

Mandates of 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

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30 April 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Special Rapporteur on the right to education; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on the rights to freedom of peaceful assembly and of association, pursuant to Human Rights Council resolutions 49/5, 53/7, 52/9 and 50/17.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the publication of a **“Q&A on Responses to Child Abuse Related to Religious Beliefs, etc.” which has led to a reported subsequent increase in hate crimes and hate speech against Jehovah's Witnesses and other religious or belief minorities.** Notwithstanding the critical importance of protection against child abuse, we would like to raise a number of concerns in this connection.

According to the information received:

On 27 December 2022, the Ministry of Health, Labour, and Welfare released a “Q&A on Responses to Child Abuse Related to Religious Beliefs, etc.” (“Q&A Guidelines”). Based on Article 2 of the Child Abuse Prevention and Treatment Act, the Guidelines ostensibly aim to clarify a definition of child abuse and provide examples of its manifestations (such as through physical and psychological abuse and neglect) which “may occur with the background of religious beliefs, etc.”, along with outlining avenues for support.

The Q&A Guidelines were developed against the background of increased scrutiny and stigmatization of some religious or belief minorities following the assassination of former Prime Minister Shinzo Abe on 8 July 2022, as some religious groups' activities were cited as possible motive for the murder. The Guidelines were drafted in consultation with the Japanese Society for Cult Prevention and Recovery (JSCPR), whose Chairperson called for the recognition of a new type of child abuse by religious groups in October 2022, and had previously made public statements denigrating the Jehovah's Witnesses and other religious or belief minorities. While the Jehovah's Witnesses are not mentioned in the Q&A Guidelines as such, their practice and activities appear to be targeted by the new policy. Neither the Jehovah's Witnesses nor any other religious or belief minority were consulted during the preparation of the Q&A Guidelines, despite the sensitivity of the context and the fact that the Q&A Guidelines concern all religion or belief communities. While 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.

Content of the Q&A Guidelines

The Q&A Guidelines make reference to article 14 of the Convention on the Rights of the Child (CRC), which protects the right of the child to freedom of thought, conscience, and religion. However, the Guidelines do not address the “rights and duties of parents and, where appropriate, legal guardians, to provide direction to the child in the exercise of his or her right in accordance with the evolving capacities of the child” which are upheld under both article 14.2 of the CRC and article 18.4 of the International Covenant on Civil and Political Rights (ICCPR).

The Q&A Guidelines provide answers to questions concerning, inter alia, acts which may constitute various forms of child abuse, including physical abuse, psychological abuse, and neglect, which ‘may occur with the background of religious beliefs.’

While question 1-1 establishes that child abuse arising from “a background of belief in religion” must be addressed “just as in other cases of abuse from other reasons”, several parts of the guidelines appear to set a lower threshold for the establishment of abuse in religious as opposed to non-religious contexts. For instance, question 2-3 asserts that “forcing a child to participate in religious activities, etc., during hours that may interfere with the child’s schooling or daily life constitutes neglect”, without clarifying what is meant by “forcing”, nor what distinguishes “religious activities, etc.” in this case from activities such as extra tutorials, music or language lessons, or other secular extra-curricular activities in ‘daily life’. Similarly, question 3-1 asserts that “imprinting fear on a child [...] to force a child to participate in religious activities or to impede a child’s own free decision-making regarding his/her career path, place of employment, etc. [constitutes] psychological abuse or neglect,” without clarifying why religious activities, or the “imprinting” of fear on the basis of religious doctrine, should imply a lower threshold for psychological abuse or neglect than other secular activities or doctrines respectively.

Several of the guidelines make vague references to deviations from “social conventions”, “social appropriateness”, or “socially accepted norms”, as the basis for establishing potential forms of abuse, thereby limiting the diversity of manifestations of religion or belief which are inherent to its free exercise. Question 3-3 asserts that “a blanket ban on entertainment deemed appropriate for a child’s age in light of socially accepted norms, on the grounds of religion, etc., constitutes psychological abuse”. Question 3-4 further states that “forcing a child to wear decorations, etc., that objectively reveal his/her beliefs in a particular religion, without taking into account the child’s will of not wanting others to know about his/her religious beliefs, etc., constitutes psychological abuse.” Question 4-1 establishes that “when a guardian is aware that there are persons who directly or through a third party incite a child to behave in a manner that deviates significantly from social appropriateness, failure by the guardian to take preventive actions [...] constitutes neglect.” Notwithstanding the centrality of the prohibition of coercion in freedom of religion or belief (in accordance with article 18.2 of the ICCPR), key concepts such as “forcing,”

and “social appropriateness,” have not been defined in relation to human rights obligations. Further, important criteria for determining the appropriateness and nature of any given State intervention, such as necessity and proportionality, are not mentioned.

