

# **JAPAN 2021 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. According to the Japan Uyghur Association (JUA), the People's Republic of China (PRC) continued to have police officials in the PRC intimidate JUA members residing in Japan by contacting them and implying threats to their families residing in the PRC. According to the JUA, the government generally showed willingness to protect Uyghur Muslims in the country and did not deport any to the PRC during the year. According to the Japanese Falun Dafa Association, the Ministry of Justice (MOJ) in April for the first time granted refugee status to a female Falun Gong practitioner residing in the country based on the PRC's religious repression of Falun Gong practitioners. In February, the Supreme Court ruled that the Naha city government violated the constitutional separation of religion and state by allowing a Confucian temple to use public land at no cost. Citing religious freedom, the government refrained from issuing specific COVID-19 regulations for places of worship, although all COVID-19 infection control measures were voluntary and constitutionally prohibited from being enforced. The MOJ reported that in 2020 (latest statistics available), its human rights division received 116 inquiries related to potential religious freedom violations, compared with 224 in 2019, and confirmed four cases, compared with seven in 2019, as highly likely to be religious freedom violations.

Nongovernmental organizations (NGOs) and the United Nations High Commissioner for Refugees continued to express concern regarding the government's interpretation of the UN Convention relating to the Status of Refugees and its protocol, which resulted in a low rate of approval of refugee applications. According to available information, the ministry granted refugee status to two applicants based on a well-founded fear of persecution for religious reasons in 2020. The government continued to grant special permits to stay on humanitarian grounds, or temporary stay permits, to most of the approximately 350 Rohingya Muslims who had entered the country on the basis of ethnic and religious persecution in Burma.

Muslim communities continued to report societal religious tolerance of their faith. Several media outlets, however, reported that local communities, particularly in the western part of the country, remained reluctant to have Islamic cemeteries in their neighborhoods, as local residents were concerned that the Muslim tradition of burying a body could contaminate soil and water.

In meetings with the Ministry of Foreign Affairs and with lawmakers, U.S. embassy officials encouraged the government to continue working with the United States to protect Muslims from the PRC and other countries otherwise restricting religious freedom. The embassy used its social media platforms to highlight the importance of religious freedom. In conversations and meetings with the Japanese Association of Religious Organizations (JAORO), as well as with leaders of religious groups and organizations representing religious minorities, embassy officials underscored the priority the United States places on respect for religious freedom, discussed issues faced by these communities, and advised some of them on outreach efforts with the government.

### **Section I. Religious Demography**

The U.S. government estimates the total population at 124.7 million (midyear 2021). A report by the Agency for Cultural Affairs (ACA) indicates that membership in religious groups totaled 183 million as of December 31, 2019. 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. Religious affiliation includes 88.9 million Shinto followers (48.6 percent), 84.8 million Buddhists (46.3 percent), 1.9 million Christians (1 percent), and 7.4 million adherents of other religious groups (4 percent). The category of "other" and nonregistered religious groups includes Islam, the Baha'i Faith, Hinduism, and Judaism.

Most immigrants and foreign workers practice religions other than Buddhism or Shinto, according to an NGO in close contact with foreign workers. A scholar estimates that at the end of 2019, there were approximately 230,000 Muslims in the country, including up to 50,000 Japanese converts. Most of the approximately 350 Rohingya Muslims in the country live in Gunma Prefecture, north of Tokyo, with some residing in Saitama, Chiba, and Tokyo, according to Burmese Rohingya Association in Japan (BRAJ) President Zaw Min Htut. Ilham Mahmut, the JUA honorary chairman and World Uyghur Congress Representative for East Asia and the Pacific, said most of the nearly 2,000 Uyghur Muslims in the country reside in Tokyo or its surrounding prefectures of Chiba, Saitama, and Kanagawa. He states that of the nearly 2,000 Uyghur Muslims, approximately 700 are naturalized

Japanese citizens. The Jewish population is approximately 3,000 to 4,000, according to a long-term member of the Jewish community.

## **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 their operational and maintenance expenses akin to nonprofit organizations. 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 must 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 about the method of making decisions on managing assets, statements of income and expenses for the past three years, and a list of assets. The law stipulates prefectural governors have jurisdiction over groups seeking corporate status in their respective prefecture, and that groups must apply for registration with prefectural governments. Exceptions are granted for groups with offices in multiple prefectures, which they may register with the Ministry of Education, Culture, Sports, Science, and Technology (MEXT). After the MEXT Minister or a prefectural governor confirms an applicant meets the legal definition of a certified religious group with corporate status, the law requires the applicant to formulate administrative rules pertaining to its purpose, core personnel, and financial affairs. Applicants become religious corporations only after the MEXT Minister or governor approves their application and the applicants subsequently register.

