 he suffered from psychological consequences for many years. He recalled:

Sometimes I was depressed and I could not sleep. I could not concentrate any more. I cannot understand that parents can do that to their children. They did not want to meet my future wife and they do not want to see their two grandchildren. I am ready to reconcile, but first I want them to say they regret what they did to me. It is still an open wound almost 20 years later.

The case of Toru Goto: Reportedly confined for 12 years and five months

I can never pardon their actions. They deprived me of my fundamental human dignity as well as the most precious period of my life. Yet, my family members and [the "exit counselor"], have not yet shown any remorse or offered an apology. (Toru Goto told HRWF in September 2011).

Toru Goto was born in 1963 into a wealthy family that was not religious but shared some social Buddhist and Shinto practices.³¹ He, his brother and his sister got in contact with the UC in the late 1980s. His

of fact-finding missions, in: *Japan: Abduction & Deprivation of Freedom for the Purpose of Religious De-Conversion*, pp. 31-86. (<http://www.hrwf.org/images/reports/2012/1231%20report%20final%20eng.pdf>).

²⁶ Clinical Research Institute, National Minami Hanamaki Hospital, 500 Suwa, Hanamaki, Iwate 025-0033, Japan.

²⁷ Counseling Service Association, Nishi-Tokyo, Japan.

²⁸ Issue 27(2004), pp. 147-155. Full article available online at <http://sciencedirect.com>.

²⁹ The woman's name was withheld in the study for reasons of confidentiality. HRWF obtained information about her religious affiliation during the organization's fact-finding mission.

³⁰ For information refer to James R. Lewis and David G. Bromley, *The Cult Withdrawal Syndrome: A Case of Misattribution of Cause?*, Journal for the Scientific Study of Religion, Vol. 26, No. 4 (December 1987), pp. 508-522, <http://www.jstor.org/pss/1387101>.

³¹ One reason for the exceptional duration of Toru Goto's forced confinement may be that "exit counselor" Takashi Miyamura insisted on Toru Goto's continued forced confinement and that Toru Goto's family members obediently carried out his orders. This allegation was made by Yoshiro Ito, a lawyer belonging to the "National Network of Lawyers Against Spiritual Sales," in an interview with journalist Kazuhiro Yonemoto. Yoshiro Ito had supported many cases against the UC, but, when he became aware that many former UC members had recanted their faith following abduction and forced confinement, he developed a critical attitude towards "exit counseling."

parents had deep concerns about the new orientation of their three children and wanted to take them out of the UC. They contacted an organization of parents of current and former UC members called *Mizukukikai*, which was managed by Takashi Miyamura, the director of an advertisement agency and a non-religiously motivated "exit counselor." In spring of 1987, his brother suddenly disappeared. When he re-appeared, he was totally transformed. He had become Protestant and was crusading against the UC. In 1989, his younger sister also left the UC.

Forcible confinement in 1987

In the autumn of the same year as his brother's confinement his family forcibly confined Toru Goto in a hotel room in Tokyo. He tried to leave the room but the door was fixed with a special device that made any escape impossible. Infuriated by the situation, he struggled with his brother and parents, who eventually overpowered him. Every day Takashi Miyamura brought in several former UC members to try to convince him to give up his new faith. He was then transferred to an apartment in Ogikubo, Suginami Ward of Tokyo. Convinced that there was no way out, he pretended to recant his new religious beliefs and waited for his release, in vain. In the latter days of November, he managed to escape.

Fearing another confinement attempt, Toru Goto resigned from the Taisei Corporation, where he worked, moved to another location and fully devoted himself to church activities. In 1990, Toru Goto began to communicate again with his family and occasionally visited his parents' home. They promised him that they would not try to abduct him again.

Forcible confinement from 1995 to 2008

However, Toru Goto reported that on the evening of 11 September 1995, his parents, his brother and an unknown man abducted him during a visit to his family in Nishi-Tokyo City. He was taken to a room in Niigata prefecture (Unit 607 at Palace Mansion Tamon) where he lived from 12 September 1995 until 22 June 1997. His place of confinement was tightly sealed, he said. All the windows and the entrance door were locked from within. He did not have any key that would have allowed him to leave the place. His family members were constantly present and frequently urged him to renounce his faith. According to Toru Goto, Pastor Matsunaga also visited him several times to persuade him to leave the UC. Toward the end of December 1995, he submitted a written renunciation of faith but his parents and the pastor did not trust him and continued his confinement. In March 1996, Toru Goto's father was hospitalized and never went back to Unit 607 at Palace Mansion Tamon. He passed away from cancer at the age of 65 on 22 June 1997. Toru Goto was moved to the family's house in Nishi-Tokyo City to see his mortal remains; he was "accompanied" by eight people and did not see any chance to escape. Right after the death of his father, he was transferred to an apartment in Tokyo (Ogikubo Pureisu, Room number 605). He did not have access to keys and was confined there for six months. Around the end of December 1997, he was taken to Room 804 of Ogikubo Flower Home, where he was reportedly confined for about 10 years.

Between early January 1998 and September of the same year, Takashi Miyamura brought former UC members to room No. 804 and pressed Toru Goto to leave the church. His record indicates Miyamura visited him as many as 73 times until September 1998. Takashi Miyamura said, *"It is not I but your family that is confining you. If you want to go out, tell your family members!"* Such a reaction shows that the "exit counselor" was fully aware of his deprivation of freedom. His brother and his sister were also threatening: *"If you don't change, you shall remain this way for the rest of your life!"*

Kiyomi Miyama, once herself an abduction victim, who later became a member of an "exit counseling" team and then rejoined the UC, testified to HRWF about Toru Goto's situation:

In 1998, I once visited Room 804 in the same Flower Home Apartment where I was confined before. Mr. Toru Goto was detained in this room. When a former member tapped on his front door, Mr. Goto's family member opened the heavy lock and let us in. One of his family members locked the door again 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. I met Mr. Goto just once. I don't remember exactly how long but I think it was about 20 to 30 minutes. When I was taken to that room, Miyamura and others were already there, speaking to him. When I entered the room, Miyamura began to talk about me. He introduced me, saying, "She is your junior alumni. (We had attended the same university). In the beginning, she did not open

The high social position of Toru Goto's family and the prosperous financial situation of his father, who had been the manager of a paper factory and had thousands of employees, are likely to have been crucial in enabling his family to carry out forced confinement for over 12 years.

her mouth for six months but now she is with us.”

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.

While I was in the room, Mr. Goto did not move at all, he just kept looking down. I believe their aim was that because Mr. Goto showed no sign of responding to the persuasion, they brought me in hoping he might show some pride as a senior alumni of the same university; also I think they wanted to disturb him by telling him “here’s someone who resisted more vehemently than you (Mr. Goto), and in the end, even she listened to us, and left the UC.”

