



INSIGHT: NORTHEAST ASIA

Arson of Korean school in Osaka prompts criticism of Japan's hollow 'hate crime' laws

THE TAKEAWAY

A recent court case that found a Japanese man guilty of setting fire to the Korea International School near Osaka city highlights the problems of hate crimes and discrimination against “foreign” residents in Japan. As instances of online hate speech inciting physical violence increase, many have called for media to take a greater role in moderating such content as well as strengthened laws against hate crimes and hate speech.

IN BRIEF

On December 8, the Osaka District Court found 30-year-old Tachikawa Makoto guilty of illegally trespassing into three facilities in Osaka Prefecture, including the Korean International School — a junior high and high school, established in 2008, that teaches its own curriculum on North and South Korean history, society, and languages — and an office of the opposition Constitutional Democratic Party. While trespassing at the school, Tachikawa ignited a cardboard box, damaging the first floor of the building. During the hearings, Tachikawa said that he developed a hatred for *zainichi* Koreans after reading social media posts stating that the group was a threat to “the Japanese people.”

Zainichi, or “staying in Japan,” is often used synonymously with ethnic Koreans – and their descendants – who voluntarily relocated or were brought to Japan by the Japanese wartime government before 1945. While *zainichi* implies temporary residence, the term is used for ethnically Korean permanent residents, and may also include Japanese nationals of Korean descent. Many *zainichi* have a unique identity, and may have leanings towards the North or South, but may also have a distinct unaffiliated or pan-Korean identity, instead calling for a unified Korea. (The Korean Peninsula was divided between North and South at the end of the Second World War in 1945. The Korean War further solidified the divide.)

Although prosecutors argued that the actions constituted a hate crime, the judge handed Tachikawa a three-year suspended jail sentence, stating that the defendant “conducted a self-righteous crime based on a warped sense of justice.” The judge noted that in a democratic society, it was “only natural” to have differing political views but condemned the violent acts. The judge’s ruling made no mention of a hate crime or any discrimination.

The school director registered his dissatisfaction with the ruling, as it failed to recognize discrimination against Koreans in Japan. Opposition party member Tsujimoto Kiyomi, whose office had been broken into, also argued that the court fell short of sending a strong message against hate crimes in Japan. Tsujimoto intends to bring the issue to the National Diet.

IMPLICATIONS

Incidents of discrimination and violence against *zainichi* are ongoing issues, ranging from cases of [hateful graffiti](#) in public areas to online hate posts and arson. In August 2022, the Kyoto District Court [sentenced](#) a man to four years in prison after he was found guilty of setting fire to seven buildings in an ethnically Korean district after accepting false online claims that the area was “illegally occupied.” The presiding judge recognized that the arson was a crime based on “prejudice and hatred” towards Koreans in Japan, but similarly refrained from mentioning “hate crime” or “discrimination” in the ruling.

Beyond physical violence, [online hate speech](#) and false claims against *zainichi* have been escalating: they are often subject to derogatory terms and their legal status in the country brought into question. Following the assassination of former prime minister Abe Shinzo, false rumours quickly spread online that the perpetrator was *zainichi*, and a [Korean consulate general](#) in Japan’s Fukuoka Prefecture took to social media to warn of potential anti-Korean hate crimes.

Korean schools in Japan have been targets of discrimination, especially as tensions with North Korea have risen in recent months. Although Japan hosts North Korean, South Korean, and independent Korean schools, North Korean-style schools – and their students, who are easily identifiable through a distinct uniform – have been especially targeted. As of 2020, there were 98 North Korean-style schools with a combined 7,000 students across Japan, established and partially funded by the North Korea regime in the early Cold War years to support Koreans who had remained in Japan. Following North Korea’s intensifying missile launches in October, students at

North Korean-style schools reported [nine incidents](#) of verbal intimidation and physical violence. This was followed by a [written request](#) by a group of Japanese researchers and lawyers to Japan’s Ministry of Justice to take concrete measures to prevent hate crimes.

WHAT’S NEXT

1. Stricter enforcement of the Hate Speech Act of 2016

Japan’s hate speech act has been heavily criticized for lacking penalties and an enforcement system. While the law calls on local governments to develop a consultative mechanism and increase education to eliminate discrimination, municipalities have been slow to adopt such measures. Activists have called for a stronger national hate-speech act and an anti-hate crime law to respond to the growing acts of violence against *zainichi*, foreigners in general, other minorities, and Indigenous Peoples.

2. More local hate-speech ordinances

Several local [governments](#) such as Osaka and Kawasaki cities have adopted local ordinances strengthening hate-speech laws. Others, such as Kobe city, have enacted measures prohibiting discrimination against foreigners, while Aichi Prefecture has, for its part, broad human rights ordinances. In the absence of a strong national law, municipalities and prefectures may fill the gaps by creating local laws, especially in areas with increasing numbers of foreign workers amid Japan’s ongoing labour shortage.

3. Strengthening moderation of online media

Growing instances of online posts inciting violence highlight the necessity of creating content moderation mechanisms for popular social media sites to prevent disinformation and hate speech.

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