Reported increase in hate crimes targeting Jehovah’s Witnesses

The release of the Q&A Guidelines was accompanied by significant media coverage, some of which accused religious or belief minorities including the Jehovah’s Witnesses of being guilty of child abuse. Jehovah’s Witnesses have reported a 638% increase in hate crimes in 2023 as compared to the previous six years, when they reported little interference with their exercise of the right to freedom of religion or belief in Japan. Reported incidents included a violent physical assault of an elderly Jehovah’s Witness in Yachiyo City, Chiba, on 11 February 2024. The same month, letters threatening the mass murder of Jehovah’s Witnesses were left at their places of worship in Hyogo Ward and Kita Ward, Kobe City. These concerning developments were accompanied by an increase in online and offline hate speech and incitement to discrimination and violence, some of which directly referenced the Q&A Guidelines.

Subsequent developments

In November 2023, the Children and Families Agency, which took on responsibility for the Q&A Guidelines, informed the Jehovah’s Witnesses that it had launched a nationwide investigation requiring that all hospitals, schools, and regional authorities complete a survey on alleged violations of the Q&A Guidelines. The results of the investigation are expected between April and May 2024. Given the context of widespread stigmatization of religious or belief minorities, including Jehovah’s Witnesses, it is feared that this may be mobilized to foster discrimination and lead to a further increase in hate crimes.

Furthermore, in March 2024, pamphlets based on the content of the Q&A Guidelines, including content indicating that requiring children to attend religious services or teaching them certain religious doctrines may constitute child abuse, were distributed to school children by various authorities, including the Tokyo Metropolitan Government.

In this connection, it is reported that despite repeated requests, the Children and Families Agency, the Minister of State for Special Missions, the Prime Minister’s Office, and the Ministries of Education, Foreign Affairs, Internal Affairs, and Justice, have all refused to meet with the Jehovah’s Witnesses to discuss the aforementioned issues.

Without wishing to prejudge the accuracy of the information received, we wish to express our serious concern about what appears to be an emerging pattern of attacks and threats against the Jehovah’s Witnesses, against a background of heightened stigma and negative attitudes towards religious or belief minorities in Japan. According to general comment No. 36 of the Human Rights Committee, which oversees implementation of the ICCPR, ratified by Japan on 21 June 1979, States must take special measures of protection towards persons in vulnerable situations whose lives have been placed at particular risk due to pre-existing patterns of violence. This includes patterns of violence based on actual or imputed religion or

belief.

We further wish to express our concern that the content of some of the Q&A Guidelines appear to encourage 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. As such, this may constitute a violation of the principles of neutrality and non-discrimination, as well as potentially contributing to further stigmatization and suspicion of religious or belief minorities.

Paragraph 3 of article 18 of the ICCPR provides that restrictions on manifestations of religion or belief in the *forum externum*, including the right to participate in religious worship and to wear clothing or other symbols in accordance with religious doctrine, are permitted only if the restrictions on the freedom to manifest one's religion or belief are provided for by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others. Most importantly, these restrictions must only be applied for the purposes for which they were prescribed, and they must be directly related to and proportionate to the specific purpose they are intended to serve. These restrictions may not be imposed for discriminatory purposes or in a discriminatory manner. (See Human Rights Committee General Comment No. 22, para. 8, HRI/GEN/1/Rev.1).

We are concerned by the fact that measures ostensibly taken to ensure that child abuse can be identified and effectively addressed, while commendable in principle, may in fact undermine the rights of children, especially those from religious or belief minorities, to express their religion or belief in accordance with article 18, paragraph 1 of the ICCPR and article 14, paragraph 1 of the CRC. Similarly, the Q&A Guidelines in their current form may undermine the rights of children to freedom of thought, conscience and religion (CRC 14.1); and of parents to ensure the religious and moral education of their children in conformity with their own convictions, as set out in article 18, paragraph 4 of the ICCPR, article 14, paragraph 2 of the CRC, and article 13, paragraph 3 of the International Covenant on Economic, Social and Cultural Rights (ICESCR). We are also concerned that in the context of heightened suspicion of religious or belief minorities, the Q&A Guidelines in their current form may facilitate stigma, social pressure, or bullying of children belonging to religion or belief communities.

We are further concerned that the adoption of the Q&A Guidelines appears to have led to an increase in hate crimes and instances of hate speech and incitement of hatred, discrimination and violence.

Under such circumstances, the apparent refusal of the relevant authorities to engage with religion or belief minorities in relation to issues which concern their right to freedom of religion or belief, minority rights, and the safety and well-being of their members, also raises concerns.

In the light of the above comments, which the Special Rapporteurs wish to share for consideration, we respectfully call on your Excellency's Government to review and reconsider certain key aspects of the Q&A Guidelines to ensure that they comply with Japan's international human rights law obligations.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which

cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

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

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on freedom of religion or belief

Farida Shaheed
Special Rapporteur on the right to education

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion
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Annex

Reference to international human rights law

In connection with the above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

We refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Japan on 21 June 1979, and, in particular, its article 18 which stresses that "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom [...] either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching". The Human Rights Committee emphasised in its General Comment No. 22 (HRI/GEN/1/Rev.1) at paragraph 3 that article 18 of ICCPR "distinguishes the freedom of thought, conscience, religion or belief from the freedom to manifest religion or belief. It does not permit any limitations whatsoever on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice. These freedoms are protected unconditionally, as is the right of everyone to hold opinions without interference in article 19.1; "the freedom to manifest religion or belief may be exercised "either individually or in community with others and in public or private. The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts." (paragraph 4).

