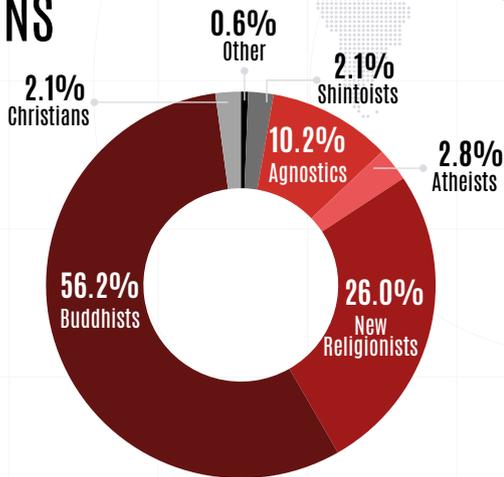




# JAPAN

## RELIGIONS



## LEGAL FRAMEWORK ON FREEDOM OF RELIGION AND ACTUAL APPLICATION

Japan is a democratic constitutional monarchy. Religion is freely practised, and protected by the government, which is strictly neutral in the matter. Respect for freedom of religion is based on the existing constitution and laws.

The Constitution of Japan, promulgated on 3rd November 1946 and implemented on 3rd May 1947, expressly articulates a commitment to religious freedom as well as separation of religion and state. Article 20 states: “Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the state, nor exercise any political authority. No person shall be compelled to take part in any religious act, celebration, rite or practice. The state and its organs shall refrain from religious education or any other religious activity.” Article 89 adds: “No public money or other property shall be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the control of public authority.”<sup>1</sup>

These articles provide robust protection for religious freedom in its various dimensions, including the freedom to believe, not to believe, convert, worship, organise, and spread religious beliefs. They also enshrine a strict separation between state and religion. This principle does not have deep roots in Japanese history or culture; however, the widespread perception that the pre-war alliance between Shintoism and the state - what became known as “State Shintō” ideology<sup>2</sup> - contributed to Japanese imperialism and militarism in the 1930s and 1940s and made the separation of state and religion a moral and political imperative in the minds of many Japanese, regardless of their beliefs, following World War II. This perception also shaped the thinking of the Americans who developed the early drafts of what eventually became the Japanese constitution during the Allied Occupation of Japan (1945-1952).<sup>3</sup>

Currently, just over 2 percent of Japanese identify as Shintoists, but more than 80 percent take part in Shinto rituals.<sup>4</sup> Given this situation, the conservative Liberal Democratic Party (LDP), which has ruled Japan for almost its entire post-war history, has favoured relaxing the separation of religion and state in order

to facilitate state support of certain traditional Shinto shrines and ceremonies.

Of particular interest to LDP leaders is the Yasukuni Shinto shrine in Tokyo that honours Japanese<sup>5</sup> who died in the service of the country. It also lists the names of more than a thousand war criminals tried and executed after World War II. Built in 1869 to pay tribute to the Japanese who gave their lives in the name of the Emperor of Japan, it is believed that the shrine watches over the souls of the more than two million Japanese soldiers and others who died between 1868 and 1951. The nationalist leaders of the LDP believe that the Japanese government should support Yasukuni not as a matter of religious belief or piety but as a matter of custom, civic ritual, and patriotism. They also believe that it is legitimate for the state to support other Shinto rituals, particularly those related to the imperial succession, because their significance, they argue, is more civic than spiritual.<sup>6</sup>

Accordingly, on multiple occasions, the LDP has proposed revising Article 20 to permit the government and public officials to support and participate in “social ceremonies or customary actions,” even if they might have a religious origin. However, Buddhists, Christians, and virtually all other non-Shinto religious groups have opposed efforts to weaken the separation clause. As Helen Hardacre, author of *Religion and the Japanese Constitution*, states: “Numerous religious organizations in Japan today were prosecuted before 1945 on charges that their doctrines or practices constituted *lèse majesté* because they were seen as insulting to the emperor or to Shinto. For these organizations, especially, reassertions that Shinto ritual has some part to play in democratic government will be highly objectionable.”<sup>7</sup> Consequently, the issue of the separation of state and religion is highly controversial, and the Japanese public is likely to remain deeply divided over it for the foreseeable future.

