

Written Opinion

Ms. Yumiko Watanabe, Commissioner of Children and Families Agency

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Thank you very much for the many projects you have implemented, including measures to prevent child abuse.

In light of recent developments regarding the "Q&A on Responses to Child Abuse Related to Religious Beliefs, etc." (hereinafter referred to as "Q&A") issued on December 27, 2022 by the Director of Child and Family Bureau of the Ministry of Health, Labour and Welfare, I have compiled this written opinion to express my concerns from a legal perspective.

I would like to convey that the wording of "Q&A" is vague and broad and thus could go beyond child abuse prevention, leading to an intervention in religious beliefs.

In this document, a child is referred to as a "child" and the one who supervises the child is referred to as the "guardian" in accordance with terminologies used in the "Q&A."

Section 1: General remarks (Norms to be assumed)

1 Relationship of the guardian and the State to the child

As the "Q&A" points out, child abuse must never be tolerated to protect children's rights and children's best interests. If a guardian is abusing a child, prompt intervention by the government is required.

On the other hand, it is the guardians' right and duty to educate their children, and the educational policy is left to each family. A child may feel psychological distress due to the fact that he/she is different from others because his/her guardian's educational policy is uncommon in society, or because the guardian's intention does not match the child's intention. If the guardian's behavior is immediately deemed to constitute child abuse in such a case, it may constitute a violation of the guardian's fundamental human rights and may be deemed as an unreasonable intervention in the family system.

Therefore, it is extremely important to make a distinction between the scope of educational policy that is left to the guardian and the scope of child abuse in which the State

should intervene. At the same time, there must be a balance between the rights and duties of the guardian and the rights of the child.

Since the "Q&A" covers "Child Abuse Related to Religious Beliefs, etc.," in 2 below, I will review children's rights relating to religious education as well as guardians' rights and duties in relation to the State based on international legal norms. Then, in 3 below, I will touch upon matters that should be kept in mind when judging the applicability of child abuse relating to religious beliefs.

2 Legal norms governing the relationship between children, guardians, and the State

(1) The primary responsibility rests upon the guardian

The law places the primary responsibility to ensure the best interests of the child on the guardian. Guardians should provide for the physical and mental needs of the child and should continue to care for the child to ensure his/her sound development in mind and body.

Religious and moral education is part of this process. Until children reach a level of maturity where they choose their own ideology and religion, guardians are to educate their children in religious, moral, and value systems that they believe are beneficial for the children.

It is the right of the child to receive sound religious and moral education that contributes to his/her mental and physical development. It is an essential process that is required for the child to grow up and be able to exercise his/her freedom of thought, conscience, and religion.

The following treaties and others are also based on that assumption (underlines made by the author).

(2) Article 14 of the Convention on the Rights of the Child

States Parties shall respect the right of the child to freedom of thought, conscience and religion.

States Parties shall respect the right and duties of 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.

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.

(3) Article 18 of the International Covenant on Civil and Political Rights (Covenant on Civil Liberties)

1 Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and 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.

2 No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3 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.

4 The States Parties to the present Covenant undertake to have respect for 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.

(4) Article 2 of Protocol No. 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms

No person shall be denied a right to an education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching is in conformity with their own religious and philosophical convictions.

(5) State intervention should be limited

As the above-mentioned Conventions and other treaties presuppose, the State is to entrust the religious and moral education of the child to the guardians in the primary sense and must respect their judgment. Secondly, the State power intervenes based on parents patriae principle when it is objectively clear that the best interests of the child are being harmed by the behavior of the guardian or the child. This distinction is also premised on the judgments of the European Court of Human Rights (the judgment of *Jehovah's Witnesses of Moscow v. Russia* of June 10, 2010, and the judgement of *Taganrog LRO and Others v. Russia* of June 7, 2022). For example, Paragraph 175 of the judgment of *Taganrog LRO and Others v. Russia* (referred to as "Taganrog Judgment" below ¹) states as follows (Japanese translation made by the author).

