

# **NGO Report on The Issue of Hate Speech**

**in relation to the Issue No. 10 of the List of Issues  
adopted by the Human Rights Committee (CCPR/C/JPN/Q/6)**

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Supported by:

Center for Prisoner's Rights Japan

Human Rights Association for Korean Residents in Japan (HURAK)

Human Rights Now (HRN)

Japan Network towards Human Rights Legislation for Non-Japanese Nationals  
and Ethnic Minorities (NHRL)

Japanese Workers' Committee for Human Rights

Kanagawa Group Activating its Personal Information Protection Rules

Lawyers' Association of ZAINICHI Korean (LAZAK)

National Action to Resolve the Japanese Military 'Comfort Women' Issue

Steering Committee for the "Full Implementation of UN Recommendations to  
the State of Japan"

Solidarity Network with Migrants Japan (SMJ)

Support Group for the Case of Itabashi High School Graduation Ceremony and  
Freedom of Expression

The International Movement Against All Forms of Discrimination and Racism  
(IMADR)

The Organization to Support the Lawsuits for Freedom of Education in Tokyo

The Organization for the Rights of Children with Disabilities, Japan (RCDJ)

Women's Active Museum on War and Peace(WAM)

## **Suggestion for the recommendations to be issued by the Human Rights Committee**

The State party i.e. government of Japan should:

- seriously face and grasp the prevalence and increase in the cases of hate speech, conduct comprehensive research on the reality of all forms of discrimination and human rights violations, especially the act of hate speech, suffered by various minority groups in the country and immediately develop and carry out concrete measures to stop hate speech, taking into account the obligation of State parties under Article 20 2 of the Covenant as well as the Rabat Action Plan and the General Recommendation No. 35 of CERD;
- in order to address the cases of hate speech by high rank public figures, immediately improve relevant legislative and administrative framework by, among others, adding punishment clauses against acts of discrimination to the existing disciplinary code;
- immediately enact laws prohibiting discrimination in order to effectively address the issue of hate speech as well as establishing and ensuring comprehensive provision of remedies to the victims;
- develop concrete plan and carry out comprehensive education programme for the elimination of discrimination that includes modules on the international human rights standards in order to eradicate the acts of hate speech. Such programme should contain subjects and apply methodology that will eliminate discrimination in all spheres of the society. Furthermore, such programme should be conducted not only in public education, but also in central and local governments, public and private institutions, law enforcement bodies, companies, universities, media etc.;
- in developing measures to eliminate discrimination, ensure effective participation of relevant stakeholders such as the victims, minority groups, lawyers, experts in human rights education, counsellors, researchers and NGOs, reflect their views and effectively cooperate with them;
- in order to ensure that all the measures to eliminate discrimination be consistent with and conducted in compliance with international human rights standards, immediately establish the National Human Rights Institution in full accordance with the Paris Principles, and accept individual complaint and communication procedures of Treaty Bodies, especially that of the Human Rights Committee through the ratification of the first Optional Protocol under the Covenant.

## Comments on the reply of the State party / government of Japan to the List of Issues

In response to the questions raised by the Committee in its List of Issues, concerning the statements and speeches targeting certain groups of people and inciting hatred and discrimination towards them<sup>1</sup>, the government of Japan has stated “*Human Rights Organs of the Ministry of Justice conduct various promotion activities*” and “*when concrete human rights infringements are reported, the Organs start to investigate and to take appropriate measures depending on the cases.*”<sup>2</sup> In addition, it also responded to the question of the Committee in 2008 “*whether the State party intends to adopt criminal law provisions specifically criminalizing incitement to national, racial or religious hatred or treating racist motivation of such offences as an aggravating factor*”<sup>3</sup> that there is no need of such measure as it is properly dealt with<sup>4</sup>.

However, as highlighted in this report, the issue of hate speech is becoming more and more serious and cases are significantly increasing, especially after the last examination of Japan by the Committee in 2008, while the legislative and administrative framework of Japan remains simply ineffective to address this issue. The government of Japan has taken no substantial measures to tackle, prohibit or prevent the issue, or to grasp its prevalence and nature, whereas the government seems to have no willingness or interest to do so. There is currently no law in Japan that prohibits advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence as provided in the Article 20 2 of the Covenant. Moreover, there is no law that prohibits discrimination or effectively protect persons from discrimination in contradiction to the provisions of Article 2 and 26 of the Covenant. Although Japan has ratified the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) in 1995, it still maintains its reservation on the Article 4 (a) and 4 (b).

