

To: The Office of the United Nations High Commissioner for Human Rights

International Covenant on Civil and Political Rights

Based on Article 40, Paragraph 1(b)

**Mindan (Korean Residents Union in Japan) Report on the 7th Japanese
Government Report Review**

Title: Discrimination Against Zainichi Koreans (Ethnic Koreans in Japan)

**Reporter: The Committee on the Protection of Human Rights, Central Head
Office of Mindan (Korean Residents Union in Japan)**

September 8, 2022

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Introduction to Mindan (Korean Residents Union in Japan)

The Korean Residents Union in Japan (or “Mindan”) was founded in October 1946 as an autonomous organisation for Zainichi-Koreans (ethnic Koreans in Japan) who were coercively or semi-coercively brought to Japan due to Japanese colonial rule and wartime policies and had no choice but to abandon their return home after liberation.

Mindan is a living community of Korean residents of Japan that has a history of overcoming hardships as a social movement to defend their rights and interests as a local residents' organisation and to eliminate various forms of discrimination, even in the face of administrative and social discrimination in their country of residence (Japan). It is the leading ethnic organisation of ethnic Koreans in Japan, with 48 regional offices and 258 branches throughout Japan.

The Committee on the Protection of Human Rights, Central Head Office of Mindan is a committee established within the Central Head Office of Mindan to protect the human rights of ethnic Koreans in Japan and includes ethnic Korean lawyers in Japan (who are qualified in Japanese lawyers).

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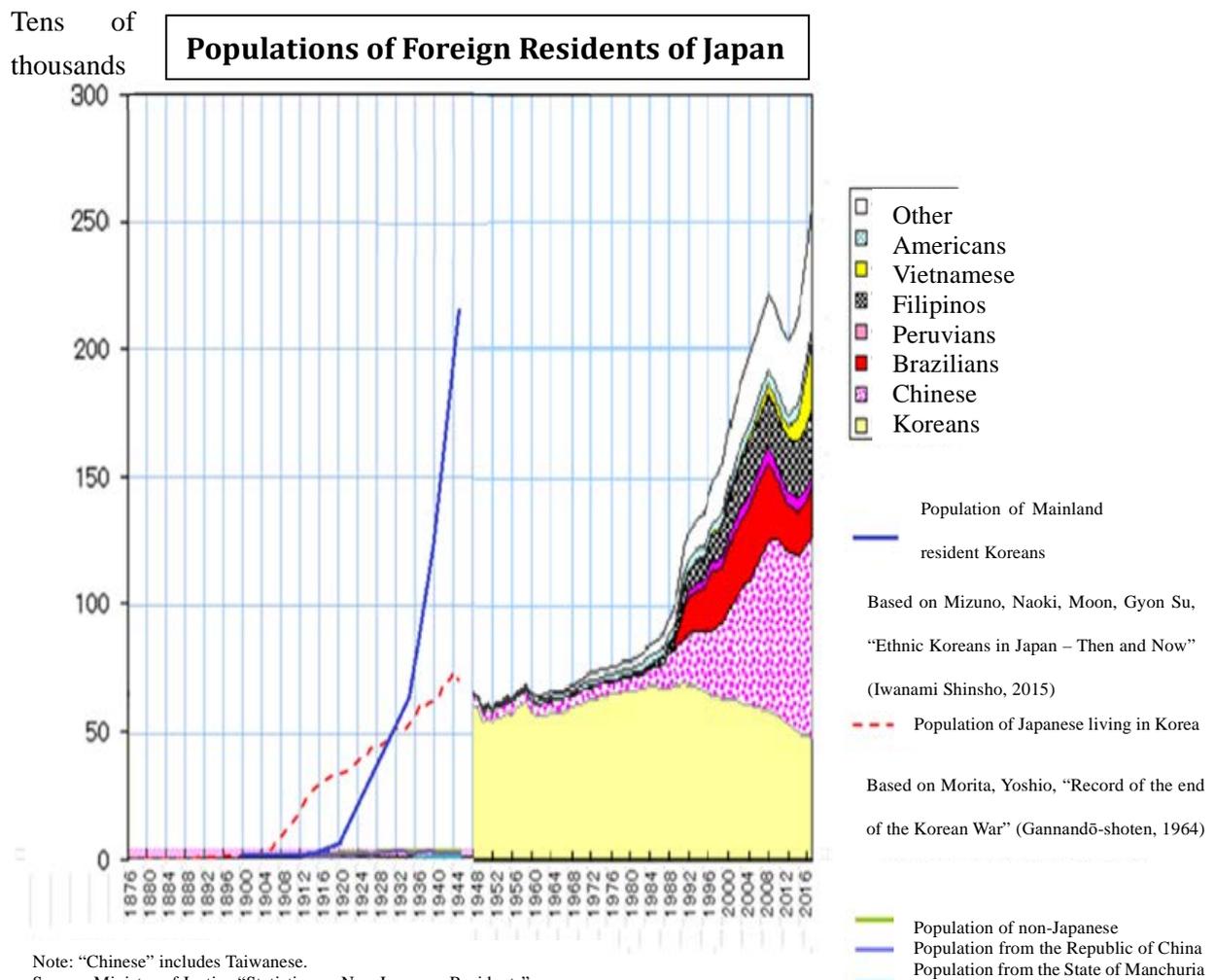
Ethnic Koreans are one of the largest ethnic and racial minority groups in Japan. As of 2021, there are estimated to be around 1 million people of Korean descent living in Japan (the total population of which is approximately 125 million) but the actual number is not known as, although the Japanese government keeps official statistics on foreign nationals, it does not keep official statistics on racial and ethnic minorities who have Japanese nationality. The Japanese government also does not keep official statistics on persons of multiple nationalities who also have non-Japanese citizenship and treats such persons simply as having Japanese citizenship.

Therefore, there are no official statistics on the actual number of ethnic Koreans in Japan and their descendants who hold only Japanese nationality or both Korean and Japanese nationality. There are, however, official statistics on the population of ethnic Koreans in Japan who do not have Japanese nationality, but only Korean nationality and, of those who do not have Japanese nationality, but only Korean nationality, approximately 360,000 have permanent resident status in Japan, 300,000 of whom have special permanent resident status. In 1991, Japan granted special permanent resident status to persons originating from former colonies of the Empire of Japan and their descendants (specifically ethnic Taiwanese and Koreans in Japan). Note that if a special permanent resident acquires Japanese nationality, their special permanent resident status is terminated. Part of Mindan is made up of general permanent resident status (i.e. not special permanent resident status) holders (who hold Korean nationality but not Japanese nationality), persons holding only Japanese nationality, and persons holding both Japanese and Korean nationality. However, many Mindan members hold special permanent resident status (holding Korean nationality but not Japanese nationality).

We would like to draw attention to a point in the legal situation concerning ethnic Koreans in Japan which we believe may constitute a globally unique case in the world. The reason for this is that, despite ethnic Koreans in Japan having grown five or six generations, there are still hundreds of thousands of people who do not have the nationality of their country of residence (Japan), as described above. The Japanese government then restricts and deprives ethnic Koreans in Japan of their rights on the basis that they do not hold Japanese citizenship. However, Japan's Nationality Act (enacted in 1950) has not changed since 1950 in that it (1) is based strictly on *jus sanguinis* principle with few elements of *jus soli*, (2) strictly restricts multiple nationalities, and (3) allows the Japanese Government free discretion over the acquisition of Japanese nationality through 'naturalisation', recognising little right to acquire nationality. As a result, even today, the acquisition of Japanese nationality tends to be understood, both by the ethnic/racial majority and by the ethnic/racial minority, as a way for the ethnic/racial minority to abandon its identity and 'assimilate' into the Japanese ethnic/racial majority.

The fathers of ethnic Koreans in Japan travelled from colonial Korea to mainland Japan in the early years of the Japanese Empire's colonial rule of Korea (1910-45) but, despite the fact that 100 years have already passed, a large number of them still do not have Japanese nationality, while Japan has not eliminated discrimination against ethnic Koreans in Japan on the basis of their lack of Japanese nationality. Of course, hate speech, hate crimes and other forms of social discrimination against ethnic Koreans in Japan who have acquired Japanese citizenship, as well as against people and children with both Korean and Japanese roots, are also strong in Japan and this report reports on these forms of discrimination. However, a significant part of this report relates to discrimination against ethnic Koreans in Japan who do not have Japanese citizenship.

We will describe the historical background of ethnic Koreans in Japan here. During the period of colonial rule (1910-45), the Empire of Japan asserted territorial sovereignty over the territory of Korea and interpersonal sovereignty over Koreans, forcibly granted Japanese nationality to Koreans, and did not readily allow Koreans to renounce it, using the Japanese nationality of Koreans as the legal basis for its domination over them. Under colonial rule, Koreans were forced to assimilate into the ethnic Japanese and to cooperate in the Japanese war effort and, at the time of the Japanese Empire's defeat in World War II, there were over two million Koreans on the Japanese mainland, partly due to their having been mobilised by the Japanese Empire for the war effort. After the defeat, many Koreans, including mobilised workers, returned to liberated Korea. On the other hand, some 600,000 Koreans, mainly those who travelled to mainland Japan from around the 1920s onwards and already had a social base in mainland Japan, as well as those who returned to Korea but then came back to Japan due to difficult social circumstances, continued to live in Japan. These 600,000 people and their descendants form the majority of the Mindan membership.



Note: "Chinese" includes Taiwanese.
Source: Ministry of Justice "Statistics on Non-Japanese Residents"
Source: Honkawa Data Tribune (<http://honkawa2.sakura.ne.jp/1180.html>)

Based on the "Statistical Report of the Ministry of Home Affairs of the Empire of Japan"

After the colonisation of Korea by the Japanese Empire in 1910, the number of Koreans travelling from Korea to Japan increased rapidly, especially from around the 1920s. Most ethnic Koreans in Japan who hold only Korean nationality are those who have been living in Japan since before World War II and their descendants and, as more than 100 years have passed since their arrival in Japan, the fifth and sixth generations of ethnic Koreans in Japan are being born. The legal circumstances of ethnic Koreans in Japan are characterised by the fact that, in spite of this, there are still hundreds of thousands of ethnic Koreans who do not have the nationality of their country of residence (Japan) and who are subject to discrimination, whether public or private, on the grounds of their lack of Japanese nationality and that this discrimination is not easily rectified, for example by the courts.