With the passing of time, Toru Goto reported he became so desperate that he could not help attempting to escape even by dashing toward the entrance, only to be contained by the family. He used to shout at them, saying, “*Call the police!*” or “*I shall sue you through a lawyer!*” Then the family rolled him in a futon (Japanese-style bedding) and forcibly closed his mouth. Sometimes, he was unable to breathe and almost suffocated at some points. Several escape attempts ended in failure and tighter surveillance. From 2004 to 2006, he made three hunger strikes, two of which reportedly lasted for 21 days and one for 30 days. His family called that “*religious fasting.*” According to UC sources, every time he gave up his hunger strike his family provided him with insufficient food so that he was seriously malnourished in the last years of his confinement.³² As a result, he was physically weak and unable to put up the physical strength that would have been necessary to overpower a relative in order to escape from the apartment.

Around November 2007, it looked like the family members had started arguing about whether to go on with the confinement due to the financial burdens it imposed. Renting an apartment in Tokyo easily costs 1,500 to 2,000 EUR per month. On 10 February 2008, at around 4 pm, his brother, his sister-in-law, his mother and his sister suddenly ordered him to leave the apartment. He was then physically extremely weak. Dressed in his lounge wear, he was thrown down on the concrete corridor in front of the entrance door without any belongings or ID document.

Free again

On his way to the UC Headquarters, he tried to borrow some money at a police station, but to no avail, as he could not reasonably explain his situation. Fortunately, he came across a UC member, who offered some money, so he could take a taxi to get to the Church headquarters. That evening, he was diagnosed with malnutrition and admitted to a hospital. For a while, he could barely stand on his feet.

In January 2010, Toru Goto established the Japanese Victims’ Association Against Religious Kidnapping, Confinement and Forced Conversion.³³ Under his leadership, the Association has approached anti-cult actors to open a dialogue with them and make them aware of the damage they have caused.

(Information about his attempts to see the perpetrators of his confinement and the “exit counselors” be brought to justice can be found in chapter 4).

³² This was confirmed by the doctors who treated him when he was hospitalized after his release from confinement.

³³ The association aims 1) to eradicate the phenomenon of kidnapping, confinement and deprogramming; 2) to prosecute the perpetrators of these actions; 3) to take care of the victims; to raise awareness on this issue in Japan and abroad. See their website in Japanese and in English: <http://kidnapping.jp>.

3) POLICE FAILURE TO PROTECT VICTIMS (Violations of Articles 2, 18 and 26 of the ICCPR)

I did not report to the police because I could not trust the police who did not even investigate and crack down on [those that deprived] Toru Goto [of his liberty for] 12 years and five months. (A victim of kidnapping who was able to escape from confinement in 2011. She wants to remain anonymous, but her identity is known to HRWF)

What we see as abduction and confinement, the police and Japanese judicial authorities regard as a "family issue" and refuse to get involved. (Statement by a youth leader of the Kosei branch of the UC, 9 March 2013).

While being locked up by her parents in an apartment in the city of Osaka in 1997, Kozue Terada was able to take a sheet of paper from her father's notepad and, without being noticed, scribbled a message on it, saying "I am illegally confined! Help me!" She dropped the note through a gap in the front door.³⁴

Like Kozue Terada, numerous abduction victims in Japan hoped that police would come to their rescue. Many knew their fellow-believers would approach the police as soon as they became suspicious that an abduction may have taken place.

When a UC member, whose parents are known to have a critical attitude of their child's conversion, is about to visit home, they often agree on procedures to alert their fellow-believers should an abduction take place. For example, they agree to stay in regular contact or use code language for as long as the UC convert is still able to communicate with the outside world. In many cases known to HRWF, abduction victims left a letter with the UC stating that police should search for them should they not contact their fellow-believers after an agreed date.

HRWF is aware of numerous cases since the first abduction took place in 1966 where, although duly informed, the police did not take appropriate measures to establish the missing person's whereabouts, nor did they attempt to communicate with the alleged abduction victim in order to find out whether she or he was held against their will. There are also cases where abduction victims were able to speak to police while in confinement (see below), but police did not come to their rescue.

HRWF is concerned at allegations that police have in numerous cases not taken appropriate steps to find and rescue UC members who have become victims of abduction for reasons of discrimination. The UC has a generally negative image in Japanese society and, as a result, police have in many cases not only been supportive of the parents' aim to "rescue" their children from the UC, but also of measures such as abduction, forced confinement and unsolicited "exit counseling."³⁵

When police were reluctant to act

HRWF knows of 16 cases since August 2009, where UC members, often including the victim's fiancé/e and UC members who lived in a dormitory together with the missing person, turned to the police urging them to search for an alleged abduction victim.

Reasons of the UC's negative image in Japan leading to discrimination of its members:

- 1) The new religious movement originated in Korea, a country arousing hostility in Japanese society for historical reasons;
- 2) the UC claims to be Christian and has been perceived as a dangerous heresy by Protestant Churches;
- 3) the UC has some practices that might collide with Japanese family culture such as what can be seen as usurpation of the parents' consent in the choice of the fiancé/e and the blessing ceremonies celebrated in South Korea or in the United States where Reverend Moon and his wife used to claim they were become the converts' new "True Parents;"
- 4) a number of lawsuits concerning the so-called "Spiritual Sales" and the "Lost Youth Compensation" were extensively covered by the media; (The so-called "Spiritual sales" are a practice where UC members sold to the public so-called *Hanko* (sealed stamps), a rosary or other religious items, to allegedly free people from the fateful destiny of their ancestors, sometimes critically referred to as indulgences with promises by UC detractors.)
- 5) the UC's recruitment of new members which has been the target of allegations of brainwashing techniques;
- 6) their fundraising activities;
- 7) a pervasive climate of social hostility toward new foreign religious movements.

In these and earlier cases police often responded they were unable to act on the UC members' missing

³⁴ Written statement by Kozue Terada, made available to HRWF by the Japanese branch of the UC.

³⁵ See also Richardson: *Deprogramming*, pp. 322, 323 and 326-328.

person report. Police claimed they were only empowered to get involved when a close family member or the missing person's employer filed such a report.

This practice contradicts Japanese legislation, in particular Rule No. 13 of the "Rules of The National Public Safety Commission," entitled "Rules on activities to find a missing person." According to this Rule, the police can accept applications to search for missing people from a wide range of people, including parents, spouses, a person who is in a *de facto* state of marriage with the missing person, other relatives and employers, as well as other people who live with the missing person and those that have a close relationship with the missing person in social life.

In many cases police also stated they were not able to intervene in a "family matter," although the law does not prevent them from carrying out a search for a missing person and an investigation into allegations of abduction and forced confinement for the purpose of de-conversion even when family members are involved.³⁶

N.I., aged 34, disappeared on 3 January 2012. When her friends from the UC in the Adachi Ward of Tokyo were unable to contact her for a week after she had gone to visit her family, a church leader went to the Police Station in Mito City on 10 January 2012 and urged the police to launch an investigation into her whereabouts as he suspected she had been abducted by her family. Before she disappeared, N.I. had written a statement that should she lose contact with other church members during a visit to her family, she was likely held in confinement and wishes the police to find and rescue her. The police officer refused to receive this written statement from the Adachi church member. The church member pointed out that N.I. suffered from an eating disorder that, when she was under stress, could become a serious risk to her health. However, the police officer reportedly said they were unable to initiate an investigation considering that if *"the case is between parents and a child, even involving some violence, the police cannot intervene."* The officer also stated that search requests for missing persons could only be filed by her direct kin, not by friends or fellow church members. The church member concluded: *"We gave up [...] relying on the police because the past experiences in such abduction and confinement cases were too awful for us to trust in the police's integrity."* N.I. was able to escape from confinement at the end of April, after being locked up by her parents for four months. She remained a UC member.

