

JAPAN 2018 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 Ministry of Justice (MOJ) reported that in 2017 (latest statistics available) its human rights division received 214 inquiries related to potential religious freedom violations, compared with 274 in 2016. Catholic bishops and others questioned governmental funding for aspects of the 2019 imperial accession ceremony that they said contained religious rituals. The government said such funding did not violate the constitutional separation of religion and state. In October an appellate court upheld a lower court ruling that the 2013 visit to Yasukuni Shrine by the prime minister did not violate the constitutional religious freedom rights of the plaintiffs because it did not interfere with the plaintiffs' faith. The government continued to grant protective status to some religious adherents claiming persecution in their native countries, including Falun Gong practitioners, members of the Rohingya Muslim community from Burma, and Uighur Muslims from China. Authorities in Mie Prefecture's Ise City announced the cancellation of a plan to improve prayer accommodations for Muslim visitors after the city reportedly received complaints from the local community about the close proximity of the planned facility to a major Shinto shrine.

Press reported both public and private Japanese institutions continued to expand access to halal food and prayer rooms for Muslims.

The U.S. embassy engaged with the government, as well as with faith-based groups, religious minority leaders, and their supporters, to promote religious freedom and acceptance of diversity.

Section I. Religious Demography

The U.S. government estimates the total population at 126.2 million (July 2018 estimate). A report by the Agency for Cultural Affairs (ACA) indicates that membership in religious groups totaled 182 million as of December 31, 2016. 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. According to the ACA, the definition of follower and the method of counting followers vary with each religious organization, and

religious affiliation includes 86 million Shinto followers, 85 million Buddhists, 1.9 million Christians, and 7.7 million adherents of other religious groups. The category of “other” and nonregistered religious groups includes Islam, the Baha’i Faith, Hinduism, and Judaism. The indigenous Ainu people mainly practice an animist faith and are concentrated in the northern part of Honshu, in Hokkaido, and in 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. A scholar estimated there are 100,000 non-Japanese Muslims and 10,000 Japanese Muslims in the country. Approximately 300 Rohingya Muslims are mostly concentrated in Gunma Prefecture, north of Tokyo, according to Rohingya representatives. The Japan Uyghur Association said most of the approximately 3,000 Uighur Muslims in the country reside in Tokyo or its surrounding prefectures of Chiba, Saitama, and Kanagawa. According to the Jewish Community of Japan (JCJ), 100-110 Jewish families belong to the JCJ, but the total Jewish population is unknown.

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 prohibits religious organizations from exercising any political authority or receiving privileges from the state. It states that the people shall not abuse their rights and shall be responsible to use their 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. 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 to formulate administrative rules pertaining to its purpose, core personnel, and financial affairs. Applicants become religious corporations after the MEXT minister or governor approves their application and they register.

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 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 and religious rituals performed by inmates alone or in a group 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 curricula in line with MEXT standards. These standards are based on the law, which says that schools should give careful consideration when teaching religion in general to junior and high school students.

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 MOJ Human Rights Bureau continued to operate its hotline for human rights inquiries available in six different foreign languages – English, Chinese, Korean, Tagalog, Portuguese, and Vietnamese. In May the MOJ reported that in 2017 (latest statistics available) its human rights division received 214 inquiries related to potential religious freedom violations, compared with 274 in 2016. It confirmed 14 cases (compared with 32 in 2016) as highly likely to be religious freedom violations, out of 20,675 suspected human rights violations, and assisted potential

victims in all the 14 cases (compared with 11 in 2016), by mediating between the parties, calling on human rights violators to rectify their behavior, or referring the complainants to competent authorities for legal advice. These MOJ measures, however, were not legally binding.

In February the nation's Catholic bishops asked the government to "strictly abide by the principle of the separation of politics and religion in accord with the Japanese constitution," and clarify the distinction between national acts and the imperial family's private ritual events in the ceremonies surrounding the abdication and accession of the emperor in 2019. On December 10, a group of 241 plaintiffs, including Christians and Buddhists, filed a lawsuit in the Tokyo District Court seeking to block the expenditure of public funds for the imperial accession ceremonies. The plaintiffs said such use of government funds would be against the constitutional separation of religion and state and put psychological pressure on individuals believing in religions other than Shinto. The government said the rites do not run counter to the sovereignty of the people and the separation of religion and the state stipulated by the constitution.

