

Report on the issue of Racism and Hate Speech in Japan

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I An Introduction to Mindan (Korean Residents Union)

This Report will explain the role of the Korean Residents Union in Japan ('Mindan'), the authoring institution of this Report, in helping to raise awareness of the victimization of Korean residents in Japan, the primary targets of an epidemic of racism and hate speech in Japanese society. This Report will also provide Mindan's perspective on the current human rights violations of Korean residents in Japan through hate speech.

1. Outline

Mindan was founded in October 1946 as an autonomous organization for Korean residents in Japan who were coercively or semi-coercively brought to Japan due to the Japanese colonial rule of Korea and the wartime policies of the Japanese government, and were unable to return to Korea after WWII.

Mindan is a community of Korean residents in Japan that has had a hard-won history acting as both a regional residents' organization to confront the administrative and social discrimination against Korean residents in Japan, while also protecting their rights and interests, and acting as a social movement mobilizing point to eradicate every kind of discrimination.

Currently, there are 520,000 Korean residents in Japan, and among them 370,000 have resided in Japan since before WWII or are their descendants three to four generations removed.

Mindan is an ethnic organization currently representing 345,000 Korean residents, totaling 85,000 households, with 48 regional offices and 279 branches throughout Japan.

2. Mindan's Push to Eliminate Racial and National Discrimination

For the past half century, Mindan has acted as a point of social mobilization in pushing forward a variety of movements, such as the movement to eliminate ethnic discrimination, the movement to eliminate discrimination by nationality, the movement to protect the rights and interests of minorities and the socially-disadvantaged, and the preservation of ethnic education. These movements aspire for freedom, equality and prosperity through expanded human rights, so that we may improve the legal status of our Korean resident compatriots.

In the following, report on the discriminatory policies of the post-war Japanese government against Korean residents in Japan, and an overview of the movements we initiated against them.

(1) The Stripping of Suffrage from Korean Residents in Japan

After WWII, Japan immediately stripped Korean residents of their right to vote. In December 1945, the electoral law of the House of Representatives members was revised and it was unilaterally determined that “the right to vote and run for office for persons not applicable under the Family Register Act would, hereby, be suspended.”

Prior to WWII, Korean residents in Japan were granted suffrage as citizens of Japan by the Japanese colonial authorities, and this suffrage was exercised (before 1945 383 individuals ran for office, and 96 were elected).

Despite Korean residents in Japan being recognized, both in Japan and abroad, to have Japanese citizenship, this was unilaterally stripped from them after WWII.

The passing of the Public Officers Election Act in 1950 was an additional measure to suspend the suffrage of Korean residents in Japan as persons who were not applicable under the Family Registration Law.

(2) The Exclusion of Korean Residents from the Japanese Democratic Constitution

In May 1947, Japan enacted the Japanese Constitution with the sovereign power of the people of Japan. Despite the fact that Korean residents in Japan were recognized to have Japanese citizenship at the time, the day prior to the enacting of the Constitution, the Foreign Registration Ordinance was proclaimed by Imperial edict, and Korean residents were “hereby, deemed as foreigners”, thus excluding them from the applicable scope of the democratic Constitution of Japan.

(3) The Unilateral Stripping of Japanese citizenship

In April 1952, the San Francisco Peace Treaty restored sovereign power to Japan, but the Alien Registration Law was enacted at the same time, and this unilaterally stripped Japanese citizenship of Korean residents in Japan, making them 'foreigners'. This stripped the rights Korean residents previously held, denied them the freedom to select their own citizenship, denied them the civil rights enjoyed by the Japanese people, and placed on them the burden of obtaining Japanese citizenship through procedures required of any other foreign national.

Korean residents in Japan would subsequently endure many disadvantages through statutes involving citizenship; and, the second and third generation Korean residents, born and raised in Japan, would have to face particularly outrageous disadvantages owing to discrimination by nationality. We have consistently demanded since 1952 that the various rights of the Korean residents of Japan ought to be protected; but, we have seen no radical changes take place up to now, and Korean residents remain stuck in legal limbo with no suffrage and no right to choose their citizenship.

(4) Agreement on the Legal Status and Treatment of Nationals of the Republic of Korea Residing in Japan between Japan and the Republic of Korea

In 1965, 20 years after the end of WWII, an agreement on the legal status of Korean residents in Japan was finally decided upon through the Treaty on Basic Relations between Japan and the Republic of Korea, and this led to the government of Japan granting Korean residents 'permission for permanent residence'. However, this permission did not grant Korean residents any rights; rather, it was an incomplete and flawed measure that allowed this status to be revoked at the discretion of the Japanese Minister of Justice, and allowed for deportation under certain circumstances.

The Agreement on the Legal Status begins with, "Considering that nationals of the Republic of Korea residing in Japan for many years have come to have special relations with Japanese society; and recognizing that enabling these nationals of the Republic of Korea to lead a stabilized life under the social order of Japan will contribute to the promotion of friendly relations between the two countries and their peoples;" yet, the benefits extended to Korean residents did not go beyond education, livelihood protection, and national health insurance, and Korean residents were never granted the legal status and treatment enjoyed by Japanese nationals.

(5) Japan-wide Movement to Eliminate Discrimination by Ethnicity and Nationality

To resolve the problems left by the Japan-Korea Agreement surrounding the rights and interests of Korean residents in Japan, Mindan pushed forward the Japan-wide 'Movement to Protect the Rights and Interests of Korean Residents'. We have promoted movements to eliminate over 200 instances of administrative conditions requiring nationality, such as the elimination of discriminatory employment practices against second generation Korean residents born in Japan, ethnic discrimination in marriage, use of public housing and enrollment in the national pension program, financial discrimination, revision of the Immigration Control Act, problems with denying pensions to the elderly and handicapped, employment problems for faculty in national and public universities, as well as issues relating to progression into higher education.

It was the 1970 court case of Park Jong-Sok, a second generation Korean resident, against Hitachi Ltd. regarding discriminatory employment practices based on ethnicity and nationality that led the movement to eliminate discrimination by ethnicity and nationality against Korean residents in Japan to spread throughout the country. (This court case was won on all accounts by Park in 1974).

(6) Movement to Abolish the Fingerprint Scheme

When, in 1980, a second generation Korean resident refused to be fingerprinted at the Shinjuku municipal office in Tokyo for the compulsory fingerprinting scheme for foreign residents in Japan, this sparked a nation-wide revolt by second and third generation Korean residents against the fingerprinting scheme. Mindan stood at the forefront of this movement, and in 1983 launched a

campaign to gather 1 million signatures on a petition to abolish the fingerprinting scheme of the Alien Registration Law. While we collected over 1 million 817 thousand signatures, we also called for civil disobedience in the movement to end the fingerprinting.

The movement, spanning 11 years, resulted in the conclusion of a Japan–Republic of Korea Foreign Ministerial Memorandum (Memorandum regarding the Results of Negotiations based on the Japan–Republic of Korea Accord on the Legal Status of Korean Residents in Japan), settling the legal status and treatment of third generation and later Korean residents in Japan (the so-called 'Problem of '91').

This abolished the fingerprinting scheme, granted Korean residents special permanent resident status (granted to individuals who had lived in Japan since before WWII as well as their descendants) and created expanded opportunities for employment in municipal government; however, no radical changes were made, such as abolishing the re-entry conditions for Korean residents returning from trips abroad to Japan, or the statute requiring residents to keep their foreign registration cards constantly on their person, nor did it grant Korean residents any regional and municipal political rights.

(7) Movement to Win Regional/Municipal Political Rights

Mindan began activities to demand participation in regional and municipal elections in Japan with the The Sixth Letter of Demands to Japan, and in 1992 declared the issue of regional political rights to be the objective of the expanded lifestyle rights movement with the following:

Korean residents in Japan are permanently residing in Japanese society, and are members of regional communities. Therefore, for Korean residents to become a thoughtful presence in these regional communities, our right to participate at the regional and municipal level should naturally be protected. In consideration of the historical record of Korean residents in Japan and the growing internationalization of Japanese society, our participation in the various commissions, committees and advisory bodies must be expanded, and our rights as residents—our political rights in regional and municipal bodies—must be recognized.

In 1994, we consolidated the movement to protect the rights and interests of Korean residents in Japan so that we could promote a campaign to obtain regional political rights; and the campaign to adopt our written statements in regional assemblies as well as legislative measures at the national Diet level became our top priority.

During the process of this campaign, in February 1995, Japan's Supreme Court ruled that granting regional and municipal voting rights to permanent foreign residents would not violate the Constitution. Also during this period, even the regional and municipal assemblies—numbering over 1,500—in which we live as residents have endorsed the movement to grant us these rights. This issue was also debated in parallel for over 15 hours in the fourth session of the Japanese Diet, reaching the voting stage.