The lack of such laws becomes highly problematic in cases of hate speech targeting a group as a whole, e.g. Koreans, without specifying certain individuals, as provisions in the Penal Code or Civil Code, if any, can only be applied to the cases of individuals or specific organizations. In a contradictive way, such act of hate speech is even protected as the freedom of expression. For example, approvals are even given to demonstrations in the residential areas of Koreans, whereby perpetrators of hate speech shout “Kill all the Koreans!!!” Under such circumstance, the police is rather protecting those who conduct racist and discriminative demonstrations from those who protest against such acts of racial discrimination and hate speech. The Osaka prefectural police even prohibits any acts of protest against racial hate speech, if the acts of hate speech are done in a police-permitted demonstration, providing the space for perpetrators of hate speech to conduct what they want without any disturbance. By April 2014, there have been about 20 arrests in relation to

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<sup>1</sup> CCPR/C/JPN/Q/6, para 10

<sup>2</sup> CCPR/C/JPN/Q/6/Add.1, para 79

<sup>3</sup> CCPR/C/JPN/Q/5, para 24

<sup>4</sup> Response of the government of Japan to the List of Issues by HR Committee (in Japanese), page 40:  
[http://www.mofa.go.jp/mofaj/gaiko/kiyaku/pdfs/jiyu\\_kaito.pdf](http://www.mofa.go.jp/mofaj/gaiko/kiyaku/pdfs/jiyu_kaito.pdf)

the racist and xenophobic demonstrations, but most of the arrested were those who protested against such demonstration.

At the same time, hate speech targeting specific individuals or organisations could be regarded as tort under the Civil Code and, thus, victims of hate speech could take the option of civil trial. However, there is no effective mechanism of providing effective remedies to the victims of human rights violations and the option of usual civil trial will create more economic, mental and timely burden on the victims. Therefore, there have been less cases of hate speech being brought to civil trials which usually takes two to three years, while the victims have to cover all the costs relating to the trial and legal representation e.g. hiring lawyers. Moreover, since there is no law prohibiting discrimination, victims are made responsible to collect evidences and prove the facts of discrimination and its illegality, whereby the burden of proof is completely put on the victims. Against this backdrop, there are also concerns among victims that going into trial might lead to another round of hate speech and intimidation targeting them. Even if cases are brought to the court, it has been extremely rare that discriminative intention is taken into account and reflected in the sentence or in the amount of compensation for damages.

If the act of hate speech could be considered as already existing crimes under the Penal Code such as intimidation, the victims can file a complaint to the police or the public prosecutor's office, while it is only the public prosecutor who can prosecute / indict the case. The police as well as the public prosecutors are usually reluctant in arresting or prosecuting the perpetrators of hate speech as there is no law prohibiting the act of hate speech as such but there are only laws protecting freedom of expression. In particular, if the target of hate speech is the ethnic Koreans who are regarded as being associated with Democratic Peoples' Republic of Korea (hereafter DPRK or North Korea), incidents tend to be ignored against the backdrop that the government of Japan has been taking rather hostile policy towards DPRK due to the issue of abduction (as referred to in the other part of this report) as well as the police has also the policy of pressuring those who are regarded as being close to DPRK. The chief of the National Police Agency at the time of the first Abe cabinet, Mr. Iwao URUMA, has stated that, regarding the issue of the abduction, it is the duty of the police to pressurise North Korea. In theory, it is also possible that the discriminatory intention of the crimes is taken into account when giving the sentence, but it is not actually applied in practice. Among all the cases so far, there has been only one case where the discriminately intention was reflected in heavier sentence with the only one exception of the case of the discriminatory letters sent to an individual of Buraku origin, which is referred to in the other part of this report.

Concerning the issue of racial superiority propaganda and the designation of businesses as for "Japanese Only" as raised by the Committee in its List of Issues<sup>5</sup>, the reply of the government of Japan does not provide any direct answer or concrete data, but merely information on general and

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<sup>5</sup> CCPR/C/JPN/Q/6, para 10

vague awareness raising activity against discrimination in the employment. This insufficient or rather dodging answer by the government of Japan actually shows the reality that those acts are even legal in Japan, but nothing has been done by the government to the “Japanese Only” signs indicated in a number of places, or to address the root causes and the issue itself.

