

What is Necessary to Recover from Damages Caused by Hate Speech: A 10-year Continuous Survey of the Kyoto Korean School Case

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1. Purpose of this Paper

It was not until the 2010s that hate speech became prominent in Japanese society. However, in this regard, we must not be misled into thinking that it did not exist before this time. For example, during the period when Japan colonized Korea (1910–1945), the slaughter of Koreans (1923) occurred in the Great Kanto Earthquake. Burakumin and their living areas were attacked immediately after the Status Liberation Order (1871), which was said to be a discrimination problem that is specific to Japan. This is an example of a hate crime that took place in the Okayama Prefecture.¹⁾

Then, why hate speech became so prominent in Japan from the 2010s. This is particularly important in light of the fact that more than 300 incidents of hate speech have occurred per year since 2013 and social movements to counter hate speech have recently emerged. As a result, hate speech has become an important issue in Japanese society.

The city of Osaka was the first to enact the Hate Speech Regulation Ordinance in 2016, and the Diet then enacted the Hate Speech Elimination Act (HSEA) in the same year. In 2019, for the first time, the Hate Speech Regulation Ordinance was enacted in Kawasaki City with criminal penalties (of ¥500,000, US \$ 4,561).²⁾ As such, the institutional response to hate speech seems to have progressed gradually. In the process of establishing these systems, the actual damage of hate speech has come to be better understood.

Research on the elements of hate speech harm (Waldron, 2014), and victims study (Benier, 2017) have also been conducted. Although relatively little attention has been paid to victims' recovery from hate speech damage, a comprehensive study on hate speech in Japan has recently been published (Higaki and Nasu eds., 2021). Perhaps the most famous hate speech incident in Japan was an attack against the Kyoto Korean First Elementary School (Kyoto case). Based on this incident, I would like to clarify the following points throughout this paper: (1) the lack of focus on hate speech damage, (2) the inability of the legal system to cover damage recovery, (3) the current state of damage, and (4) victims' practices toward recovery.

In terms of the methodology of this research, it is important to note that I participated in supporting

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the civil trials related to the Kyoto case. While participating as a sociologist in these activities, I observed the actual situation of victims for more than 10 years after the incident. I also provided support to victims in terms of recovering from the damage. Therefore, this study also has the characteristic of being action research. Following the 10th anniversary of the Kyoto case, I conducted twice questionnaires with victims (in 2019 and 2020); this data will be collected and analyzed in this study.

2. What Happened?

2.1 The Incident

Table 1: Incidents Following the Kyoto Korean School Attack (2009~2020)

2009.12.04	Hate Crime at the Korean school (2nd time: 2010.01.14, 3rd time: 2010.03.28)
2009.12.22	Emergency meeting that does not allow attacks on the Korean school (600 participants)
2010.03.28	Demonstration against attacks on Korean school (900 participants)
2010.06.28	Civil lawsuit was filed (injunction against hate demonstrations and compensation for damages)
2010.08.10	Four hate speech group executives arrested
2010.09.16	Established a support group (Korumu) for the civil trial
2010.11.08	Published Korumu's newsletter (No.1)
2011.04.21	Four hate speech group executives found guilty at the criminal trial
2011.11.23	Established Kopponori, a group for developing Korean schools and ethnic education
2012.04.01	The School moved to, and integrated with, Kyoto Korean Third Elementary School, which was renamed Kyoto Korean Elementary School [Kinkaku-ji]
2013.04.01	Kyoto Korean Elementary School relocated to a new school building [Daigo-ji]
2013.10.07	Kyoto District Court decision (plaintiff wins), Osaka High Court decision (2014.07.08), and Supreme Court appeal dismissal (2014.12.09)
2014.09.26	Recommendations made to the Japanese Government by the United Nations Racial Discrimination Elimination Committee on Strengthening Hate Speech Countermeasures
2014.11.29	First meeting for the health room → Established a Management Council for the Kyoto Korean school health room (2015.06.20)
2014.12.07	Hate speech demonstration for the "5th anniversary of the retake of Kanjinbashi Children's Public Park" [Gion/Yasaka-jinja]
2015.03.19	Established a group calling for the promotion of effective hate speech measures to Kyoto Prefecture and Kyoto City
2015.03.30	Published the final newsletter (No. 18) → Korumu dissolution ceremony (2015.04.25)
2015.06.16	Health room operation started at Kyoto Korean Elementary School
2016.01.15	The Hate Speech Regulation Ordinance was enacted in Osaka City
2016.05.24	HSEA was enacted → enforced (2016.06.03)
2016.06.11	Restarted health room operation at Kyoto Korean Second Elementary School [Arashiyama]
2017.04.10	Health room operation started at Kyoto Korean Junior High School [Ginkaku-ji]