In March 2001, the ruling coalition of the LDP and the Komeito changed direction towards granting permanent foreign residents the right to vote in regional elections, and granting Japanese citizenship to special permanent residents who apply; however, when Prime Minister Jun'ichiro Koizumi came on the scene at the end of April the same year, this commitment was reneged. In the subsequent six years, Prime Minister Koizumi would pay homage to the war dead at Yasukuni Shrine, and allow Japanese relations with Korea and China to become deplorable.

With the election of the DPJ government in 2009 coordination between the government and the ruling party by January 2010 allowed for agreement on the submission of a government bill to grant regional political rights to permanent residents; however, the push for this bill was shutdown after subsequent discord within the governing coalition, along with irrational and emotional opposition from right-wing political parties, conservative groups, and conservative media.

Japan still remains the only OECD country to reject dual citizenship, adopt a citizenship policy based on *jus sanguinis* (lineage-based nationality) and not grant regional political rights to permanent residents who have met certain criteria.

Despite being the third and fourth generation of Korean residents in Japan, and despite contributing our fair share through our consistent obedience of our tax liabilities since WWII, our basic rights as residents still remain unacknowledged. Considering the progress made towards the protection of human rights around the world, we have no choice but to declare this treatment as unreasonable discrimination by nationality.

3. Violations of the Human Rights of Korean Residents through Hate Speech

(1) Overview

1) On May 31, 2009, when Mindan and some of our subsidiary groups carried out a rally for regional political rights for permanent residents and street demonstration (with 1,000 participants) in Ginza, Tokyo, right-wing groups, including the Zaitokukai, numbering 200, interrupted our demonstration and engaged in hate speech against us with unprecedented hatred, contempt and ethnically discriminatory behavior and actions. Mindan was directly subjected to this hate speech in the street, and members of our group were taken by fear, anger and speechless shock. Some were unable to control themselves in the face of this hate speech, and skirmishes with the Zaitokukai ensued, but police protection was able to avoid further escalation into more distressing circumstances.

2) After the visit of President Lee Myung-bak to Dokdo (Takeshima) in August 2012, anti-Korean demonstrations intensified, and hate speech demonstrations with highly incendiary ethnically-discriminatory language began to occur frequently in areas with large concentrations of Korean residents, such as Shin-Okubo in Tokyo and Tsuruhashi in Osaka.

At the same time, the boom in the Korean influence on pop culture was attacked, and the contentious issues surrounding comfort women, territorial disputes and history education were used to further exacerbate ethnically-discriminatory language and behavior against 'anti-Japanese' Koreans. This was especially the case with the flagrantly hate-filled injunction, 'Kill them!' directed at Koreans, being heard more frequently.

3) Their hate rallies, in which they use megaphones in busy shopping districts to spew their anger, wave the Rising Sun ensign flag that conjures up images of pre-WWII Japanese militarism, and stir up hatred, threaten the lifestyles and safety of Korean residents in Japan, and have a particularly bad effect on the children. This is a worsening social problem in Japan. There have even been voices within the Japanese Diet raising concern for this intensifying discrimination and calling for legal restrictions; but, in reality, this situation continues to remain unaddressed.

(2) Some recent main examples of hate speech (racist/ethnically-discriminatory rallies/anti-Korean rallies)

1) August 25, 2012 Shin-Okubo, Tokyo

- Rally name: 'Subjugating the Koreans: Citizens' March in Shin-okubo'

- Main hate speech

'Kill them all!' 'We're gonna kill you!' 'Burn them alive!' 'Death to Koreans'

2) October 27, 2012 Uguisudani, Tokyo

- Rally name: 'Immediately Drive Out the 50,000 Modern Koreans and Comfort Women! Citizens' March in Uguisudani'

- Main hate speech

'Beat them to death!' 'Choke them to death!' 'Kill all Koreans!'

3) February 9, 2013 Shin-Okubo, Tokyo

- Rally name: 'Drive Out the Lawless Koreans! Rally to Eradicate Korean Influence in Shin-Okubo'

- Main hate speech
 - 'Massacre them all!' 'Hang the Koreans! Poison them! Let them jump off a building!'
 - 'Good or Bad Koreans, it doesn't matter, kill them all!'
- 4) March 17, 2013 Shin-Okubo, Tokyo
 - Rally name: 'Protest March in Shin-Okubo for the Campaign to Drive Out the Lawless Koreans!'
- 5) February 24/March 31, 2013 Tsuruhashi, Osaka
 - A junior high school female student gives a speech in the street, and says, 'Forget about the Nanjing Massacre! Do a Tsuruhashi Massacre!'; 'We're going to massacre the Koreans!'
- 6) March 31, 2013 Shin-Okubo, Tokyo
 - Rally name: 'Special Asian Demolition Shin-Okubo Cancer Purge Carnival'
 - Main hate speech
 - Chanting of 'Knock out the Koreans!' Placards with 'Lawless Koreans!'
- 7) April 21, 2013 Shin-Okubo, Tokyo
 - Rally name: 'Eradicate Reverse Racism Rally in Shin-Okubo'
 - Main hate speech
 - 'Drive out the lawless Koreans!' 'Cut off relations with Korea, the immigrant prostitutes are swarming!'
 - 'Go back to Korea!' 'There's no getting along with the people who stole Takeshima'
- 8) June 16, 2013 Shin-Okubo, Tokyo
 - 'Great March to Conquer Korea/Sakurata Festival'
 - Main hate speech
 - 'Eradicate the Koreans!' 'Purge the Koreans in Japan!' 'Massacre the Koreans!'
 - 'Cockroaches, maggots, Koreans. We'll crush every last one of you!'
- 9) June 22, 2013 Shibuya, Tokyo
 - 'Win Japan's Future by Breaking Off Relations with Korea!' (approx. 250 participants)
 - Hosted by: Committee on the Joint Struggle to Break off Relations with Korea
- 10) September 8, 2013 Shin-Okubo, Tokyo
 - There were no hate rallies in Shin-Okubo for nearly two months, but on the day when Tokyo was selected as the site for the Olympics, there was a rally with approximately 200 participants calling for the abolishment of tuition subsidies for Korean schools in Japan.
- 11) November 10, 2013 Adachi, Tokyo
 - There were hate speech slurs, such as 'Cockroach Koreans in Japan' 'Knock out the Koreans!'
- 12) January 18, 2014 There was a Zaitokukai rally in Roppongi, Tokyo, calling for the 'Break[ing] Off of Relations with Korea'
- 13) January 22, 2014 Attack on Kobe Korean High School
 - A man entered the school and beat a male teacher with a steel bar in the hallway of the third floor. The male teacher sustained light injuries on his left arm. An officer from the Tarumi Station of the Hyogo Prefectural Police arrested the man on charges of inflicting bodily harm and illegally entering a building. Witnesses reported that the man screamed, 'You! You're a Korean!' while attacking with the steel bar.
 - There have been repeated hate crimes perpetrated against Korean schools, including past incidents of chima jeogori school uniforms worn by students being ripped, and the attack on the Kyoto No. 1 Korean Elementary School. These crimes don't end at merely ethnic hatred, they are doubly malicious offenses since they have been directed towards children.
- 14) March 8, 2014 Hanging of a racist banner by the Urawa Red Diamonds Soccer Team at the J-League: 'Japanese Only'
 - There are Korean resident soccer players in Urawa. Now that racism has spread to the soccer field, concern grows.

15) March 16, 2014 Ikebukuro, Tokyo

Assembly and protest march of the Zaitokukai calling for the breaking off of relations with Korea.

16) April 11, 2014 Handbills to Expel Koreans from the Shikoku Pilgrimage

There were numerous handbills posted at the rest centers used by pilgrims along the Shikoku Pilgrimage route calling for the exclusion of foreigners with 'Protect this important pilgrimage route from the hands of Koreans.' The handbills also said, 'There have been disgusting stickers, posted around Shikoku by brazen Koreans recently.' 'If you find them, tear them down.' Tokushima Prefecture is taking a survey of the handbills, and the Prefectural Police are investigating on suspicion of the violation of the Minor Offenses Act.