175. As long as there is no evidence of abuse, violence or unlawful coercion, decisions about whether to give a child a religious or non-religious education, whether to involve him or her in sports, science, arts or music, whether to provide unstructured free time or a strict daily routine, and whether to keep company with like-minded

¹ The Taganrog Judgment is a judgement of the European Court of Human Rights that declared Russia's ban on Jehovah's Witnesses to be unlawful. Russian authorities had concluded that religious materials distributed by Jehovah's Witnesses constituted as "extremist materials" prohibited by domestic law, and providing monetary support to proselytizing and congregation activities constituted as "extremist activity," and thus ordered dismantling of Jehovah's Witnesses. The Court's decision focused on whether or not "extremism" can be used as legal basis, while providing supplemental arguments against various human rights violations. The decision is very sober, neutral, and in line with the situation of the modern world, as it shows the way for Russia to properly define and utilize the concept of "extremism." In other words, it implies the room for the State to intervene in the area of religion in order to maintain State entity that is becoming more diverse. This is the reason for referring to the judgement. Furthermore, the "extremism" at issue in the Taganrog Judgment and "abuse" which serves as the key word in the "Q&A" are very close in nature due to the ambiguity of the terms. Therefore, it is hoped that by following the same ruling, multiple considerations can be made beforehand regarding the scope of "abuse" to avoid repeating the same mistake as Russian and make the "Q&A" more clearly reflect the original intent of the law.

people, are to be made exclusively by the child's parents or, as the case may be, the custodial parent. Such decisions fall within the sphere of private and family life which is protected from unjustified State interference. It follows that what was taken by the Russian courts to constitute impermissible involvement of minors was in fact a manifestation of the parents' beliefs in their private lives in the sense protected by Article 9 (ibid., § 121).

This means that if the State intrudes excessively into religious education provided by the guardian beyond the scope of preventing abuse, it could be deemed as unjustified interference and thus illegal. While it is indisputable that children's rights and interests are a matter of priority, the right of the guardian to provide religious education is also an important part of human rights, and careful and repeated consideration must be given to reconcile the two.

3 Matters to be considered when determining the applicability of child abuse

As stated in the "Q&A," in determining whether a case constitutes child abuse, it is necessary to judge the case from the child's perspective. However, it should be noted that judging from the child's side does not mean that the child's feelings are the main criterion for judging whether the case constitutes abuse.

This is because the teaching of morals and values by guardians is not always acceptable to children. For example, guardians may teach their children to "eat without likes and dislikes," "help out," and "be honest and apologize when mistakes are made." All of these cases may be distressing for children, and some of these incidents may remain as memories for them into their adulthood. However, it is a common practice in society for guardians to teach such things (with a strong desire for the child to accept them), and no one would call them abuse.

Especially in the area of religion, which is a deeply important part of human condition, it is not difficult to imagine that some children may experience persistent and considerable distress when feelings of guardians and children differ. However, this does not mean that we can immediately conclude that the guardian's behavior is abusive.

Therefore, while it is important to take the child's side when determining the applicability of child abuse, it cannot be simplified to "the child feels distress" = "abuse". Determining the applicability of abuse should be based on objective indicators rather than subjective ones.

Therefore, in determining the applicability of abuse, the definition of abuse as stipulated in Article 2 of the Child Abuse Prevention Law and its application should always be referred, and the scope of abuse should not be overly extensive. Particularly when religious beliefs are involved, it is necessary to respect the fundamental human rights of thought, conscience, and religion, as well as individual dignity and diversity, and to be careful not to impose values of the State authority or discriminate against minorities (Articles 13, 14, 19, and 20 of the Constitution). Compliance with international laws and regulations as mentioned in 2 above, namely the rights and duties of guardians to provide instructions to children in a manner compatible with the child's developing abilities (Article 14 of the Convention on the Rights of the Child) and the guardian's freedom to ensure religious and moral education of their children according to their own beliefs (Article 18 of the International Covenant on

Civil and Political Rights), is also a constitutional requirement (Article 98, paragraph 2 of the Constitution).

4 Problems with "Q&A"

Considering the above, it is necessary to clarify the scope of "child abuse" in which the State power should intervene to promptly protect children who should be protected from abuse and to prevent the State power from excessively intruding into the scope of education that should be left to each family and guardian.

In this regard, the "Q&A" as a whole overly broadens the scope of abuse using ambiguous terms and examples, and thus, depending on its interpretation and application, may violate aforementioned Constitution and international laws by intruding into religious values.