In another case, K.M., aged 31, went to visit his parents on 12 August 2010. Other members of his congregation at the UC's Kosei branch started worrying about him when he did not return, as agreed, on 15 August. They were unable to reach him by phone or email and his parents did not answer calls either. On 14 September, a church leader went to Setagaya Police Station in Tokyo to urge the police to search for K.M. However, the police officer refused to take such steps pointing out that applications for the search of missing people could only be submitted by close kin or the director of a company that is suffering a loss due to the disappearance of their employee. The church leader said he believed that K.M. had been abducted by his parents. The officer responded that the police was unable to get involved in parent-child relations. On 25 January 2011, after K.M. had managed to escape from his confinement, he and the church leader visited Setagaya Police Station again to find out how the police would handle a similar situation in the future. The officer was reported as saying: *"If you want your parents to understand you, you have to explain to them no matter how long it takes. If you want to take legal action against them, it should be done as a civil case."*

When police avoided speaking to the victim

In other cases, where UC members informed the police of an alleged abduction, police promised to look into the matter. Sometimes police explained they would contact the missing person's parents and later informed the UC members that there was no need to worry anymore as the parents had confirmed the person was not missing and everything was ok. There were also cases where police refused to specify whether they had confirmed the will of the alleged abduction victim or whether they had only talked to his or her relatives. Typically police then stopped investigating.

In a recent case known to HRWF the missing person's fiancé sent a letter to the Police Station of Iwakuni City urging the police to inform him in writing within a week whether or not they had started to search for his fiancée based on the request he had made when he last visited the police. If not, they should

³⁶ In Japanese culture, parents tend to consider their children as their possession. According to journalist Kazuhiro Yonemoto, the necessity of a Child Abuse Prevention Law was not discussed until around 1995. Children's rights and domestic violence are recently imported concepts and have not been widely recognized and accepted by society. Hence the attitude of the police who consider abduction of adult children as a "family matter."

detail the reasons. If they have launched a search, he asked for information on any steps they have taken as part of the search and what progress they have made. Should the police not be able to give him this information, they should please inform him of the relevant legislation preventing them from doing so. However, some 10 days later a police officer called him, but did not respond to his questions. According to him, the young woman was safe and not forcibly confined. He refused to say whether the police had talked to her or whether they had simply talked to other family members. He also refused to say whether they had established her whereabouts and where the fiancé could find her.

In some cases where police dropped the matter after relatives of the alleged abduction victim assured them that everything was in order, the alleged victim had in the meantime recanted his or her faith and was not held against their will (anymore). However, in other cases the abduction victim was still confined, hoping to be rescued.

UC member K.T.³⁷ was reportedly abducted in 2008, shortly before she was due to get married to another UC member. A day after she “disappeared,” her friends at the UC went to the police and alerted a senior officer to the suspected abduction. However, the officer reportedly replied that the parents had informed the police in advance that upon their daughter’s visit home they would engage in a family discussion to persuade her to leave a religious sect and that police should not worry in case neighbours would report to police about suspicious noise. Subsequently, several other people, including a lawyer, contacted the police on her behalf, urged the police to ascertain her whereabouts and take measures to rescue her should she be held against her will. A week later the officer reportedly told K.T.’s friends that he had been to the alleged confinement premises on several occasions, that she was not confined and that the family were simply having a family discussion. He refused to specify whether or not he had talked to the abduction victim herself. When K.T. was released, she told the UC that she had seen two police officers only once near the apartment where she was confined. She reportedly called for help and believed the officers saw and heard her, but they left.

In 2011, UC member M.K.³⁸ was reportedly confined by her parents for several weeks in order to force her to renounce her faith. Shortly after she “disappeared,” her fellow UC members reported the suspected abduction to the police. The next day the officer in charge reportedly informed them that he and a colleague had gone to the family’s home, where they were able to talk to M.K. confidentially, in a separate room. The police had thus confirmed that M.K. had no complaints and was not in need of police assistance, according to the officer. When M.K. managed to escape from confinement several weeks later, she reportedly told the UC that she did not talk to police while confined by her parents, but that she had overheard a conversation between two police officers and her father. After her father told them they were having a family discussion about his daughter’s affiliation with a religious sect, the officers reportedly left.

Shunsuke Uotani, Vice-Secretary General of the Japanese branch of the Universal Peace Federation, an affiliate of the Unification Church, told HRWF on 16 April 2013 that police typically avoided confirming the will of the missing person. He added: *“Because if they talk to the missing person and he or she says ‘I am confined! Please help me!’ they have to go into action. That’s what they don’t want to do [...] Actually the police are buying time until the UC member forsakes her or his faith. It is usually difficult for the victim of confinement to resist more than three months [...] When the victim gives up and caves into the parents’ demands he or she will say it was just a family discussion, no abduction or confinement. Then the police can say, ‘We were right.’”*

When police involvement contributed to the abduction victim’s release

HRWF is not aware of any case where police acted in a fully professional manner, exhausted all measures in order to promptly establish the missing person’s whereabouts, communicate with the victim and rescue him or her should he or she express such a wish.

There were, however, several cases, where police did take steps after being alerted to a suspected abduction and put under pressure to take action that played a crucial role in the abduction victim’s

³⁷ For reasons of confidentiality, in this case example HRWF changed not only the initials but also any recognizable information in the case description. The case information was provided to HRWF by the Japanese branch of the UC.

³⁸ For reasons of confidentiality, in this case example HRWF changed not only the initials but also any recognizable information in the case description. The case information was provided to HRWF by the Japanese branch of the UC.

release.

Emiko Motoki was married to a South Korean UC member and lived with him in South Korea. According to her written statement that was made available to HRWF, they visited Japan together for the first time in November 2000 in order to introduce him to her family. She reported that the night after she and her husband arrived at her parent's house *"I woke up because my mouth was covered with a cloth. At first I suspected a burglary, but as I tried to pull the cloth covering my nose and mouth, I saw my younger sister."* Her family took her to a Protestant Church, where she was confined in a room for two weeks and subjected to unsolicited "exit counseling" by a Protestant pastor, his wife and former UC members. In the meantime, Emiko Motoki's husband and a Japanese UC member reported her abduction to the police and repeatedly urged them to search for her. The police refused to take action. Her husband turned to the South Korean Embassy in Japan and it is believed that thanks to the Embassy's intervention the police started a search operation, found and rescued her.