2018.04.24	Former executive of a hate speech group charged with defamation about the hate demonstration in 2017 (Kyoto District Public Prosecutors Office) → Convicted and fined ¥500,000 (2019.11.29), decision confirmed by the Supreme Court (2020.12.14)
2019.03.09	Hate speech demonstration for the “10th anniversary of the retake of Kanjinbashi Children’s Public Park” [Gion/Yasaka-jinja]
2019.07.06	Established support council for disabled children at Kyoto Korean School
2019.12.12	Hate speech Regulation Ordinance with criminal punishment was enacted in Kawasaki City
2019.12.22	Symposium for rethinking about 10 years of the Kyoto Case against racism in Ryukoku University (200 participants)

The first incident in Kyoto, which occurred in December 2009, was an attack on Korean school. The most well-known group for hate speech is the “Citizens’ Association, which does not allow the privilege of foreign residents in Japan” (Zainichi Tokken o Yurusanai Shimin no Kai, Zaitoku-Kai). At the back gate of the Korean school, members of the group shouted things like “Get out of Japan, Korean School!”, “What is a child! A spy kid!”, and “You smell the kimchi and you are sour!” During that time, more than 100 children were at the school, and some heard the hate speech and experienced trauma. Such an incident occurred three times and continued until March 2010.

Immediately before the third hate speech incident, the court ruled a provisional disposition banning demonstration within a 200-meter radius of the Korean school. However, the third demonstration defied this order by invading Korean school (within a 200m radius). The demonstrators also first walked around the area where the Korean school is located (that is, the area in Kyoto city with the highest number of Koreans), and then arrived to the Korean school as the final destination. Throughout these incidents, the police failed to provide protection.

2.2 Appealing the Civil Trial

During the Kyoto incident, the police did not crack down on the hate speech groups and continued to allow them to gather and demonstrate. In 2011, they were found guilty of forcibly obstructing business (威力業務妨害) in a criminal trial at the Kyoto District Court. However, this action was not questioned on the basis of discrimination. Therefore, the Korean School became a plaintiff. Throughout the civil trial (2010–2014), the school raised hate speech, and more specifically ethnic discrimination. The Kyoto District Court’s decision in October 2013 ruled in favor of this point; The judgment, which referred to the United Nations’ International Convention on the Elimination of All Forms of Racial Discrimination, ordered approximately 12 million yen (US \$ 109,474) in damages. In July 2014, the ruling of the Osaka High Court inherited and decided on the content, and in December of the same year, the Supreme Court finalized this ruling.

2.3 The Hate Speech Elimination Act

In 2013, more than 300 incidents of hate speech occurred; this began to attract increased public attention and prompted citizens to become more active against hate speech. Until then, interest in the Kyoto case had been extremely low. Finally, in May 2016, the Hate Speech Elimination Act (HSEA) was enacted, although this did not directly regulate hate speech, and was more idealistic in nature. However,

Osaka and Kawasaki City had their own regulation against hate speech. In the former case, the mayor of Osaka started to make concrete ordinance in response to the decision of the Osaka High Court regarding the Kyoto case.³⁾

In spite of this, the problem with the Act and ordinances was that they did not place enough emphasis on victims' recovery. Particularly in Kyoto City, hate speech measures were extremely inadequate. In 2018, guidelines were developed in Kyoto Prefecture and Kyoto City to limit the use of public facilities for hate speech. In addition, Kyoto Prefecture now also monitors discriminatory posts on the Internet. However, an essential regulatory system has not yet been established.

We would like to revisit the preamble of the HSEA⁴⁾, which states the following:

In recent years, in Japan, unfair and discriminatory incitement has been made to exclude legally resident persons or their descendants from the local community, because they are from countries or regions outside Japan. People from outside Japan or their descendants are forced to suffer a great deal of pain, causing serious cracks in the community.

The damages caused by hate speech are not only present in the minorities to whom hate speech is directed, but also in the community in which they live.

3. Hate Speech Damages after the Incident

The least under discussed part of hate speech measures in Japan is recovery from damage. I have been observing the damaged Kyoto Korean School for 10 years, and based on this research experience, I would like to focus on two types of damage: community and victims (in this case, affected Korean victims).

