

# **JAPAN 2016 INTERNATIONAL RELIGIOUS FREEDOM REPORT**

## **Executive Summary**

The constitution provides for freedom of religion and prohibits religious organizations from exercising any political authority or receiving privileges from the state. The government continued to grant protective status to some religious adherents claiming persecution in their native countries, including members of the Muslim Rohingya community from Burma. In July the Tokyo High Court revoked a salary reduction imposed on a public school teacher who refused an order to play the national anthem because she stated it was contrary to her religious beliefs. The Supreme Court upheld a lower court's decision to award damages to 17 Muslims for invasion of privacy arising from reported police profiling and surveillance of Muslims, and did not find a violation of the constitution's protection of religious freedom. In January the Supreme Court ordered a national university to pay compensation to a former student and member of the Family Federation for World Peace and Unification (Unification Church) and the member's parents, for slander and derogatory comments a faculty member made about their faith.

The press reported some Muslim organizations and mosques continued to receive phone calls they considered harassing. The National Police Agency directed local police offices nationwide to boost security for Islamic facilities.

U.S. embassy and consulate representatives spoke with the government, faith-based groups, religious minority leaders and their supporters, and legal experts to promote religious freedom, tolerance, and acceptance of diversity.

## **Section I. Religious Demography**

The U.S. government estimates the total population at 126.7 million (July 2016 estimate). A report by the government's Agency for Cultural Affairs (ACA) indicates that membership in religious groups totaled 190 million as of December 31, 2014. This number, substantially more than the country's population, reflects many citizens' affiliation with multiple religions. For example, it is common for followers of Buddhism to participate in religious ceremonies and events of other religions, such as Shinto, and vice versa. Also, the definition of follower and the method of counting followers varies with each religious organization, according to the ACA. According to the ACA, religious affiliation includes 92 million Shinto followers (48.5 percent), 87 million Buddhists (45.8 percent), and 1.9 million Christians (1 percent), while 8.9 million (4.7 percent) followed other religions.

The category of “other” and nonregistered religious groups includes Islam, the Bahai Faith, Hinduism, and Judaism.

The indigenous Ainu people mainly practice an animist faith and are concentrated in northern Honshu and Hokkaido with smaller numbers in Tokyo. Most immigrants and foreign workers practice religions other than Buddhism or Shinto, according to a nongovernmental organization (NGO) in close contact with foreign workers.

## **Section II. Status of Government Respect for Religious Freedom**

### **Legal Framework**

The constitution guarantees freedom of religion and requires the state to refrain from religious education or any other religious activity. It states that the people shall not abuse these rights and shall be responsible to use these rights for the public welfare.

The government does not require religious groups to register or apply for certification, but certified religious groups with corporate status do not have to pay income tax on donations and religious offerings used as part of the groups’ operational and maintenance expenses. The government requires religious groups applying for corporate status to prove they have a physical space for worship, and that their primary purpose is disseminating religious teachings, conducting religious ceremonies, and educating and nurturing believers. To that end, an applicant is required to present in writing a three-year record of activities as a religious organization, a list of members and religious teachers, the rules of the organization, information on the method of making decisions about managing assets, statements of income and expenses for the past three years, and a list of assets. The law stipulates that prefectural governors have jurisdiction over groups that seek corporate status in their prefecture, and registration must be made with prefectural governments. Exceptions are granted for groups with offices in multiple prefectures, which may register with the Ministry of Education, Culture, Sports, Science, and Technology (MEXT) minister. After the MEXT minister or a prefectural governor confirms an applicant meets the legal definition of a religious organization, the law requires the applicant formulate administrative rules pertaining to its purpose, core personnel, and financial affairs. By law, the applicants become religious corporations after the MEXT minister or governor approves their application and they register.

The law provides the government with some authority to supervise certified religious corporations. The law requires certified religious corporations to disclose their assets, income, and expenditures to the government. The law also empowers the government to investigate possible violations of regulations governing for-profit activities. Authorities have the right by law to suspend a religious corporation's for-profit activities for up to one year if the group violates these regulations.

The law stipulates that worship performed by an inmate alone in penal institutions shall not be prohibited.

The law states that schools established by the national and local governments must refrain from religious education or other activities in support of a specific religion. The law also states that an attitude of religious tolerance and general knowledge regarding religion and its position in social life should be valued in education. Both public and private schools must develop curriculum in line with MEXT standards. These standards are based on the country's law and stipulate that any religious content aimed at junior and high school students be considered carefully and taught properly.

Labor law states a person may not be disqualified from union membership on the basis of religion.

The country is a party to the International Covenant on Civil and Political Rights.

### **Government Practices**

The government continued to grant status to Chinese nationals self-identifying as Falun Gong practitioners, allowing them to remain in country, while also allowing overseas artists affiliated with Falun Gong to enter the country in conjunction with performances.