17) April 20, 2014 Japanese Far Right-wing groups engage in a protest march and wave the Nazi flag in Ikebukuro

A rally hosted by the group Gokoku Shishi no Kai took place in East-Ikebukuro Central Park, and approximately 50 members of far right-wing groups participated. It was the birth date of Adolph Hitler, the dictator of Nazi Germany, and they waved not only the Rising Sun ensign used by the Japanese military in WWII, but also the Nazi swastika. This was the site of Sugamo Prison, where the execution of seven Japanese war criminals, including Hideki Tojo, took place. After they had a moment of silence in front of the memorial stone there, they carried out a protest march along a large street in Ikebukuro and called it 'The Citizen's March to Create The Great East Asian Co-Prosperity Sphere'.

(3) Right-Wing Groups Leading Protests to Severely Inflame Ethnic Discrimination

1) Zainichi Tokken wo Yurusanai Shimin no Kai 'Citizen's Society to Disallow Special Rights for Residents' (abbreviated as Zaitokukai)

2) Related Organizations/Groups

Shin-Shakai Undo 'Movement for a New Society'; Shinnichi Yukai 'Pro-Japan Association'; Shinshu-Mikunikai 'Society for the Country of the Eagle God Emperor'; Shuken Kaifuku wo Mezasu Kai 'Society for the Restoration of Sovereignty'; Senpu no Kai 'Society of the Thousand Winds'; Chiimu Kansai 'Team Kansai'; Nihon Josei no Kai Soyokaze 'Gentle Breeze Society of Japanese Women'; Higashi Ajia Mondai Kenkyukai 'Research Association on the Problem of East Asia'; Nihon Shinryaku wo Yurusanai Kokumin no Kai 'Citizens' Association to Oppose the Invasion of Japan'; Gaikokujin Sanseiken ni Hantai suru Kai 'Society to Oppose Political Rights for Foreigners'; Shin-Joi Undo Haigaisha 'New Society for Expelling Foreigners'; Nihon no Jizon Jiei wo Torimodosu Kai 'Society to Return Self-Sufficiency and Self-Defense to Japan'; Kono Danwa no Hakushi Tekkai wo Motomeru Shimin no Kai 'Society of Citizens Demanding the Retraction of the Kono Statement'; Jichi Kihon Jorei ni Hantai suru Shimin no Kai 'Society of Citizens Opposed to the Basic Provisions of Self-Government'; Junnihonjin Kai 'Association of Pure Japanese'; Nihon Seinensha 'Japan Youth Society'; Aikoku Kurabu 'Patriot Club'; Gendai Nadeshiko Kurabu 'Modern Pink Carnation Club'; Nichikan Danko Kyoto Iinkai 'Committee on the Joint Struggle to Break off Relations with Korea'; Jugun Ianfu no Uso wo Yurusanai Josei no Kai 'Women's Society to Oppose the Lie of Comfort Women'

(4) Main Hate Speech and Placards Used During Protests

'Kill them all!' 'Strangle the Koreans! Kill them!' 'Kill the Koreans!'

'Execution Squad' 'Hang the Koreans! Poison them! Let them jump off a building!'

'Shit-eating gooks' 'Good or Bad Koreans, it doesn't matter, kill them all!' 'Kill the illegal aliens!' 'Drive out the lawless Koreans! Eradicate Korean influence!' 'Shoot the Koreans dead!' 'Koreans are criminals' 'Knock out the lawless Koreans from Okubo' 'Cockroaches'

'Knock out the lawless Koreans' 'Death to the descendants of those who stole the land and wealth of Japan!' 'Kill Korea' 'Hurry up and die, Koreans!' 'Let's have a Tsuruhashi Massacre!' 'Die!' 'We'll massacre you' 'Korea=evil, Korea=the enemy; therefore, kill them!'

*The South Korean flag was trampled by participants.

*A picture of South Korean President Park Geun-hye is placed on a sign that reads 'Wanted Criminal' 'Please help in arresting her'

(5) Victims

- 1) The Korean and other residents of the specific areas where this hate speech was carried out.
- 2) All of our Korean compatriots and other foreign residents who live in Japan that are greatly affected by this racism

(6) Actions to Confront the Hate Speech

- 1) 'Petition Drive to Appeal for the Expulsion of Hate Speech Protests in Shin-Okubo' in Shinjuku and areas with large numbers of Korean residents (led by the Korean Youth Association, and other youth organizations affiliated with Mindan; ongoing since April 2013)

- 2) Korean Youth Association Declaration of Protest against Hate Speech (April 23, 2013)

In response to the extremist slogan 'Kill the Korean residents in Japan!' repeated by some of the groups, such as the Zaitokukai, The Chairman of the Korean Youth Association, Seo-sa Hwang stated that 'they have crossed a line that a fellow human being should not cross. We cannot ignore this anymore.' and argued that Korean residents' rights to life have been threatened and that they have sustained psychological pain from these hate-filled words and baseless accusations of 'special rights held by residents'; and, declared that 'we will protest this racist agitation and take action against it.'

- 3) The Diet Censures Protest to Expel Koreans (May 7, 2013 House of Councillors Budget Committee)

Through a request from Mindan and citizen groups, Prime Minister Shinzo Abe clarified his opinion on the rampant protests in Japan calling for the expulsion of Korean residents. The Prime Minister said critically that 'It is extremely unfortunate that there are words and actions attempting to expel ethnic groups and people from some countries.' He continued, 'It is a mistake to assume that we are superior by slandering other countries or other peoples; rather, it brings disgrace to us.'

However, no specific measures were subsequently taken on the part of the Japanese government.

- 4) The Korean Youth Association Begins the 'Petition Drive for 50 Thousand Signatures in the Spirit of Good Neighborly Relations' (May 28, 2013)

The 'Petition Drive for 50 Thousand Signatures in the Spirit of Good Neighborly Relations' begins *en masse* throughout Japan to request the Cabinet of Prime Minister Shinzo Abe to create comprehensive fundamental laws for the human rights of foreign nationals in Japan and the establishment of an organization for the protection of human rights.

- 5) Request to Japan to Take Suitable Measures in the Japan-Republic of Korea Foreign Ministerial Summit (July 1, 2013)

Korea's Minister of Foreign Affairs, Yun Byung-se, requested the Japanese government address the hate-speech filled anti-Korean protests: 'We are concerned about the anti-Korean sentiment of Japanese right wing groups and how it has recently reached a level beyond that of the freedom of expression. We expect that the Japanese government will take appropriate measures.' Japan's Minister of Foreign Affairs, Fumio Kishida, responded with, 'Japan is a country where the rule of law prevails, and it is our place to maintain the legal order.'

- 6) Oh Gong-tae, Leader of the Central Head Office of Mindan, calls upon President Park Geun-hye for Measures Against Hate Speech (August 28, 2013)

Request was made to step up pressure on the Japanese government to act on measures against continuing hate speech aimed at Korean residents in Japan. President Park Geun-hye reiterated her request regarding hate speech: 'The anti-Korean behavior of the right-wing

groups cannot be rationalized. We are communicating the gravity of the problem to the Japanese government and requesting a resolution.' She also reiterated her request that the political leadership of Japan 'properly confront history.'

7) International Network to Overcome Hate Speech and Racism

(Established and abbreviated as NORIKOENET on September 25, 2013)

21 representatives joined together to form the group, including former Prime Minister Tomiichi Murayama, Shin Su-gok, Chizuko Ueno, Kenji Utsunomiya (Former head of the Japan Federation of Bar Associations)

This group was established at the behest of Ms. Shin Su-gok, a Korean resident in Japan, who could 'no longer tolerate silence' at the violence of words filled with ethnic discrimination and racial prejudice towards Korean residents in Japan. The Korean Youth Association is also a member of the group.

8) The Korean Youth Organization Begins a Citizens' Open Course (Oct-Dec 2013)

The Korean Youth Organization began the Japan-Korea Citizens' Open Course from Okayama on October 27. The common themes in the open course are nationality, human rights and historical awareness.

'Perhaps the hate speech expressed by the Zaitokukai represents a latent discriminatory attitude held by many people in their hearts. Even if the Zaitokukai were to disappear, as long as the discriminatory attitudes of the public remain, the real problem will never be resolved.' Open course held in 16 offices across Japan until December.

9) NORIKOENET Tottori Begins (November 10, 2013)

The 'Symposium on the Human Rights of Foreign Permanent Residents and Korean Residents in Japan' is held in Tottori, and the issue of hate speech is debated. A declaration from the assembly by the Head of the Tottori Office, Seol Haeng-bu, confirms the start of NORIKOENET Tottori.

10) The Human Rights Protection Committee is Established in the Head Office of Mindan (April 17, 2014)

A request is made to establish a law prohibiting racial prejudice and the restriction of assemblies and protests that incite ethnic discrimination, as the decision is made to begin an all-Japan movement.