M.K., aged 30, was held in confinement by her parents and others for a total of eight months on three different occasions, in 2005, 2006 and 2010. When she was abducted the third time, a leader of Kosei Church gave officers of Miyamae Police Station of Kawasaki City a statement by M.K. describing the first two episodes of abduction and forced de-conversion. In addition, her fiancé and her lawyer urged Miyamae Police Department of Kawasaki City to search for her. Subsequently, the police called M.K.'s parents on the phone and asked them to come to the police station on 6 October 2010. That day M.K. came to the police station together with her parents and was able to walk free after a conversation at the police station. It is not known whether police had urged the parents to bring along their daughter or whether they brought her voluntarily. Shunsuke Uotani of the Japanese branch of the Universal Peace Federation, believes that *"(M.K.) was lucky that the exit counselor involved in her case did not have a strong character."* He added that in his experience other exit counselors would likely have advised the parents against appearing at the police as they had not received an official summons in writing. He doubts the police would have taken more decisive measures had M.K.'s parents refused to appear at the police station voluntarily. He told HRWF on 6 April 2013 that in his view *"in such a case the victim would never have been released."*

A.T., aged 29, was confined by family members against her will for one month and seven days, from 28 July to 4 September 2012. On 7 August, UC members went to Takaoka City Police Station and expressed concern that A.T. may have been abducted by her family. Subsequently, an officer called her father by phone and was told that her daughter had not gone missing, but that she was ok. The following days police called A.T.'s father several times, asking him to talk to A.T. directly. On 7 August, Church members also approached the Ministry of Justice's Civil Liberties Bureau of Takaoka City. Subsequently, the Bureau's officers repeatedly called A.T.'s father asking about A.T.'s well-being and whereabouts. On 4 September, almost a month after UC members had reported the case to the police, A.T.'s family members released her. It was believed that the frequent phone calls from both police and the Civil Liberties Bureau had put pressure on the relatives and contributed to their decision to release the young woman.

In R.H.'s case police took prompt action to rescue her.³⁹ The behaviour of one officer involved in the operation, however, demonstrates that training of police on freedom of religion and belief as well as on concrete steps to take in abduction cases of members of new religious movements are urgently needed.

R.H. was forcibly confined by her family in July 2000. According to her written account of the abduction and confinement that was made available to HRWF by the UC of Japan, she dropped notes out of the window of her confinement place urging those who found them to contact the UC. After the UC had thus found out where she was confined, UC members urged the police to come to her rescue. Subsequently, four policemen came to the apartment where R.H. was held, requested her father to open the door and speak to her. Two policemen interviewed her and she asked them to rescue her. However, the officers reportedly replied that they could not get involved in such an issue between parent and child and that

³⁹ UC sources reported that they noticed a temporary improvement of police behaviour in abduction cases of UC members after April 2000 leading to the release of several victims from forced confinement. On 20 April 2000, Setsuo Tanaka, Director-General of the National Police Agency, Norikiyo Hayashi, Detective Superintendent of the National Police Agency, and Yuuki Furuta, Director-General of the Criminal Affairs Bureau of Ministry of Justice, had to appear at an official hearing of the Japanese Diet to answer questions about their dealings with cases of abduction and confinement. At the Diet session Parliamentarian Jin Hinokida denounced the passivity of the police in several cases and presented evidence that police had been aware of and *"authorized"* one father's abduction plan ahead of its execution.

they did not have the authority to decide on the spot whether or not to remove the padlock. One of the officers reportedly added that *"if I were in your father's place, I would do the same thing. Why don't you talk to each other?"* However, shortly afterwards, the father, who had talked to the other two policemen, told R.H. to get ready as they were leaving for the police station. Early the next morning, after spending several hours at the police station, police took her and her father to a nearby railway station, where R.H. was met by a UC member and able to walk free.

When police sided with perpetrators

There were cases where abduction victims were able to speak to police, but police sided with the abducting relatives and the victim's confinement continued.

For example, when UC member M.K. was visiting her parents at their house in August 2010, they attempted, against her will, to take her to another location by force. Reportedly, she shouted for help. Neighbours heard her and called the police. When a police officer came to their house, M.K. was able to talk to him after he had had a conversation with her relatives. She asked him for help, but reported that *"he said it was a family talk and ignored my pleading."* After that her relatives reportedly forced her to come with them to a flat in another city, where she was held for two months.

A.S., who was abducted in 1997, told HRWF under cover of anonymity: *"After I had escaped, I called the police and I told them my family had confined me because they opposed my marriage. After talking to my father, they started reprimanding me and criticizing me. Finally, they handed me over again to my parents and I was confined again by them until I escaped again!"*

In other cases there were allegations that abducting relatives or "exit counselors" informed relevant district police in advance of the forced confinement and then acted with their tacit approval.

For example, in 2000 Parliamentarian Jin Hinokida fiercely criticized the complicity of the police in the abduction case of Mitsko Ishikawa, and was quoted as saying:

Today, I will submit the evidence that the police are involved and are accepting abduction and confinement. A criminal who abducted and confined a UC member had made a plan sheet. I have that original. In the sheet, it is written the date to do what, and also how to respond if the victim resists. Moreover, the father of Mitsko Ishikawa contacted Akishima Police Station on 14 May 1998 before carrying out the plan, made the plan "authorized" and then carried it out.

In the case of Kozue Terada police was allegedly aware of her forced confinement but took no measures to end it. Eventually, however, police involvement contributed to her release, when her fiancé persistently urged the police to be given information about her whereabouts.

On 30 October 2001, Kozue Terada reportedly urged the "exit counselor" Mamoru Takazawa to give her a mobile phone so she could call the police to be rescued. According to her, he replied that *"even if a policeman comes, as soon as he finds it is about the Unification Church, he will collaborate with me, saying 'keep on your good work!'"* He added that he had *"a connection with the police,"* showing her several business cards of police officers.⁴⁰

In December, after the janitor of the condominium, where Kozue Terada was held, took her help-me-note that she had leaked through the front door to the Higashi Yodogawa Police Station in Osaka. A police officer came to the apartment, knocked at the door and said: *"Unlock the door! I am a policeman!"* As Kozue Terada was shouting for help, her parents allegedly physically restrained and dragged her to the back of the room. After having consulted with "exit counselor" Mamoru Takazawa by phone, her mother reportedly 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 said that a Christian minister would arrive in an hour. Reportedly, the officer waited for the "exit counselor." Upon his arrival, they both went to the police station. Mamoru Takazawa returned about an hour later and reportedly said: *"The police know me. They understood our situation and told me to be careful not to disturb the neighbors."* Kozue Terada continued to be confined until her husband arrived in Osaka from South Korea and, together with other UC members, went to several police stations in the city. When he came to Higashi Yodogawa Police Station he was reportedly able to meet the policeman who had been to Kozue Terada's confinement place. Later that day the officer asked her mother to come to the police station and in the evening the mother

⁴⁰ Written statement of Kozue Terada, made available to HRWF by the Japanese branch of the UC.

took Kozue Terada's husband to the apartment. The parents then handed over the keys of the apartment to their daughter and the couple was able to walk free.

When UC members lost confidence in the police

In many suspected abduction cases UC members did not alert the police as they did not believe the police would take appropriate measures to establish whether the person was held against his or her will and, if so, protect their right to freedom of religion. In several of these cases lack of trust in the police led fellow-believers to try to find the "disappeared" person themselves. In some cases they hired a private detective.