## INCIDENTS AND DEVELOPMENTS

In 2019, the government provided direct financial support for three Shinto-related rituals related to the imperial succession. The government defended the funding by arguing that, even though the rituals contained a

religious element, the constitution authorises support for imperial succession ceremonies. Christians, Buddhists, and other critics condemned the funding, arguing that it violated the constitutional separation of religion and state. In the end, in February 2019, “[t]he Tokyo High Court [ . . . ] dismissed a lawsuit challenging the use of state funding, but a similar suit remained pending at year’s end.”<sup>8</sup>

While other nations in Asia are seeing increasing levels of religious persecution, Japan has become, to some extent, more tolerant, especially towards Islam following an influx of Muslims in recent years. The upcoming Olympic Games (originally scheduled for 2020, but postponed until 2021 due to COVID-19), as well as an increase in tourists from Muslim nations, have heightened “awareness in Japan of the need to create a Muslim-friendly environment that ensures an enjoyable experience for these visitors.”<sup>9</sup> This includes the visible display of halal seals of certification in restaurant windows. “Halal seals of certification displayed in restaurants, on menus, and on restaurant websites are one way of assuring Muslim visitors that they can eat safely in these places.”<sup>10</sup>

The Muslims who have recently come to Japan include ethnic Uyghurs<sup>11</sup> fleeing persecution in China’s Xinjiang region (also known as East Turkestan). But even in Japan, Chinese intelligence agents continue to subject them to surveillance designed to intimidate them and extract information. In one such incident, a Uyghur resident of Japan was contacted by “a man he had never seen before [ . . . ]. The man said he belonged to a government organization and told [him], ‘China is forever your motherland. I want to be your friend and talk about many issues.’ He urged [him] to provide information on the Japanese Uyghur Association’s activities, and said he would be in touch.”<sup>12</sup> According to Amnesty International, many Uyghurs living abroad face similar pressure from Chinese authorities. A February 2020 report by the London-based human rights organisation concluded that Chinese security officials are making “aggressive efforts [ . . . ] to recruit informants to spy on others in overseas Uyghur communities.”<sup>13</sup>

On 6th October 2020, Japan was one of 39 signatory countries to “[urge] China to respect the human rights of minority Uighurs.” The declaration called on China, “to allow immediate, meaningful and unfettered access to Xinjiang for independent observers including the

U.N. High Commissioner for Human Rights.”<sup>14</sup>

Pope Francis visited Japan from 23rd to 26th November 2019. His visit raised great expectations, as the last papal visit by Pope John Paul II was in 1981. An article by Francesca Regalado on the visit states: “Japanese Catholics comprise only 1% of Japan’s population, but in recent decades, the country has become home to a diverse diaspora of Catholics and other Christian denominations. Tokyo’s churches are full of believers from the neighbouring Philippines and from the West. There are also immigrants and refugees who have found it safer to practice Christianity in Japan than in their native lands in China, Southeast Asia, Africa and the Middle East.”<sup>15</sup> A theme of the Pope’s visit was protecting the dignity of all people, and he was widely and graciously received by Japanese citizens of all backgrounds.<sup>16</sup>

The Japanese government’s stance on Myanmar’s persecution of its mostly Muslim Rohingya community has been ambiguous. Notwithstanding Japan’s basic commitment to religious freedom, and its welcome to approximately 300 Rohingya Muslim refugees,<sup>17</sup> the Japanese ambassador to Myanmar, Ichiro Murayama, stated that although he did not “rule out that human rights violations occurred in Rakhine State during clashes between the military and Arakan Rohingya Salvation Army (ARSA)... I don’t think that the Myanmar Tatmadaw [military] committed genocide or [had the] intent of genocide. I also don’t think that they have intention to kill all the Muslim residents in Rakhine.”<sup>18</sup> Japan was also the first country to voice support for Myanmar following Gambia’s petition to the International Court of Justice on 11th November 2019 requesting “provisional measures” of protection for Rohingya Muslims.<sup>19</sup> On 23rd January 2020, the International Court of Justice in The Hague imposed emergency provisional measures on the country “instructing the government of Aung San Suu Kyi to respect the requirements of the 1948 genocide convention.”<sup>20</sup>

freedom will change in any significant way in the foreseeable future.

## PROSPECTS FOR RELIGIOUS FREEDOM

Although the ongoing efforts by the ruling Liberal Democratic Party to relax Japan’s constitutionally mandated separation of religion and state will continue to fuel a lively debate and stir controversy, nothing suggests that the country’s positive attitudes towards religious

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