### **Background and current situation of the issue**

i) Increasing and escalating xenophobic demonstration and hate speech by racist groups<sup>6</sup>

Incidents of hate speech, in particular those targeting Koreans, have actually been continuously occurring since the end of the World War II against the backdrop of the failure of Japanese government to apologize and compensate for its acts of colonialism in the Korean peninsula, and its discriminatory policy towards ethnic Koreans in Japan putting them even under special surveillance. Especially the issue of hate crimes and hate speech has become more and more acute and serious against the students of Korean schools. In the 60s and 70s, there were at least 231 cases of violence against ethnic Koreans in Japan including a murder of a Korean high school student by Japanese high school students.<sup>7</sup> Since the 80s, every time when relations with DPRK, the only one country with which Japan has no official diplomatic relationship, became problematic to Japan, hundreds of incidents of verbal abuses, harassment and violence against Korean schools as well as their students, including the one where female students of Korean schools were attacked and their ethnic school uniform cut by a box-cutter, have occurred all over Japan. In particular in 2002, when some ten cases of abduction of Japanese citizens were recognised and apologised at the meeting of State heads of Japan and North Korea, more than 1000 of such cases were reported in the following half a year.<sup>8</sup> At that time, groups of lawyers have conducted interviews and survey among the students of Korean schools in the Tokyo metropolitan region, Osaka, Aichi and Fukuoka prefectures in order to grasp the reality and impact of those incidents. Of all the incidents researched, three quarter can be identified as hate speech, whereby students were verbally abused with statements such as “Die!”, “Go out!” or “We should have massacred you all during the colonial time.”, and a quarter was physical violence including kicking down from the stairs at the station, punching, and spitting, which can be clearly seen as hate crimes. There were more victims among lower grade than higher, and female than male students. In Osaka, half of the Korean junior high school female students have become victims of such acts.

The fact of the incidents of hate crimes and hate speech against students of Korean schools were partially recognised by the government of Japan in its periodic report submitted to CERD in 2000 (para 81 and 84). After the consideration of the government’s reports in 2001 and 2010, CERD has expressed concerns and issued recommendations to take decisive measures and to fully implement the provisions of the ICERD especially prohibition of discrimination based on the

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<sup>6</sup> Please also refer to the attached DVD

<sup>7</sup> Based on the survey of the Human Rights Association of Korean Residents in Japan

<sup>8</sup> Please also refer to the attached DVD

ICERD Article 4<sup>9</sup>. However, the government of Japan has never taken any concrete measures or conducted any research or investigation on the cases.

At the same time, given the development and spread of the internet, online anonymous discriminatory remarks have significantly increased since the beginning of the 21<sup>st</sup> century. In January 2007, a racist group named “Citizens’ group not allowing the privileges of Korean residents in Japan” (so called “ZAITOKUKAI” in Japanese) has been established with the initial member of about 500 persons, who mainly joined it through the internet. Zaitokukai, since its establishment, has been organising demonstrations and hate speeches with some ten to hundred participants throughout Japan, whereby statements such as “kick out the scum Koreans!”, “kill 50,000 Korean prostitutes!” or “Murderer, Rapist, that’s Koreans!” were shouted out.<sup>10</sup> Zaitokukai has video recorded its demonstrations, uploaded them in the internet, continuously inciting discrimination through cyber-space and gaining more supporters. As of April 2014, it is shown on its website that Zaitokukai has about 14,000 members, while there are other similar racist groups such as “Citizens’ group for the restoration of sovereignty”. Especially after the start of the current cabinet with Prime Minister Shinzo ABE, who has been denying the history / responsibility of Japan’s colonialism, in December 2012, the number of xenophobic demonstration organised by racist groups including Zaitokukai has rapidly increased taking place in various cities including Tokyo, Osaka, Kobe, Kyoto, Kawasaki and Sapporo. According to the online survey of the International Network to overcome Hate Speech and Racism (so-called “NORIKOE NET” in Japanese)<sup>11</sup>, there were more than 360 cases of racist demonstrations and speeches in 2013.