In 2 below, I will point out issues regarding specific contents of the "Q&A." This is not to deny the significance of the "Q&A," but rather to request that they be constructively and progressively reviewed to make their purpose more clearly reflected and thus able to be put into effective operation.

5 <Supplement 1> Background and Key Points for "Q&A"

It is widely acknowledged that individuals from various religious backgrounds, often referred to as second-generation, are now sharing their experiences of upbringing with their guardians. This is a multifaceted issue, and it is not within the scope of this Opinion to propose any specific social policies for government consideration. However, when dealing with the problems faced by the so-called "second-generations" as child abuse, it is against the principle of equality posed by the law (Article 14 of the Constitution) to handle such abuse differently solely based on whether it is rooted in religious beliefs or not. Legal consequences of "abuse" are very serious and conflict with the educational rights of guardians as discussed below. For this reason, the scope of "abuse" should not be expanded.

6 <Supplement 2> Guardians' Right to Religious Education

While the rights and interests of children are undeniably important, this cannot be the basis for disregarding educational rights of guardians. Traditionally in Europe and the United States, the right to provide religious education to children has been at the core of guardians' educational rights. In fact, the guardians' right to provide religious education is a constitutional right in Germany and the U.S. And in Japan's legal system, which is modeled after German and U.S. law, the guardian's right to provide religious education is also fully guaranteed as part of the right to the pursuit of happiness and religious freedom. On the other hand, in the Soviet Union, where the right of guardians to education was disregarded, large numbers of children were forcibly separated from their guardians under national policy, resulting in many deaths, including suicides. Thus, education provided by guardians entails an important value for children. For this reason, State authorities should avoid intervening except in cases where child abuse is recognized and where the child's call for help is obvious under the so-called "gray zone" situation.

Section 2: Each topic (contents of Q&A)

1 Q1-1

- It is a matter of course that when a guardian commits what falls under the definition of child abuse as provided in the items of Article 2 of the Child Abuse Prevention and Treatment Act, it is necessary to take measures, regardless of the reason. However, as stated in the first section, while focusing on the child, care must also be taken to avoid overly broadening the scope of abuse so as not to enter the realm of the guardians. In particular, in cases involving religious beliefs, it is important to weigh the basic human rights of both the child and the guardian carefully, and to establish strict standards when the human rights of the guardian are restricted through intervention by state power. The "Answer" does not include this perspective, and we are concerned that the ambiguous and loose wording "make a comprehensive judgment " may lead to decrease the value and significance of comparative weighing and strict scrutiny when restricting fundamental human rights.

2 Q1-2

- It should also be noted that what the guardian has done cannot be naturally attributed to the religious organization or its officials, etc., although it is a different argument when complicity in a crime is constituted (paragraph 176 of the Taganrog decision also points this out).

3 Q2-1

- The "Basic Understanding of Abuse," a September 28, 2012 document by the Ministry of Education, Culture, Sports, Science, and Technology, lists up specific examples of physical abuse, such as "choking, throwing down, pouring boiling water on, burying under a pile of futon, drowning in the bath, hanging upside down, putting foreign objects in the mouth, and throwing out of doors for long hours in the winter etc." Compared to these examples, the explanation in the "Answer" is shortsighted. "Physical injury" is a vague concept that includes injuries caused by mere external factors and is not necessarily directly related to abuse. Whether or not it constitutes, "abuse" should be determined based on the type and degree of "forcing" and "corporal punishment," considering the aforementioned specific examples.

4 Q2-3

- The word "force" is used frequently not only in Q2-3, but also in other sections. However, it is unclear what is considered to "force." In addition, it appears that a wider range of acts than those that are originally considered to "force" are exemplified. For example, in Q3-1, Q4-8, etc., it seems that using words such as "go to hell" is considered a "threat" and constitutes "forcing." However, this is overly broad, and we believe that it intrudes on the freedom of guardian to ensure the religious and moral education of their children in accordance with their own beliefs (see below for Q3-1).
- In the first place, "neglect" means "Substantially reduce the amount of food for the child or abandon and neglect the child for a long time period in a manner that may

interfere with normal development of the child mentally or physically, ...or otherwise materially fail to perform the duty of custody as a custodian" (Article 2, Item 3 of the Child Abuse Prevention and Treatment Act). Not all acts that are simply "inappropriate from the perspective of the child's development and nurturing" constitute neglect. For example, suppose a guardian leaves a child who plays video games in his/her room until late at night several days a week (i.e., "during hours that may interfere with the child's schooling or daily life "). This could be considered "inappropriate from the perspective of the child's development and nurturing," but it would not be considered "neglect." The "Answer" commentary overly broadens the scope of abuse.