The Japanese Empire treated ethnic Koreans in Japan as Japanese nationality holders residing on the mainland of the Japanese Empire prior to the defeat thereof in 1945. Although colonisation occurred in 1910, the above chart shows that the population of ethnic Koreans in Japan has increased significantly since the 1920s. Following the outbreak of the Japanese Empire's war with China in 1937 and then with the USA, UK, etc. in 1941, the number of Koreans mobilised to the Japanese mainland for the war effort increased rapidly, resulting in a rapid increase in the population of Koreans living in Japan. The above chart shows that, at the time of the defeat in 1945, the population of ethnic Koreans in Japan was over 2 million. On 28 April 1952, Japan officially stripped ethnic Koreans in Japan of their Japanese nationality but, in practice, from 1947 to 1952, they were treated as ambivalent entities, having Japanese nationality while also being foreigners. Therefore, in the above chart, ethnic Koreans in Japan are treated as foreign nationals from 1947 onwards. Their population in 1947 was about 600,000.

Ethnic Koreans in Japan are characterised by the fact that they are residents of the former colonising, that, after more than 100 years of residence in Japan, there are still hundreds of thousands of them living as foreign nationals in their country of residence (Japan), and that, although there are many ethnic Koreans in Japan with Japanese nationality, they are considered “invisible” in Japanese society. This report will focus on cases of discrimination relating to ethnic Koreans in Japan who do not have Japanese nationality. As stated herein, ethnic Koreans in Japan still suffer various forms of discrimination and disadvantage on the grounds of nationality.

1. Introduction

Before Japan's defeat in World War II, the Japanese government granted suffrage to ethnic Koreans in Japan on the basis that they were Japanese nationals¹. However, the Japanese government stripped them of their suffrage rights immediately after the war. In December 1945, the House of Representatives Election Law was revised, and it unilaterally decided that "the voting rights and eligibility for election of persons not subject to the Family Registration Act shall be suspended for the present time", with "persons not subject to the Family Registration Act" effectively meaning persons from the former colonies (Taiwanese and Koreans). The Public Offices Election Act was enacted in 1950 and also continued the suspension of the right to suffrage for ethnic Koreans in Japan. The Constitution of Japan, established in 1947, also substantially and significantly restricted the guarantee of constitutional rights for persons from the former colonies (ethnic Koreans and Taiwanese in Japan)².

Although the Treaty of San Francisco (1951; ending the occupation of Japan by the Allies and restoring its sovereignty) did not include any specific clause stipulating the return of Japanese nationality to those from Japan's former colonies who continued to reside in Japan (i.e. ethnic Koreans and Taiwanese, numbering about 500,000-600,000 at the time), the Japanese government interpreted it as providing for the deprivation of Japanese nationality of persons from the former colonies and deprived them of their Japanese nationality as of the Treaty's conclusion (April 28, 1952) without their consent. This deprivation measure was intended to deprive the approximately 500,000-600,000 persons from the former colonies, out of the then Japanese population of 85 million, of Japanese nationality on the grounds of their ethnic/racial origins.

The Japanese government implemented these deprivation measures through an official notice from the head of the Civil Affairs Bureau in the government's Ministry of Justice (which set out the government's interpretation of the Treaty of San Francisco) but this notice was merely administrative and the Japanese parliament never enacted any law depriving those from the former colonies of their Japanese nationality. This was a violation of Article 10 of the Constitution of Japan, which states that "the conditions necessary for being a Japanese national shall be determined by law", but the Japanese Supreme Court has consistently upheld this nationality deprivation measure³.

Following these deprivation measures, the Japanese government placed the basis for Japan's restrictions on the human rights of ethnic Koreans in Japan on the fact that they do not hold Japanese nationality. For instance, nationality clauses (legal provisions requiring Japanese nationality for the enjoyment of human rights) have been established in many areas of social security and social welfare⁴. Japan has also excluded

¹In fact, before 1945, 383 persons of Korean descent living in Japan stood for election to the Diet or their local assembly, of whom 96 were elected.

²The day before the Constitution was enacted, the Alien Registration Order was issued as an Imperial ordinance by the Emperor, excluding ethnic Koreans from constitutional rights by deeming that they were to be "considered foreign nationals for the present time".

³One example being the Supreme Court decision of April 5, 1961. http://www.courts.go.jp/app/hanrei_en/detail?id=17

⁴While nationality clauses in the social security sector have been removed since the 1970s, challenges still remain. For example, the lack of transitional measures when the nationality clause was removed from the National Pension Law in 1982, coupled with age and residence requirements introduced in the 1986 amendment to said Law, has resulted in

ethnic Koreans in Japan from public office. This rationale for Japan's exclusion of foreigners has encouraged discrimination based on nationality and ethnicity in the private sector.

2. Denial of rights as national or ethnic minority (ICCPR, Article 2, Paragraph 1, Article 26, and Article 27)

Overview of the problem: The Japanese government denies that ethnic Koreans in Japan are a national or ethnic "minority" as defined in Article 27 of the ICCPR and the UN Declaration on Minority Rights. No measures have been taken for education and its teaching in minority languages, including Korean, and opportunities to study the language, culture and history of ethnic Koreans in Japan are almost non-existent in Japanese public schools.

(1) Background

In light of the history described in Section 1. Above, it is clear that ethnic Koreans in Japan are a national or ethnic "minority" as defined in Article 27 of the ICCPR and the UN Declaration on Minority Rights.

However, the Japanese government has consistently denied that ethnic Koreans in Japan are a national or ethnic minority under Article 27 of the ICCPR. The Japanese government did not treat ethnic Koreans in Japan as a minority in the Mid-Term Report submitted in January 2017 in relation to the UPR review nor in the 10th and 11th Government Reports of the Convention on the Elimination of Racial Discrimination submitted in July 2017⁵ and made no mention of them in the section concerning Article 27 of the ICCPR in its 2012 report to the Human Rights Committee⁶.

Moreover, there are no policies in Japan to protect the cultural and linguistic uniqueness of ethnic Koreans in Japan or to create conditions for promoting that uniqueness. The position of the Japanese government may be that, in order for ethnic Koreans in Japan to qualify as a minority under Article 27 of the ICCPR, they must hold Japanese nationality, which is in violation of international human rights law. General Comment No. 23 (issued by the Human Rights Committee), Paragraph 5 provides that "[a] State party may not, therefore, restrict the rights under article 27 to its citizens alone".

(2) Previous recommendations from treaty bodies

The recommendations issued by the Human Rights Committee to the Japanese government in December 2008 and those issued to the Japanese government in July 2014 are based on the assumption that ethnic Koreans in Japan are a minority as defined by Article 27 of the ICCPR.

Concluding observations on the 5th Japanese periodic report review (December 2008)

many non-citizens, including Koreans who lost their Japanese nationality in 1952, being excluded from the national pension scheme. Further, despite the removal in 1982 of the nationality clause from the Basic Disability Pension of the National Pension Law, non-citizens who lost their eligibility to receive pension before 1 January 1982 due to the nationality clause remain excluded from receiving a Basic Disability Pension. See CERD/C/JPN/CO/7-9, Paragraph 14.

⁵ <http://www.mofa.go.jp/mofaj/files/000225031.pdf>

⁶ <http://www.mofa.go.jp/mofaj/files/000054775.pdf>

31. The Committee is concerned that State subsidies for schools that teach in the Korean language are significantly lower than those for ordinary schools, making them heavily dependent on private donations, which are not exempted or deductible from taxes, unlike donations to private Japanese schools or international schools, and that diplomas from Korean schools do not automatically qualify students to enter university (art. 26 and 27).

Concluding observations on the 6th Japanese periodic report review (July 2014)

Hate speech and racial discrimination

12. The Committee expresses concern at the widespread racist discourse against members of minority groups, such as Koreans, Chinese or Burakumin, inciting hatred and discrimination against them, and the insufficient protection granted against those acts in the Criminal and Civil Codes. The Committee also expresses concern at the high number of extremist demonstrations authorized, the harassment and violence perpetrated against minorities, including against foreign students, and the open display in private establishments of signs such as those reading “Japanese only” (arts. 2, 19, 20 and 27).

Elsewhere, the Committee on the Elimination of Racial Discrimination made the following recommendations in its 2014 examination of the Japanese government report.

Korean schools

19. The Committee is concerned about the legislative provisions and government actions that hinder the right to education of children of Korean origin, including: (a) the exclusion of Korean schools from the High School Tuition Support Fund; and (b) the suspension or continued decrease of funding allocated by local governments to Korean schools (art. 2, 5).

Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee reiterates its recommendation, included in paragraph 22 of its previous concluding observations, that the State party ensure that there is no discrimination in the provision of educational opportunities and that no child residing in its territory faces obstacles to school enrolment. The Committee encourages the State party to revise its position and to allow Korean schools to benefit, as appropriate, from the High School Tuition Support Fund and to invite local governments to resume or maintain the provision of subsidies to Korean schools. The Committee recommends that the State party consider acceding to the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention against Discrimination in Education (1960).

Minority languages and textbooks

24. While noting the information provided by the State party, the Committee regrets that the State party has not taken adequate measures to promote education in and teaching of minority languages for children belonging to minorities or indigenous peoples. The Committee is concerned about the lack of information on steps taken to revise the existing textbooks in order to adequately reflect the history, culture and contributions of Japanese groups protected by the Convention (art. 5).

The Committee recommends that the State party facilitate education in and teaching of minority languages for children belonging to minorities and indigenous peoples, including the Ainu and Ryukyu peoples. The Committee recommends that the State party revise those textbooks which do not reflect the history, culture and contributions of Japanese groups protected by the Convention.

The Committee on the Elimination of Racial Discrimination following recommendations in its 2018 examination of the Japanese government's report.