In addition to Koreans, Zaitokukai also targets Chinese, Burakumin, migrant workers and their families, victims of “comfort women” by Japanese military, as well as companies, unions, organisations and individuals that support these targeted groups and minorities. Japanese national flags, the flags of the rising sun that were used by former Japanese military and currently by the Japanese Defence Force, and even the flags of Hakenkreuz of Nazis<sup>12</sup> are used in the demonstrations<sup>13</sup>.

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<sup>9</sup> CERD/C/304/Add.114, para 14 and CERD/C/JPN/CO/3-6, para 13

<sup>10</sup> Please refer to the attached DVD for the actual circumstances of these demonstrations and hate speeches

<sup>11</sup> Norikoe Net was established in September 2013 having co-representatives of Korean human rights activists, former prime minister, lawyers, researchers etc. with its office in Tokyo:  
<http://www.norikoenet.org/declaration.html>

<sup>12</sup> Also ref. the Asahi newspaper (“Asahi Shimbun”), 1 May 2014:

[http://ajw.asahi.com/article/behind\\_news/social\\_affairs/AJ201405010052](http://ajw.asahi.com/article/behind_news/social_affairs/AJ201405010052) (last accessed on 2 June 2014), the article can also be found in the Annex

<sup>13</sup> Please also refer to the attached DVD for the actual circumstances of these demonstrations and hate speeches

**Pictures: Xenophobic demonstrations by racist groups**



“Good or bad, kill all Koreans”



“The huge lie of Korean comfort women. It's massive human rights violation against Japanese.”



ii) Increasing hate speech and hate crimes: court cases and recent incidents

There have been several court cases of hate speech and hate crime by these racist groups e.g. civil and criminal trials on the attack against a Korean school in Kyoto as well as against Teachers' association in Tokushima, both in 2010, civil trial on the hate speech against Suiheisha Museum in Nara in 2011, criminal trial on the intimidation against Rohto Pharmaceutical Co. in 2011, criminal trial on the intimidation against city museum in Kobe in 2013 and criminal trial on the attack with an imitation sword at Kawasaki station in 2014. Among those, the case against the Korean school in Kyoto is highlighted below as an example.

On 4 December 2009, about 1 pm, eleven people, consisting of members of Zaitokukai as well as those of the Citizens' group for the restoration of sovereignty, showed up in front of the gate of

Daiichi Kyoto Korean primary school and shouted out statements such as “Korean schools, they aren’t school at all”, “You are North Korean institute for building spies”, “Promises are only made between humans, so nothing can be made between humans and Koreans”, or “Eat shit” for about an hour using microphone<sup>14</sup>. In addition, those persons have moved the platform of the school placed in the park in front of the school and put it against the school gate, push down the soccer goal in the park and demanded the school to take these into the school. The cable connecting speakers and other facilities of the school in the park was cut by them and damaged. All the facilities moved and damaged by the group were owned by the school and placed in the park with legal permission of the city that is the owner of the park. There were about 150 pupils in the school at the time of the attack and more and more children started crying out of fear, whereby all the classes had to be stopped. Zaitokukai with about 30 participants have again gathered in the park in front of the school on 14 January 2010, carried out demonstration around the school and shouted loudly with microphone making statements such as “Koreans must be disposed at public health centre”. As it was informed in advance, the school evacuated children before these acts of Zaitokukai took place. Moreover, end March 2010, Zaitokukai has organised another demonstration near the school shouting “Cockroach Koreans, Scum Koreans, go back to Korean peninsula”. Although the police was actually present all the three times of the appearance watching criminal acts of Zaitokukai in front of the school gate, nothing was done but a silent observation.

The school has filed a complaint and four perpetrators were arrested and prosecuted with the crimes of obstruction of business by force, contempt and property damage. They were convicted at the Kyoto district court, but discriminatory intention was not considered or reflected at all in the judgement whereby the perpetrators were sentenced to one to two years imprisonment with suspension as usually practiced in criminal cases which do not involve racism. The convicted four have been continuing their discriminatory actions even after the judgement. At the same time, the case was also tried in the civil court and the Kyoto district court in October 2013 has recognised the hate speech of the perpetrators as an act of racial discrimination prohibited by ICERD. It is the very first judgement by Japanese court in which an act of hate speech was recognised as racial discrimination. The case was appealed by the defendants and the trial is still going on at the Osaka High court.<sup>15</sup> The judgement of the district court has also pointed out that acts of hate speech targeting unspecified number of persons or groups cannot be addressed under current legal framework of Japan, unless new law is enacted.