The law requires certified religious corporations to disclose their assets, income, and expenditures to the government. The law also authorizes 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 the regulations.

The law stipulates that worship and religious rituals performed by inmates in penal institutions, alone or in a group, shall not be prohibited. To support the law and the constitutional right to religious freedom, the MOJ offers inmates access to volunteer chaplains from various faiths in prisons.

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. Private schools are permitted to teach specific religions. 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 states that schools should give careful consideration when teaching religion in general to junior high 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 Tokyo Regional Immigration Services Bureau deported a male Rohingya Muslim in March for illegal overstay. He had previously applied for refugee status in Japan based on religious persecution in Burma, according to a copy of a document submitted to the Tokyo District Court in June and provided to the MOJ, the umbrella ministry of the Immigration Services Bureau. According to the document, the man voluntarily abided by the deportation order by waiving his right to request reexamination. He departed the country via commercial air at his own expense. The deportee's attorney requested in June that the immigration services bureau confirm the man's safety in Burma, but the immigration services bureau did not respond to the inquiry, according to his attorney. According to an associate of the deported individual, after being deported to Burma, he was detained by the Burmese military regime at an airport but was later released. His attorney learned from a contact that as of October, he lived in Burma under the surveillance of the regime. His attorney condemned the deportation, saying it posed a life-threatening risk to the deportee due to the changed civil society landscape precipitated by the February 1 Burmese military coup.

According to the JUA honorary chairman, the PRC continued its practice of using police officials in the PRC to intimidate JUA members residing in Japan. He stated that PRC police officials contacted JUA members in Japan, implying risks to the safety of their families in the PRC and offering monetary assistance in exchange for providing information about the JUA's activities and other cooperation. He also said the PRC embassy in Tokyo restricted Uyghur Muslims in the country from renewing their passports by requiring renewal applicants to disclose their ethnicity. According to the JUA honorary chairman, the Japanese government generally showed willingness to protect Uyghur Muslims in the country. He said the government did not deport any Uyghur Muslims to the PRC during the year. While he expressed continued concern regarding potential bias against Uyghur Muslims applying for refugee status at some government immigration centers, he said the government took measures to rectify past concerns.

According to the president of the Japanese Falun Dafa Association, the PRC embassy in Tokyo displayed propaganda on its website that disparaged the Falun Gong. The president said a person of unidentified nationality vandalized an association signboard near the Tokyo Regional Immigration Services Bureau. According to the president, the MOJ in April for the first time granted refugee status to a female Falun Gong practitioner residing in the country based on the PRC's religious repression of Falun Gong practitioners.

In February, the Supreme Court ruled that the Naha city government violated the constitutional separation of religion and state by allowing a Confucian temple to use public land at no cost. The city government exempted the temple from paying an annual rent of 5.75 million yen (\$50,000) on the grounds that the temple served as a tourist attraction. The court, however, ruled the public could conclude the municipal government was supporting a specific religion, which is a violation of the constitutional right to freedom of religion, and it ordered the city to charge the organization the full rent.

In July, an immigration facility in Nagoya apologized for giving a foreign male detainee a meal containing ingredients forbidden by his religion. The facility stated it had issued an apology to the man and would make efforts to treat each detainee appropriately.

Citing religious freedom, the government refrained from issuing COVID-19 regulations specific to places of worship, which were requested to comply with the

government's general nonbinding infection-prevention measures, which were constitutionally prohibited from being enforced.

The JAORO said that the national government did not allow religious groups with corporate status to access some of the government's welfare payment and subsidy for those businesses and individuals financially impacted by COVID-19. The JAORO stated that the government interpreted the constitution's provision on separation of religion and state in an excessively rigorous manner, saying the government's denial of access for religious groups with corporate status was discriminatory. The government stated, however, that the denial was due to the groups' corporate status.

According to the JAORO, some local municipalities, including Minato and Suginami wards (cities) in Tokyo Prefecture, collaborated with religious groups with corporate status to prevent the spread of COVID-19, such as using facilities of religious groups with corporate status as sites for mass vaccination organized by the municipalities. In January, the ACA officially expressed a view that activities by religious groups with corporate status that contribute to society, including activities for countering disaster and assisting communities, could be interpreted as religious activities. This was a change from the previous interpretation of such activities conducted by religious groups with corporate status as enterprises for public welfare by law. The JAORO said the new interpretation helped expand the role of religious groups in society.

The MOJ's 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 2020 (latest statistics available), its human rights division received 116 inquiries of cases of potential violations of religious freedom out of 10,668 suspected human rights violations overall, compared with 224 inquiries related to religious freedom violations in 2019. It confirmed four cases (compared with seven in 2019) as highly likely to be religious freedom violations. The MOJ assisted the potential victims in all four cases by mediating between the parties, calling on alleged 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.