21. The Committee is concerned that Koreans who have lived for multiple generations in Japan remain foreign nationals, do not have the right to vote in local elections and cannot serve as national public servants engaging in the exercise of public authority or decision-making. It is also concerned at reports that certain Korean schools do not receive support from the High School Tuition Support Fund. The Committee is further concerned by reports that many Korean women suffer multiple and intersecting forms of discrimination based on nationality and gender, and suffer anxiety because of hate speech against their children.

22. **Bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party ensure that Koreans who have lived in Japan for many generations are allowed the right to vote in local elections, and to serve as national public servants who can also engage in the exercise of public authority and decision-making. The Committee reiterates its previous recommendation (CERD/C/JPN/CO/7-9, para. 19), that the State party ensure that Korean schools are not discriminated against with regard to funding from the High School Tuition Support Fund, to ensure that Korean students have equal educational opportunities, without discrimination. The Committee recommends that the State party make efforts to ensure that Korean women and children are protected from multiple forms of discrimination and hate speech.**

(3) Proposal

- The Japanese government should enact a basic comprehensive law guaranteeing the rights of former colonial residents and their descendants in order to ensure, in principle, that ethnic Koreans in Japan who are from former colonies enjoy the same rights as Japanese nationals. Such a basic law should

recognise ethnic Koreans in Japan and their descendants as minorities as defined by international human rights treaties and the UN Declaration of Minority Rights and include specific details to protect the ethnic, cultural, and linguistic uniqueness of ethnic Koreans in Japan and to create conditions to promote that uniqueness.

- The Japanese government and local authorities should systematically guarantee the establishment of ethnic classes for learning the language, culture, and history of ethnic Koreans in Japan, at least in schools where a certain number of ethnic Koreans are enrolled.

3. Lack of a comprehensive anti-discrimination law (ICCPR, Article 2, Paragraph 1 and Article 26)

Overview of the problem: Despite repeated recommendations from international organisations⁷, Japan does not have a comprehensive anti-discrimination law.

(1) Background

In Japan, discrimination against foreigners and racial and ethnic minorities, including ethnic Koreans is ongoing, particularly in the areas of housing and employment.

There are countless cases of discrimination on the grounds of being a foreigner particularly in housing. Although neither the national government nor local governments conduct regular investigations on housing discrimination against foreigners, for example, according to a questionnaire survey of foreign residents conducted in 2009 by the City of Osaka, more than 30% of respondents reported that they had experienced some kind of discrimination or unpleasant experiences in relation to housing and tenancy and approximately 40% reported having such experiences in relation to employment and hiring. In addition to this, ethnic Koreans in Japan face discrimination in employment, hate speech and hate crimes.

The Japanese government has not conducted any survey of actual experiences of discrimination and the problems of discrimination based on race or nationality have not been made visible until 2016. The Japanese government conducted its first survey of the actual circumstances of discrimination against foreigners in November 2016 and released the results of the survey on March 31 2017⁸.

According to the report, 39.3% of respondents who had experienced discrimination and who had sought housing in the previous five years, had had their applications turned down due to their being foreigners. Also, 25.0% of respondents who had sought jobs in the previous five years were denied jobs due to their being foreigners.

(2) Previous recommendations from treaty bodies

⁷ For recent recommendations from treaty bodies, see the following. CCPR/C/JPN/CO/6, Paragraph 11 (2014), E/C.12/JPN/CO/3, Paragraph (2013), CERD/C/JPN/CO/7-9, Paragraph 8 (2014), CEDAW/C/JPN/CO/7-8, Paragraph 12 (2016).

⁸Ministry of Justice Survey Report (2016)

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fAIS%2fJPN%2f30363&Lang=en

Although the Japanese government has been repeatedly recommended by various treaty bodies, including the Human Rights Committee, to establish comprehensive anti-discrimination legislation⁹, it has not enacted any such laws. In the November 2017 UPR review of the Japanese government, more than 10 countries recommended the enactment of a comprehensive anti-discrimination law but this was not accepted by the Japanese government¹⁰.

The Committee on the Elimination of Racial Discrimination made the following recommendations in its 2018 examination of the Japanese government's report.

Legal framework on racial discrimination

7. The Committee regrets that, despite its previous recommendations (*ibid.*, paras. 7–8), the definition of racial discrimination in the Constitution is still not in line with article 1 of the Convention, and that there is still no comprehensive legislation prohibiting racial discrimination in the State party (arts. 1 and 2).

8. The Committee reiterates its previous recommendations that the State party ensure that its definition of racial discrimination is in line with article 1 (1) of the Convention, and include the grounds of national or ethnic origin, colour and descent. The Committee also urges the State party to adopt specific comprehensive legislation prohibiting direct and indirect racial discrimination, in line with articles 1 and 2 of the Convention.

However, the Japanese government has not taken any measures in accordance with the recommendations made by the Committee on the Elimination of Racial Discrimination, nor has it made any move to do so.

The Japanese government states that Article 14, Paragraph 1 of the Constitution prohibits unreasonable discrimination, including racial discrimination, and that there are sector-specific provisions against discrimination in employment, education, healthcare, transport and other areas of public interest¹¹. Yet, Article 14, Paragraph 1 of the Constitution does not function as an article to remedy discrimination against foreigners and racial and ethnic minorities, including ethnic Koreans in Japan. Provisions prohibiting discrimination in limited individual areas alone do not adequately address nationality and racial discrimination, which are widespread in society.

Furthermore, the Japanese government has stated that the Ministry of Justice's Human Rights Bureau is handling individual cases of human rights violations appropriately¹². However, as the staff of the Human Rights Bureau who handle relief procedures and the Human Rights Bureau commissioners who handle temporary consultations on individual cases are limited to Japanese nationals and do not have sufficient knowledge of the actual situation of discrimination against ethnic Koreans in Japan and other foreigners and

⁹For recent recommendations from treaty bodies, see the following. CCPR/C/JPN/CO/6, Paragraph 11 (2014), E/C.12/JPN/CO/3, Paragraph (2013), CERD/C/JPN/CO/7-9, Paragraph 8 (2014), CEDAW/C/JPN/CO/7-8, Paragraph 12 (2016).

¹⁰ <https://www.ohchr.org/en/hrbodies/upr/pages/jpindex.aspx>

¹¹Please see the Convention on the Elimination of Racial Discrimination, 10th and 11th Governmental Reports, Paragraphs 101 to 107. <http://www.mofa.go.jp/mofaj/files/000272983.pdf>

¹² Same as above.

minorities, this discourages members of these communities from seeking advice from said staff and commissioners. Moreover, the narrow criteria for a “human rights violation” to be remedied do not adequately address racial discrimination and discrimination against foreigners¹³.

Further, another problem is that, when a human rights violation complaint is dismissed, no reason for the dismissal is given.

In addition, as Human Rights Bureau recommendations are not legally binding, some people openly defy said recommendations and repeat their racist statements and actions, despite said recommendations¹⁴.

(3) Proposal

- The Japanese government should conduct regular surveys on the actual circumstances of discrimination based on race and nationality and, on such occasions, collect comprehensive, reliable and up-to-date statistical data on socioeconomic indicators, broken down by nationality and ethnic origin.
- The Japanese government should establish comprehensive anti-discrimination legislation that prohibits direct and indirect discrimination based on race on both the national and local level. It should also establish an independent national human rights institution in accordance with the Paris Principles, so that victims of discrimination based on race or nationality can seek appropriate legal remedies.

4. Korean residents cannot even vote in local elections (ICCPR, Article 25)

Overview of the problem: Despite the fact that the majority of ethnic Koreans in Japan were born, raised, and live in Japan, and are subject to the same tax and other obligations as Japanese persons, they are not permitted to vote even in local elections.

(1) Background

In Japan, the right to vote in both national and local elections is granted only to Japanese nationals¹⁵ and

¹³ For example, Makoto Sakurai, the former chairman of the racist group called Zaitokukai, made the following discriminatory remarks against ethnic Koreans in Japan in front of the Tokyo headquarters of Mindan in Japan in July 2016:

"All of you are going back to Korea eventually. Go back now." "Mindan members should should leave Japan immediately." "Look at how many criminal Koreans we have."

And yet, the human right violation complaint filed by Mindan was dismissed by the Human Rights Bureau.

¹⁴ For example, although Mr. Sakurai of the Zaitokukai received a warning in December 2015 from the Human Rights Bureau regarding his racist statements and actions in front of Korea University, he refused to accept it and distributed a video of himself tearing it up and throwing it away online.

¹⁵ Article 9, Paragraph 1 of the Japan Public Offices Election Act prescribes that "Japanese citizens aged 18 years and older have the right to vote for members of the House of Representatives and the House of Councillors" and Paragraph 2 prescribes that "Japanese citizens aged 18 years and older who have continuously maintained an address in a municipal district for three months or longer shall have the right to vote for the members and chairperson of that municipal government assembly". Article 11 of the Local Autonomy Act prescribes that "Japanese citizens who are residents of a regular municipality shall, based on the provisions of this Act, have the right to participate in elections of the municipal government to which the citizens belong" and, further, Article 18 prescribes that "Japanese citizens aged 18 years or older who have continuously maintained an address in a municipal district for three months or longer shall,

the Supreme Court has ruled that the decision of whether to grant the right to vote in local elections to ethnic Koreans in Japan rests with the national legislature¹⁶.

As the Japanese Nationality Act is based on strict *jus sanguinis*, children whose parents are foreign nationals do not receive Japanese citizenship even though they are born in Japan. As a result, the descendants of ethnic Koreans in Japan who were stripped of their Japanese citizenship in 1952 due to national or ethnic origin do not receive Japanese citizenship unless one of their parents is married to a Japanese person. Under this Nationality Act, there are 5th and 6th generation ethnic Koreans who live in Japan but maintain foreign nationality. In fact, some families of ethnic Koreans in Japan who were stripped of their Japanese nationality in 1952 have been living in Japan for over 100 years.