The case of the Suiheisha museum, a museum commemorating the origin of the Buraku liberation movement, whereby then Vice chair of Zaitokukai has carried out hate speech in front of the museum with statements such as “you guys are really really dirty and vulgar” or “Come out

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<sup>14</sup> Please refer to the attached DVD for the actual circumstances of these demonstrations and hate speeches

<sup>15</sup> There was also a demonstration against the court ruling, ref. the Asahi newspaper (“Asahi Shimbun”), 22 November 2013: [http://ajw.asahi.com/article/behind\\_news/social\\_affairs/AJ201311220082](http://ajw.asahi.com/article/behind_news/social_affairs/AJ201311220082) (last accessed on 2 June 2014), the article can also be found in the Annex

Etta<sup>16</sup>”, was brought to Nara district court and sued in a civil trial. It was recognised as an act of tort and compensation of 1.5 million JPY was ordered<sup>17</sup>.

In January 2014, a man has entered the Kobe Korean school and attacked the teachers with iron pipe by shouting “Are you Korean?”, although his relationship to racist groups was not clear. In February 2014, pages of more than 300 copies of Anne Frank’s diary were torn in libraries in Tokyo as well as in some bookstores. In May 2014, the memorial tree, which was planted in 2011 by Japanese and Korean university students with the support of the consulate of South Korea in Hiroshima near the memorial monument for the Korean victims of the Atom bomb in Hiroshima Peace Park, was uprooted by somebody.

**Pictures: Attacks on the Korean school in Kyoto by racist groups**



iii) Repeated remarks by public figures distorting history

Regarding the issue of discriminatory remarks and hate speech by public figures, concerns were expressed by CERD<sup>18</sup>, but no measures have been taken by the government of Japan towards the issue or to implement the Article 4 c of ICERD. One of the joint representative of the Japan Restoration Party (so called “Ishin no Kai” in Japanese, currently holding 11 % of the seats in the House of Representatives), Shintaro ISHIHARA (currently a member of the House of Representatives, former governor of Tokyo) was criticised by CERD of his discriminatory remarks towards ethnic Koreans and Chinese in Japan, but still continuing discriminatory statements without any reflection on his behaviour or regret. For example, on the occasion of a rally mobilizing members of local assemblies in Japan (“Zenkoku Chihou Giin Kinkyu Kekki Shukai” in Japanese) in April 2010, which was organised to oppose the plan of then coalition government to consider introduction of voting by permanent foreign residents in Japan, Ishihara stated that some of the heads of ruling parties are naturalised Japanese of Korean or Chinese origin, and maybe that is why they are considering the voting right of foreign residents because of their ancestors.<sup>19</sup> Moreover, he has been repeatedly slandering the victims of the comfort women practice of Japanese military as “prostitutes” and denying the history of colonialism and the war time responsibilities of Japanese military and the government.

<sup>16</sup> “Etta” is one of the discriminatory terms used against Burakumin

<sup>17</sup> Please refer to the attached DVD for the actual circumstances of the incident

<sup>18</sup> CERD/C/304/Add.114, para 14 and CERD/C/JPN/CO/3-6, para 13

<sup>19</sup> The Tokyo Newspaper (“Tokyo Shimbun”) on 18 April, 2010

In May 2013, the other joint representative of the Japan Restoration Party, Toru HASHIMOTO (Mayor of Osaka city) has stated in a press conference at the city hall of Osaka that comfort women were necessary.<sup>20</sup> In the same month, another member of the Japan Restoration Party, Shingo NISHIMURA (a Member of the House of the Representatives) stated in a meeting of the Party that comfort women are not sexual slaves, but prostitutes, and there are still a lot of Korean prostitutes in Japan, so “we can call them, hey, you South Korean comfort women!, at the amusement centre of Osaka”.<sup>21</sup> Concerning these behaviour and remarks of public figures, recommendations were also issued by CESC and CAT to the government of Japan.<sup>22</sup> However again, the president of the Japanese public broadcasting station “NHK” (Nippon Hoso Kyokai in Japanese, a public station established under the Broadcasting Act), Katsuto MOMII has stated, as his personal remarks, at the press conference on the occasion of his inauguration of the post in January 2014 that every country had the system / practice of comfort women.<sup>23</sup> The current prime minister, Shinzo ABE, has also stated, when he took the office for the first time in 2007 that there was no elements of narrow-defined “forcibility” whereby the authorities would break ~~broke~~ into the houses and take the women away like abducting them.<sup>24</sup> All these public figures still remain in their public position today without being questioned about their legal responsibilities.