HRWF met Takashi Usami, the fiancé of an abducted person, who was determined to find his loved one and showed a lot of ingenuity in attempts to do so. He attached a cell phone with GPS to the car of his fiancée's father to track his movements and find her whereabouts. That is how he managed to talk to her after almost three years. However, in the meantime she had been convinced through "exit counseling" to leave the new religious movement.

In another case, H.K., a female UC member, was abducted by her family in August 2009 and held in confinement for over two months. Her fellow-believers decided not to rely on the police and instead hired a private detective. After the detective established her whereabouts, UC members and a lawyer were able to rescue her. She is still a UC member.⁴¹

⁴¹ HRWF was provided with a written statement by the woman describing her experiences in confinement.

4) IMPUNITY PERSISTS (Violations of Articles 2, 18 and 26 of the ICCPR)

In several cases, both with regard to Jehovah's Witnesses and UC members, civil courts in Japan have ordered the perpetrators of abduction and unsolicited "exit counseling" to pay damages to the victims. In some of these cases civil courts condemned the practice of abduction and deprivation of freedom. In two cases courts found the pastors' "persuasion sessions" unlawful. The court records of several of these cases include evidence that crimes have been committed by the abductors and "exit counselors."

However, although 24 UC members filed criminal complaints against the alleged perpetrators of their abduction and unsolicited "exit counseling," no charges have ever been brought against any of them. In several cases prosecutors even acknowledged that a crime had taken place, but they suspended the prosecution without detailing their reasons.

As a result, in Japan, abducting parents and "exit counselors" operating under conditions of deprivation of liberty may risk paying compensation to the victim, but they have so far not risked punishment under criminal law.

No criminal cases opened against alleged perpetrators

Article 220 of the Criminal Code of Japan provides for prison terms from three months to seven years for "unlawfully arresting or confining other individuals." Article 223 provides for prison terms of up to three years for "compulsion."

HRWF knows of 24 cases between 1980 and 2008 where UC members, who became victims of abductions and forced de-conversion, filed criminal complaints. In 1980, Mitsue Tashiro, Tomoko Ohkubo and Hideo Mima filed a complaint against the mental hospital where they were confined, and an "exit counselor". In all other cases, criminal complaints were filed against the perpetrators of abduction and confinement and/or the "exit counselors." The most recent cases are those of Rie Imari (1997), Hiroko Tomizawa (2000), Kozue Terada (2002), Emiko Motoki (2002) and Toru Goto (2008).

To HRWF's knowledge, when investigating the alleged crimes, police did not obtain warrants in any of these cases, but limited themselves to gather evidence that was given to them on a voluntary basis by alleged suspects and eye-witnesses. Subsequently, the evidence was passed on to the prosecutor's office in order to decide whether charges should be brought against any of the alleged perpetrators or whether the case needed further investigation by the prosecution before deciding on further steps.

In a statement about her efforts to bring the alleged perpetrators of her abduction and unsolicited "exit counseling" to justice, that was made available to HRWF by the Japanese branch of the UC, Kozue Terada recalled:

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.

In all 24 cases where victims had filed criminal complaints the prosecution decided not to open criminal proceedings against any of the alleged perpetrators. The reasons cited in most cases were "suspension of prosecution" or "insufficient evidence."

Article 248 of the Code of Criminal Procedure of Japan states that "where prosecution is deemed unnecessary owing to the character, age, environment, gravity of the offense, circumstances or situation after the offense, prosecution need not be instituted." The internal rules of the Ministry of Justice, named *Kunrei*, give some further information on reasons not to institute criminal proceedings. According to these rules, "suspension of prosecution" applies to cases where the fact of a crime is clear but no prosecution is needed due to the specific circumstances of the case. The circumstances can, among others, be related to the character or age of the suspect, the gravity and circumstances of the crime or the circumstances after the crime. A leader of the Universal Peace Federation of Japan told HRWF on 23 April 2013 that none of the UC members who had filed criminal complaints against perpetrators of forced confinement and unsolicited "exit counseling" ever asked the prosecution to drop the case. They were disappointed when the prosecution eventually informed them that none of the alleged perpetrators

would be indicted and the prosecution suspended. The prosecution did not specify in any of these cases why it had decided that the circumstances of the case warranted a suspension of the prosecution.

Kozue Terada submitted a criminal complaint to Osaka Prosecutor's Office on 19 February 2002. Over two and a half years later, on 4 October 2004, the Prosecutor's Office informed her that the case did not warrant criminal proceedings citing "*suspension of prosecution*" as the reason.

In a statement detailing her experiences that was made available to HRWF by the Japanese branch of the UC, Kozue Terada blamed the prosecution for failing to punish the "exit counselors" involved in forced confinement cases. The continued impunity, she alleged, produced further victims. She pointed out that had the "exit counselor" who subjected Hiroko Tomizawa to unsolicited "exit counseling" in 1997 been indicted, he would not have been able to guide Kozue Terada's parents when they abducted her in 2001. Hiroko Tomizawa had filed a criminal complaint in April 2000 but it was dismissed by Tottori Prosecutor's Office.

"*Insufficient evidence*," according to the Ministry's internal rules, applies to cases where there is not enough evidence to prove that a crime has actually taken place. According to information obtained by HRWF, in their replies to the complainants prosecutors never detailed why they believed the evidence obtained was insufficient.

In June 2008, Toru Goto, who was reported to have been confined for 12 years and five months, filed a criminal complaint against those allegedly involved in his confinement. On 9 December 2009, the prosecution decided not to open criminal proceedings on the grounds of "*insufficient evidence*," in spite of medical reports filed after his release from confinement, which testified of starvation and physical abuse. The police did not conduct searches at the homes of the alleged perpetrators to establish the facts.

In several cases known to HRWF it took the prosecution a very long time, up to four and a half years, to decide on a criminal complaint and notify the complainant.

Rie Imari was abducted and confined twice, from 22 to 27 October 1995 and, for the second time, from 10 January 1997 to 15 June 1997. Her relatives released her on the assumption that she had given up her faith. However, on 4 September 1997, she filed a criminal complaint. On 2 April 2002, four and a half years after filing the complaint, the Kawasaki Branch of Yokohama District Prosecutor's Office informed Rie Imari of its decision that her case did not deserve criminal proceedings. With regard to some of the alleged perpetrators of the forced confinement, the prosecutor stated that there was "*insufficient evidence*" that a crime had taken place and with regard to others he applied the notion of "*suspension of prosecution*."

Shunsuke Uotani summed up his views of prosecutors' dealings with abduction cases of UC members:

The pattern of prosecutors' decision is, when there is not so much evidence, they dismiss the case on the ground of "insufficient evidence," but in case there are undeniable evidences, they dismiss the case on the ground to "suspension of prosecution." Anyway, they do not want to indict the case.

To HRWF's knowledge, Toru Goto is the only abduction victim who appealed the prosecution's decision not to indict the alleged perpetrators.

Toru Goto submitted his appeal to the Tokyo Committee for the Inquest of Prosecution on 23 June 2010. The Committee meets in closed session and the names of the members are not disclosed. In Toru Goto's case, the Committee consisted of 11 ordinary citizens selected by lot among voters living in Tokyo. This system is similar to the Grand Jury system in the US. In order to re-open a case, it should be decided as "*appropriate for prosecution*" by a qualified majority of more than eight members out of 11.

