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Republic of Korea
 Stakeholder's Submission for UPR 42nd session

Strictly punish hate crimes against Japanese people within the Republic of Korea

1. Our Profile

The Japan Society for History Textbook is a General Incorporated Association in Japan and a non-governmental organization in consultative status with the Economic and Social Council since 2019. The objectives of the Society shall be the production, planning, and proposal of new history and civics textbooks, as well as other types of textbooks, and the delivery of those textbooks to children and student.

There are approximately 3 thousand members, backgrounds of whom are a large variety, such as professors, lawyers, doctors, officers, managers, students, etc. Additionally, our activities span widely in the society including petitions to the government authorities for, as an example, improving an educational policy.

2. UPR of Republic of Korea (3rd Cycle – 28th session)

Recommendation	ROK's Position A/HRC/37/11/Add.1
132.33 Approve general legislation to combat discrimination, which expressly covers all spheres of life, and defines and prohibits discrimination on any ground, taking measures against all expressions and manifestations of prejudices such as hate speech, racism and xenophobia (Nicaragua)	Supported
132.54 Take additional concrete measures to combat xenophobia, hate speech and discrimination against foreigners, migrants and multicultural families (Kyrgyzstan)	Supported
132.55 Implement policies and measures which comprehensively address hate speech through legislative and institutional frameworks (Sierra Leone)	Supported
132.57 Follow up on the recommendation made in 2012, strengthening its legislation, investigating	The Government has devoted considerable legislative efforts to prohibit discrimination

<p>and punishing effectively the discrimination based on sexual orientation and gender identity, expressed through hate speeches and acts of violence (Argentina);</p>	<p>through the Constitution and 90 other legislations. Meanwhile, considering the controversy over the prohibited grounds of discrimination, the enactment of the general anti-discrimination law, which provides general remedial procedure for the victims of discriminatory acts, requires considerable examination and opinion-gathering process to reach public consensus regarding the matter. Furthermore, imposing criminal punishment for discriminatory acts requires a careful review.</p>
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3. Abstract

Recently, in South Korea, hate crimes against Japan and the Japanese people are getting out of control. We recommend that the Republic of Korea enact a law on the elimination of hate crimes and regulate and strictly punish hate crimes against Japan.

4. Background and present circumstances of the issue

Hate crimes refer to criminal acts caused by prejudice or hatred against individuals or groups of certain attributes related to race, ethnicity, religions or sexual preferences in the forms of harassment, threat or violence.

The level of violence resulting from hate crimes against Japanese in South Korea has increased significantly and the South Korean Government seems to openly provoke them. We explain laws (1) and (2) that may further encourage hate crimes against Japan and provide actual cases of hate crimes in (3), (4), (5), and (6).

(1) Enactment of Pro-Japanese Act

In December 2005, South Korea passed the bill “Special Act on the Confiscation of Properties Belonging to Pro-Japanese, Anti-Korean Individuals to the State” (hereinafter Pro-Japanese Act). According to this Act, the Government intends to confiscate properties of those who promoted the national union at the time of Japan’s Annexation of Korea, regarding them as perpetrators of “pro-Japanese” or “anti-Korean” actions. The approval of such an act creates a climate for active oppression of the pro-Japanese speech and action and ferments hate crimes. Once enacted by the state, the Act may lead people easily to the misunderstanding that it is admirable to willingly commit hate crimes against Japan.

(2) Enactment of a law encouraging the “hunt for pro-Japanese Koreans”

In 2019, the local assembly of Jeju Island passed and enacted a bill entitled “A law Pertaining to Cancelling the Residue of the Forced Imperial Japanese Reign”. The forced Imperial Japanese reign refers to the period during which Japan ruled the Korean Peninsula from 1910 to 1945. This law aims to investigate whether things reminiscent of the Imperial Japanese reign still remain at schools in the Jeju province and if they are judged “Imperial Japanese residue,” they shall be removed.

Following this law, movements are rapidly spreading across the province to change school songs supposedly composed by “pro-Japanese” citizens and to remove busts and memorials of principals or scholarship donors deemed “pro-Japanese”. [Refer to (6).]

The Korean Government excludes people and events accusing them of being “pro-Japanese”,

which becomes a major factor in the anti-Japanese hate crimes committed so far.