- In recent years, many children have been coming home at 9:00 p.m. or 10:00 p.m. for cram school or lessons, and depending on their developmental status and health, this may be considered "during hours that may interfere with the child's schooling or daily life". It is not considered neglect if the child is strongly encouraged to go to cram school or lessons, but when it comes to a religious activity, is it considered neglect? If so, it would be an infringement of religious freedom or discrimination based on creed.
- The report also does not mention the frequency of "night" activities, and it is possible that even a single "night" religious activity could be considered neglect. However, in addition to the cram school and lessons mentioned above, there are other activities that may extend into the "night," such as one-off outings and trips. Having a child in tow to these activities would not constitute neglect, but in the case of religious activities, would it constitute neglect? If so, it would be an infringement of religious freedom or discrimination based on creed.
- If all family members, including the guardian, participate in religious activity, leaving the child behind would be considered neglect, especially for a child of early years. Would it constitute neglect to have a child go together with his/her family? If a guardian is required to leave his/her child in the care of others, rather than leaving the child in the home or having the child go together, it would violate the freedom of guardian to ensure the religious and moral education of the child in accordance with his/her own beliefs.
- According to the age and the degree of development of the child, the meaning of "forcing," "for a long period of time," and "night" would differ. However, the "Answer" does not indicate this point of view either. For example, if a guardian brings an infant or toddler together to a religious activity, does that constitute "force the child to participate"?
- Question 2 is classified as "(2) Physical abuse," but is the act of letting a child participate in religious activities until "night" considered not only neglect but also physical abuse? What about the aforementioned cases where cram school, lessons, outings, trips, etc. extend into the "night"?

5 Q3-1

- The scope of "forcing" is vague and overly broad. For instance, if the statement "you will go to hell" is considered a threat, then most religions could be classified as contributing to child abuse.
- There should be no issue with educating children about the cause-and-effect relationship between bad actions and their negative consequences. This has been a longstanding practice through folktales (e.g., "Kachikachiyama" and "The Red Shoes") which are effective in making an impression on young minds. Many of these tales are also associated with gods and Buddha (e.g., "If you tell a lie, Enma will pull out your tongue", "Namahage," etc.) While these folktales, legends, cultural events serve as "images or materials that stir up fear" as mentioned in the "Answer," do they truly fall under the category of psychological abuse or neglect?
- "Refusal to sign a document that requires a guardian's consent or to fill out an emergency contact form" concerning a child's career choices, place of employment, and so forth, is cited as instances of psychological abuse or neglect. Nevertheless, there might arise situations, not solely due to religious grounds, where a guardian is unable to give consent to their child's preferred career path or place of employment in order to protect the child. Should such actions be considered psychological abuse or neglect?

6 Q3-2

- The word "restricting" is also mentioned multiple times in the "Q&A," but its exact scope remains unclear. As a religious doctrine, religions are entitled to promote interaction and marriage among believers or to disapprove of certain activities (even if these activities are common in a particular society) (as stated in paragraphs 172-175 of the Taganrog decision above). If parents informing their children about the aforementioned beliefs is deemed "restricting," it would infringe upon parents' freedom to provide religious and moral education to their children in line with their own beliefs. Given that the second sentence of the "Answer" refers to the use of threats, etc., it seems that the first sentence assumes that even words and actions that fall short of threats, etc., are regarded as "restricting," which appears overly broad. Neither the "Question" nor the "Answer" seems to take into consideration the will of the individual child (e.g., whether he/she wants to participate in a particular event).
- There are times that the guardian may convey opinions, (sometimes strongly) to the child about undesirable companionship or marriage partners from the guardian's perspective, especially at a young or immature age, and to impose certain restrictions, not only due to religious beliefs. Whether it is appropriate or not, there may be occasions when guardians use specific terms or peculiar expressions to dissuade their children from socializing or marrying certain persons (either specific individuals or a particular type of person). This would not constitute neglect or psychological abuse. However, if this behavior stems from religious reasons, should this be considered neglect or psychological abuse? If so, it could potentially infringe upon religious freedom or lead to discrimination based on creed.

