

Report to the Human Rights Committee

On the issue of hate speech against minorities in Japan

**For its consideration and adoption of
the List of Issues to Japan**

By the Committee Task Force

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Jointly submitted by

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**International Movement Against All Forms of Discrimination
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1. Background and Focus of the Report

Since last 5 years the issue of hate speech has been increasing in its number and grossness. The recent cases of anti-Korean demonstrations and hate speech marches including the speech by a Japanese girl calling for “massacre” of Koreans has especially drawn attention and raised concerns within and outside Japan.¹ While causes of these incidents happening and increasing are attributed to various factors, some of the crucial backgrounds are the complete lack of Anti-Discrimination Law, poor awareness of general public about human rights, the lack of appropriate understanding by the Government of international human rights standards and the lack of willingness of the State to actively implement them. Although statements were made and concerns were also expressed by the Prime Minister as well as the Justice Minister of Japan, no concrete action has so far been taken by the Government of Japan.

Against this backdrop, this report intends to raise the issue of hate speech in Japan is to the UN Human Rights Committee (the Committee) for its consideration of the compliance of Japan with the International Covenant on Civil and Political Rights (ICCPR) and adoption of the List of Issues, especially in relation to the ICCPR Articles 2, 6, 19, 20, 21, 22 and 27. This submission contains information on the cases of hate speech in Japan, actions taken by relevant actors and suggestions for the List of Issues.

2. Cases of Hate Speech

“Zaitokukai” – a group of far right activists

Except the case of hate speech by public figures, most of the incidents of demonstrations, attacks and other cases involving hate speech are initiated and organized by “Zaitokukai”, a group of far- or ultra-right activists who oppose granting any rights, even limited ones such as welfare entitlements, to long-term Korean and Chinese residents of Japan. Apart from the demonstration and case of hate speech described below, internet i.e. cyber space is used as another main space to make hate speech and spread racist ideas and biased information inciting hatred and racial discrimination. Zaitokukai, in most cases including those described below, is also filming their various actions and uploading the video to several websites.

Hate speech against Koreans – December 2009, Kyoto Prefecture

The first major anti-Korean activity of the Zaitokukai took place in 2009, when they attacked on the Kyoto Chosen Dai-ichi Elementary School on December 4. In front of the school, they started hurling abusive, discriminatory and intimidating words to the school and people inside as well as Korean

¹ For media reports in English, ref. e.g.: <http://www.japantimes.co.jp/tag/hate-speech/>;

<http://mainichi.jp/english/english/newsselect/news/20130710p2a00m0na009000c.html>;

<http://www.csmonitor.com/World/Asia-Pacific/2013/0712/Rising-hate-speech-in-Japan-has-even-some-on-far-right-saying-enough>;

http://www.huffingtonpost.com/nancy-snow/japans-hate-speech_b_3572707.html;

<http://japandailynews.com/8-arrested-as-groups-clash-over-anti-korean-demonstrations-in-tokyo-1730707/>;

<http://japandailynews.com/youtube-video-of-japanese-girl-on-an-anti-korean-rant-goes-viral-0326306/>

residents in general. Facilities owned by the school was moved and also damaged by them in front of the school. Zaitokukai filmed the whole process of attack and uploaded the video in the internet. The incident was also documented by the School from the other side.² The police was present on site, but did not do anything than observing. The school initiated a criminal suit against the group on 21 December 2009. However, on 14 January 2010 Zaitokukai organized another demonstration with hate speech against the school and Koreans using loudspeakers on the street in front of the school. Although a court order was issued to stop the act of assault and defamation, the Zaitokukai simply ignored it. Four members of Zaitokukai who played main role organizing and carrying out above described actions were arrested and prosecuted in August 2010. These four persons were convicted for the act of forcible obstruction of business, destruction of property and defamation against the school on 21 April 2011. In the process the racist ideas and motivations or hate speech against specific group of people were not considered nor reflected in the judgment failing to address the root causes of the convicted action or damages suffered by the targeted victims of hate speech, racism and discrimination. The accused have even continued making discriminatory remarks in the court throughout the process.