3.1 Summary of the Questionnaire Survey

The questionnaire was conducted on the Internet (using a Google Form). During the first response period (2019), I got the help of the women who participated in the civil trial as members of the Mothers' Association at the Korean school, 39 people answered to the questionnaire. During the second response period (2020), the questionnaire was implemented at Kyoto Korean Senior High School with the cooperation of the Korean school and Japanese support group (Kopponori). The victims became high school students. I asked them in the classroom and 22 people answered. Therefore, the total sample size was 61.

The questions were as follows.

- Q.1 Please tell us your age.
- Q.2 Please tell us your gender.
- Q.3 Have you ever attended a Korean school?
- Q.4 If you answered yes to Q.3, please tell us when you attended and the name of the school.
- Q.5 Please tell us about the relationship between you and the First Elementary School [Multiple answers].
- Q.6 In reference to your answer to Q.5, please tell us the length of time of this relationship between you and the First Elementary School.
- Q.7 What did you experience when the Korean school disappeared from the community around you?
Please answer freely.

- Q.8 Ten years have passed since the trial on the attack of the Kyoto Korean First Elementary School. What do you think about this case now?
- Q.9 Are you currently afraid of hate speech?
- Q.10 Is Japanese society (including your familiar local community) a comfortable place for you to live in?
- Q.11 If you answered that “difficult to live” or “not either” in Q.10, please provide your reasons here.
- Q.12 What does a Korean school mean to you and the Korean community in Japan? Please write your thoughts.

Questionnaire about the former Kyoto Korean First Elementary School

This questionnaire is about the former Kyoto Korean First Elementary School, which was open until March 2012. Ten years have passed since the attack by the Zaitoku-kai and others in December 2009, and the First Elementary School has made a new start in the Daigo-ji area throughout integration and relocation. More than five years have passed since then. As Korean schools continue to be consolidated and abolished nationwide, how important and symbolic Korean schools are to the community of Koreans living in Japan is being questioned again. Therefore, I decided to conduct this questionnaire because I would like to ask those who have experienced the consolidation and abolition of Korean school (graduation students, parents, teachers, etc.) about their thoughts on the First Elementary School.

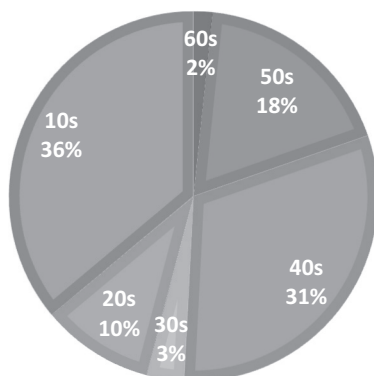
In addition, I would like to utilize this questionnaire for the purpose of contributing to the activities of Korean schools support in the future. I also would like to have an opportunity to think about the 10th of the Kyoto case.

The items in this questionnaire are 12. The response period will be from July 1st to August 31, 2019, and on February 25, 2020 as the second period. Please cooperate.

Shizuoka University Yamamoto Takanori

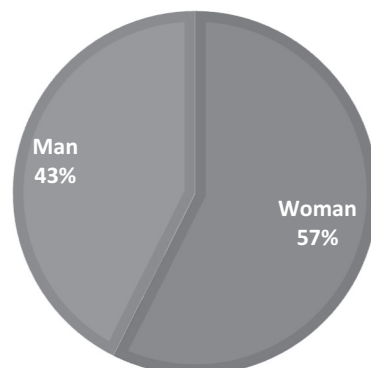
(Responsible person: Shizuoka University Takanori Yamamoto, Info: yamamoto.takanori@shizuoka.ac.jp)

60s 50s 40s 30s 20s 10s



Q.1 age (N=61)

Woman Man



Q.2 gender (N=61)

3.2 Damage to the Ethnic and Local Community

As a result of hate speech, the symbiotic relationship between Korean schools and Japanese society was destroyed in the community. Since the 1960's, relation with Japanese people had been formed in the community where Korean school existed. However, there was a problem with the children's public park (Kanjinbashi) near the Korean school, which the hate speech group was concerned about. According to some Japanese residents in the area, the hate speech group had claimed that the park was illegally occupied by the Korean school. The group advocated a distorted sense of "justice" to retake the park from the Korean school.