iv) Hate speech in the printed media and the internet

A daily evening paper of Japan, “Yukan Fuji”, which publishes about a million copies, has almost always headlines inciting hatred towards South and North Korea. In 2005 and 2006, in total about a million copies of comics inciting hatred towards South and North Korea as well as Korean residents in Japan were sold in Japan. Since autumn 2013, there have been more than 20 books bashing South and North Korea were published, of those some became best-sellers, whereby the amount and sales of anti-Korea and anti-China books are making it almost a genre in book business.<sup>25</sup> As an example, the book named “Bokanron” (meaning “theory of stupid Korea”) was published in December 2013. Written by a former newspaper correspondent who was stationed in Seoul, in a discrimination and hatred inciting manner and having slanderous phrases such as “the root causes and responsibility of all the problems lie with the sickness of South Korea” or “shamelessness of the huge export country of prostitutes”, Bokanron has sold more than 200,000 copies by March 2014. Widely read weekly magazines such as “Shukan Bunshun” (about 700,000 copies) and “Shukan Shincho” (about 600,000 copies) have been publishing articles inciting

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<sup>20</sup> Among others, the Asahi newspaper (“Asahi Shimbun”) on 13 May 2013, [http://ajw.asahi.com/article/behind\\_news/politics/AJ201305130131](http://ajw.asahi.com/article/behind_news/politics/AJ201305130131), and BBC on 14 May 2013, <http://www.bbc.com/news/world-asia-22519384> (last accessed on 2 June 2014)

<sup>21</sup> Among others, the AP article published in the USA Today, <http://www.usatoday.com/story/news/world/2013/05/17/more-controversy-%20for-japan-party-over-sex-comments/2193269/> (last accessed on 2 June 2014)

<sup>22</sup> E/C.12/JPN/CO/3, para 26 and CAT/C/JPN/CO/2, para 19

<sup>23</sup> Among others, BBC on 26 January 2014, <http://www.bbc.com/news/world-asia-25901572> (last accessed on 2 June 2014)

<sup>24</sup> At the budgetary meeting of the House of Representatives on 5 March 2007

<sup>25</sup> E.g. ref. Japan Times on 8 March 2014, <http://www.japantimes.co.jp/news/2014/03/08/national/media-national/media-implicit-in-normalizing-xenophobia/#.U4PoJ14xEI> (last accessed on 2 June 2014)

hatred towards South and North Korea as well as China almost every time.

**The heading of**  
**“Shukan Bunshun”**



*“Revenge against  
South Korea!”*



**The heading of**  
**“Shukan Shincho”**



*“There is  
criminals in the  
family of Park  
Geun-hye.”*



Moreover, discriminatory remarks and statements against South and North Korea, Koreans as well as Burakumin are becoming more and more prevalent in the internet. Then Member of the House of Councillors, Mr. Hiroshi SUZUKI, has conducted an online research between 31 December 2012 (after the start of the second Abe cabinet) and 1 April 2013 using the analysis tool for social media and online communication “boom research” with the key words that are often used in xenophobic demonstrations such as “Zainichi” (term used towards ethnic Koreans in Japan), “Kankokujin” (term used towards South Koreans) and “Chousenjjin”(term used towards North Koreans). As a result, it was found out that the online usage of those terms, among others in the website, blogs and other online communication platforms have significantly increased (“Zainichi” from 7,500 to about 25,000, “Kankokujin” from 6,000 to more than 20,000 and “Chousenjjin” from 5,000 to 13,000). At the same time, a large number of discriminatory comments are posted / sent to websites, blogs and twitter accounts that obviously have Korean names and many of the owners of those website, blogs and twitter accounts are forced to shut them down. For example, the former boxing world champion and third generation ethnic Koreans in Japan, Mr. Hon Chonse also had to shut down his official website due to the too large number of discriminatory comments and remarks posted / sent to it, especially since the news about the abduction of Japanese citizens by North Korea was published in 2002. To the website of the NORIKOE Net<sup>26</sup>, more than 200,000 harassment mails were sent within a month after its establishment in September 2013.

