

MISSION PERMANENTE DU JAPON
AUPRÈS DES ORGANISATIONS INTERNATIONALES
GENÈVE-SUISSE

YS/UN/240

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights in Geneva and, with reference to the latter's Note Verbale AL JPN 1/2024, dated 30 April 2024, has the honour to transmit herewith the response of the Government of Japan to the Joint Communication from the Special Procedures.

The Permanent Mission of Japan to the International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights in Geneva the assurances of its highest consideration.

Geneva, 27 June 2024



Enclosure mentioned

**RESPONSE OF THE GOVERNMENT OF JAPAN TO THE JOINT
COMMUNICATION FROM THE SPECIAL PROCEDURES**

**DATED 30 April 2024
REFERENCE AL JPN 1/2024**

27 June 2024

1. The Government of Japan (hereinafter referred to as “the Government”, “the GOJ”, or “we”) takes note of the joint communication, dated 30 April 2024, issued by the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the right to education, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, in which they allege and express concerns that the publication of a “Q&A on Responses to Child Abuse Related to Religious Beliefs, etc.” (hereinafter referred to as “the Q&A”) is leading to an increase in hate crimes and hate speech against the Jehovah’s Witnesses and other religious or belief minorities.

2. The Constitution of Japan guarantees freedom of religion to all in Article 20, freedom of thought and conscience in Article 19, and freedom of assembly, association, and expression in Article 21. Furthermore, as a state party to the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, Japan attaches importance to protecting and promoting the right to freedom of thought, conscience and religion and the rights of the child.

3. In this regard, we would like to respond to general questions 1 to 5, to which a reply from the Government was requested in the joint communication.

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.

4. In Japan, child abuse is defined in accordance with the provisions of Article 2 of the Child Abuse Prevention and Treatment Act as acts including assault that will cause or is likely to cause external injury to the child, material failure to perform the duty of custody as a custodian, or words or behaviors that would be significantly traumatic to the child, among others. However, even in cases where acts of child abuse have been committed, if the act stems from a guardian’s religious or other beliefs (including those that incite anxiety in others by means of some sort of psychic inspiration or other methods that are

difficult to substantiate based on logic or reasoning*), there is a concern that some local authorities, from the perspective of reconciling the freedom of religion, may hesitate to make a judgement when dealing with the case.

*The same applies to other instances below.

5. In response to this concern, the Q&A clarifies that even if a religious belief is considered to be the root cause of a situation, it constitutes child abuse just as it does when there is no religious or other belief behind the situation. In addition, the cases illustrated in the Q&A as specific instances of child abuse would also constitute child abuse even if there is no religious or other belief behind them. For reference, according to “the Research Study on Child Abuse and Neglect Resulting from Guardians’ Religious Beliefs, etc.” conducted in FY2023, 37 Child Guidance Centers (16.2% of all responses) responded “Yes” to the question, “Have there been any cases of abuse inferred to have been resulted from guardians’ religious beliefs, etc.?”

6. Therefore, the Q&A in no way sets, as alleged in the joint communication, “a lower threshold for establishing child abuse arising from religious or belief-based activities or doctrines than from those which are non-religious in nature.” The Government of Japan does not believe that the Q&A appears to encourage such a lower threshold.

7. The joint communication alleges that the release of the Q&A Guidelines and the related research studies appear to have led to an increase in hate crimes, and other matters. Representatives from the Jehovah’s Witnesses also informed the Government of Japan, in a recent dialogue, that an attacker committing an act of violence against its member cited the Q&A as a justification for the attack. Even if the Q&A was used as a justification for such violent attacks, this has absolutely nothing to do with the intention behind the Japanese government’s policy and is highly regrettable.

8. Freedom of religion should be respected, and the Government of Japan does not condone discrimination or violence on the basis of religious or other beliefs. At the same time, child abuse should never be condoned either, regardless of whether a guardian’s religious or other beliefs have anything to do with the matter. From the perspective of protecting children’s lives, ensuring they are nurtured in body and mind, and guaranteeing their human rights, the Government of Japan believes that the treatment of the Q&A should not be changed on the grounds that such attackers use the Q&A to justify their irrational attacks with violence. Measures against those attacks are explained in the

answers to questions 2 and 3 below.