The attack had enormous negative mental impact and damage on the victims, especially concerning the traumatic experience suffered by the elementary school children. Against this backdrop, on 28 June 2010 the school initiated civil sue against Zaitokukai demanding compensation for the damages they have suffered and are still suffering. The case is still ongoing. Despite their need for comprehensive remedies including psychological care, the victims of hate speech, racism and discrimination are left out from the current legal framework for remedies in Japan.

Hate speech at the Suiheish Museum – January 2011, Nara Prefecture

In another incident, the vice chairperson of the Zaitokukai visited the human rights museum of “Suiheisha” in Nara Prefecture on 5 January 2011 which has permanent exhibition on the history of Suiheisha (Levelers Association of Buraku people) and had temporary exhibition at that time on the history of occupation of Korea by Japan, and made a complaint about a part of the exhibition. On 22 January in the same year, he returned to the museum and made hate speech against people of Buraku origin and resident Koreans in Japan using loudspeaker in front of the museum for one hour. The speech contained numerous discriminatory and intimidating words towards the said two groups. He filmed his speech and uploaded it in the internet which caused agony and anxiety among the affected people.

On 22 August, the museum initiated a civil suit against the Zaitokukai person concerned for defamation of the museum, half a year after the incident. On 25 June 2012, the person was found guilty with compensation money of 1.5 million JPY. The video was deleted by Google upon request from the plaintiff side after the conviction. The case was, and only could be under current legislation in Japan, dealt with defamation against the museum, but not as discrimination against certain group of people or much less as act of hate speech.

Increase and escalation of hate speech and anti-Korean demonstration – Tokyo/Osaka

² <http://www.youtube.com/watch?v=8C1NbntRWDI>

among others

As can be seen in a number of Japanese and non-Japanese media reports, the anti-Korean demonstration and hate speech against them, mostly organized by Zaitokukai, have increased in its frequency and intensity since last six months, whereas the content of hate speech even escalated to the level of death threats. "Kill the Koreans", "kill them all", "Koreans must die" are common messages among other discriminatory and degrading ones inciting racial hatred and violence. These messages are written on the placards and made in the speeches in the demonstrations that have been taking place this year in several cities in Japan, especially two districts respectively in Tokyo and Osaka where many resident Koreans live and established their livelihood. As of 16 June 2013, there had been at least 9 such demonstrations in the Korean district in Tokyo, so-called "Shin-Okubo" since this year. Approximately 200 - 300 people are gathering regularly to the demonstrations organized by Zaitokukai in Tokyo and Osaka.

At the same time, there also have been counter demonstrations organized by anti-racism activists which usually outnumber the anti-Korean demonstration. In the course of the escalation of the hateful message sent out in the anti-Korean demonstration and made in their speeches, confrontation of two groups have occurred at several occasion. On 19 May 2013, one of the participants of anti-Korean demonstration was arrested for violent act against his counterpart. On 16 June 2013, around 200 people gathered to the anti-Korean demonstration and around 350 people to the counter movement. Tension started to escalate when the two groups confronted each other which became violent after a while. 8 people in total, 4 from Zaitokukai side including its chairperson and 4 from counter side were arrested and detained on the suspicion of criminal assault.

Hate speech referring to "massacre" of Koreans - Osaka, February 2013

In the anti-Korean demonstrations organized by Zaitokukai on 24 February 2013 in Osaka, a 14 year old girl made a speech with loudspeaker on the street midst of Korean neighborhood in Tsuruhashi district, in which she referred to Koreans with degrading words such as "piece of crap" and expressed her strong hatred towards them as well as her willing ness to kill them all. Even referring to the Nanking massacre, where an estimated 250,000 Chinese civilians were killed by Japanese army in 1937, she went to the extent that they will carry out massacre of Koreans in the very district, if they do not leave Japan. The other participants of the demonstration cheered her up during and after her speech. The police was present on site observing the situation. The scene was filmed and even uploaded to You Tube.³ According to the footage of the You Tube, she made a speech with following content:

"Hello, all shit-Koreans living in Tsuruhashi. And hello to all the fellow Japanese present here. I hate the Koreans so much that I can't stand it and I just want to kill them all now. If (Koreans) behave with this arrogance further, (we) will carry out Tsuruhashi massacre like Nanking massacre! (other participants "yeah that's right!") If Japanese get angry, it will happen! We will start massacre! Go

³ <http://www.youtube.com/watch?v=4oOW6QJfeoo>

back to your country before the massacre get started! This is Japan, but not Korean peninsula! Go back! (other participants "go back!")"

Hate speech by public figures

Although in the absence of clear definition or related legislation including anti-discrimination law it is sometimes very difficult to classify what can be regarded as hate speech, public figures have been making comments and remarks that have intention or effect of discrimination, defamation and inciting further hatred and violence against certain groups of people. Also considering the fact that these comments are made by influential public figures, cases should be examined with special attention especially in relation to Articles 19 and 20 of ICCPR.

The former Governor of Tokyo in his term had been making quite derogatory and discriminatory comments towards people from China, Korea and Taiwan, elderly women as well as lesbian, gay, bisexual, transgender. In his remarks people from China, Korea and Taiwan are often referred to as "Sangokjin" which has highly discriminatory implications and connected to criminal or thief. The current mayor of Osaka city made comments on the comfort women indicating that it was necessary, to which a lot of concerns were expressed within and outside Japan including the UN Secretary General as well as the Committee Against Torture (CAT).⁴

3. Conclusion and suggestions for the List of Issues

Currently there is no legislation in Japan which prohibits any forms of discrimination or deals with incitement to such discrimination or hatred. Some of the cases of increasing hate speech, demonstrations and similar attacks towards certain groups of people, especially against resident Koreans could be dealt with by the victims through legal measures. However, crimes recognised and addressed in the process were solely defamation, material damage or entry into private property. In almost all cases, human rights violations or discrimination identified and claimed by the victims in accordance with international human rights standards including ICCPR have not been reflected in the judgement. Thus, there is no appropriate remedies for victims at all. It is regrettable that these crucial issues are not properly, if not at all, stated in the State report of Japan. In addition, the increase in frequency and intensity of hate speech and demonstration against certain groups such as Koreans and Chinese can be regarded as closely connected to the development of relationship of Japan with certain countries and relevant territorial, historical and diplomatic issues between them. As could be seen in other cases in the history and present, the current situation embraces various factors that can escalate and even lead to open conflict or state of war causing numerous and diverse human rights violations. While there might be still discussion ongoing as to "how" to deal with hate speech, it is more than certain that proper and decisive action is required to stop and prevent further escalation of hateful speeches, demonstrations and other acts of incitement to

⁴ http://ajw.asahi.com/article/behind_news/politics/AJ201306030070 and Concluding Observations of CAT to Japan at its 15th Session (6 – 31 May 2013), CAT/C/JPN/CO/2, para 19

hatred.

At the same time, discriminatory remarks and statements that incite discrimination and hatred towards certain groups of people have been repeatedly made by public figures including high level government officials and governors of municipalities. These remarks and statements by influential persons can have certain negative impact on general public and be even seen as accepting or even facilitating the act of discrimination, hate speech and demonstrations against certain groups of people. However, no measures were taken to address this issue or much less challenge these persons.

Considering the above, we would like to suggest following questions i.e. aspects to be included in the List of Issues to Japan:

- Whether and what kind of measures are taken or planned by the government of Japan to address statements, speeches and demonstrations targeting certain groups of people, in particular Koreans, inciting hatred and discrimination towards them?
- Whether and what kind of measures are taken or planned by the government of Japan to address the suffering and needs of the victims of discrimination and hate speech including death threats and calls for “massacre”?
- Whether and what kind of measures are taken or planned by the government of Japan to address discriminatory remarks and statements made by public figures inciting discrimination and hatred towards certain groups of people such as minorities?