While the Japan Nationality Act provides for naturalisation, the naturalisation process has also been administered in an ethnocentric and racist manner. The Japanese government has unrestricted and broad discretion to allow or refuse naturalisation. For example, the Japanese government's operational guidelines on naturalisation clearly stipulated that ethnic and cultural assimilation with ethnic Japanese, including a requirement to change to a Japanese-style family name and first name, as a condition for naturalisation. Even today, many ethnic Koreans change their Korean family name to a Japanese one upon naturalisation, because of pressure of cultural assimilation, and fear of discrimination. Further, some of the kanji characters (Chinese characters) used in ethnic Korean family names are not permitted by the Japanese government to be used in Japanese family names and thus some are forced to change their family name upon naturalisation. Moreover, the applications for naturalisation of some Koreans seem to have been denied because of their affiliation with ethnic Korean groups, such as Mindan. Therefore, there is a strong tendency in Japanese society to consider naturalisation as the ethnic and cultural assimilation with ethnic Japanese and not just the acquisition of legal nationality. While most former colonial powers have special provisions regarding naturalisation procedures for persons from former colonies, no such provisions have been included in the Japanese Nationality Act. The nationality laws of many countries use a combination of *jus sanguinis* and *jus soli* and, although this is also the case in the Japanese Nationality Act, said act uses *jus soli* only in very exceptional circumstances and is very restrictive on the retention of dual nationality. Japan is the only OECD country that has adopted such a nationality law while providing no voting rights of any kind to foreigners in either national or local elections.

Under this election system and the Nationality Act system, ethnic Koreans in Japan who lost their Japanese citizenship when the 1952 Treaty of San Francisco took effect, and their descendants, do not have the right to vote in either national or local elections, despite the fact that the majority of ethnic Koreans in Japan were born, raised, and live in Japan, and are subject to the same tax and other obligations as Japanese persons.

In South Korea, the Public Offices Election Act was revised in 2005, granting the right to vote in local elections to foreign nationals who have acquired the right of permanent residence so the position of the Japanese government is also problematic from the standpoint of reciprocity.

(2) Previous recommendations from treaty bodies

based on the provisions of other acts, have the right to vote for members and chairperson of the assembly of the municipal government to which the citizens belong".

¹⁶Please see Supreme Court decision of February 28, 1995 at http://www.courts.go.jp/app/hanrei_en/detail?id=201

The Japanese government has not presented any information concerning the right of foreigners, including ethnic Koreans in Japan, to vote in local elections to convention agencies. The “List of issues prior to the submission of the seventh periodic report” relating to the seventh review that the Committee on the Covenant on Civil Rights to the Japanese government published in November 2017 included the following questions¹⁷:

Please clarify whether the State party is considering granting the right to vote in local elections to foreign nationals who have acquired permanent residence, including to those from the former colonies of Japan such as Koreans.

In addition, Commentary on the UN Minority Declaration provides as follows¹⁸:

“Barriers to the acquisition of citizenship for members of minorities should be reduced. Forms of participation by resident non-citizens should also be developed, including local voting rights after a certain period of residence and inclusion of elected non-citizen observers in municipal, regional and national legislative and decision-making assemblies.”

The Committee on the Elimination of Racial Discrimination made the following recommendations in its 2018 examination of the Japanese government's report.

21. The Committee is concerned that Koreans who have lived for multiple generations in Japan remain foreign nationals, do not have the right to vote in local elections and cannot serve as national public servants engaging in the exercise of public authority or decision-making. It is also concerned at reports that certain Korean schools do not receive support from the High School Tuition Support Fund. The Committee is further concerned by reports that many Korean women suffer multiple and intersecting forms of discrimination based on nationality and gender, and suffer anxiety because of hate speech against their children.

22. Bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party ensure that Koreans who have lived in Japan for many generations are allowed the right to vote in local elections, and to serve as national public servants who can also engage in the exercise of public authority and decision-making. The Committee reiterates its previous recommendation (CERD/C/JPN/CO/7-9, para. 19), that the State party ensure that Korean schools are not discriminated against with regard to funding from the High School Tuition Support Fund, to ensure that Korean students have equal educational opportunities, without discrimination. The Committee recommends that the State party make efforts to ensure that Korean women and children are protected from multiple forms of discrimination and hate speech.

¹⁷ CCPR/C/JPN/QPR/7, Paragraph 28.

¹⁸ E/CN.4/Sub.2/AC.5/2005/2, Paragraph 50.

(3) Proposal

- The Japanese government should, in view of this historical background and living conditions, guarantee the right to vote, at least in local government elections, for permanent foreign residents, including those from the former colonies of Japan such as Koreans.

5. Excessive restrictions on the right to engage in public service (ICCPR, Article 25)

Overview of the problem: Despite the fact that the majority of ethnic Koreans in Japan were born, raised, and live in Japan, and are subject to the same tax and other obligations as Japanese persons, they cannot serve as national public servants, and their appointment or promotion to management positions as local public servants is restricted.

(1) Background

Japanese government has taken the position that "Japanese citizenship is a requirement in order to be a public servant who is involved in the exercise of government authority or the formation of public will", an interpretation that the Supreme Court has supported¹⁹. Therefore, foreign nationals, including ethnic Koreans in Japan, cannot become national public servants and their appointment or promotion to management positions in local governments is restricted. For example, when a nurse who was a Korean resident with special permanent resident status was refused permission to take the management selection examination due to lack of Japanese citizenship, the Supreme Court ruled that measures which restrict advancement to management positions only to employees who are Japanese citizens are reasonable and not illegal²⁰. In another example, in 1991, the Minister of Education, Science and Culture issued a notification to local governments that allowed foreign nationals to take the teacher appointment examination to become teachers at public schools, but said notification indicated that their status should not be the status of "instructor", which is given to Japanese teachers, but instead "full-time lecturer with no fixed term of employment". Only "instructors" can be registered in management positions, it is impossible for teachers who do not hold a Japanese nationality to hold management positions in many municipalities.

In addition, foreign nationals are completely excluded from positions as civil conciliation commissioners and domestic relations conciliation commissioners²¹, and judicial commissioners²², as well as human rights

¹⁹Please see the Supreme Court decision of January 26, 2005 at http://www.courts.go.jp/app/hanrei_en/detail?id=732

²⁰ Same as above.

²¹ Civil conciliation commissioners and domestic relations conciliation commissioners are appointed by the Supreme Court from amongst attorneys recommended by a bar association and are assigned to mediate and coordinate discussions between parties to reach an agreement in court.

²² Judicial commissioners are appointed by the district courts from amongst attorneys recommended by a bar association and are assigned to act as assistants to the courts to coordinate discussions between parties in settlement procedures of a summary court.

commissioners²³, welfare commissioners²⁴, commissioned child welfare volunteers²⁵, and similar public posts.

However, excluding all foreign public servants from management positions, whose professional duties are in no way different from those of Japanese persons and the qualifications for which are the same, is not reasonable and represents an excessive limitation on the freedom of foreigners to choose their profession. Moreover, the majority of foreign public servants are ethnic Koreans from the former Japanese colony who had their citizenship unilaterally revoked in 1952 or their descendants and most of them were born in Japan, live in the Japanese culture, speak perfect Japanese, and have the same community lives as Japanese persons.

(2) Previous recommendations from treaty bodies

Although the restrictions on the right of foreigners to hold public office may formally appear to be a matter of distinction based on nationality, it is effectively one of discrimination based on ethnic or national origin. Articles 2 and 26 of the ICCPR prohibit discrimination based on 'national origin'. Articles 2 and 26 provide the basis for the illegality of the Japanese government's treatment of ethnic Koreans in Japan holding special permanent residency. In other words, the 1952 measure to revoke Japanese nationality was taken by the Japanese government to focus on the national origin of ethnic Koreans in Japan. Incidentally, current international law prohibits the involuntary deprivation of nationality following state succession (please see the Declaration of Nationality of Natural Persons on State Succession, Articles 11, 24, 25, and 26). However, ethnic Koreans holding special permanent residency continue to suffer disadvantages arising from the 1952 deprivation measures to the present day. Even if there is a question of temporal law, current international law (ICCPR, Articles 2 and 26) is appropriate, at least insofar as the disadvantages caused by national origin continue to exist today.

The Japanese government has received repeated recommendations from the Committee on the Elimination of Racial Discrimination²⁶. The recommendations issued by the Committee on the Elimination of Racial Discrimination in 2014 included the following:

²³ Based on the Civil Rights Commissioner Act, human rights commissioners are civilian volunteers who provide human rights consultations and engage in activities to expand awareness of human rights. The human rights commissioner system was established with the aim of expanding awareness of human rights in a broad range of fields and protecting human rights to prevent human rights violations in local communities. Although human rights commissioners are not paid, as of January 2017, approximately 14,000 have been commissioned by the Minister of Justice and are assigned to municipalities throughout the country.

²⁴ Welfare commissioners are commissioned by the Minister of Health, Labor and Welfare, and work for the interests of the residents in local communities by providing consultations and necessary assistance, and by promoting social welfare.

²⁵ Commissioned child welfare volunteers provide consultations, support, and other services for protecting children and responding to concerns over child-raising or during pregnancy so that children in a community can live in good health and safety.

²⁶ CERD/C/JPN/CO/7-9, Paragraph 13 (2014).

Access by non-citizens to public-service jobs

13. While noting the explanation provided by the delegation of the State party, the Committee is concerned about restrictions and difficulties faced by non-citizens in accessing some public-service jobs that do not require the exercise of State authority. The Committee is particularly concerned about the position and the continued practice of the State party of excluding competent non-citizens from acting as mediators in family dispute settlement courts (art. 5).

Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party review its position so as to allow competent non-citizens to act as mediators in family dispute settlement courts. The Committee also recommends that the State party remove the legal and administrative restrictions in order to promote more participation by non-citizens in public life, including access to public jobs that do not require the exercise of State authority, paying due attention to non-citizens who have been living in the State party for a long time. The Committee further recommends that the State party provide in its next periodic report comprehensive and disaggregated data on the participation of non-citizens in public life.

The Committee on the Elimination of Racial Discrimination made the following recommendations in its 2018 examination of the Japanese government's report.