v) “Japanese Only” display and racist expressions by private actors

In March 2014, a “Japanese Only” banner was hung out in the home stadium of a popular professional football team in the top Japanese league, Urawa Red Diamonds, by a group of its supporters. As it turned out that the team was aware of the hanging of such banner, but did not take any measures, leaving the banner {hanged} out till the end of the match, the Japanese League

<sup>26</sup> Ref. above part of the report

(J-League), which belongs to the International Federation of Football Association (FIFA), has taken disciplinary measures against the team including playing the following home-game in an empty stadium.<sup>27</sup> At the same time, the “Japanese Only” designation can be found in a number of cities and various places i.e. shops and stores including restaurants, public baths, bars, discos, ballet schools, internet cafes, pool bars, or newspaper retailers.<sup>28</sup> At the same time, “Foreigners OK” signs can sometimes be found in real estate advertisement. However, it rather shows the reality that basically real estate properties are not offered to foreigners. According to the survey of individual local governments such as Kyoto city or Kobe city, it was found out that almost half of the residents with foreign nationality have experienced discrimination in the search for real estate properties and renting rooms.

### **“Japanese Only” and “Japanese” banners hung out in the stadium**



In April 2014, it was reported that at least 38 posters saying e.g. “Protect precious pilgrimage route from the Koreans<sup>29</sup>” or “Recently, shameless Koreans are affixing gross seals all over Shikoku region” were found out by the local governments in 25 areas throughout the pilgrimage route spread in three prefectures of Shikoku region.<sup>30</sup> These posters were apparently put up against the backdrop that a Korean women, who was selected as an official guide of the pilgrimage route<sup>31</sup>, has added trail marker stickers in Korean language to trail marker displays in Japanese with the permission of houses and shops where those markers were displayed.

In 2010, concerns were expressed by CERD regarding the “cases of difficulty in relations between Japanese and non-Japanese and, in particular, cases of race and nationality-based refusals of the right of access to places and services intended for use by the general public, such as restaurants,

<sup>27</sup> Also ref. the Asahi newspaper (“Asahi Shimbun”), 28 April 2014:

[http://ajw.asahi.com/article/behind\\_news/social\\_affairs/AJ201404280062](http://ajw.asahi.com/article/behind_news/social_affairs/AJ201404280062) (last accessed on 2 June 2014), the article can also be found in the Annex

<sup>28</sup> E.g. ref. <http://www.debito.org/roguesgallery.html>

<sup>29</sup> The term used in the poster is “Chousenjin”

<sup>30</sup> The Sankei newspaper Kansai (Western Japan) version (“Sankei Shimbun Kansai”), 24 April 2014

<sup>31</sup> Official guides are selected and appointed among those who have the experience of at least four times of pilgrimage and recommended by the temple where the candidate concerned does the main training, by the Official Guide Examination Committee of the Association of 88 Shikoku pilgrimage temples’ association. The Korean woman concerned is the first foreign person who has been appointed as the official guide.

*family public bathhouses, stores and hotels, in violation of article 5 (f) of the Convention (arts. 2 and 5)” and it was recommended that “the State party counter this generalized attitude through educational activities directed to the population as a whole and that it adopt a national law making illegal the refusal of entry to places open to the public”.<sup>32</sup> However, no such law or even any law prohibiting discrimination is adopted in Japan, while all these discriminatory or racist expressions as well as race and nationality-based refusal of the right of access to place and services for the general public are legal under current legal framework, and thus, cases are still continuing and being reported.*

vi) Widespread harassment against minority individuals

There are endless reports of harassment against individuals of ethnic minority by those who found out the individual’s minority identity. For example, letters stating discriminatory words such as “Die, Eta<sup>33</sup>” were continuously sent to the apartment of a man of Buraku origin for about 1 and a half-year since 2003. The landlord of his apartment had also received letters requesting to kick out the person of Buraku origin from the apartment. The perpetrator was eventually found, arrested and sentenced to 2-year imprisonment. However, the sentence was given based on the crimes of contempt and intimidation as defined under the Penal Code, but not the acts of discrimination.