11) The Non-Partisan 'Federation of Assembly Members Demanding Basic Laws to Eliminate Racial Prejudice' is Established (April 23, 2014)

This non-partisan group, primarily focused on the Democratic Party of Japan, was established at the behest of Mindan and civic groups with the goal of establishing basic laws to eliminate racial prejudice and create a discrimination-free society, so that the racial prejudice at the root of hate speech can be eliminated.

(7) The Grave Problem of Hate Speech Protests

1) Provocative Actions that Incite Direct Ethnic Discrimination

Up to this point, the statements made had stopped at 'Koreans must leave Japan!'; however, last year, a line was crossed with the repeated calls for 'Kill Koreans!' And hate speech and placards inciting ethnic cleansing with messages like 'Good or Bad Koreans, it doesn't matter, kill them all!' began to appear.

The appearance of groups that organize themselves in broad daylight and call for massacres is, at least, an unprecedented occurrence since the end of WWII.

2) Major Threats Against Korean Residents

The repeated erratic xenophobic protests and street rallies, inciting ethnic discrimination, that take place in specific districts populated by numerous Korean residents and in front of areas densely-packed with shops is not just a hindrance to business, but a threat to the safety of the people there.

This ethnic discrimination that has crossed the line is not just a problem at the

specific regions where the protests are held, it is a simultaneous threat and insult to all Korean residents in Japan, and cannot be ignored.

3) The Particularly Ill Effects on Children and Youth

Repeatedly and stridently calling for Koreans to be killed, and protests that inflame ethnic discrimination have significantly ill effects on children and youth. Children must be protected from being hurt by hate speech. And to accomplish this requires some sort of legal restriction. Behavior taken to spread this discriminatory and xenophobic mentality cannot be neglected. There is a pressing need to use employ human rights education in public institutions and teach the importance of creating a society in which human rights violations do not take place and people can mutually co-exist.

4) Their Words and Actions Bring Shame to Japanese Society

After viewing the participants of the protest who go beyond merely ethnic discrimination and call stridently for ethnic massacres, they are different in appearance than typical right-wing ultra-nationalists up to now in that they appear like normal citizens. There are many anonymous individuals who participate after being invited through the Internet by the Zaitokukai, among other groups. Their accumulated social/economic dissatisfaction, resentment and hatred is not aimed at Japanese society or authorities, but, rather, has been aimed, in a perverse way, at the objects of their contempt: Koreans.

Their animosity towards Korea due to the 10-year plus Korean influence on pop culture in Japan coupled with dissatisfaction felt towards their own circumstances, along with the territorial disputes, critical statements made about the Emperor, the issues surrounding comfort women and historical revisionism have fomented their words and actions. We are concerned that their extreme nationalism and xenophobia are spreading throughout society like a type of patriotic movement.

5) Concerns for a Japanese Society Tolerant of These People

For close to 70 years after WWII hate speech that fans the flames of ethnic discrimination like this has not been seen. The current perversity of Japanese society has coupled with animosity towards ethnic Koreans and made a boldfaced appearance on the streets. It is also a major problem that there is no legal framework or institution to police these elements.

The warped 'patriotism' of these intimidating individuals, as they menacingly wave flags from Japan's militarist era, has the potential to escalate to violence in the future, depending on the changes to the surrounding region. If the extreme right-wing groups in Japan are left to their own devices, and this blunt hate speech is ignored, this will not only lead to worsening relations with neighbouring countries, but it will also have negative effects for Japan, now that Tokyo has been chosen as the host site of the 2020 Olympics.

(8) We Request a Timely Resolution to Protect the Human Rights of Foreigners in Japan

It is because Japan-Korean relations are currently favorable that we Korean residents can live stable lives. Mindan requests, in the capacity of an ethnic organization to protect the rights and interests of ethnic Koreans from the extremely xenophobic and discriminatory words and actions of a portion of Japanese society, requests a timely resolution to protect the human rights of foreigners in Japan. To this end, the Japanese government must immediately establish a law to prohibit racial discrimination.

The Japanese government should also promptly adopt the correct measures for erratic ethnically-discriminatory behavior that has ill effects on the education of children and youth. We strongly desire focus on human rights education that does not allow children to have misplaced fears and prejudices while also teaching the correct version of history.

There are currently two million foreigners living in regional communities in Japan. They have foreign nationalities, but, as they earn their living as residents of their regional society, they carry out their share of societal duties, like paying taxes. It would be ideal to provide these foreign residents with the natural respect they deserve so that they may live a

safe life with peace of mind, and to construct a strong civic society network that does not tolerate racial and ethnic discrimination.

The issue of inciting ethnic discrimination and hatred is of deep concern not only within Japan, but also in the international community, and the active participation of the Japanese government in Japanese society is required to build a society that does not permit racial discrimination.

II From the Beginnings to the Rise of Hate Speech by the Zaitokukai, Among Others

In the following we document the start of hate speech to its rising use by Internet right-wing groups, like the Zaitokukai.

1 The Formation of the Zaitokukai

The citizens of Japan and the Republic of Korea grew comparatively closer with the direct influence of the co-hosting of the 2002 World Cup in Japan and Korea along with the boom in Korean influence on Japanese pop culture, such as the spread of Korean soap operas. However, there seemed to be resistance to this, on the other hand, with the spread of anti-Korean sentiments in words, actions and books.

The van guard of this anti-Korean movement that drew most of the attention was the Zaitokukai (the formal name is Zainichi Tokuken wo Yurusanai Shimin no Kai 'Citizen's Society to Disallow Special Rights for Residents').

The Zaitokukai was established on January 20, 2007 according to their Web site (<http://www.zaitokukai.info/>), and the group was established for the purpose of 'eliminating special rights for residents in Japan' (According to Article 4 [Objective] of the group's charter: This Group aims to generally and widely raise the issue Korean residents in Japan [known as 'residents'], and aims to eliminate any special treatment of residents—the so-called special rights.)

The primary criticisms the Zaitokukai offer against the special rights of residents are that Korean residents in Japan have special permanent resident status, that the use of a special designation for them is permitted, and that they are permitted access to financial support for their lives in Japan; however, all of these assertions are baseless. The Zaitokukai cite these improbably special rights of Korean residents, and engage in hate speech and xenophobic activities against Korean residents based on these false accusations.

2 Features of the Zaitokukai

According to Koichi Yasuda's book *Netto to Aikoku* 'The Internet and Patriotism' (published by Kodansha), the Zaitokukai chairman is Makoto Sakurai (real name: Makoto Takada).

After the Zaitokukai was established, they set up regional branches and expanded their membership numbers. Their regional branch activities are actively reported on their Web site, and they have been engaged in the various hate speech and xenophobic activities as is detailed below.

In addition, they have publicly stated on their Web site that they have around 14,500 members, but the details behind this are not clear.

A feature of the Zaitokukai is that they use the Internet to exchange information and organize themselves, and this feature of their organization has drawn attention because of its differences with conventional civic groups, political parties and NGOs.

The members of the Zaitokukai differ from the typical conservative members of right wing groups in that they, on the surface, look like regular people (Since they use the Internet, which has a world-wide following, they are categorized differently from the conventional right wing, so they are referred to as *Netto Uyoku* 'Internet Right Wingers').

In his book *Netto to Aikoku* 'The Internet and Patriotism' (published by Kodansha),

Koichi Yasuda writes, “There is no particular type of Zaitokukai member: there are many different types of them wearing different clothes, of different ages and seeming to come from different stations in life—most wear suits and are dressed as plain businessmen, or are quiet young nerdy types, or there are some women who wear jeans, or dress as if they have come from doing office work, or there are some rather tired-looking middle-aged men.” The Zaitokukai can be characterized by the fact that they are average citizens who typically exchange information over the Internet and participate in specific hate rallies. Their activities are characterized by them participating in flash mob-style protests (in the Zaitokukai, they try to express the atmosphere of these protests by referring to them as 'festivals') with the protest participants enjoying a high-degree of anonymity.

3 Rise of Their Activities

(1) The activities of the Zaitokukai are focused on protests against, as their objective makes clear, the special rights of residents. Zaitokukai protests are characterized by loud hate speech through the use of a megaphone, or marching while participants brandish placards with hate speech messages.

(2) In November 2007, when the Zaitokutaki was established, they protested against Kodaira City (Kodaira City Council) giving special rights to residents; this was in response to the Kodaira City Council deliberating a proposal to create a social welfare system for long-term residents who could not receive a national pension (primarily Korean residents). This demonstration was still small in scale, since, as the Zaitokukai Web site reported, only 25 members participated in this protest.