On 6 October 2010, the Tokyo No. 4 Committee for the Inquest of Prosecution rejected his appeal on the grounds that there were too many doubts to judge the case as an attempt of compulsion, capture, confinement and injury. Thus, the Committee did not believe Toru Goto's account that he was forcibly confined by his family members, but it based its opinion solely on information submitted by his family and the police, who had never conducted searches at the homes of the alleged perpetrators to establish the facts. The Committee did not look into the role of the "exit counselors," although the allegation that he was locked up to force him to recant his faith in the UC was at the heart of Toru Goto's criminal

complaint.

The Committee did not question statements made by his family – as quoted in the Committee’s decision – that indicated that he may in fact have been confined. For example, the Committee cited the family as saying that when being transferred to another apartment, Toru Goto participated voluntarily in the transfer and that *“three friends of [Toru Goto’s brother] joined to help prevent the Unification Church’s possible attempt to retake the petitioner back to their hands, but it was not to help prevent the petitioner to escape from the scene.”* His relatives also stated that before moving into Ogikubo Flower Home, they installed a padlock at the door and replaced *“the regular sliding window latches with lockable ones, and replaced the regular doorknob of the door between the entrance hall and living room with a lockable one.”* They explained that *“the reason for using the padlock was to prevent the Unification Church to come into the unit to take the petitioner back into their hands.”* However, Toru Goto told HRWF that he never wanted to be protected from the UC and when he was freed from confinement in 2008, he immediately rushed to the UC for assistance.

The Committee also dismissed Toru Goto’s claim to have been physically injured by his relatives in confinement. The Committee believed that his relatives were *“so concerned about [him] as a dearest family member”* that his allegation is *“doubtful.”*

The Committee’s own explanation why Toru Goto had stayed with his family for 12 years and five months without ever leaving the apartment by himself, was that he stayed voluntarily with the aim to proselytize, *“dispel his family’s misunderstanding and bring salvation to them.”*

As his attempts to achieve justice through the criminal justice system failed, on 31 January 2011, Toru Goto filed a civil lawsuit against his family members and the “exit counselors.” At the time of writing, this case was pending and pleadings had occurred in April, May and June 2013.

As the criminal justice system in Japan has repeatedly demonstrated that it does not provide an avenue to victims of forced confinement to obtain justice, many victims have instead lodged complaints in civil courts or have turned to civil courts after their request to open a criminal case against the alleged perpetrators had been turned down. However, civil courts have also often been prejudiced against UC members.

Civil lawsuits

HRWF is aware of five civil law suits initiated by UC members and one case filed by a Jehovah’s Witness, since 1980. Based on evidence gathered by HRWF, the organization is convinced that the plaintiffs were indeed forcibly confined by their relatives in order to force them to recant their faith. In fact, the courts in all cases acknowledged that the converts were placed under conditions that restricted them in their freedom of movement, against their will.

In some cases the courts stated that the acts carried out by the defendants amounted to “kidnapping,” “imprisonment,” or “restraint of physical freedom” and considered them unlawful.

For example, in 1980, UC members Hideo Mima, Mitsue Tashiro and Tomoko Okubo filed a civil lawsuit against the mental hospital where they were confined, and an “exit counselor” named Tomigoro Goto. The “exit counselor” died during the course of the trial. On 28 February 1986, Tokyo District Court reportedly ruled that the three had been held at the mental hospital illegally, but did not refer to the “exit counseling.” It ordered the hospital to pay 2,5 million Yen (approx. 19,000 EUR) in total to the three victims as compensation. The judgment became final.⁴²

In another case, Hiroko Tomizawa, who was forcibly confined by her parents twice, lodged a civil complaint against the parents and “exit counselor” Mamoru Takazawa after the second period of forcible confinement, which lasted from 7 June 1997 to 30 August 1998.

On 31 August 2000, the Civil Section of Tottori District Court ruled that the defendants *“used violence, compulsion, kidnapping, imprisonment [...] and forced conversations in order to force the plaintiff to renounce her faith.”* It stated that the *“confinement was against the will of the plaintiff, and the plaintiff was 31 years old when the incident took place. The actions taken by the [...] parents [...] were not*

⁴² HRWF was unable to obtain the text of the judgment. Further details of the ruling are therefore unknown.

permissible, even though they are the biological parents.” With regard to “exit counselor” Mamoru Takazawa, the Court established that he “*at least assisted in illegal activities*” and has “*collective responsibility*” with the parents.

The defendants appealed the decision. However, on 22 February 2002, the Matsue branch of Hiroshima High Court reiterated that the parents and the “exit counselor” “*confined an adult person against her desire and such actions are none other than kidnapping and imprisonment.*”

In another case, Kozue Terada, who was forcibly confined for the purpose of religious de-conversion for 60 days, from October to December 2001, filed a civil lawsuit against her parents and the “exit counselors” Mamoru Takazawa and Atsuyoshi Ojima. Mamoru Takazawa had also been involved in coercive “exit counseling” in the above case of Hiroko Tomizawa in 1997 and 1998.

In its ruling of 28 January 2004, the 8th Civil Section of Osaka District Court stated that “*taking Kozue, [a 29-year-old housewife at the time,] to room 1005 and making her stay in the room should be found as a restraint on her physical freedom against her will, thus constituting an illegal action.*” With regard to Mamoru Takazawa the Court found that he “*was actively involved in the parents’ continuous action to restrain Kozue’s physical freedom against her will*” and that he had therefore committed an “*illegal action.*” It ordered that her parents and Mamoru Takazawa jointly pay the plaintiff 200,000 Yen (approx. 1,500 EUR) as damages for mental distress and to cover legal fees.

On appeal, Osaka High Court upheld the ruling of the first instance court and on 22 July 2004 it stated that “*Kozue consistently demonstrated to her parents a position of rejecting the attempts by [exit counselors] Takazawa and Ojima to persuade her. The fact that, despite this, her parents continued to restrain her must be said to have had sufficient illegal nature to establish tort.*”

In other cases civil courts found that no unlawful acts had taken place, although the circumstances of the confinement appeared to be similar to the cases mentioned above.

For example, Rie Imari was abducted and confined by her relatives twice, for a few days in 1995 and for five months in 1997. In their civil complaint Rie Imari and her husband claimed a financial compensation of 15 million Yen (approx. 116,000 EUR) for damages such as loss of salary, injuries and requested that a court order be issued to prevent the parents from similar attempts in the future.