We would also like to refer to article 21 of the ICCPR which states that the right to freedom of peaceful assembly should be enjoyed by everyone, as provided for by article 2 of the Covenant and resolutions 15/21, 21/16 and 24/5 of the Human Rights Council. In its resolution 24/5, the Council reminded States of their obligation to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline.

We further recall that article 22 of the ICCPR protects the right to freedom of association, including the rights of everyone to associate with others and to pursue common interests. Freedom of association is closely linked to the rights to freedom of expression and to peaceful assembly and is of fundamental importance to the functioning of democratic societies. These rights can only be restricted in very specific circumstances, where the restrictions serve a legitimate public purpose as recognized by international standards and are necessary and proportionate for achieving that purpose. The expression of one's thought and conscience cannot be restricted unless it has fulfilled stringent tests of legality, proportionality and necessity. According to the Human Rights Committee, "in interpreting the scope of permissible limitation clauses, States parties should proceed from the need to protect the rights guaranteed under the Covenant, including the right to equality and non-discrimination on all grounds specified in articles 2, 3 and 26. Limitations imposed must be established by law and must not be applied in a manner that would vitiate the rights guaranteed in article 18. The Committee observes that paragraph 3 of article 18 is to be strictly interpreted: restrictions are not allowed on grounds not specified there, even if they would be allowed as restrictions to other rights protected in the Covenant, such as national security. Limitations may be applied only for those

purposes for which they were prescribed and must be directly related and proportionate to the specific need on which they are predicated. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner” (see General Comment No. 22, paragraph 8).

Furthermore, we recall that while not all advocacy of hatred reaches the threshold for prohibition under article 20, paragraph 2 of the ICCPR, States are nonetheless called upon to prohibit, and take active positive measures to address advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence which inhibit the practical and effective enjoyment of Covenant rights, including freedom from discrimination and freedom of religion or belief. Since 2011, the Human Rights Council and General Assembly have adopted annual resolutions on combatting intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence, and violence against persons based on religion or belief. In her 2024 report to the Human Rights Council (A/HRC/55/47), the Special Rapporteur on freedom of religion or belief has highlighted several measures called for in these resolutions as necessary to effectively address the root causes of hatred based on religion or belief. These include combatting denigration and negative religious stereotyping, such as through education and awareness-raising; taking effective measures to ensure that public functionaries do not discriminate on the basis of religion or belief in the conduct of their duties; and encouraging the representation and meaningful participation of individuals, irrespective of their religion, in all sectors of society. The latter point includes engagement of religious communities in issues of concern through consultation and dialogue mechanisms.

We also wish to draw the attention of your Excellency’s Government to article 14, para. 1 of the CRC, whereby States Parties shall respect the right of the child to freedom of thought, conscience and religion. Para. 2 provides that States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child. In addition, as indicated above, freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others (para. 3).

In that connection, we would also like to stress that both articles 18, para. 4 of the ICCPR and 13, para. 3 of the ICESCR, request States parties to respect the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

In addition, the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (A/RES/36/55) establishes in article 6 that the right to freedom of thought, conscience, religion or belief shall include, inter alia, the freedom to “worship or assemble in connection with a religion or beliefs”. The Commission on Human Rights (resolution 2005/40, paragraph 4d), the Human Rights Council (resolution 6/37) and the General Assembly (resolution 65/211, paragraph 12g) have reiterated the obligation of the States to ensure the right of all persons to worship or assemble in connection with a religion or belief”, including of those not belonging to a religion or belief recognised by a State through a registration procedure.

We would also like to remind your Excellency's Government that according to article 2 of the 1981 Declaration, "discrimination based on religion or belief means any distinction, exclusion, restriction or preference based on religion or belief and having as its purpose or as its effect nullification or impairment of the recognition, enjoyment or exercise of human rights and fundamental freedoms on an equal basis". The 1981 Declaration further states in its article 2 (1): "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on grounds of religion or other belief." In article 4 (1), the General Assembly establishes that: "All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]"

We would further like to stress that ICCPR specifically recognizes the rights of members of religious minorities to "profess and practices his or her own religion" (article 27). In connection to the coexistence of different religious groups, the 1981 United Nations Declaration on Religious Tolerance and Non-Discrimination urges states "to take all appropriate measures to combat intolerance on the grounds of religion" (article 4.2). In 2005, the Commission on Human Rights emphasized the importance of promoting "a continued and strengthened dialogue among and within religions or beliefs, encompassed by the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding" (Resolution 2005/40, paragraph 10).