(3) In February 2008, the Zaitokukai joined with the Shuken Kaifuku wo Mezasu Kai 'Society for the Restoration of Sovereignty', the Gaikokujin Sanseiken ni Hantai suru Kai 'Society to Oppose Political Rights for Foreigners', and the NPO Gaikokujin Hanzai Tsuiho Undo 'NPO Campaign to Expel Foreign Crime', in a protest in front of the Mindan Central Head Office on the issues of national pensions to Korean residents, political rights for foreigners, and special rights for residents. The Zaitokukai Web site reported 100 participants at this protest, thus, demonstrating a rapid increase in the influence of xenophobic groups, such as the Zaitokukai. The joint actions of these various conservative groups and groups to expel foreigners, with the Zaitokukai, such as protesting against political rights for foreigners or the issue of comfort women, must be watched carefully. There are other groups, besides the Zaitokukai, who are spreading hate speech around Japan.

(4) In June 2008, the Zaitokukai carried out protests of the lawsuit brought in Fukuoka on the issue of denial of national pension to Korean residents, and these protests were held in front of the Fukuoka District Court, the Fukuoka City Hall, and the Fukuoka Broadcasting Corporation (FBC) (for the reason that the FBC portrayed the lawsuit on the denial of the national pension to Korean residents in a positive light). As can be seen by this case, the Zaitokukai do not just simply carry out hate speech against Korean residents, but they also protest organizations and companies that they perceive to be protecting Korean residents.

(5) In December 2008, a protest took place in 51 Isedacho, Uji, Kyoto Prefecture, an area with many Korean residents and also nicknamed Utoro District. The Zaitokukai not only protested the Korean residents living in Utoro District, but also Nishi Hongan-ji Temple, for the reason that the Temple provides assistance to the Korean residents in Utoro District.

(6) The activities of the Zaitokukai up to 2008 were primarily hate rallies against Korean residents, and were not of a presence significant enough to attract the attention of the public;

however, in 2009, they ramped up their rhetoric to include not only attacks against Korean residents, but also the expulsion of foreigners, and began to attract public attention as an Internet right-wing group.

This was particularly true of the case of the Calderon family, which drew a lot of attention as a major problem in Japanese society in April, 2009. The Ministry of Justice granted special permission to Noriko Calderon, the 13-year-old daughter of the Filipino parents who had violated immigration law by overstaying their visas in Japan. The Zaitokukai demanding that the criminal foreigners be immediately expelled from Japan, that the antisocial left-wing elements that continued to support this crime be exterminated, and that the media should be criticized for encouraging this crime with their biased repeated appeals to emotion, took to the streets of Warabi City, where Noriko Calderon resided, in protest (they even stalked the school and the school route that Noriko Calderon took). It was reported that approximately 200 people participated in this protest, and even while sympathy for Noriko Calderon was building in Japanese society, the Zaitokukai's extremely xenophobic protest, which made mention of specific names and called for the 'Criminal Filipino Calderon Family to be Knocked Out of Japan', gained public attention.

(7) The most pressing case occurred on December 4th, 2009 when, in continuation of protests staunchly opposing the granting of political rights to foreigners in Kyoto on-going since June, the Kansai Branch of the Zaitokukai and the Kansai Branch of the Shuken Kaifuku wo Mezasu Kai 'Society for the Restoration of Sovereignty' claimed that a children's park meant as a playground for the children of Japan had been illegally occupied for half a century, mobbed the front gate of the Kyoto No. 1 Korean Elementary School and engaged in loud hate speech with a megaphone.

4 On the Kyoto District Court ruling of October 7, 2013 and the Osaka High Court ruling of July 8, 2014 (these rulings deemed the public hate speech against Korean schools and the uploading of videos by the Zaitokukai to be illegal acts that correspond to the racial discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination)

(1) The aforementioned public hate speech launched against the Kyoto No. 1 Korean Elementary School from December 2009 to March 2010 was of extreme character, and garnered particular public attention.

The Kyoto Korean School Corporation began a civil suit as a claimant with the Kyoto District Court, filed for an injunction to stop this public protest, and demanded compensation for damages based on these illegal actions. On October 7, 2013, the Kyoto District Court gave its ruling.

We elaborate below on the circumstances, logic and issues of this ruling (the following is cited directly from the NORIKOENET—International Network to Overcome Hate Speech and Racism Web site.).

2 Overview of Circumstances of the Case

On October 7th, 2013 the Kyoto District Court deemed the demonstration (street protest) and publication of videos carried out by the Zaitokukai and its executives and affiliates (known hereafter as the 'Zaitokukai') aimed at the Kyoto No. 1 Korean Elementary School over three instances spanning December, 2009 to March, 2010, as racial discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination, prohibited (placed an injunction on) the Zaitokukai from carrying out such street protests, and ordered the Zaitokukai to pay the extraordinary amount of 12,263,140 yen in damages based on such illegal actions.

In this incident, the Zaitokukai released videos onto the Internet of their protests in which they used the following discriminatory expressions: 'They have taken advantage of the war-stricken

Japanese, and stolen our land throughout the country for their ethnic schools and ethnic education fight'; 'this is a training facility for North Korean spies'; 'the children have been educated by criminals'; 'this is the Korean mafia'; 'these are the descendants of illegal aliens'; 'knock out the Korean schools from Japan'; 'destroy Korean schools like this one'; 'Promises are made between human beings. Humans and Koreans can't make promises'; 'They should stay off the streets'; 'Knock the lawless Koreans out from Japan'; 'Put the Koreans out of their misery in a clinic'; 'Dogs are more clever'; 'Go back to the Korean peninsula, cockroaches, maggots, Koreans'; 'Don't stink up Kyoto with your kimchi'; 'Go away, cockroach Koreans'; 'Poor, poor Koreans being discriminated against in Japan; go back to the Korean peninsula every last one of you'. The court's ruling also recognized that the school fell into extreme disarray, such as the younger children within the school crying out of fear, owing to the Zaitokukai's demonstrations.

3 Logic Behind the Ruling

In this case the court assessed that the demonstration and releasing of videos 1) inhibited the operations of the Kyoto No. 1 Korean Elementary School, and this was an illegal act that defamed their character (Article 709 of the Civil Code), and that since 2) 'discriminatory statements were made with the intention of inciting discrimination against Korean residents by the public, excluding Korean residents based on their ethnic background, and had the objective of hindering the enjoyment of human rights and basic freedoms by the Korean residents in their status of equality' such statements constituted racial discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination (Article 1.1), to which Japan is a party, and were, thus, illegal.

Based on the above, the court observed that, with Japan being a party country to the International Convention on the Elimination of All Forms of Racial Discrimination, the court was obliged to interpret Japanese law with the stipulations of the Convention applied, and that the Convention requires party countries 1) to 'undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms' (Article 2.1 introductory clause), 2) 'prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization' (Article 2.1d), and 3) 'shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination' (Article 6).

The court determined that insofar as the illegal actions by the Zaitokukai in this case were undertaken as racial discrimination, that the court was bound by the Convention when deciding upon a compensatory amount for intangible damages to a corporate entity based on Article 709 of the Civil Code and 'must grant a sum that would constitute adequate reparation or satisfaction against racially discriminatory actions'; and, thus, ordered the Zaitokukai to pay a large amount in damages comparable to the obstruction of normal operations for the school and the defamation of the school's character for the demonstrations and public release of videos.

Additionally, in response to the Zaitokukai's defense that the illegality of the demonstrations should be rejected since the demonstrations were 'expressions of criticism', the court decided that these actions, insofar as they were racially discriminating, could not possibly be recognized as being for the public interest and threw out that argument.

4 Evaluation of the Judgment and Remaining Issues

In 1995, Japan became a party to the International Convention on the Elimination of All Forms of Racial Discrimination, and in so doing became obliged as a state party to 'undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms', and should 'prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization.'

However, Japan has not taken a specific policy, nor enacted legislation to prohibit and bring to an end racial discrimination in the 18 years since Japan became a party to the Convention.

The concluding observations of the UN Committee on the Elimination of Racial Discrimination indicated that, “the Committee is concerned that the only provision in the legislation of Japan relevant to the Convention was article 14 of the Constitution. Taking into account the fact that the Convention is not self-executing, the Committee believes that it is necessary to adopt specific legislation to outlaw racial discrimination, in particular legislation in conformity with the provisions of articles 4 and 5 of the Convention.” However, these concerns continue to be met with silence. We can only conclude that given the rampant run of extreme hate speech and hate crimes by the recent Zaitokukai, among others, the Japanese government has idly neglected their duty to eliminate racial discrimination required of them by the Convention.