21. The Committee is concerned that Koreans who have lived for multiple generations in Japan remain foreign nationals, do not have the right to vote in local elections and cannot serve as national public servants engaging in the exercise of public authority or decision-making. It is also concerned at reports that certain Korean schools do not receive support from the High School Tuition Support Fund. The Committee is further concerned by reports that many Korean women suffer multiple and intersecting forms of discrimination based on nationality and gender, and suffer anxiety because of hate speech against their children.

22. Bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party ensure that Koreans who have lived in Japan for many generations are allowed the right to vote in local elections, and to serve as national public servants who can also engage in the exercise of public authority and decision-making. The Committee reiterates its previous recommendation (CERD/C/JPN/CO/7-9, para. 19), that the State party ensure that Korean schools are not discriminated against with regard to funding from the High School Tuition Support Fund, to ensure that Korean students have equal educational opportunities, without discrimination. The Committee recommends that the State party make efforts to ensure that Korean women and children are protected from multiple forms of discrimination and hate speech.

(3) Proposal

- The Japanese Government should ensure that ethnic Koreans in Japan from the former colony are able to assume positions as public officials involved in the exercise of public authority or participation in public decision-making.
- Laws, administrative regulations, and institutional operations that prohibit foreigners from being promoted to management positions in the local civil service should be abolished.
 - Laws, administrative regulations and institutional operations containing prohibitions on the appointment of foreign nationals should be abolished for civil servants such as conciliators, and judicial commissioners.

6. Hate Speech and Hate Crimes (ICCPR Article 20, Paragraph 2)

Overview of the problem: Hate speech against ethnic minorities, primarily ethnic Koreans in Japan, is widespread in Japan but is not adequately addressed. There is no legal system in Japan to deal specifically with hate crimes.

(1) Background

(i) Rise of Hate Speech in Japan

Since the turn of the 21st century, Japan has seen a rapid growth of xenophobia against Koreans and other ethnic minorities in Japan. There have recently been repeated street demonstrations attacking ethnic Koreans in Japan organised by xenophobic groups that recruit members via the internet. For example, the Ministry of Justice's research into incidents of hate speech in the period between April 2012 to September 2015 found a total of 1,152 incidents. Further, there was also a lot of content that uniformly excluded or harmed certain ethnic groups, etc. Based on said research, the Ministry of Justice released a report in March 2016 describing hate speech as "not presently subsiding"²⁷.

These demonstrations included hate crimes attacking Korean schools and repeated calls for Koreans to "die" and "be killed" in areas where many ethnic Koreans in Japan live²⁸. In addition, the internet is full of anonymous discriminatory posts against ethnic Koreans and other ethnic minorities in Japan.

The Japanese government had taken no effective action against the spread of hate speech until June 2016. For instance, the Japanese government has repeatedly claimed that hate speech can be dealt with under current legislation²⁹.

Thanks to the advocacy efforts of ethnic Koreans in Japan and their supporters and international pressure such as recommendations from UN treaty bodies³⁰, a law aimed at

²⁷ <http://www.moj.go.jp/content/001201158.pdf> (Japanese only)

²⁸ For cases up to July 2014, see the following report prepared by Mindan.

http://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/JPN/INT_CERD_NGO_JPN_17699_E.pdf

²⁹ CERD/C/JPN/7-9, Paragraph 86

³⁰ For the recommendations of the Human Rights Committee, see CERD/C/JPN/CO/7-9, paragraph 11. For the

combating hate speech against ethnic Koreans and other foreigners in Japan was passed in June 2016³¹. However, said law only provides a guiding principle and contains no provisions prohibiting hate speech. Said law also stipulates that the national and local governments should establish educational activities and consultation systems to eliminate hate speech but the establishment of said measures has not yet led to any specific measures being taken on either the local or national level.

Even after this law was passed, street protests and demonstrations inciting discrimination against ethnic Koreans and other foreigners in Japan continue to take place. For example, in July 2016, when Makoto Sakurai, the former chairman of the racist group Zaitokukai, ran for the Tokyo gubernatorial election, he stood in front of the Tokyo Mindan headquarters and carried out a street protest including discriminatory statements against ethnic Koreans in Japan such as "[a]ll of you are going back to Korea eventually. Go back now", "Mindan members should leave Japan immediately" and "[l]ook at how many criminal Koreans we have". It has also been pointed out that, at times of earthquakes and other disasters, there is widespread false information about crimes committed by persons of Korean or Chinese ancestry. For example, when the Great East Japan Earthquake occurred in March 2011, rumours of "gangs of foreign thieves were rampaging through the affected areas" and of "foreigners looting money and property from dead bodies" circulated at the time on social media and between those affected by the disaster. According to the results of a survey conducted by academics, 51.6% of respondents said that they had heard rumours of crimes being committed by foreigners in the disaster-affected areas and 86.2% believed this information. In fact, the Japanese police have confirmed that these rumours were untrue and that public order was maintained³². Further, when such rumours arose in Kumamoto in April 2016 and in June 2018 in Osaka, false information about crimes committed by ethnic Koreans and foreigners based on discriminatory motives and prejudice was extensively confirmed on social media, particularly Twitter³³.

Even after the law was passed, almost no action has been taken against the flood of hate speech on the internet targeting ethnic Koreans in Japan. In particular, there have recently been numerous incidents of false news stories being made up to incite discrimination against ethnic Koreans in Japan. For example, a January 2017 article falsely claiming that a Korean man raped two Japanese girls in a department store but was found not guilty by a Korean court was spread online and

recommendations of the Committee on the Elimination of Racial Discrimination, see CCPR/C/JPN/CO/6, paragraph 12.

³¹ An English version of said law is available at the following website. http://www.moj.go.jp/ENGLISH/m_jinken04_00001.html

³² See the South China Morning Post, "Rumours after 2011 Japan earthquake pinned blame on Chinese, Koreans for crimes that didn't happen", March 16, 2017. <http://www.scmp.com/print/news/asia/east-asia/article/2079137/rumours-after-2011-japan-earthquake-pinned-blame-chinese-koreans>

³³ See, for example, Japan Times, "Different disaster, same story: Osaka quake prompts online hate speech targeting foreigners", June 19, 2018 https://www.japantimes.co.jp/news/2018/06/19/national/different-disaster-story-osaka-quake-prompts-online-hate-speech-targeting-foreigners/#.Wzz0JS_AN-U

shared on Facebook and Twitter some 20,000³⁴.

In addition, media and corporations often make statements that promote discrimination against ethnic Koreans such as

when a subsidiary of DHC Corporation – a major Japanese cosmetics manufacturer – created and broadcast an informational program which misled people into believing that ethnic Koreans in Japan were the masterminds behind crimes and acts of terrorism, despite a complete lack of any supporting facts, via the television station Tokyo MX in January 2017³⁵.

Further, the company's website, operated by DHC Corporation, contained racist messages dating from February 2016 and November 2020 under the name of the company's representative director and CEO such as “no pseudo-Japanese! Please go back to your home country!” “Isn't it very dangerous for the Japanese nation that the majority of people in central Japan are now of Korean descent?” The Japan Federation of Bar Associations issued a warning to DHC Corporation on March 28, 2022.

An employee at Fuji Corporation Limited in Osaka has, since 2013, has been writing daily work reports containing comments that incited discrimination against ethnic Koreans in Japan such as “[Koreans] are liars”, “Koreans never take responsibility for their lies”, “I am shocked by the unbelievable deductions they get as special privileges for living in Japan. From their perspective, Japan must truly be a comfortable country since they do not pay resident tax or income tax, get money illegally through the problematic public assistance system. It's as if their lives are being supported by hard-working Japanese people so we should end special privileges causing things like reverse discrimination” which have then been distributed to all employees by the company president³⁶. Further, on November 18, 2021, the Osaka High Court handed down a judgement against Fuji Corporation Limited for damages and prohibiting the distribution of racist documents.

It came to light in February 2017 that the deputy manager of a kindergarten in the city of Osaka distributed letter containing discriminatory remarks against Koreans and Chinese, describing them as having “wicked ideas” and using the term “*shinajin*” (a derogatory term) to describe the latter³⁷.

³⁴ See BuzzFeed News, “This Unemployed Guy Made Japanese Fake News And Ended Up Losing A Bunch Of Money”, February 9, 2017

https://www.buzzfeed.com/kotahatachi/fake-in-japan?utm_term=.dxR4bNjbb#.tkvXYLvYY

³⁵ See the Japan Times, “Japan enters the post-truth age with distorted MXTV report on Okinawa protests”, February 4, 2017.

<http://www.japantimes.co.jp/news/2017/02/04/national/media-national/japan-enters-post-truth-age-distorted-mxtv-report-okinawa-protests/#.WNeaYBjCP-Y>

³⁶ See Aljazeera America, “Japan combats rise in hate speech”, November 30, 2015.

<http://america.aljazeera.com/articles/2015/11/30/japan-encounters-rise-in-hate-speech.html>

³⁷ Japan Times, “Nationalist Osaka preschool draws heat for distributing slurs against Koreans and Chinese”, February 17, 2017.

<http://www.japantimes.co.jp/news/2017/02/17/national/osaka-preschool-scrutinized-passing-slurs-koreans-chinese/>

The Japanese government has not taken any concrete action against online hate speech and fake news promoting discrimination against ethnic Koreans in Japan and

continued to post discriminatory or slanderous posts against ethnic Koreans in Japan on the Cabinet Office's National Policy Monitor page stating, for example, that “those who oppose the Okinawa bases should be deported to avoid having a situation where only Chinese and Koreans oppose them”, “shouldn't diplomatic relations with South Korea be ended and ethnic Koreans in Japan and naturalised residents deported?”, and “ethnic Koreans who are getting JPY 11 million for living carefree in Japan, get them out of here!” until the media pointed it out in May 2018, thereby promoting discrimination against ethnic Koreans in Japan³⁸.

In addition to this, books that stir up hatred of Korea and China and promote hate speech continue to be bestsellers. For example, in Kent Gilbert's *The Tragedy of Chinese and Koreans Ruled by Confucianism*, which was No 1 on the best seller list of new book releases in 2017 and sold nearly half a million copies, expressions lumping certain nationalities and ethnic group together abound, such as the following.