It is not true that the Korean school occupied the park. As there was no playground in the school, they were using the nearby children's public park for classes such as physical education (this was agreed upon by the Kyoto City and local residents). Given the history of colonization, it is very difficult for Koreans to live in Japanese society. Therefore, the place of ethnic education is a very valuable aspect of the Korean community, and these institutions have worked hard to defend themselves against discrimination from both the state and society.

Currently, there are 67 Korean schools in Japan, and they have mostly been accepted by the local community. However, some residents' complaints and the extreme actions of the hate speech group created tension in the community and the area became noisy and increasingly conservative. Consequently, the school began to be considered a "nuisance." This was one of the reasons that the school moved to another location and was later integrated. In other words, the Korean school, which had been operating as a core part of the Korean community for more than half a century, lost its original location.

In response to this, one woman said:

I was just lonely. It feels like a hole in the heart. One day, when I went to see the site of the school from the park, tears overflowed. My chest still hurts when I pass that place. The regret of having done nothing was revived.

She was a mother and graduate of the school, and this was one of answers to the preliminary survey I conducted (Yamamoto, 2019). The "lost" sense of the Korean school, which had existed for more than half a century, is part of the scarring of victims. However, some Koreans may feel uncomfortable with this expression of "lost"; In other words, the school was not lost due to the hate speech group's attack, but there were reasons such as the deterioration of school buildings, the decrease in the number of students, and the securing of school yards that contributed to their decision to relocate. Therefore, there is also the feeling that Koreans were not defeated by discriminators. This can be seen in the following ambivalent answers (Q.7).

Hate speech is not the only reason why Korean school disappeared.

It was not closed due to a decrease in the number of students.

In the process of fighting the trial, the most important thing for mothers was to "regain the daily life of the school." In other words, they emphasized that winning or losing against the hate speech group was not important (Yamamoto, 2015). Based on these feelings, they also want to think that the school

relocation was not caused by hate speech.

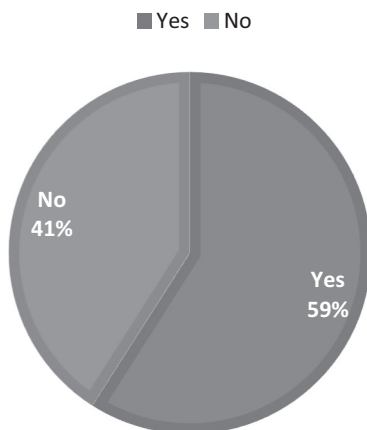
3.3 Questionnaire Analysis (1)

I will now discuss the results of the answers to two questions. First, in response to Q.7 (What did you experience when the Korean school disappeared from the community around you? Please answer freely), many of the answers emphasized “loneliness” and “sadness.” On the other hand, it can also be seen that “regret” and “anger” coexisted in the answers. Answers such as “feeling a hole in the heart,” “deprived of my hometown,” “my past and memories were denied,” and “feeling that a part of my body was torn off” show how important the Korean school was for Koreans living in Japan. In other words, these sentiments reflect the seriousness and the extent of the damage.

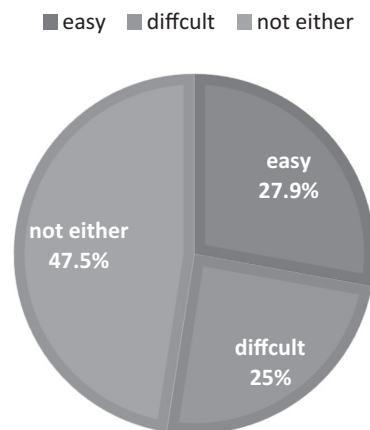
Also, the answer “every time I pass in front of the school, I feel lonely and hard” shows that the experience continues to be felt today. On the other hand, answers such as “weakened connections between brothers and sisters, loss of centripetal force” reflect how important Korean schools are in terms of binding the Korean community together.

For Q.8 (ten years have passed since the trial on the attack of the Kyoto Korean First Elementary School. What do you think about this case now?), the patterns of answering this question were clear. Answers such as “I can’t forget,” “without fading,” “just remembering, my chest tightens,” and “I always feel the damage” suggest that the negative effects of the Kyoto case continue to be felt today. In addition, there were some answers like “the incident that should not be forgotten” and “the underlying problem has not been solved,” which also express ongoing reactions in a different way. However, other respondent said that she has forgotten the incident in her daily life, which reveals that victims’ reactions vary significantly.