This judgment was the first of its kind from a Japanese court with judicial power as a state organ of Japan to recognize outright their obligation to eliminate discrimination based on the Convention, and to acknowledge that they must interpret the law based on the specific duties to offer 'effective protection and remedies... against any acts of racial discrimination' and to protect the 'right to seek...just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination'. In this sense, from an international perspective, the content of this judgment may seem completely normal, but in comparison to the stance taken by the Japanese government for many years, this judgment can be considered as having ground-breaking significance.

Ultimately, under the principle of the separation of legislative, administrative and judicial branches of government, courts can only interpret and apply to individual cases the legislative scope of laws legislated by the Diet. Due to this, the court determined in its ruling that:

even if specific damages occur to an individual when racially discriminating remarks are directed at peoples who belong to a certain group, the court must admit that ordering the offending party to pay damages to the individual belonging to a specific group simply on the claim that the acts were racially discriminating deviates from the interpretation of the Civil Code regarding illegal acts; and, cannot be done without new legislation.

Therefore, this judgment indicates that there are limits within the existing Civil Code framework to provide reparation to minority groups from hate speech, and that new legislation must establish a system to provide more effective reparation.

Just as was recognized by the court in its judgment, so the duty to eliminate discrimination by 'prohibiting and bringing to an end...racial discrimination by any persons, group or organization' is incumbent upon the Diet as the legislative authority and the Cabinet as the administrative authority. The Diet and the administrative authority have not attempted to adopt any policy whatsoever to address the recent hate speech problem in Japan, and if they continue to neglect this issue, we are compelled to state that both the Diet and the Cabinet are in daily breach of the Convention.

This judgment is an important indication that Japan must carry out its obligation to eliminate racial discrimination, which it has neglected for 18 years, must recognize this urgent issue as a nation-state, and must promptly establish a system through legislation to eliminate discrimination against minority groups in Japan.

The subsequent judgment by the Osaka High Court that dismissed the appeal (July 8th, 2014) supports the original judgment. The Osaka High Court ruling not only followed the ruling of the Kyoto District Court, but offered a more resolute position when the judge stated that, “The essence of the Convention should be carried out between private individuals.”

III The Current State of Hate Speech and Racism

This section will elaborate on the current state of affairs after the beginnings and rise of hate speech explained in section II.

1 Features of Recent Hate Speech

Since the 2012 appointment of Shinzo Abe to the Cabinet, the number of xenophobe protests have risen, and they now occur every weekend in various locations, such as Tokyo, Osaka, Kobe, Kyoto, Kawasaki, Sapporo, with no less than 161 xenophobic protests occurring across the country in the six-month period from March to August, 2013. The targets of these protests are not only Koreans, but Chinese, burakumin, migrant laborers and their families, 'comfort women' used by the Japanese military, and any corporations, unions, organizations and individuals that provide assistance or hire these minorities. They not only fly the Japanese flag and the Rising Sun ensign previously used by the Japanese military and currently used by the self-defense forces, but they also fly the Nazi swastika.

The Okubo area in Shinjuku Ward in Tokyo has become known as Korean Town owing to the many eateries and cosmetic shops run by residents from Korea, and has, thus, come under frequent attack by xenophobes and racists.

There have been conspicuously less visitors to Korean Town in Shin-Okubo, and sales have plummeted with many stores closing. The store closures can be linked to excessive competition, but the large drop in customers is unmistakable, and the closures cannot be completely due to the excessive competition. Since the arrival of the Abe government, xenophobia has become more pronounced in Japan, and it is likely that this has caused the decrease in visitors to Korean Town in Shin-Okubo.

The following notice was relayed at the February 9th 'Drive Out the Lawless Koreans! Rally to Eradicate Korean Influence in Shin-Okubo'. "Knock out of Japan the 50,000 Korean whores that disorder our public morals! And to the Japanese waste obsessed with the persistent Korean influence, you get out too, you Korean-influenced idiots! We don't need Korean shops that can't even follow the garbage day rules!" The groups that support this, include the Zaitokukai as well as the Shinshu-Mikunikai 'Society for the Country of the Eagle God Emperor', TEAM Kyoto, Rinpuu Yamato/Shishi no Kai, Kokka Shuken wo Kangaeru Kai 'Society for Considering National Sovereignty' among others. Protest notices include "Do not wear chima jeogori, or any other clothes that are not suitable for Japan" and "We welcome megaphones as well as placards and group flags that match the Japanese flag and the Rising Sun ensign."

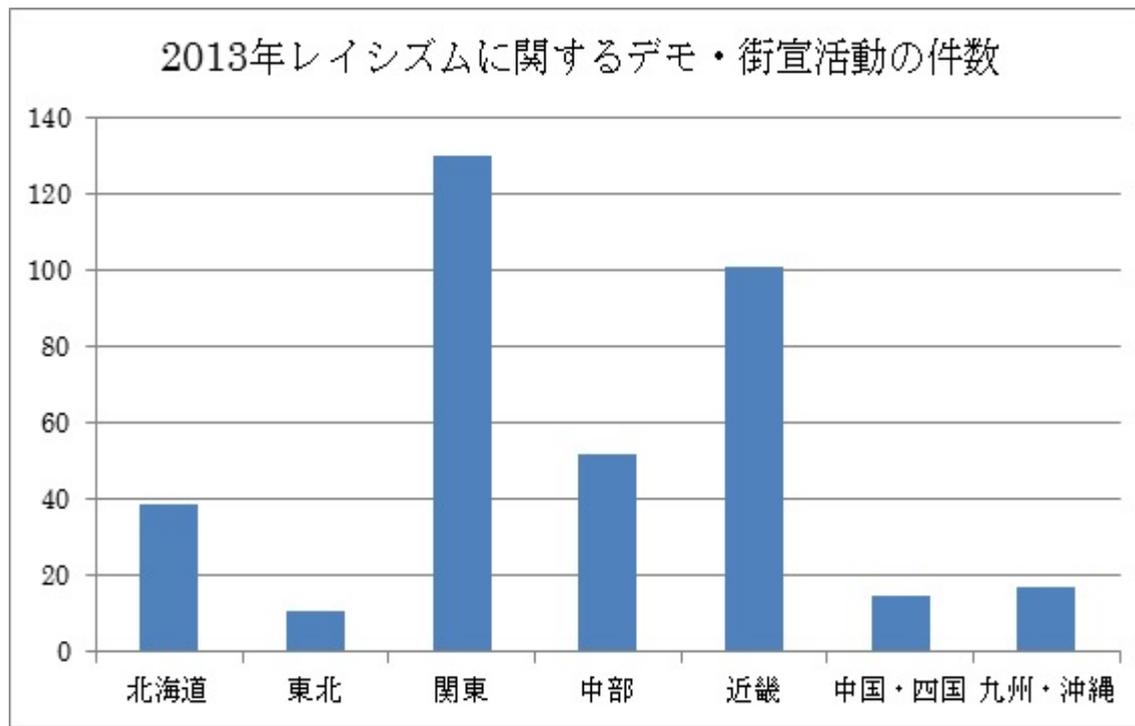
During the actual protest, a group hoisting both the Japanese flag and the Rising Sun ensign are flanked on all sides by riot police as they march. They parade around the Korean residential area with over 100 participants as they yell remarks like the following: 'Leave Japan!' 'Stop running Pachinko parlors!' 'Shoot Koreans!' 'Turn Seoul into a sea of fire!' 'Pursue the lawless Koreans to death!' 'Send the Koreans to the gas chamber!' 'Koreans aren't even human!' 'Cockroaches!' 'Calling them cockroaches is an insult to cockroaches!' 'They stink!' 'Die!' 'Get out!' 'Knock them out!' 'Perverts!' 'Criminals!' 'Construct gas chambers for them!' 'Burn them alive!' 'Don't breathe the same air as us!' 'Crawl on your bellies!' Among the protest crowd, there have been some confirmed to be carrying placards inscribed with, 'Fuck Korea' 'Kill the anti-Japanese' 'Good or Bad Koreans, it doesn't matter, kill them all!' In addition, they would also jeer at passerbys, whether they be Korean or Japanese, "Do you like Korea? We don't need Japanese like that. Leave!"

There have also been many cases where minors have been accompanied by their racist parents to participate in these xenophobic demonstrations and street protests. On February 24th, 2014, in Tsuruhashi, Osaka, an area with Korean residents, a female junior high school student was observed participating in a street protest and saying the following into a megaphone: "Hello kook scum living in Tsuruhashi. Hello my fellow Japanese. How many of the Japanese here just can't stand these kooks?" "If they keep up their arrogant act, forget the Nanjing Massacre, we'll carry out a Tsuruhashi Massacre! You better go back to your own country before that happens! This is Japan! This isn't the Korean peninsula! Just go back to your own country!" "You're all just so pathetic, I just want to put you all out of misery. Let's carry out the Tsuruhashi Massacre."