(3) Exhibit of posters depicting hatred toward Japan and the Japanese people

In June 2005, posters drawn by Keiyo Junior High School students in Incheon Metropolitan city were exhibited at the Gyulhyeon subway station. The posters blatantly depicted harsh discrimination and hatred toward Japanese people:

They included pictures of bombs being dropped on Japan; Japanese were described as monkeys; Japanese flags being burned or trampled down; burning a roll of toilet paper printed with Japanese flags; the Japanese Archipelago depicted as rabbits' excrement; Japan being burned at the stake; missiles shooting the Japanese Archipelago, accompanied with the words, "Kill all of the Japanese," "The Japanese Archipelago under fire," and "When will the garbage called Japan be discarded?"

Having junior high school students draw these horrible posters and exhibiting them in public constitutes an extremely malicious racist act and a typical hate crime, indeed.

(4) Establishment of the An Chung-gun Memorial

In 2014, the An Chung-gun Memorial was established in Harbin. An Chung-gun assassinated Japan's first prime minister and was sentenced to death. In Japan he is recognized as a terrorist. Although there are different views of history, the act of heroizing a murderer who killed the Japanese first prime minister, based on the unilateral evaluation on the part of South Korea, simply exacerbates the hatred toward Japan embraced by South Koreans.

Prior to the establishment of the Memorial, in 2013, during the soccer match between the Japanese and South Korean teams held in Seoul as part of the East Asian Cup, a huge-sized banner portraying An Chung-gun was carried into the stadium. This was an utterly impermissible act of mixing a sports event with politics. Behind this violent act lie discrimination and hatred against Japan rooted and fermented deep in the Korean minds. On the other hand, there is a feeling commonly shared within the Korean society that the anti-Japanese acts, speech and insults toward Japan and Japanese people are allowed and applauded by the law. Under such circumstances, anti-Japanese sentiments and acts may explode as violent hate crimes at any moment.

(5) Abnormality of a murder committed by a "patriotic youth" being justified

The incident happened in 2013. An old man of 95, speaking favorably of the Imperial Japanese reign was beaten to death by a man aged 35 who was at the scene with the old man. The murderer was sentenced to five-year imprisonment. Surprisingly, this man was admired for being "patriotic" in the Korean Internet: "In the first place the old man is a criminal for praising the Imperial Japan and worthy of being murdered," "Imprisonment? No way! Rather, he is worthy of a medal," "The judge who ruled the man guilty is a traitor!" and so on.

Thus, this is a country where a person speaking well of Japan gets murdered, the murderer is applauded, and his action is justified. Enacting the "Pro-Japanese Act" is tantamount to officially encouraging hate crimes against Japan.

(6) Hunt for pro-Japanese

As stated in (2), following the law pertaining to cancelling the consequences of the forced Imperial Japanese reign, various operations of "cancelling the Imperial Japan's residue" or "hunt for pro-Japanese" are under way. One example is cutting trees called Kaizuka Ibuki. Kaizuka Ibuki is an ever-green tree belonging to the Cupressaceae plant family. Twenty-one schools (elementary, junior and senior high schools) in the province designated the tree as a school symbol and there are 2, 157 trees in total.

If the law comes into effect, the symbol trees familiar to and loved by boys and girls are to be pulled out entirely, branded as "pro-Japanese" symbol.

Similarly, under the order of "cancellation of the Imperial Japanese residue," movements are spreading across the country, demanding that school songs allegedly created by pro-Japanese artists be changed, busts and monuments of pro-Japanese principals and scholarship donors be

removed.

The law intending to thoroughly purge what are deemed “Imperial Japanese residue” or “pro-Japanese” actions without any clear grounds will beyond any doubt aggravate hate crimes.

As stated in (1) to (6), the act, law and current situation in South Korea clearly violate Article 20-(2) of the International Covenant on Civil and Political Rights: Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

5. Conclusion

As we have seen so far, hate crimes against the Japanese people in South Korea violate ICCPR’s Article 20-(2) and thereby expose Japanese people to various risks and dangers (violent speech, physical violence, slander and threats). In order to banish hate crimes, we request that the UPR make the following recommendations to the Government of the Republic of Korea:

- 1) Investigate the true situation related to hate crimes against Japanese people within South Korea,
- 2) Based on the investigation conducted as 1), enact a law to regulate hate crimes.

In addition, until South Korea completely resolves the issue of hate crimes, we request that the UPR continue to observe the Korean situation and, if necessary, duly recommend that the Government of the Republic of Korea take adequate action.

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