- The correspondence between the "Question" and "Answer" is also unclear. Does the "Answer" "if a child is uniformly restricted from companionship that is accepted as common according to social conventions ...thus impairing the child's social skills" relate to actions outlined in the "Question," "an act that uniformly restricts a child from socializing or marrying a person who does not believe in a particular religion (including uniformly restricting participation in general events such as birthday parties)" or something else? When examining the above expression in the "Answer" by itself, it might suggest that restricting friendships which is considered neglect reaches to the level of not allowing the child to attend school (as described in the Ministry of Health, Labor, and Welfare's "How to Intervene the Child Abuse and Neglect Cases"). However, if we analyze the "Answer" alongside the expression in the "Question," it could suggest that the doctrine of excluding participation in birthday parties and other events is itself neglect. If the actions described in the "Question" are considered child abuse, it would represent an overly broad interpretation of the definition of neglect, and would follow the Russian rut, which was declared illegal in the aforementioned Taganrog decision. If the actions described in the "Question" do not constitute child abuse, that should be clearly refuted in the "Answer."
- The Nagoya High Court's decision on March 11, 1998 (HANREI JIHO No. 1725, p. 144) concluded that religious beliefs, including abstaining from certain events, do not diminish a person's eligibility for guardianship, as stated below. It is evident that if such beliefs do not affect one's eligibility as a guardian, they also do not constitute abuse.

"Indeed, Jehovah's Witnesses (1) do not take blood transfusions. (2) They do not participate in [traditional] acts of worship at funerals and memorial services and do not sing national or school anthems. (3) They do not participate in events and [traditional] ceremonies for New Year, Setsubun, Girls' Festival and Sekku. (4) They do not participate in martial arts. (5) Voting is not permitted. (6) Jehovah's God is absolute. These are part of the doctrine which [Jehovah's Witnesses] teach their members and it is true that when we focus on these teachings, they are different from the general way of thinking of Japanese people. However, with regard to blood transfusions, it is extremely rare for a situation to arise where such transfusions are necessary, and when that happens, it is highly likely that they [Jehovah's Witnesses] will do everything possible to look for a way to preserve life. As for the other doctrines, it cannot be said that they will be harmful to social life, and since it is for the children themselves who decide whether or not to adopt the beliefs of Jehovah's Witnesses, it cannot be said the [mother] is unfit to be the guardian of the children simply because she is one Jehovah's Witnesses." (Original in Japanese.) In addition, considering the circumstances identified in 1, it can be concluded that the appellee is better suited than the appellant to provide care and nurture for the two children. Hence, it is deemed appropriate to designate the appellee with the guardianship of the two children."

7 Q3-3b

- It is unclear what type of behavior is encompassed by "a blanket ban on entertainment deemed appropriate for a child's age considering socially accepted norms" in the "Answer."
- The "Answer" says that if "limiting entertainment to only those approved by religious organizations" is not deemed a "reasonable restriction," then it constitutes psychological abuse. Does not this mean that the administration is the one to determine the reasonableness of religious doctrines?
- To begin with, psychological abuse is defined as "using significantly violent language or take an extreme attitude of rejection against the child...or otherwise speak or behave in a manner that would be significantly traumatic to the child." (Article 2, Item 4 of the Child Abuse Prevention and Treatment Act). It is not simply "an act that undermines the child's free will". Even if a guardian uniformly banned or limited certain types of entertainment, it would be a leap of logic to say that this constitutes psychological abuse (see also paragraph 174 of the Taganrog Decision).