According to Rie Imari’s legal defence, as recorded in the judgment of Yokohama District Court, her confinement place in 1995 was “*tightly locked with an extra chain, a padlock and a crescent lock so that Rie could not escape*” and her parents confiscated her mobile phone. The court document also stated that she was able to escape from the confinement premises, located on the second floor, four days later by “*opening the window’s closing apparatus with a safety pin, going out on the veranda and down a rain pipe, and eventually jumping to the ground.*” Her lawyers claimed that in 1997 she was confined for five months “*to force her to renounce her faith in the UC*” and “*in spite of Rie’s complaints about illegal confinement and forcible deprogramming, they imposed discussions about the Unification Church on her.*” In addition, she claimed to have been “*exposed to constant psychological threats and fear during the detention with her weight reduced from 53 kilograms before the confinement down to 43 kilograms.*”

However, on 23 January 2004, Yokohama District Court judged that Rie Imari was not subjected to abduction, forced confinement and pressure to renounce her faith and dismissed the case. It argued that she had entered the different apartments her parents took her to “*on her feet [...] and talked about how she embraced the faith in the UC as well as about its dogmas at the request of [her parents].*” It added that “*Rie’s living conditions in the respective rooms were not worse than the norm.*” The Court concluded that, “*thus, there is little significant evidence that indicates Rie’s will of resistance in the respective rooms.*” The Court dismissed all of the plaintiffs’ claims.

On appeal, Tokyo High Court upheld the decision of the lower court on 31 August 2004. It detailed that “*although Rie protested the [parents’] actions in the beginning, as the couple centered their life around Rie, and as she continued with a relaxed pace of life, she began to share how she came to have faith in the UC and so on [...] there was no sign of Rie resisting or behaving wildly.*”

The plaintiffs then seized the Supreme Court, which suggested a friendly settlement. The plaintiffs and the defendants had to promise that they would respect each other’s religious freedom and that they would make efforts to build a “*harmonious relationship between child, parents and relatives.*”

In another case, Mitsuko Antal was abducted and forcibly confined by her parents on two occasions, for some seven weeks in 1996 and ten weeks in 1998. A pastor subjected the young UC member to unsolicited “exit counseling.” Mitsuko Antal and her husband claimed that the parents and the “exit counselor” be ordered not to repeat similar acts in the future and that the “exit counselor” pay compensation.

On 8 March 2002, the 4th Civil Section of Tokyo District Court stated that the apartment where Mitsuko Antal was held in 1996 was padlocked and the key was never given to her. The Court also stated that in June she had “*attempted to break the window glass with her handbag, to no avail.*” As she was trying to find another tool to break the glass, she was restrained by her parents. According to the Court, in 1998, she was held in another apartment that was “*equipped with an ordinary lock and security chains, but usually padlocked*” and the keys were “*never handed to Plaintiff Mitsuko.*” On 26 July 1998 she managed to escape by climbing out of a window on the second floor and sliding down a rain pipe. The Court acknowledged that Mitsuko Antal’s parents placed her under circumstances that “*restricted [her] freedom of mental and physical activity, against her free will, for a considerable period of time*” and “*urged her to have a ‘discussion’ regarding the teachings and problems of activities of the Unification Church.*”

However, the Court ruled that the actions of the parents “*should not be immediately equated with ‘confinement,’ nor can it be declared that they ‘forced’ Plaintiff Mitsuko to leave the Unification Church which she believed in.*”

With regard to the “exit counselor,” the Court stated that he was “*presumably unable to witness the padlock over the entrance door’s security chains. It is, therefore, hard to presume that [he] was aware of [the fact] that [she] was detained*” by her parents.

The Court dismissed all of Mitsuko Antal’s claims and appeals subsequently lodged with higher courts were turned down.

In all cases mentioned above – whether or not the courts described the relatives’ actions as “abduction” and “forced confinement” – the courts showed considerable understanding for the parents’ actions. HRWF is concerned that such statements may originate from a discriminatory attitude towards the UC.

For example, in Rie Imari’s case, Yokohama District Court explained that “*out of parental affection [the parents] became convinced of the necessity to discuss with Rie in a closed environment about the dogmas of the Unification Church.*” Tokyo High Court added that “*the [parents]’ actions originated from their distress that their daughter attended a joint marriage ceremony of the controversial UC, in which a spouse was decided without consent of the parents [...] they felt grief that they were now unable to talk sufficiently with their daughter. We can see that the parents, out of their love and desire for the daughter’s happiness, wished to discuss things well with Rie, and make this a chance to rethink her faith. We cannot find any intent to convert her, even at the cost of inflicting injury on Rie.*”

In the cases of Hiroko Tomizawa and Kozue Terada the courts expressed understanding for the parents’ actions and, by doing so, justified the relatively low amount of damages awarded to the plaintiffs. Although the courts found that Hiroko Tomizawa and Kozue Terada were forcibly confined for 14 months and two months respectively, the courts ordered the respondents to pay damages of only 150,000 Yen (approx. 1,200 EUR) and 200,000 Yen (approx. 1,500 EUR) respectively. HRWF believes that the damages awarded to the two women may not be commensurate with the harm and prejudice suffered in the course of forced confinement.

In the case of Hiroko Tomizawa, the Civil Section of Tottori District Court ordered the defendants to jointly pay the plaintiff 550,000 Yen (approx. 4,300 EUR) for physical and mental damages and to cover court costs. Following the defendants’ appeal against the ruling of the first instance court, Hiroshima High Court reduced the amount of damages to be awarded to Hiroko Tomizawa to 150,000 Yen (approx. 1,200 EUR) “*even though the period of imprisonment was long.*” The reason it cited for amending the district court judgment with regard to the damages was that “*these illegal acts were exercised out of love by the parents.*”

In Kozue Terada’s case Osaka High Court also referred to the parent’s love for their child, as a result of which “*[the parents]’ actions against Kozue carry a lower degree of illegality and liability as compared to the usual acts of physically restraining a person*” because “*to have Kozue reside in Apartment 1005, even against her will, and attempts to persuade her to leave the Unification Church was a natural thing*

to do out of their heart as her biological parents, and so the parents cannot be totally criticized for his.” The Court referred to the parents’ worries about information they had received about the UC from former UC members and earlier civil court judgments filed by former UC members against the UC.

The courts stated only in two cases – those of Hiroko Tomizawa and a female Jehovah’s Witness – that it considered the practice of unsolicited “exit counseling” unlawful.

A female Jehovah’s Witness, whose name is withheld for reasons of confidentiality, was abducted and held by her husband for 16 days in July 1995. She filed a civil complaint against the pastor who had acted as an “exit counsellor.”⁴³ On 7 August 2002, the 10th Civil Division of Osaka High Court ruled that the pastor had collaborated with the husband in an act that infringed upon her physical and psychological freedom, which was unlawful. The Court pointed out that the pastor had offered the husband a building remodeled so as to prevent any escape; he had *“transported the luggage and the persons concerned to the building;”* he had *“the duplicate key of the building at all times;”* and he had repeatedly paid visits and *“in spite of the Plaintiff’s refusal to do so, persistently demanded that the Plaintiff listen to what he had to say.”*⁴⁴ The Court concluded that the *“the role of the [pastor] was by no means minor in nature and [...] the act performed by [him] constituted an unlawful act,”* which *“inflicted upon the Plaintiff considerable physical and emotional pain.”* The Court ordered the pastor to pay 300,000 Yen (approx. 2,300 EUR) to the plaintiff and 100,000 Yen (approx. 780 EUR) as reimbursement for her lawyer’s fees.