[Chinese and Koreans] have lower social morality and public spirit than animals.

They lie under their breath.

Koreans lie with impunity to maintain their self-esteem.

No one in the world is more morbid than Koreans.

Chinese and Koreans, both incredibly self-centred, are reluctant to admit their own faults and, on the contrary, when they are criticised, they resort to backtracking and shifting blame.

(ii) Damages Caused by Hate Speech

Demonstrations and street protests using hate speech by xenophobic organisations have made many ethnic Koreans living in the vicinity fear for their lives and their safety. Even if they do not live in the vicinity, many ethnic Koreans living in Japan also feel that they cannot live safely in Japanese society. Furthermore, the negative psychological impact on ethnic Korean children in Japan is extremely significant.

According to a Ministry of Justice report released in March 31, 2017³⁹, 19.8% of respondents refrained from visiting certain websites because they did not want to see discriminatory articles and posts against foreigners⁴⁰, 37% of whom were from South Korea and 47.8% of whom held another Korean identity. With regards to residence status, 31.9% of respondents with special permanent residence and 36% of respondents who have lived in Japan since birth answered as above. Thus, hate speech has a stifling effect on the freedom of expression of ordinary foreigners

³⁸ Mainichi Shimbun, “*Cabinet Office leaves hate speech, discriminatory comments from public on its website*”, May 2, 2018

<https://mainichi.jp/english/articles/20180502/p2a/00m/0na/009000c>

³⁹ See the Ministry of Justice Survey Report (2016).

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCERD%2fAIS%2fJPN%2f30363&Lang=en

⁴⁰ Same as above.

on the internet, this impact being particularly strong on ethnic Koreans born and raised in Japan. This trend can be found in other parts of said report.

For example, 4.3% of foreigners as a whole responded that they had received discriminatory comments on their online post, 6.4% of whom held South Korean nationality while 8.7% held another Korean nationality. Further, 5.8% of special permanent residents and 7.2% of respondents who have lived in Japan since birth answered as above.

14.9% of all foreigners responded that they did not disclose their nationality or ethnicity when posting their profile online for fear of discrimination, constituting 27.4% of South Koreans, 52.2% of Koreans not holding South Korean nationality, 29.5% of special permanent residents, and 39% of those who had lived in Japan since birth.

(iii) Hate Speech by Politicians and Party Officials

Politicians and party officials in Japan continue to use hate speech even in recent years.

For example, as mentioned in (i), Makoto Sakurai, a representative of a xenophobic group, repeatedly used hate speech in his July 2016 run for Governor of Tokyo. The State, including the police and the Ministry of Justice, did not take any action against Sakurai's hate speech, citing freedom of election under the Public Offices Election Act. We also note that Mr Sakurai also received over 110,000 votes in said gubernatorial election and later went on to form the Japan First Party in August 2018.

In addition, Shinya Kotsubo, a member of the Yukuhashi City Council in Fukuoka Prefecture, posted an article on an internet opinion website which included the statement “[t]here is no way around the false rumour that the Koreans poisoned the well” but never publicly took public responsibility for it and has repeatedly made statements inciting discrimination against ethnic Koreans in Japan,

(iv) Tweets by NHK Hiroshima Inspired Racist Tweets

NHK Hiroshima is the Hiroshima regional office of NHK (the Japan Broadcasting Corporation). NHK is Japan's public broadcaster (with an annual budget of approximately JPY 700 billion) established under the Broadcasting Act.

NHK Hiroshima, originally having the aim of alerting the public to the extent of the damage caused by the 6 August 1945 atomic bombing of Hiroshima by the US military, made the following series of tweets from its Twitter account from June to August 2020. These tweets were based on the concept of "if there had been social media 75 years ago" and were made in the style of students from 1945.

(1) August 20, 2020, 7:44 a.m

[August 20, 1945]

Koreans!

There's a crowd of victorious Koreans boarding trains at Osaka Station!

(2) 8:19 a.m.

[Same as above]

“We are the victorious nation! Losers get out!”

Overwhelming power and force.

They were shouting and smashing the windows of the overcrowded train, window by window.

Then, lo and behold, they threw out the previous occupants who were sitting down, and all their fellows came rushing in through the broken window!

(3) 8:21 a.m.

[Same as above]

I'm so motivated that I can't stop crying.

The defeated demobilised soldiers expelled the same Japanese and a group of victorious citizens threw passengers out of the window.

No one could resist. I'm so disappointed...

In 1945, Hiroshima was also home to many Koreans who had come from colonial Korea but the above tweets were made without any commentary on the context of colonial rule and colonialism, including why so many Koreans were living in Hiroshima.

They are also inspired a number of racist tweets that followed. Mindan requested that NHK Hiroshima take corrective measures but sufficient corrective measures were not taken.

(v) Lack of Measure to Combat Hate Crime

Hate crimes have, in recent years, become more frequent in Japan, not merely on the internet and in the streets, but also by xenophobic groups or those who subscribe to xenophobic ideologies. In the 1990s, a series of hate crimes against Korean schoolchildren prevented them from wearing their traditional uniforms and, furthermore, since hate demonstrations have been held in recent years, there have been a number of incidents such as the attack on the Kyoto Korean School from December 2009 to March 2010, the attack on the Kobe Korean High School in January 2014⁴¹, the March 2015 arson attack at the Korean Cultural Institute in Shinjuku⁴², and

⁴¹ On January 22, 2014, a man entered Kobe Korean High School and struck a male teacher who had greeted him with an iron rod around 40 cm long. The man allegedly shouted "Are you Korean?" and struck the teacher.

⁴² On March 25, 2015, a Japanese man set fire to the wall of the Korean Cultural Institute in Tokyo. On 13 November 2015, the Tokyo District Court sentenced the accused to two years in prison for destruction of property, stating that "it

the Oe Branch in Nagoya City of Io Shinkumi Bank⁴³. Since the beginning of 2018, there have been incidents that suggest a hate crime, such as glass being broken at a Mindan facility in Nōgata, Fukuoka Prefecture and, in February 2018, the headquarters of the General Association of Korean Residents in Japan (Chongryon) was shot at by people who subscribe to xenophobic ideology⁴⁴. In addition, the website “*Yomei Sannen Jiji Nikki*” (“Current Affairs Diary for the Next 3 years of my life”) has called for disciplinary action against ethnic Korean lawyers in Japan and dozens of such lawyers subjected to disciplinary action by people who have seen said calls⁴⁵. Said calls for disciplinary action are based on the lawyers’ being Korean and are thus a racist abuse of the right to demand disciplinary action.

There have also been a number of further incidents such as sending of a series of threatening letters, including declarations of genocide of ethnic Koreans in Japan and bomb threats, to the Kawasaki Fureaikan (community centre for Japanese and non-Japanese residents) and others in January 2020, sending threatening material purporting to contain covid to the director of said Fureaikan in March 2021, a series of arson attacks on facilities and homes related to Koreans, including the Mindan Aichi, Nagoya Korean School and homes in the Korean neighbourhood of Utoro, Kyoto in July and August 2021, and a huge number of tweets against Russian restaurants in 2022.

In relation to addressing hate crimes, i.e. crimes motivated by discrimination, the Japanese government “recognises that racist motivations have been proven as malicious of motive in the country’s criminal court proceedings and is taken into account by the courts during sentencing”⁴⁶. However, Japan does not have a hate crime law that would require uniformly heavier sentences for racially motivated crimes and whether or not to consider maliciousness of motives is left to the discretion of the judge. As far as Mindan is aware, there have been no confirmed cases of racially-motivated crimes committed against ethnic Koreans in Japan in which consideration of the maliciousness of motive resulted in a heavier than usual sentence.

Moreover, by 2020, the Japanese government has begun to explain that it is difficult to define what a hate crime is. Namely, in April 2020, in its Seventh Report under Article 40(b) of the Convention (Response to the Advance Questionnaire from the Human Rights Committee) to the

is unacceptable that the accused expressed his one-sided ill feelings towards North and South Korea in the form of arson”.

⁴³ On May 23, 2017, a Japanese man attempted to set fire to a bank affiliated with the General Association of Korean Residents in Japan (Chongryon) and was arrested on suspicion of attempted arson of an existing building. The man is reported to have told police that he had a negative image of South Korea because of the comfort women issue.

⁴⁴ For more information on the Chongryon shooting, see, for example the following article.

Reuters, “*Shots fired at North Korea-linked group HQ in Japan*”, February 23, 2018. <https://www.reuters.com/article/us-japan-northkorea-arrest/shots-fired-at-north-korea-linked-group-hq-in-japan-idUSKCNIG700A>

⁴⁵ On mass claims for disciplinary action against lawyers, see, for example the following article.

Asahi Shimbun, “*Lawyers flooded with complaints in row over Korean schools*”, February 23, 2018.

<http://www.asahi.com/ajw/articles/AJ201805180042.html>

⁴⁶ “10th and 11th Government Reports of the Convention on the Elimination of Racial Discrimination”

<http://www.mofa.go.jp/mofaj/files/000272983.pdf>

See Paragraph 136.

Human Rights Committee⁴⁷, the Japanese government responded that “the concept of a “hate crime” has not necessarily generally established” and that they do “not have statistics on the number of hate crimes and subsequent investigations and convictions” (Paragraph 34).

Furthermore, in a written response dated May 25, 2021 by Yoshifu Arita, a member of the House of Councillors (Constitutional Democratic Party of Japan (CDP)), to a question about hate crimes⁴⁸, the government stated that, “[w]ith regards to “hate crime”, which you mentioned ... we are aware that it is used with various meanings and its definition can be debated, including whether or not it is appropriate to establish such a definition, so the government is not currently considering setting a definition for the term “hate crime” you mentioned, nor is it considering the 'procedures' necessary to do so”.

These explanations contradict those given by the Japanese government to the UN so far, in which they claimed that they were taking appropriate action against hate crimes, as they have changed their answer to say that it is unclear what constitutes a hate crime and that they are therefore not investigating the matter.