8 Q3-5

- In addition to the unclear meaning of "force" and "have a child participate", the correspondence between "Question" and "Answer" is also unclear. The "Answer" does not address whether the act of "repeatedly has a child participate in religious missionary activities" in the "Question" constitutes child abuse or child labor. For further clarification, please refer to paragraphs 172-175 of the above-mentioned Taganrog Judgment, which discuss how merely allowing a child to participate in missionary activities does not constitute child abuse.

9 Q4-1

- If there is a religion that teaches terrorism, etc., and a mature child autonomously joins this religion, especially when the belief remains internal and has not yet led to any criminal actions, the question arises whether it is necessary and appropriate that the guardian's failure to stop the child is itself caught as neglect.

10 Q4-2

- The third and fourth paragraphs of the "Answer" include events that are not directly related to neglect caused by spending money, as posed in the "Question," which confuses the issue being presented.
- The third paragraph of the "Answer" states that an "act that impairs the child's independence and hurts his or her feelings" constitutes "neglect or psychological abuse." However, this extends far beyond the definition of neglect (an extremely neglectful care as a guardian) or psychological abuse (words or actions that cause significant psychological trauma to a child) as stipulated in the Child Abuse Prevention Law.

- The meaning of "not allow" in the third paragraph of the "Answer" is also unclear. Does this even include a guardian expressing an objection regarding the child's choice of school?

11 Q4-3

- The Child Abuse Prevention Law covers children under the age of 18 (minors), but children who attend university have reached the age of 18 (adults). Therefore, the concept of "not allowing" or "prohibiting" a child who has reached 18 years of age from attending a university does not seem to be valid.
- An act of stating that receiving higher education is "useless" is cited as an example of psychological abuse. However, the act of a guardian communicating his/her opinion to the child itself is different from "prohibiting the child from pursuing higher education."
- It is possible for a guardian to express a negative opinion or show a rejecting attitude toward the child's enrollment in a university of his/her choice for various reasons. These reasons may include the child's aptitude, ability, or health condition as observed by the guardian, or for reasons of family circumstances. Such reasons are not limited to religious doctrines alone, and they may not be considered as psychological abuse. However, if the reason was based on a religious belief, would it be considered as psychological abuse?

12 Q4-5

- There is no objection that denying a child access to necessary medical care constitutes neglect. However, the physician's decision regarding the choice of treatment method is not absolute; the patient's will be respected (for example, a patient may prefer medication over surgery even if the physician recommends surgery). Therefore, it should be noted that while a patient is seeking medical care, if he/she refuses a particular treatment method (e.g., blood transfusion), it does not immediately constitute neglect.
- As situations where blood transfusion is essential and the only method to save a life are not constant, merely "carry a card indicating his/her will to refuse a blood transfusion" does not immediately constitute neglect. The meaning of "forcing" is also unclear, as in Q2-3, etc.

13 Q4-6

- The meaning of "restricting" is unclear, as in Q3-2, etc. Please refer to 5 (Q3-2) above.
- The scope of "various school events" is also unclear. If the child is not allowed to attend school itself, that would be a neglect. However, if a child is not allowed to participate one or several school events per year, it cannot be immediately considered an act that fails to take "into consideration ensuring appropriate upbringing and educational opportunities for the child," nor it be considered as neglect (Article 2, Item 3 of the Child Abuse Prevention and Treatment Act). It is

also unclear why it is regarded as psychological abuse (Article 2, Item 4 of the Child Abuse Prevention and Treatment Act).

14 Q4-8

- The meaning of "force," "restrict" etc. is unclear, as with the other questions and answers. See also 5 (Q3-1) and 11 (Q4-3) above.

15 Q4-10.

- The Maternal Health Act does not require consent from guardian for abortion. Therefore, there is no need to take measures such as suspension of parental authority and petition for provisional remedy against a parent or guardian who does not consent to an abortion.
- While abortion can be viewed as a decision concerning preserving or terminating the life of an unborn child, the dichotomy that a guardian who aims to preserve the fetus's life are neglectful and a guardian who opt for terminating the fetus's life are justified is overly simplistic.