The foreign minorities targeted by this hate speech react in various ways, some keep their

eyes to the ground, others cry, others get angry, and still others smile bitterly to hide their shock. There are some so embarrassed by being singled out as the victims of discrimination, having abuse hurled at them, and being socially persecuted that they avert their eyes to the ground. There are also others seething in anger, never able to forgive such incredible insults. There are others frightened by the clear malice directed towards them, and they are frozen in anguish as they weep.

There are numerous demonstrations and street protests with the primary purpose of engaging in hate speech planned for the two major cities of Tokyo and Osaka. Discriminatory and xenophobic hate speech is also currently spreading to other regions and cities on the weekends and holidays.



Chugoku/Shikoku Kyushu/Okinawa

(Source: Web site of the International Network to Overcome Hate Speech and Racism)

2 The Appearance of Racism that Goes Beyond Hate Speech

In addition to the aforementioned direct demonstrations on the streets by racist groups, there is a growing daily presence of harassment of foreign minorities by anonymous individuals, as well as daily public exposure to xenophobic postings and mass media advertisements that go unaddressed.

There have been numerous reported cases at Tokyo University of Korean exchange students being terrorized by anonymous individuals placing magazine articles that criticize Korea in their mailboxes when the students display their Korean names on the doors of their apartments. In 2010, a 12-year-old girl who was harassed at school over the course of a year, being told she stunk and that she was dirty simply because her mother was a Filipina, committed suicide.

On March 8, 2014, at a soccer match in Saitama Stadium, supporters from a regional club (the Urawa Reds) hung a banner in front of the gate to the fan seats that said 'Japanese only', and the club knew of this but still finished their match without stopping it. The club and the individual who hung the banner were subsequently penalized through the FIFA regulations, but numerous real estate agencies, eateries and other such facilities in Japan continued to hang signs that said, "No Foreigners. Japanese only." (Since the FIFA regulations have no binding power over the Japanese private sector, these xenophobic signs went completely unchallenged by the administrative authorities, and were never subject to legal consequences.)

In April 2014, it was reported that there were handbills discovered in no less than 25 places in the rest areas along the Shikoku Pilgrimage route that said 'Protect this important pilgrimage route

from Koreans' and 'Rip down the Korean information signs.' A Korean woman who faithfully follow this pilgrimage route have placed these Korean information signs for the benefit of Korean tourists, and this is an insult to them.

3 The Reaction from Japanese Society

There have been counter actions previously undertaken by regular Japanese citizens in response to these xenophobic demonstrations and street protests; but, these counter actions grew in 2013 with the all-out efforts of the Counter-Racist Action Collective, which directly confronts racists at the scene of their xenophobic demonstrations and street protests.

The administrative arm of the Japanese government, the regional and municipal authorities and the police tend to avoid the strict application of criminal laws, such as crimes dealing with defamation of character, slander or the obstruction of business, to the participants in the xenophobic demonstrations despite ample opportunity to do so. In addition, they repeat restrictive actions to wear down the spirit of the Counter-Racist Action Collective.

A common sight at the scene of a xenophobic rally are the police lined up in front of the hate speech group protecting them so that the Counter-Racist Action Collective cannot approach them. When a member of the counter action collective manages to break through the ring of police with interlocked arms and confronts the xenophobic protesters directly, they are immediately surrounded by five or six police officers who escort the individual to a spot around 20 meters away from the demonstration. If the individual does not stop their counter protest, they are given a stern warning from the police to 'cease your provocative behavior'; if, after this, they still do not stop, the police tell them, 'if you continue, we will arrest you.' It's as if the authorities are protecting these xenophobic demonstrations, and they crackdown on any citizens who try to protest this. The authorities continue to refrain from applying any effective countermeasures against this hate speech, and even now, it is still carried out at the scene of these xenophobic demonstrations and street protests shielded and left to take its own course by the authorities.

4 The Anti-Korean Media

Since around 2005 there has been an increase in published materials and news showing contempt for Koreans and Chinese. Books and periodicals put out by large publishing companies showed a marked increase in 2013. This increase has been largely spurred by the political clash between the Japanese government and the governments of Korea and China. However, this has gone beyond mere criticism and banter, and has reached the point where there are opinions voiced that the differences between Japanese and Koreans and Chinese are unbridgeable. And this is where the racist opinions and biases are located.

The Japanese government has just left this to take its course. They have made no clear, effective public statement opposing racial discrimination.

In paragraph 26 of their concluding observations, the Committee on the Elimination of Racial Discrimination offered the following recommendations:

The Committee recommends that the State party intensify public education and awareness-raising campaigns, incorporating educational objectives of tolerance and respect, and ensuring adequate media representation of issues concerning vulnerable groups, both national and non-national, with a view to eliminating racial discrimination. The Committee also recommends that the State party pay particular attention to the role of the media in improving human rights education and that it strengthen measures to combat racial prejudice that leads to racial discrimination in the media and in the press. In addition, it recommends education and training for journalists and people working in the media sector to increase awareness of racial discrimination.

Yet, the Japanese government has effectively ignored this recommendation from 2010 up until

today. In addition, there have been no quantitative surveys performed to assess racial discriminatory prejudices in the mass media nor the damage done by these prejudices.

(2) 2005

In 2005, a manga entitled Hating the Korean Wave was published by Shinyusha publishing. In 2009 a continuation of the series with Hating the Korean Wave 4 was published along with a paperback book edition. It was reported that 1 million copies were circulated.

The New York Times published the following article written by Norimitsu Onishi on November 19, 2005 regarding the Hating the Korean Wave series.

Ugly Images of Asian Rivals Become Best Sellers in Japan

A young Japanese woman in the comic book "Hating the Korean Wave" exclaims, "It's not an exaggeration to say that Japan built the South Korea of today!" In another passage the book states that "there is nothing at all in Korean culture to be proud of."

Hating the Korean Wave 2014 was published on February 2014 with the following publishing blurb:

"Fabrications, cultural plagiarism, effective control...Exposing a thieving country full of its own false pride!"

(3) 2013 (Books)

Beginning in the autumn of 2013, as can be seen below, there was an increase in racist publications from major publishers. A portion of these became bestsellers selling hundreds of thousands of copies.

And these books refer to the demands by the Korean government for a resolution to the 'comfort women' problem as 'distorting of the facts' and 'harassment'.

- *Akukanron* 'A Study on Evil Korea' (published by Shinchosha in April, 2013)

- Publishing blurb:

There is not one thing that should be learned from a country like this! The Korean media, themselves, have incidentally reported countless evil ways and habits that taint that race of people. They may appear to be brilliant, but their national character is poor. This is a realistic assessment of our neighbors.

- *Bokanron* 'A Study on Stupid Korea' (published by Sankei Shinbun Syuppan in December 2013)

- Publishing blurb:

- Do you still want to follow that country?

- You'd be mistaken if you thought it was just 'another normal country'!

- The root and responsibility of all problems lies with that country's sickness!

- How long will the 'Japan Discount' movement continue?

- That country does not have the same freedom and democratic values that we do.

- The legitimacy of the Park Geun-hye regime is called into question; the yangban (Korean elite) nature of the UN Secretary General is fully exposed; the delusional history that comes with the assertions of control of Tsushima Island—the 'culture' and 'sensibilities' symbolizing the outward brilliance and inner rot of Korea, so difficult for Japanese to understand, are revealed from through their own media.

- Arm yourself with knowledge on the delusions and recklessness that comes from that sick country.