According to the ACA, central and prefectural governments had certified 180,828 groups as religious groups with corporate status as of the end of 2019, the most recent statistics available. The large number reflected local units of religious

groups registering separately. The government generally certified corporate status for religious groups when they met the requirements.

NGOs and the United Nations High Commissioner for Refugees continued to express concern regarding the government's interpretation of the UN Convention relating to the Status of Refugees and its protocol, which resulted in a low rate of approval of refugee applications. Civil society and legal groups also expressed concern regarding what they stated were restrictive screening procedures that led applicants to voluntarily withdraw their applications and accept deportation, citing 3,936 individuals who applied for refugee status in 2020, down 62 percent from 10,375 applicants in 2019. They specifically stated that the government's interpretation of "well-founded fear of persecution" used when adjudicating refugee claims was overly restrictive. The government granted refugee status to 47 applicants in 2020 (latest statistics available). According to available information, the ministry granted refugee status to two applicants based on a well-founded fear of persecution for religious reasons in 2020. In one case, the MOJ determined the applicant had a well-founded fear of being persecuted by his or her government for converting from one religion to another religion.

The government maintained its practice of granting special permits to stay in country on humanitarian grounds, or temporary stay permits, to most of the Rohingya Muslims who had entered the country on the basis of ethnic and religious persecution in Burma. The majority of those individuals had resided in the country for more than 10 years – some for more than 20 years – and were allowed to be employed and required regular renewal of their status by regional immigration offices. Of the approximately 350 Rohingya Muslims in the country, the government granted refugee status to five individuals in September in addition to the 18 Rohingya Muslims who already had refugee status, according to BRAJ President Zaw Min Htut. The BRAJ president also said approximately 20 Rohingya Muslims had a pending application for refugee status and were not associated with any formal resettlement program, were prohibited from obtaining employment, and faced hardships, including lack of health care. These applicants' children were born in the country and therefore remained effectively stateless.

According to the JUA, the government has granted citizenship through naturalization to approximately 700 Uyghur Muslims, in addition to permits to remain in the country for the remaining 1300 Uyghur Muslims, most of whom came to the country from the PRC initially to study or work. The government did not deport any Uyghur Muslims during the year.

Civil society groups also reported that it takes an average of three years for an applicant to be recognized as a refugee, and some cases involving multiple appeals have lasted 10 years.

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

Muslim communities continued to report societal religious tolerance of their faith. Several media outlets, however, stated that local communities, particularly in the western part of the country, continued to be reluctant to have Islamic cemeteries in their neighborhoods, citing local residents' concerns that the Muslim tradition of burying a body could contaminate soil and water (cremation is a widespread practice in the country). Due to this concern, the Beppu Muslim Association faced opposition from some residents to its plan submitted to local authorities in 2019 for a permit to build an Islamic cemetery on land that it owns in Hiji Town, Oita Prefecture. The association reportedly petitioned the Ministry of Health, Labor, and Welfare to establish at least one public burial site in each prefecture or designate one section of existing public cemeteries for Islamic burials to remedy a shortage of burial sites for Muslims. The ministry reportedly acknowledged in June that it recognized the issue and would seek advice from concerned municipalities. According to press reports, the Hiji Town government organized talks between the residents and the Beppu Muslim Association on November 5 to find a solution. In the talks, residents reportedly proposed another site owned by the town government as an alternative. They reportedly assessed the alternative site would be unlikely to contaminate water because of its topography and the lack of contamination from a nearby monastery that also buries deceased individuals in the soil. Hiji Mayor Honda Hirofumi publicly stated that making progress on the issue would be possible should residents and the Beppu Muslim Association agree on the alternative site. A representative of the Beppu Muslim Association publicly said the alternative site would be acceptable as long as the residents concurred with the association's use of the site.

The Tokyo Organizing Committee of the Olympic and Paralympic Games fired the director of the opening ceremonies, Kobayashi Kentaro, one day before the event when a video showing Kobayashi making a joke about the Holocaust in 1998 surfaced. The committee called the conduct "unacceptable," and Kobayashi issued an apology shortly thereafter.

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



In meetings with the Ministry of Foreign Affairs and with lawmakers, embassy officials encouraged the government to continue to work with the United States to protect Muslims originating from the PRC and from other countries that otherwise restrict religious freedoms.

The embassy continued to use its social media platforms in both Japanese and English to highlight the importance of religious freedom, including amplifying messages of the importance of religious freedom as a human right.

In conversations and meetings with the JAORO, as well as with leaders of religious groups and organizations representing religious minorities, including Rohingya and Uyghur Muslims and the Jewish and Falun Gong communities, embassy officials underscored the priority the United States places on respect for religious freedom, discussed issues faced by these communities, and advised some of them on their outreach efforts with the national government and local municipalities.