In the case of Hiroko Tomizawa the Civil Section of Tottori District Court found that the defendants *“used violence, compulsion, kidnapping, imprisonment [...] and forced conversations in order to force the plaintiff to renounce her faith.”* In addition, it ruled that the defendants are prohibited *“from forcing the plaintiff to renounce her faith by using the previously mentioned methods”* in the future.

When considering an appeal by Hiroko Tomizawa’s parents and the “exit counselor,” Hiroshima High Court stated that the “exit counselor” had *“performed the act of persuasion while knowing that the respondent had been abducted and confined, which is illegal. He took advantage of such a situation. This is beyond the scope of a normal religious activity. The persuasion act performed by the appellant Takazawa was illegal. As an assistant, the appellant Takazawa shares collective responsibility with the parents.”*

However, the appeal court reduced the damages the parents and the “exit counselor” were ordered to pay Hiroko Tomizawa from 550,000 Yen (approx. 4,300 EUR) to 150,000 Yen (approx. 1,200 EUR).

In addition, while Tottori District Court had *“prohibited [the defendants] from forcing the plaintiff to denounce her faith using [violence, compulsion, kidnapping, imprisoning (and) forced conversations in order to force the plaintiff to denounce her faith],”* Hiroshima High Court overruled this decision and stated that there was no need to prohibit the parents and the “exit counselor” from repeating their illegal acts with regard to Hiroko Tomizawa. The Court referred to her living in Korea with her family and to the Court’s assessment that the parents and the “exit counselor” had no wish to abduct her again.

In other cases the courts did not examine whether the plaintiffs had suffered harm from being subjected to unsolicited “exit counseling” or they found that unsolicited “exit counseling” was legitimate under certain circumstances. HRWF is concerned that the failure to unequivocally condemn unsolicited “exit counseling” may originate from a discriminatory attitude towards the UC.

In the lawsuit concerning Kozue Terada, the UC requested the courts to order Mamoru Takazawa and Atsuyoshi Ojima, the two “exit counselors” involved in her case, to refrain from carrying out any further “exit counseling” sessions in the future. The courts dismissed the UC’s request and did not unequivocally condemn the practice of “exit counseling.”

Instead Osaka District Court effectively implied that it accepted “exit counselors” operating in conditions of forced confinement in those cases where the confined person eventually recanted his or her faith. The Court stated that *“there are actually many ex-members who have accepted the persuasion by*

⁴³ She did not lodge a complaint against her husband because out of remorse he had released her after 16 days of confinement. Afterwards, they divorced.

⁴⁴ The pastor had *“visited the building time and again during the period from 11 to 27 July 1995 and, in spite of the refusal of the plaintiff to do so, persistently demanded that the plaintiff listen to what he had to say. In addition, the pastor transported the luggage and the persons concerned to the building as requested by the husband, and possessed upon his person the duplicate key of the building at all times.”* (Excerpt from the judgment).

Takazawa and Ojima and left the church. It is found that the circumstances of [their] persuasion activity vary according to the response and nature of the person to be persuaded.”

Osaka High Court, the second instance court, stated that “a significant number of people have left the Unification Church as a result of the activities of Takazawa and Ojima [...] 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 [their] actions are not illegal in every case.”

Representatives of the Japanese branch of the Watch Tower Bible and Tract Society told HRWF that the 2002 judgment regarding the female Jehovah’s Witness had a deterrent effect on future abductions and unsolicited “exit counseling” with regard to members of this religious group.

However, the civil cases involving UC members did not have a significant deterrent effect on future abductions and the practice of “exit counseling.” HRWF believes that the courts’ failure to unequivocally condemn abduction, forced confinement and unsolicited “exit counseling” for the purpose of religious de-conversion as well as discriminatory elements towards the UC in the courts’ judgments have contributed to the perpetuation of this practice.

RECOMMENDATIONS

HRWF believes that Japan can bring its practices in line with its international obligations as a state party to the ICCPR by implementing the following recommendations:

The Right to an effective remedy (Article 2 of the ICCPR) in conjunction with the Right to liberty and security of person (Article 9), Freedom of movement (Article 12), and the Right to freedom of religion (Article 18):

- Japan should establish a National Human Rights Institution in line with the Paris Principles, endowed with the powers to investigate individual human rights violations including violations of religious freedom due to abduction and deprivation of freedom with the purpose of forcing people to change their religion.
- Japan should sign and ratify the First Optional Protocol to the ICCPR.
- The Japanese authorities should develop strategies on how to provide effective protection to members of peaceful new religious movements from acts or threats of violence and other pressure by non-State actors in the future.⁴⁵
- Police should act promptly on allegations of abductions for the purpose of religious de-conversion. They should establish the whereabouts of the missing person, confirm directly with her or him, under circumstances guaranteeing confidentiality, whether or not she or he is held against their will and, where appropriate, take immediate steps to rescue the abduction victim.
- The National Police Agency should conduct an independent internal review of how cases involving forced confinement for the purpose of religious de-conversion have been handled by police, and follow-up with investigations of these crimes as well as the failure to initiate such investigations in the past.
- Any police officers found to have neglected their responsibilities or to have colluded with the perpetrators of crimes should be brought to justice.
- When victims of abduction for the purpose of religious de-conversion lodge criminal complaints, police and judicial authorities should promptly carry out thorough, independent and impartial investigations into the allegations and bring to justice the alleged perpetrators. Should prosecutors decide not to indict alleged perpetrators, the complainants must be given a detailed explanation of the reasons.
- Police should receive training on how to adequately react to reports of abductions in the context of religious de-conversion.
- The Japanese Diet (Parliament) should hold public hearings involving victims, police authorities and judicial authorities, as well as international experts and international human rights lawyers familiar with legal standards on “deprogramming” developed by the European Court of Human Rights, other courts in Europe and in the United States.
- Official apologies should be offered to victims.

The Right to an effective remedy (Article 2) and the Right not to be subjected to torture or other ill-treatment (Article 7):

- When victims lodge complaints about physical abuse by family members in the context of forced confinement for the purpose of religious de-conversion, thorough, independent and impartial investigations should be carried out into the allegations and the perpetrators should be brought to justice.

Freedom of religion (Article 18):

- Japan should clarify in the country’s legislation that the human right to freedom of religion or belief includes the right to convert and the right not to be forced to convert, both of which are

⁴⁵ This recommendation is in line with a recommendation by the Special Rapporteur on freedom of religion or belief: *Interim report*, 2012, p. 22.

unconditionally protected.⁴⁶

- Police should receive training on Japan's international obligations with regard to religious freedom, detailing in particular that the human right to freedom of religion or belief is not limited in its application to traditional religions, but also to peaceful new religious movements, including those that may be the subject of hostility on the part of a predominant religious community.
- Police and judicial authorities should inform the public of legislation and issue clear guidelines on steps that may and may not be taken by families regarding religious practices of their children.
- Senior government officials should publicly speak out against abductions and forced confinement for the purpose of religious de-conversion, explaining that such actions constitute crimes and violate the human right to freedom of religion.

The Right to be free from discrimination (Article 26):

- Japan should promote a societal climate in which converts can generally live without fear and free from discrimination.⁴⁷

⁴⁶ *Interim report*, 2012, p. 21.

⁴⁷ *Interim report*, 2012, p. 8.