(2) Previous recommendations from treaty bodies

In its 2014 concluding observations, the Human Rights Committee recommended that the following measures be adopted to prevent hate speech⁴⁹:

The State should prohibit all propaganda advocating racial superiority or hatred that incites discrimination, hostility or violence, and should prohibit demonstrations that are intended to disseminate such propaganda. The State party should also allocate sufficient resources for awareness-raising campaigns against racism and increase its efforts to ensure that judges, prosecutors and police officials are trained to detect hate and racially motivated crimes. The State party should also take all necessary steps to prevent racist attacks and to ensure that the alleged perpetrators are thoroughly investigated, prosecuted and, if convicted, punished with appropriate sanctions.

Further, the Committee on the Elimination of Racial Discrimination also recommended in its 2014 examination of the Japanese government’s report that the following measures be taken with regards to the situation of hate speech in Japan⁵⁰:

⁴⁷ <https://www.mofa.go.jp/mofaj/files/100045760.pdf>

⁴⁸ See the House of Councillors website.

<https://www.sangiin.go.jp/japanese/joho1/kousei/syuisyo/204/touh/t204070.htm>

⁴⁹ See CCPR/C/JPN/CO/6, Paragraph 12.

⁵⁰ See CERD/C/JPN/CO/7- 9, Paragraphs 10 and 11 (2014).

Compliance of the legislation with article 4

10. While noting the position of the State party and the reasons it provided with regard to the Committee's recommendation to withdraw or reduce the scope of the State's party reservations concerning subparagraphs (a) and (b) of article 4 of the Convention, the Committee regrets the decision of the State party to maintain its reservations. While noting that the dissemination or expression of racist ideas can constitute defamation and other crimes under the Penal Code, the Committee is concerned that the legislation of the State party does not fully comply with all provisions of article 4 of the Convention (art. 4).

The Committee encourages the State party to review its position again and consider withdrawing its reservation to subparagraphs (a) and (b) of article 4. Recalling its general recommendations No. 15 (1993) and No. 35 (2013) on combatting racist hate speech, the Committee recommends that the State party take appropriate steps to revise its legislation, in particular its Penal Code, in order to give effect to the provisions of article 4.

Hate speech and hate crimes

11. The Committee is concerned about reports of the spread of hate speech, including incitement to imminent violence, in the State party by right-wing movements or groups that organize racist demonstrations and rallies against foreigners and minorities, in particular against Koreans. The Committee is also concerned by reports of statements made by public officials and politicians amounting to hate speech and incitement to hatred. The Committee is further concerned by the propagation of hate speech and incitement to racist violence and hatred during rallies and in the media, including the Internet. Furthermore, the Committee is concerned that such acts are not always properly investigated and prosecuted by the State party (art. 4).

Recalling its general recommendations No. 35 (2013) on combating racist hate speech, the Committee recalls that measures to monitor and combat racist speech should not be used as a pretext to curtail expression of protest. However, the Committee reminds the State party of the importance of safeguarding the rights of vulnerable groups in

need of protection against racist hate speech and hate crimes. The Committee recommends, therefore, that the State party take appropriate measures to:

(a) Firmly address manifestations of hate and racism, as well as incitement to racist violence and hatred during rallies;

(b) Take appropriate steps to combat hate speech in the media, including the Internet;

(c) Investigate and, where appropriate, prosecute private individuals, as well as organizations, responsible for such acts;

(d) Pursue appropriate sanctions against public officials and politicians who disseminate hate speech and incitement to hatred;

(e) Address the root causes of racist hate speech and strengthen measures of teaching, education, culture and information, with a view both to combating prejudices that lead to racial discrimination and to promoting understanding, tolerance and friendship among nations and among racial or ethnic groups.

Further, the Committee on the Elimination of Racial Discrimination also recommended in its 2018 examination of the Japanese government's report that the following measures be taken with regards to the situation of hate speech in Japan⁵¹:

Hate speech and hate crimes

13. The Committee welcomes measures taken by the State party to address hate speech, including the adoption of the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan (Hate Speech Elimination Act) in June 2016. However, it remains concerned that:

(a) The scope of the Act is too narrow, is limited to hate speech towards persons "lawfully residing in Japan" and may provide very limited remedies for ethnic minorities in the State party;

(b) Even after the passage of the Act, hate speech and incitement to violence continue in the State party, in particular through rallies at which demonstrators use violent hate speech against ethnic minority groups, such as the Koreans;

(c) Hate speech through the Internet and the media, and the use of hate speech and discriminatory statements by public officials, continue;

(d) Such crimes are not consistently investigated and prosecuted and public officials and private individuals remain unaccountable for racist hate speech and hate crimes (art. 4).

⁵¹ See CERD/C/JPN/CO/10-11, Paragraphs 13,14,21 and 22 (2018)

14. **Reiterating its previous recommendation (CERD/C/JPN/CO/7-9, para. 11) and recalling its general recommendation No. 35, the Committee recommends that the State party:**

(a) Amend the Hate Speech Elimination Act to ensure that it has the proper scope, covers hate speech against any person and provides sufficient remedies for persons belonging to ethnic minorities;

(b) Adopt comprehensive legislation on the prohibition of racial discrimination covering crimes not covered by the Hate Speech Elimination Act, in order to strengthen the legal framework and access to remedies by victims;

(c) With due regard to freedom of expression and assembly, ensure that the use of hate speech and incitement to violence during rallies is prohibited and that perpetrators are sanctioned;

(d) Take effective measures to combat hate speech on the Internet and in the media, including through the establishment of a self-regulating mechanism;

(e) Provide detailed information in the next periodic report about the implementation and impact of measures such as the Broadcast Act on preventing incitement to racial discrimination and racist violence through the media;

(f) Deliver training programmes on hate crimes and the Hate Speech Elimination Act for law enforcement officers, including police, prosecutors and the judiciary, covering, among other things, the proper methods for identifying the racist motive behind such crimes, registering complaints and investigating and prosecuting incidents;

(g) Investigate and apply appropriate sanctions for hate crimes, racist hate speech and incitement to hatred by private individuals or public officials, including politicians and media professionals;

(h) Provide statistics on investigations, prosecutions and convictions, disaggregated by the national origin and ethnicity of the victims, in its next periodic report;

(i) Enact an action plan to eliminate hate crimes, hate speech and incitement to violence in the State party with concrete goals and measures and appropriate monitoring;

(j) Conduct educational campaigns to address the root causes of prejudice and promote tolerance and respect for diversity, in particular focusing on the role and responsibilities of journalists and public officials.

21. The Committee is concerned that Koreans who have lived for multiple generations in Japan remain foreign nationals, do not have the right to vote in local elections and cannot serve as national public servants engaging in the exercise of public authority or decision-making. It is also concerned at reports that certain Korean schools do not receive support from the High School Tuition Support Fund. The Committee is further concerned by reports that many Korean women suffer multiple and intersecting forms of discrimination based on nationality and gender, and suffer anxiety because of hate speech against their children.

22. **Bearing in mind its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee recommends that the State party ensure that Koreans who have lived in Japan for many generations are allowed the right to vote in local elections, and to serve as national public servants who can also engage in the exercise of public authority and decision-making. The Committee reiterates its previous recommendation (CERD/C/JPN/CO/7-9, para. 19), that the State party ensure that Korean schools are not discriminated against with regard to funding from the High School Tuition Support Fund, to ensure that Korean students have equal educational opportunities, without discrimination. The Committee recommends that the State party make efforts to ensure that Korean women and children are protected from multiple forms of discrimination and hate speech.**

(3) Proposal

- National and local authorities should specifically implement consultation systems, educational activities and awareness-raising activities in accordance with the Hate Speech Elimination Act and allocate the necessary resources for said implementation
- Said authorities should also prohibit demonstrations and meetings of groups that promote and incite racism and their use of public facilities.
- For online hate speech, the national and local governments should establish a system to order businesses and others to remove hate speech, etc. without having to wait for a complaint from (a) victim(s). The national and local governments should create a system whereby false information inciting discrimination against minority groups is promptly confirmed as false as soon as it becomes clear that the information is false and a system should be put in place to order operators, etc. to remove the information in question.
- The Japanese government should withdraw its reservation concerning subparagraphs (a) and (b) of Article 4 of the Convention on the Elimination of Racial Discrimination and, in accordance with Article 20 of the ICCPR, make efforts to develop legislation that recognises hate speech as an illegal act or crime punishable by law and directly subject it to legal regulation and punishment.
- The Japanese government should provide a legal definition of hate crime.
- The Japanese government should consider enacting a Hate Crime Act which would include more severe penalties for hate crimes than for ordinary crimes.
- Training should be provided to judges, prosecutors, police officers and other public officials

who may be involved in hate speech and hate crime issues.

7. Widespread discourse denying the massacre of Koreans during the Great Kantō Earthquake and promotion thereof by politicians (Article 20, Paragraph 2)

Overview of the problem: There is a growing discourse in Japan denying the reality of the massacre of Koreans that occurred after the Great Kantō Earthquake of September 1923 and politicians are encouraging such history-denying claims.

(1) Background

(i) Massacre of Koreans during the Great Kantō Earthquake

The Great Kantō Earthquake of September 1, 1923 was the largest seismic disaster in the history of Japan, with more than 100,000 people killed and the homes of over 2 million people burnt to the ground in the metropolitan area. During the earthquake, amidst an atmosphere filled with rumours such as “Koreans poisoned the wells”, “[Koreans] committed arson”, and “[Koreans] have rioted”, some vigilante groups of residents, the army, and the police carried out killings and inflicted injuries. There were, among other things, many cases of the armed majority assaulting and then killing unarmed minorities⁵², with ethnic Koreans being the most frequent targets⁵³. The perpetrators involved ranged from those representing the authorities to civilians who disregarded the protection of the authorities and killed people who were under said protection. Although it is difficult to ascertain the exact number of Koreans killed, academic and legal studies estimate that thousands were massacred⁵⁴.