16 Q5-1

- There is no objection to understanding that displaying genitalia or sexual intercourse to a child constitutes sexual abuse. The same applies to presenting materials or videos containing illustrations of sex, masturbation, and similar content. However, in order to protect children from sexual abuse and foster a healthy sense of morality, it is important to provide them with sex education tailored to that is appropriate for their level of maturity. It is difficult to determine uniformly whether or not a certain "sexual expression" is "[appropriate] for his/her age," and it is considered that each guardian can make that decision on their own, when and what to teach in line with their personal beliefs to ensure their children's religious and moral education.
- In the first place, sexual abuse is defined as "engaging in indecent acts against the child or cause the child to engage in indecent acts" (Article 2, Item 2 of the Child Abuse Prevention and Treatment Act). The "Answer" to this question deviates significantly from this definition (and from the explanation in the Ministry of Health, Labor and Welfare's "How to Intervene the Child Abuse and Neglect Cases").

17 Q5-2

- Again, the meaning of "forcing" is unclear in this context. If it refers to religious practices such as penance, it seems unreasonable to interpret it as "engaging in indecent acts against the child or cause the child to engage in indecent acts" (Article 2, Item 2 of the Child Abuse Prevention and Treatment Act) or as a guardian who fails to prevent these acts and "materially fail to perform the duty of custody" (Article 2, Item 3 of the Child Abuse Prevention and Treatment Act). If assault, threats, confinement, or other methods were used to "force" the child to discuss his/her sexual experiences, then these methods should be considered as criminal acts.

18 Q6-4

- It may be theoretically possible to argue that "an individual act, even if minor, may constitute child abuse." However, even in such cases, it is essential to ascertain whether the guardian's actions meet the criteria outlined in the Child Abuse Prevention and Treatment Act. Caution should be exercised to avoid unnecessarily broadening the scope of abuse.

Section 3 Related circumstances

In Russia, the concept of "extremism" in the Law on Countermeasures against Extremist Activities underwent broadening through has been broader 2006 amendment to the law. This amendment expanded the law's scope by eliminating the requirement of "violence" from the scope of terrorist acts, which were originally the target of the 2002 law, thereby a making it applicable to a wider range of activities. The "counter-extremism" measure has been used to suppress groups or individuals with views differing from those of the government.

Similarly, the current "Q&A" concept of "child abuse" may similarly violate the basic human rights of groups or individuals holding different from the specific positions described above under the pretext of "addressing abuse." This deviation from the traditional definition of abuse and its broad interpretation may lead to such violations.

The following experts and organizations have issued statements urging an immediate halt to Russia's illegal treatment of Jehovah's Witnesses (which includes not only restrictions on their religious education for children, but also criminal prosecution for their extremist beliefs). This treatment, which was declared illegal by the Taganrog decision and seen as a violation of basic human rights. These experts and organizations are calling for an immediate end to this violation of basic human rights.

Ms. Michèle Bachelet, United Nations High Commissioner for Human Rights

<https://news.un.org/en/story/2019/02/1032151>

Council of Europe (Secretary General)

<https://rm.coe.int/letter-for-the-attention-of-mr-sergey-lavrov-minister-for-foreign-affa/1680a956f6>

Joint Statement of the Organization for Security and Co-operation in Europe (OSCE)

https://www.eeas.europa.eu/sites/default/files/pc_no_1276_eu_statement_on_the_situation_jehovahs_witnesses_in_russia_0.pdf

Mrs. Lane Darnell Bahl, Political Counselor at the U.S. Mission to the OSCE Delegation

<https://osce.usmission.gov/on-violations-of-freedom-of-religion-or-belief-in-the-russian-federation/>

Mr. Nicola Murray, Deputy British Ambassador

<https://www.gov.uk/government/news/situation-of-jehovahs-witnesses-in-the-russian-federation-uk-statement>

Mr. Ned Price, spokesperson for the U.S. Department of State

<https://www.state.gov/religious-freedom-concerns-in-russia/>

Amnesty International

<https://www.amnesty.org/en/latest/news/2020/03/crimea-jehovahs-witness-sentenced-to-six-years-in-a-penal-colony/>

Human Rights Watch

<https://www.hrw.org/news/2020/01/09/russia-escalating-persecution-jehovahs-witnesses>

Given this situation, it is imperative for Japan to take careful measures to ensure that the "Q&A" is not criticized by the international community for presenting an overly broad definition of child abuse and potentially infringing on basic human rights.

End