- *Hankanron* 'A Study on Criminal Korea' (published by Gentosha Renaissance in March 2014)

- Publishing blurb:

- What has been distorted and what crimes have been committed?
- It's not just the perpetual anti-Japanese diplomatic strategy and the comfort women!
- History demonstrates the pathology of Korea.
- There are countless erratic harassments leveled at Japan, including Korea's 'comfort women and Dokdo' propaganda to the world, and their campaign to obstruct Tokyo's bid for the Olympics. These fabrications and actions are vulgar and vile from the Japanese perspective, but are considered as the ultimate virtue in that country. Why are Japan and Korea so different? The truth that the anti-Japanese media in Japan and Korea can never tell is brought into view from a 1000 years of history from the peninsula.
- *Nihonjin ga Shitteokubeki: Usotsuki Kankoku no Shotai (Posuto Sapiomukku)* 'What Japanese Ought to Know: The Truth Behind the Lies of Korea (Post-SAPIO Magazine Book)' (published by Shogakkan in April, 2014)
 - Publishing blurb:
 - Comfort women, Takeshima, Exposing all of the lies
 - The international magazine SAPIO has verified the lies and gloss of Korea using the logic of countless scholars and journalistic means spanning the past 20 years. As a result of these efforts, we find the evidence for forgeries of ancient maps used to justify Korea's control of Takeshima, investigate the historical truth behind the 'comfort woman problem' so flagrantly cited around the world by The Park Geun-hye regime, and clarify what's wrong with the Korean claims that they taught Japan our ancient martial arts and culture, like karate, kendo and origami.
- *Kankokujin ni Yoru Chikanron* 'A Study on Shameful Korea by a Korean' (published by Fusosha Publishing in May 2014)
 - Publishing blurb:
 - The absolute power that controls this country.
 - Its name is Anti-Japanism.
 - The outlet for all of the dissatisfaction and crushed hopes of the Korean people is in being anti-Japanese.

(4) 2013 (Newspapers and Periodicals)

Racist remarks have come to appear more frequently in tabloids published by major newspapers, such as Yuukan Fuji, and in weekly periodicals published by major publishing houses. Yuukan Fuji runs anti-Korean headlines on its front page almost daily, while the Shukan Post, the Shukan Bunshun, the Shukan Shincho run large anti-Korean articles almost every other week. Below are but a few examples.

- Yukan Fuji (Published daily by Sankei Shinbun. Circulation of approximately 1 million)
 - September 8, 2013: Korea plays mean: Their plan to quash Tokyo's Olympic bid
 - September 20, 2013: Following plan against Tokyo Olympics, Korea tries mean-spirited obstruction of Mt. Fuji Heritage Site selection
 - October 5, 2013: Korean economy deals major anti-Japanese blow with radiation rumors
- Shukan Post (Published weekly by Shogakkan. Circulation of approximately 500 thousand)
 - September 30, 2013: Korea's anti-Japanese harassment is ceaseless
 - October 12, 2013: China/Korea only countries in world to spread anti-Japan hate speech
- Shukan Bunshun (Published weekly by Bungei Shunshu. Circulation of approximately 700 thousand)
 - September 12, 2013: Reckless words from Korea will be sent back 10 times worse

- October 3, 2013: Stupid Korea! Banning Japanese seafood to rely on China's poisonous food
- October 24, 2013: Full coverage special issue: This is why everyone hates Korea
- Shukan Shincho (Published weekly by Shinchosha. Circulation of approximately 600 thousand)
- September 19, 2013: Unreleased info on the Tokyo Olympic comeback victory: Korea frustrated its exposed harassment came of nothing
- FLASH (Published weekly by Kobunsha. Circulation of approximately 200 thousand)
- September 17, 2013: Korea's rape rate is 9 times Japan's: Before you criticize over 'comfort women' take care of your own problems! 'Evil Korea' is the rape capital!
- December 3, 2013: President Park Geun-hye is forsaken by all!! Start the economic sanctions! The scenario to 'sink' Korea

(5) The Problem of the Government/Administrative Response

As has been explained above, the Japanese government has left this racially discriminatory reporting to take its own course. They have never issued an effective clear statement against racial discrimination. They have never strengthened policies to fight prejudices in the media linked to racial discrimination. They have never even educated or trained journalists and others who work in the media to raise awareness about racial discrimination.

The Committee notes the reservation maintained by the State party with respect to article 4 (a) and (b) of the Convention, stating that “Japan fulfills the obligations under those provisions to the extent that fulfillment [...] is compatible with the guarantee of the rights to freedom of assembly, association and expression and other rights under the Constitution of Japan”. The Committee expresses concern that such an interpretation is in conflict with the State party’s obligations under article 4 of the Convention. The Committee draws the attention of the State party to its General Recommendations VII (32) and XV (42), according to which article 4 is of mandatory nature, given the non-self-executing character of all its provisions, and the prohibition of the dissemination of all ideas based upon racial superiority or hatred is compatible with the rights to freedom of opinion and expression.

The Japanese government has, up to today, essentially ignored the recommendations of the Committee, particularly the recommendations of paragraph 26 of the concluding observations of the Committee to Japan in 2010.

In addition, there have been no quantitative surveys performed to assess racial discriminatory prejudices in the mass media nor the damage done by these prejudices.

IV Conclusion

1 General Criticism of the Japanese Government Report

The Seventh, Eighth and Ninth Combined Periodic Report by the Government of Japan under Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (January 2013) states the following in paragraph 84 regarding the reservations of Article 4 (a) and (b) of the Convention:

84. The Government of Japan does not believe that, in present-day Japan, racist thoughts are disseminated and racial discrimination is incited, to the extent that the withdrawal of its reservations or legislation to impose punishment against dissemination of racist thoughts and other acts should be considered even at the risk of unduly stifling legitimate speech.

However, our report has already explained the domestic situation in Japan and we do not believe that this government report adequately reflects the actual conditions.

The erratic xenophobic demonstrations and street protests that continually occur in the

specific areas where foreign minorities reside and where many shops are located, incite ethnic discrimination, and do not simply obstruct business, but threaten the safety of those neighborhoods. Having crossed the line, this ethnic discrimination is not simply a problem for the specific areas where these demonstrations occur, but they are a threat and an insult to every minority living in Japan. The Japanese government has deemed this an issue categorized as the exercise of the freedom of expression, a civil right, and has not publicly applied any restrictions. However, the minorities who are subject to this hate speech find themselves shocked and terrorized by its repeated occurrence in new forms, and can no longer stay silent. The exercise of the civil right of freedom of expression by minorities cannot be unilaterally obstructed. Also, in regards to the protests against this hate speech, the Japanese police do not make any effort to protect the exercise of this civil freedom, rather they actively work to suppress it.

The demeanor of Japanese society towards this hate speech goes way beyond the permissible limits of 'tolerance towards different opinions' and poses a clear danger of damaging the foundation of democratic society.

Chanting 'Kill them!', the actions of the demonstrators provokes ethnic discrimination, and inflicts a significantly malicious influence on children and youth. Strict legal regulations are required to protect Japan's foreign minorities, children, youth and the democratic society here.

2 The Potential for Specific Legal Measures

The illegal actions of racist groups is punishable by the application of existing criminal law in Japan. Additionally, based on introductory clause of Article 2 as well as clauses (b) and (d), and Article 4 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination ratified by the Japanese government, it is possible to disallow the use of public facilities for demonstrations and rallies by groups that provoke and inflame racial discrimination. Despite this, the Japanese government does not only avoid applying the provisions of the Convention it ratified, but it also avoids applying domestic law, and rather protects the xenophobic demonstrations of racist groups.

The issue is not covered in the Seventh, Eighth, and Ninth Combined Periodic Report of the Convention on Elimination of Racial Discrimination (January 2013), (see paragraph 94 of the Report) but since the release of the report, the above ruling was given by the Kyoto District Court on a case of racial discrimination regarding Article 4 of the Convention.

Six years have past up to now (July 2014) since the initiation of that case, and it is still ongoing, with no resolution currently in sight, and the victims of the racial discrimination have not yet been able to receive reparations. In paragraph 93 (Handling of racially discriminatory motive under the Penal Code) of the government report, it states, "The Government of Japan recognizes that racially discriminatory motive is proven as vicious motive accordingly in the criminal trials in Japan and that the court takes it into consideration in sentencing." However, we can find no precedents where a court takes a racially discriminatory motive into consideration in sentencing during court proceedings for cases considered domestically as hate crimes.

We do not foresee any efforts being made to resolve problems of racial discrimination in Japan through *ex post facto* individual restitution using judicial means, and normative general prevention is urgently required.

The Japanese government must honestly face the reality of its societal epidemic of hate speech inciting racial discrimination and xenophobia, and should reference international human rights standards, such as the Rabat Plan of Action, to carry out surveys on the reality of discrimination towards minorities starting with hate speech, and construct policies to curtail specific hate speech which can be suitably applied under current domestic law.

To these ends, based on introductory clause of Article 2 as well as clauses (b) and (d), and Article 4 (c) of the International Convention on the Elimination of All Forms of Racial Discrimination ratified by the Japanese government, the use of public facilities for demonstrations and rallies by groups that provoke and inflame racial discrimination should be prohibited. Ultimately, the Japanese government should retract the reservations they hold regarding subparagraphs (a) and (b) of Article

4 of the Convention, acknowledge that hate speech is an illegal and punishable crime, and should work to establish legislation that directly and legally restricts and punishes this behavior.