It has been pointed out that the massacre of Koreans happened against a backdrop of fear in the face of the resistance movement against Japanese colonial rule in Korea and of discrimination against Koreans⁵⁵ and it was also against this backdrop of discrimination and fear that such false rumours as “Koreans poisoned the wells”, “[Koreans] committed arson”, and “[Koreans] have rioted” spread rapidly. It has also been pointed out that the Home Ministry's Home Ministry Police Affairs Bureau and other state agencies actively spread the perception nationwide that Koreans were increasing the damage caused by the earthquake through “lawless actions”, calling for vigilantism everywhere and motivating the public to commit murder and assault⁵⁶.

⁵² See the Expert Committee on Lessons Learnt from Disasters (of Japanese government) “The Expert Committee on Lessons Learnt from Disasters Report”, Page 206.

http://www.bousai.go.jp/kyoiku/kyokun/kyoukunnokeishou/rep/1923_kanto_daishinsai_2/index.html (Japanese only)

⁵³ Other victims included Chinese nationals and Japanese nationals considered socialists. See note 53 above on the Expert Committee on Lessons Learnt from Disasters Report, Page 206.

⁵⁴ Note 53 The latest findings from the Expert Committee on Lessons Learnt from Disasters Report have been presented in Shōji Yamada's “The Massacre of Koreans During the Great Kanto Earthquake and After - State and Popular Responsibility”. According to Yamada's research, the Korean genocide victims number 6,644. For the results from the Japan Federation of Bar Associations (JFBA) study, see the Report on the Investigation of the Great Kanto Earthquake Human Rights Relief Petition Case published on August 25, 2003 (Japanese only).

⁵⁵ See, for example, note 53 above on the Expert Committee on Lessons Learnt from Disasters Report, Page 207.

⁵⁶ Note 55, see the JFBA report.

(ii) Denial of involvement in the massacre by the Japanese government

The Japanese government is responsible for the massacre by the military and police as well as the spread of false rumours and motivation of the population to kill and assault but the State has neither revealed its responsibility nor apologised for it. The State has also not conducted any investigation into the facts or causes of the massacre.

In July 2003, the the Japan Federation of Bar Associations (JFBA) recommended that the Japanese government apologise to the victims of the massacre and their families and investigate the truth; many citizens' associations have many similar demands but the government has yet to take any action⁵⁷.

(iii) Recent denial and trivialisation movements

Flood of Books and Online Information Denying or Trivialising the Reality of the Kantō Massacre

There has, in recent years, been a growing movement to deny or trivialise the reality of the Kantō Massacre. Miyoko Kudō, in her 2009 book “The Truth about the Great Kantō Earthquake ‘Korean Massacre’” (Sankei Shimbun Publications Inc.), and Yasuo Katō, in his 2014 book “The Great Kantō Earthquake ‘Korean Massacre’ Never Happened” (Wac) both deny the Korean Massacre. Ms. Kudō's book was published by a publishing house owned by one of Japan's major newspaper publishers. The internet is full of information denying the reality of the Great Kantō Earthquake massacre based on books, etc. that deny or trivialise this historical reality.

Denial and trivialisation of 'genocide' in schools

There has been a move to deny or trivialise the reality of the Kantō Massacre in schools and textbooks. For example, in January 2013, the Tokyo Metropolitan Board of Education altered the description in its own Japanese history high school textbook (supplementary reader) in the chapter “From Edo to Tokyo” to remove the phrase “Koreans were massacred during the Great Kantō Earthquake”. The textbook previously stated, with regard to the “Memorial to the Korean Victims of the Great Kantō Earthquake”, that “[t]his monument states that a large number of Koreans were massacred in the chaos of the (1923) earthquake”. However, in the 2013 edition, this was changed to state that “[t]he monument states that 'Koreans lost their precious lives' in the chaos of the earthquake” and has not been changed since⁵⁸.

In addition, the term 'massacre' was also removed from the supplementary reader “History of Yokohama”, published by the Yokohama Board of Education. In other words, the 2012 edition stated that “the army, police ... vigilante groups and others persecuted and massacred Koreans and also killed and wounded Chinese people” but this was changed in the 2013 edition to “some vigilante groups killed Koreans and Chinese people” changing the term “massacred” to killed.

⁵⁷ Note 55, see the JFBA report.

⁵⁸ Tokyo Metropolitan Board of Education website.

https://www.kyoiku.metro.tokyo.lg.jp/school/study_material/tradition/files/edokaratokyohe/edotextbook.pdf
(Japanese only), Page 105

Statements relating to the military and police forces were removed and the killings were portrayed as simple acts of civilian vigilantes. Furthermore, in line with the above explanations, the photograph of the “Cenotaph for the Korean Victims of the Great Kantō Earthquake”, which was erected by a Japanese citizen who witnessed the massacre of Koreans and wrote on its back that it was “erected by a citizen who witnessed it on his boyhood day” was also removed in the 2013 edition⁵⁹. “The History of Yokohama” was republished as “the Yokohama Express” from the 2017 edition, the term “massacre” remaining absent from “the Yokohama Express”.

In 2014, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) revised its approval criteria for junior high school social studies and high school history and geography and civics textbooks to require that if there is no commonly accepted view in modern and contemporary history, this should be clearly stated and, in line with this, for example, in the 2015 textbook approval, the statement in the Shimizu Shoin textbook that “thousands of Koreans were killed by the police, army and vigilante groups” was replaced by “regarding Koreans killed by vigilante groups, the Ministry of Justice at the time announced that there were 230 or so. There is no commonly accepted theory as to the number of people, although the number is said to be in the thousands if those killed by the army and police and massacres in areas not mentioned in the Justice Ministry's report are included”. It is common knowledge among historians that the victims of the Great Kantō Earthquake massacre numbered in the thousands⁶⁰. Regardless, the approved opinion that “there is no commonly accepted view” and that textbooks should be rewritten based on the results of the pre-war Justice Ministry study that tried to make the number of victims appear as low as possible, must be said to be a falsification and distortion of history.

Movements denying and trivialising of genocide by public figures

Although the Governor of Tokyo has sent a eulogy at a Korean memorial ceremony held annually on September 1 since 1974 in front of the Memorial to the Korean Victims of the Great Kantō Earthquake erected in Yokoamichō Park, Governor Yuriko Koike decided not to continue this. After Governor Koike's decision not to continue sending said eulogy, the mayor of Sumida Ward also stopped sending one⁶¹ and said eulogies have to this day still not resumed.

At a press conference following her announcement that she would not give a eulogy, Governor Koike explained that, “in the past, as Governor of Tokyo, [she has] expressed [her] condolences to all the victims of the Great Kantō Earthquake and held a memorial service for all of them” and that, “this time, [she would] refrain from sending a special eulogy as [she] mean[s] to hold a memorial service for all of them”. However, discontinuing the sending of such eulogies could lead to the denial and concealment of the facts of the massacre of Koreans at the time of the Great

⁵⁹ Suzuki, Toshio, “Historical Revisionism on The Great Kantō Earthquake in the Classroom (Special Edition - 90 Years Since the Great Kantō Earthquake: History and Current Research and Movements Concerning the Korean Massacre (1))”, The Ohara Institute for Social Research, Hosei University
<http://www.moj.go.jp/content/001201158.pdf> (Japanese only)

⁶⁰ See, for example, note 53 above on the Expert Committee on Lessons Learnt from Disasters Report.

⁶¹ See, for example, Mainichi Shimbun, “Tokyo governor rapped for failing to send eulogy to 1923 Korean massacre victims”, September 1, 2017

<https://mainichi.jp/english/articles/20170901/p2a/00m/0na/017000c>

Kantō Earthquake.

In fact, since 2017, groups opposing the memorial ceremony have been holding rallies at the same time as the aforementioned Korean memorial ceremony, in the immediate vicinity of Yokoamichō Park, claiming that there was no massacre of 6,000 Koreans. At the September 1, 2019 occurrence of such rallies, hate speech was used to make many false claims such as there were “many Japanese whose relatives were killed, houses burnt, property taken, and women and children raped by lawless ethnic Koreans in Japan”.

With regards to the Korean memorial ceremony on September 1, 2020, the Tokyo Metropolitan Government requested that the organisers of the memorial ceremony submit a written pledge that they will not engage in any acts that would interfere with park management, as there have been problems between the organisers of the memorial ceremony and the organisers of the opposition rallies. After much criticism, the government withdrew said request and the memorial service was held. However, opposition rallies were also held in 2020, 2021 and 2022 at the same time as the memorial service, in the immediate vicinity of the park.

(2) Previous recommendations from treaty bodies

The Committee on the Elimination of Racial Discrimination, in its 2014 examination of the Japanese government's report, recommended that textbooks reflect the history of minority groups as follows.

Minority languages and textbooks

24. While noting the information provided by the State party, the Committee regrets that the State party has not taken adequate measures to promote education in and teaching of minority languages for children belonging to minorities or indigenous peoples. The Committee is concerned about the lack of information on steps taken to revise the existing textbooks in order to adequately reflect the history, culture and contributions of Japanese groups protected by the Convention (art. 5).

The Committee recommends that the State party facilitate education in and teaching of minority languages for children belonging to minorities and indigenous peoples, including the Ainu and Ryukyu peoples. The Committee recommends that the State party revise those textbooks which do not reflect the history, culture and contributions of Japanese groups protected by the Convention.

(3) Proposal

- The Japanese government should acknowledge responsibility for the massacre of Koreans immediately following the Great Kantō Earthquake by the military and state-motivated vigilante groups (who were motivated by state action such as communication of false facts) and apologise to the victims of the massacre and their bereaved families

- The Japanese government should conduct an investigation into the massacre of Koreans during the Great Kanto Earthquake to reveal the full story, apologise to the victims and their families, and provide compensation.
- In order to prevent the recurrence of massacres and assaults against Koreans and other minorities at times when earthquakes strike, the government of Japan should teach specific details of the Korean massacre at the time of the Great Kantō Earthquake in its schools and commemorate the massacres by creating memorial monuments and museums.
- The Japanese government should condemn and impose sanctions on public figures who say or do things that deny or trivialise the reality of the Korean massacre at the time of the Great Kantō Earthquake, in order to deal with movements to deny or trivialise the reality of the massacre.

End