9. In addition, regarding the preparation of the Q&A, the joint communication alleges that “[w]hile the Jehovah’s Witnesses had repeatedly sought a meeting with the Ministry of Health, Labour and Welfare, none was granted until the Q&A Guidelines were complete.” However, the Jehovah’s Witnesses requested a meeting on 8 December 2022, and the meeting was held at the then Secretariat of the Child and Family Policy Bureau of the Ministry of Health, Labour and Welfare on 26 December 2022. Furthermore, the Communication mentions a report stating that the Children and Families Agency refused to meet with the Jehovah’s Witnesses despite repeated requests. However, the Children and Families Agency has met Jehovah’s Witnesses several times since its establishment in April 2023.

10. It should be noted that, while the joint communication alleges that the Government consulted only with certain groups in drafting the Q&A, it was prepared under the responsibility of the then Secretariat of the Child and Family Policy Bureau of the former Ministry of Health, Labour and Welfare while listening to the opinions of a wide range of related parties, not any specific group or groups.

2. Please provide information on the steps taken to prevent, investigate, and prosecute acts of violence, or planned acts of violence, targeting Jehovah's Witnesses and/or their places of worship.

11. While not exclusive to Jehovah’s Witnesses or their places of worship, in general, the Government of Japan appropriately responds to acts of violence and plans to engage in violence, including those targeting religious institutions based on law and evidence.

12. In addition, the prosecutorial authority carries out investigation based on the applicable laws and evidence and prosecutes the perpetrator who deserves criminal justice.

3. Please provide information about steps taken by your Excellency's Government, in accordance with international standards, towards addressing intolerance, discrimination or violence, as well as hate speech and acts of discrimination or intimidation against Jehovah's Witnesses, and other religion or belief minorities.

13. The Government of Japan faithfully fulfills its obligations under international treaties to which it is a party and national laws.

14. The human rights bodies of the Ministry of Justice provide human rights counseling services on all human rights issues by officials of Legal Affairs Bureaus and Human Rights Volunteers, not just Jehovah's Witnesses and other religious or belief minorities. If a victim of a human rights violation seeks a remedy, the bodies promptly initiate remedy procedures and take appropriate measures based on the facts and circumstances of the case at hand.

15. The Japan Legal Support Center (Houterasu) provides information about legal systems and services to resolve legal disputes in response to inquiries from users and also provides civil legal aid services for people with limited financial resources, in order to establish a society in which people throughout the country can get the information and services they need to have recourse to the law in resolving disputes throughout the country.

4. Please explain how the Q&A Guidelines are compatible with international human rights standards regarding the right to freedom of religion or belief, as well as the rights of parents to ensure the religious and moral education of their children in conformity with their own convictions, including as provided for in the ICCPR, ICESCR and CRC, to which Japan is a party.

16. The Q&A clarifies that it is just as appropriate to consider an act arising from a religious belief that equates to child abuse as a case of child abuse, as it is to do so in regard to a case equating to child abuse when there were no such religious belief behind the act. The Q&A specifies that this is based on the premise of the utmost respect for the right to freedom of thought and conscience, freedom of religion, freedom of assembly and association, and the right to education as provided for in the Constitution of Japan, as well as the parental responsibility as provided for in domestic laws, and the rights pointed out in the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and the Convention on the Rights of the Child (hereinafter referred to collectively as “freedom of religion, etc.”).

17. In addition, even prior to the issuance of the Q&A, it was evident that the freedom of religion, etc. does not justify child abuse arising from religious beliefs. As such, the

issuance of the Q&A does not affect the right to freedom of religion, etc. in Japan.

18. As long as it does not lead to acts deemed to be child abuse (i.e., assault that causes or is likely to cause physical injury to the child, material failure to perform the duty of custody as a custodian, words or behaviors that would be significantly traumatic to the child, among others), it is possible for the custodian to provide religious and moral education to the children in conformity with their own convictions. Therefore, we believe that there is no incompatibility with the rights referred to in the joint communication.

5. Please provide information on positive measures taken to facilitate a meaningful dialogue on the Q&A Guidelines, and other related materials, with all stakeholders, including religion or belief groups and religious or belief minorities in the country.

19. Although the Government of Japan will refrain from providing in this response a list of individual groups with whom we have had dialogues, the Government notes that it has been engaging in dialogue with various parties, including the Jehovah's Witnesses mentioned in this communication, both during the process of preparing the Q&A and after its publication.