In 2007, a 20-year old Indian student was continuously bullied by others at the university with e.g. comments like “Hey you, Osama Bin Laden” and eventually committed suicide. A year after his suicide, the father of the Indian student has also committed suicide. The university concerned has taken no measure until 2010, when the family of the deceased appealed to it and the university eventually started investigation, found out and recognised the fact of bullying, and apologised.

In 2010, a 12-year old half-Filipino girl had been persistently bullied and molested by others at school, who continually hurled words such as “dirty” or “stinking” at her for one year, and the girl committed suicide. The parents of the girl has brought the case to the civil court and, in 2014, the Maebashi district court has recognised the responsibility of the school.

On 25 May 2014, three teenagers (16 – 19 years old) were arrested in Saga prefecture on the suspicion of violence that these persons have thrown raw eggs several times from a car to a Nepalese student, who was on his way on the street by bicycle. According to the language school, where the Nepalese student is presently learning Japanese, in total 19 foreign students have been attacked with raw eggs and air guns since December 2013. The case is currently being investigated by the police.<sup>34</sup>

At the same time, 80 to 90 % of Korean students going to Japanese schools are using Japanese names, instead of their original / real Korean name, because of the fear of discrimination and

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<sup>32</sup> CERD/C/JPN/CO/3-6, para 24

<sup>33</sup> One of the discriminatory terms used against Burakumin

<sup>34</sup> The Mainichi newspaper (“Mainichi shimbun”), 27 May 2014

harassment based on their Korean identity<sup>35</sup>. For example, Tokyo University has consulted a number of its Korean students who have their names stated on the door of their residence and concerned that anonymous letters have been repeatedly sent to them with articles attacking Korea.<sup>36</sup>

vii) Cover-up and neglect by the government of Japan

As highlighted in this report, a number of cases of hate speech are reported in Japan with significant dimension and seriousness, whereas the Prime Minister as well as the Minister of Justice have expressed their concerns at the Diet in May 2013.<sup>37</sup> However, nothing as such is stated in the 6<sup>th</sup> periodic report of the government of Japan or its reply to the list of issues. In the periodic report of Japan submitted to CERD on 14 January 2013, it is even stated, without any reasonable grounds, data or research being conducted, “*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.*”<sup>38</sup> Furthermore, the Ministry of Foreign Affairs was asked a question whether the xenophobic demonstrations and activities of Zaitokukai are regarded as acts of discrimination being prohibited by ICERD, but the Ministry has not provided any answer at all. Concerning all the behaviour and approach of the government of Japan towards the issue of hate speech<sup>39</sup> as well as ethnic discrimination, it appears that the government is avoiding facing the reality of discrimination in Japan and trying to hide the facts of existing issues, while ignoring its obligation under international human rights treaties. At the same time, the current Abe cabinet has even adopted a cabinet decision on 18 June 2013, regarding the recommendations issued by the Committee Against Torture in June 2013 concerning the discriminatory and humiliating remarks against “comfort women” victims made by high rank officers<sup>40</sup> (see the above iii)), that the Treaty Body recommendations are not legally binding and is taking rather aggressive approach to ignore it.<sup>41</sup>

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<sup>35</sup> According to the research of local governments such as Osaka Prefecture and Kyoto city

<sup>36</sup> Based on the research of the Japan Network towards Human Rights Legislation for Non-Japanese Nationals and Ethnic Minorities conducted individually with the Korean students and relevant researchers

<sup>37</sup> Ref. the Asahi newspaper (“Asahi shimbun”), 10 May 2013:

[http://ajw.asahi.com/article/behind\\_news/social\\_affairs/AJ201305100069](http://ajw.asahi.com/article/behind_news/social_affairs/AJ201305100069) (last accessed on 2 June 2014), the article can also be found in the Annex

<sup>38</sup> CERD/C/JPN/7-9, para 84

<sup>39</sup> Also ref. Japan Times, 10 July 2013:

<http://www.japantimes.co.jp/news/2013/07/10/national/social-issues/politicians-silent-on-curbing-hate-speech/#.U4XfwF4xGJI> (last accessed on 2 June 2014), the article can also be found in the Annex

<sup>40</sup> CAT/C/JPN/CO/2, para 19

<sup>41</sup> The Asahi newspaper (“Asahi shimbun”), 18 June 2013