The government continued to issue temporary stay visas to Rohingya Muslims who came to the country on the basis of ethnic and religious persecution in Burma. Most of these individuals have resided in Japan more than five years, and some for more than 15 years. Some still remained undocumented and were not associated with any formal resettlement program. Their temporary visas required frequent renewal by regional immigration offices. While temporary status carries some legal risk of deportation, no Rohingya Muslims from Burma were deported during the year. Representatives of the Rohingya population said the government was

reluctant to grant refugee status to Rohingya who feared religious persecution in Burma.

According to the ACA, approximately 181,400 religious groups have been certified as religious groups with corporate status by the central and prefectural governments as of December 31, 2014. The large number reflected local units of religious groups registering separately.

After Tottori Prison prohibited a Christian inmate from possessing a Bible while he was placed in solitary confinement in 2014, the Tottori Prefecture Bar Association demanded on April 27 that the prison exercise its discretionary power on the basis of religious freedom to allow access to the Bible. The Tottori Prison reportedly responded that it did not allow inmates to access books in order to make inmates under disciplinary confinement reflect on their violations of prison rules. They further said that prohibiting access to a Bible did not hamper individual religious activities.

According to news reports, in August a Muslim immigrant awaiting deportation began a hunger strike after being fed ham at the Yokohama immigration facility. The report said the country's immigration offices were to "implement a standing policy that allows detainees in their facilities to observe any religious dietary restrictions" and that the facility apologized.

According to MOJ, penal institutions gave inmates access to 8,873 religious groups and there were 6,621 individual religious observances and/or counseling sessions by civil volunteer chaplains in 2014. There were approximately 1,860 volunteer chaplains from Shinto, Buddhist, Christian, and other religious groups available to prisoners as of the end of the year, according to the National League of Chaplains, a public interest incorporated foundation that trains chaplains.

On July 19, a Tokyo High Court ruling found in favor of a Christian former primary school teacher who refused an official order to play the national anthem on the piano at a 2010 school ceremony. According to the teacher's attorneys, she stated the national anthem represented Shinto, which was contrary to her faith. The high court upheld the 2015 lower court decision and revoked a salary reduction the Tokyo Metropolitan Government Personnel Commission had imposed on her as a disciplinary action. The high court found the teacher's refusal was based on her religion. The high court, however, ruled against the plaintiffs claim that the school's order was unconstitutional.

In May the Supreme Court upheld a lower court's decision to award 17 Muslim plaintiffs 90 million yen (\$769,000) in total for invasion of privacy arising from reported police profiling and surveillance of Muslims. The court, however, did not find a violation of constitutional provisions for religious freedom. Different Muslim community groups subsequently expressed a range of opinions on their experience in the country, from reporting positive relations with the police to saying that official surveillance continued.

On January 26, the Supreme Court ordered a national university to pay compensation to a former student and member of the Family Federation for World Peace and Unification, and the member's parents, for slander and derogatory comments that a faculty member made about their faith. According to press reports, the university announced on October 3 that it suspended the faculty member for six months as a disciplinary action over the incident and his additional harassment by email.

In May the Ministry of Justice (MOJ) reported that in 2015, its human rights division received 300 inquiries (compared to 340 in 2014) related to religious freedom violations. It confirmed 51 cases (compared to 42 in 2014) as highly likely to be religious freedom violations, out of 22,312 suspected human rights violations, and assisted potential victims in 27 cases (compared to 20 in 2014), including by referring them to competent authorities for legal advice.

### **Section III. Status of Societal Respect for Religious Freedom**

The press reported some Muslim organizations and mosques continued to receive phone calls they considered harassing in the aftermath of the January 2015 killing of Japanese citizens by ISIS. The National Police Agency directed local police offices nationwide to boost security for Islamic facilities and safeguard Muslims from harassment or illegal conduct directed at them. A Muslim individual reported receiving threatening phone calls, and notified local police, who were responsive.

Halal food remained available in many communities. In July a hotel for Muslim travelers offering halal menus and prayers rooms opened in the Yamanashi Prefecture town of Fujikawaguchiko.

The Jewish Community of Japan reported it did not receive reports of anti-Semitic activity during the reporting year.

### **Section IV. U.S. Government Policy**

The U.S. embassy and consulates informed the local and national governments of the U.S. government's positions on the promotion of respect for religious freedom. In meetings with the ACA, the embassy emphasized interfaith respect and coexistence. In support of U.S. religious freedom goals, embassy personnel engaged minority religious groups, including the Muslim, Jewish, and Falun Gong communities, and foreign workers, in particular

Embassy officers met with representatives of the Rohingya Muslims who have sought refugee status in the country to discuss their needs and to underscore U.S. promotion of respect for religious freedom.