On April 13, the Okinawa Prefecture's Naha District Court ruled that the Naha municipality violated the constitutional separation of state and religion by lending its land to a Confucian shrine without charge. In response, on April 27, the Naha municipal assembly passed a resolution supporting the intent of the Naha mayor to appeal to a higher court. The mayor was re-elected in October.

On October 25, a Tokyo appellate court upheld a lower court ruling that the 2013 visit by Prime Minister Shinzo Abe to the Yasukuni Shrine did not violate the constitutional religious freedom rights of the plaintiffs, as it did not interfere with their faith. The shrine honors the nation's war dead. Convicted war criminals are among those recognized at the site.

According to the ACA, central and prefectural governments had certified approximately 181,000 groups as religious groups with corporate status as of the end of 2017. The large number reflected local units of religious groups registering separately. The government certified corporate status for religious groups when they met the requirements, according to the Japanese Association of Religious Organizations (JAORO), an interfaith NGO representing numerous religions and groups.

According to the MOJ, penal institutions gave inmates access to 122 collective and 6,444 individual religious ritual activities, including worship and counseling

sessions by civil volunteer chaplains in 2017. There were an estimated 1,846 volunteer chaplains from Shinto, Buddhist, Christian, and other religious groups available to prisoners as of January 2018, according to the National League of Chaplains, a public interest incorporated foundation that trains chaplains. In March an independent inspection committee for penal facilities proposed adding Muslim volunteer chaplains, increasing access to religious counseling, and providing food that is fully compatible with detainees' religious dietary restrictions. The penal institutions responded that no Muslim volunteer chaplains enlisted and that the institutions provided access to religious counseling and religiously appropriate food to the greatest extent possible.

According to a MOJ press release, the ministry granted refugee status, based on the UN Convention relating to the Status of Refugees and its protocol, to at least two applicants who had a well-founded fear of being persecuted for religious reasons. Twenty such applicants were granted refugee status in 2017.

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

The government continued to grant special permits to stay on humanitarian grounds or temporary stay visas to most of the approximately 300 Rohingya Muslims who came to the country on the basis of ethnic and religious persecution in Burma. The majority of these individuals had resided in the country for more than five years, and some for more than 15 years. Of the approximately 300 Rohingya Muslims in the country, the government granted refugee status to 18 individuals, most recently in 2015, according to a Rohingya representative. The representative also said approximately 18 additional undocumented Rohingya Muslims were not associated with any formal resettlement program and were prohibited from getting jobs. Their children born in Japan remained stateless. The remaining nearly 270 Rohingya Muslims in the country are legally permitted to reside in the country on humanitarian grounds, which allows them to be employed, while requiring regular renewal of their status by regional immigration offices. No Rohingya Muslims from Burma were deported during the year.

The government granted residential status or Japanese citizenship through naturalization to most of the approximately 3,000 Uighur Muslims from China, who originally came to Japan for the purpose of study in most cases. The government did not deport any Uighur Muslims, nor did it grant refugee status to

any of the 10 who applied on the basis of ethnic or religious persecution in China, according to the Japan Uyghur Association.

On March 7, Mie Prefecture's Ise City announced the cancellation of a plan to improve prayer accommodations for Muslim visitors in a multipurpose facility near Ise Grand Shrine, a major Shinto site, after the city reportedly received complaints from the local community. Press reported the complaints focused on the close proximity of the proposed Muslim prayer facility to one of the nation's most significant Shinto shrines.

Section III. Status of Societal Respect for Religious Freedom

Press reported a continuing expansion of access to prayer rooms in public spaces and halal food throughout the country, mainly in response to the increasing numbers of inbound Muslim tourists and in preparation for anticipated Muslim visitors for the 2020 Tokyo Olympic and Paralympic Games. In July press reported the opening of a mobile mosque on a truck by a private citizen who intended it to be used at the Olympics.

In July UNESCO inscribed the hidden Christian sites in Nagasaki Prefecture on the World Heritage List.

Section IV. U.S. Government Policy and Engagement

The U.S. embassy reaffirmed the importance of international commitments to promote religious freedom in meetings with the Ministry of Foreign Affairs and emphasized interfaith respect and coexistence through its interactions with the ACA.

In meetings with JAORO, as well as with leaders of minority religious groups, including Rohingya and Uighur Muslims, the Jewish and Falun Gong communities, and foreign workers, embassy officials underscored the priority the United States placed on respect for religious freedom and diversity and discussed the overall situation in the country. The U.S. embassy also utilized its social media platforms to highlight the importance of religious freedom, including an announcement of the July Ministerial to Advance Religious Freedom in Washington.