When asked Q.9 (Are you currently afraid of hate speech?), 59% answered “yes.” In response to Q. 10 (Is Japanese society [including your familiar local community] a comfortable place for you to live in?), 25% answered that it was “difficult to live” and 47.5% answered “not either.” These conditions are of great concern. In response to this situation, the “cracks” (HSEA) in the community remain neglected. This is due to the coexistence of the “warmth” and “coldness” of the community. Mark Walters, who discusses restorative justice, points out the characteristics of the community are “both damaging and healing”



Q.9 Are you currently afraid of Hate speech? (N=61)



Q.10 Is Japanese society comfortable for you to live in? (N=61)

(Walters, 2014). Kyoto City has long respected the surrounding area where this incident occurred as a symbol of symbiosis. However, even among Koreans living in the area, Korean schools are treated exclusively, and no measures have been taken for them to recover from the damage.

4. Damage to Children

4.1 Five Years Later: 2015 survey

It is worth exploring how children were affected by this case. In this regard, I would first like to mention the October 2015 NHK broadcast called “Hurtful Children: Six Years Since Hate Speech.” The featured girl, called “A” here, was eight years old at the time of the hate attack. A said, “I was really scared.”

“Get out of Japan, Korean School!” “You smell the kimchi and you are sour!” These voices denied the existence of the school from a loudspeaker. This seems to be pointing at us. Everyone around me seemed to stare at me and say, “Go home to Korea!” As a Korean, I could not go to school with dignity anymore.

As a result, she could no longer open a Korean textbook when she went to school.

From June to September 2015, we conducted a fact-finding survey on hate speech among 1543 Korean high school students across Japan. This survey was compiled as part of the “Investigation of Damage by Hate Speech and Guaranteeing Human Dignity” (Ryukoku University Human Rights Research Committee, 2016).

The sample included 54 people who experienced the Kyoto incident and then attended the Kyoto Korean High School. We asked questions about “community” on the premise of the hate speech elimination method. That is, “Is multicultural coexistence in the place of residence progressing?” Compared to other Korean schools in Japan, and the Japanese public high school including Korean roots students, the positive response from Kyoto Korean High School (73 students) was the lowest at 8.2%. “Not very advanced” was the most popular answer, accounting for 41.1% of all responses.

In another question, “Feeling of participants in the discriminate exclusive demonstration,” 38.4% of the students at Kyoto Korean High School also said “I can’t forgive, I can’t understand.” On the other hand, 41.1% said, “I can’t forgive, but I can understand, because I’m a person living in the same society.” In the Korean school as a whole, 38.7% answered the former and 39.6% answered the latter (in other words, more people answered “I can understand”). Of the respondents, 17.8% answered that they should ignore them or leave them alone, which was higher than the overall average at 16.8%.

What kind of emotions does hate speech make affected children feel? When asked to elaborate on their emotions, many respondents expressed extremely negative feelings such as “I thought I might be killed” and “I regret having been born as a Korean in Japan.” On the other hand, for the children affected by the Kyoto incident, “I want to deepen the exchange between Japanese and Koreans and let Japanese people know and understand Koreans” was a common answer, as well as “I also want to make friends with people who live in Japan, but without ethnic discrimination.” There are ambivalent feelings of “not understanding each other” and “understanding each other.” There is also a traumatic feeling of fearing being “killed” and feeling “regret”. Therefore, based on these findings, we should simultaneously consider

positive emotions of “exchange” and “understanding,” as well as negative emotions of “incomprehension,” which conflict with each other.

4.2 Narrative of Damage

As mentioned in Table 1, “Korumu” was formed as a group to support the trial in the Kyoto case. “Korumu” is a Korean word meaning “step” or “fertilizer.” In other words, Korumu’s activities are a step towards eliminating hate speech and are intended to be a fertilizer for symbiosis. It was argued that this activity was important in relation to victims’ recovery from the damage caused by the incident (Yamamoto, 2015).

The Korumu was disbanded after the trial was completed. In 2011, a separate group called “Kopponori” was formed with the aim of providing daily support to Korean schools. The name “Kopponori” means “bud” in Korean, and is given in the hope that ethnic education would bloom. As will be mentioned later, it plays a central role in creating a health room for Korean school with the purpose of providing mental care to children affected by hate speech.

Kopponori held a symposium focusing on the current situation of hate speech damages, taking the opportunity of the 10 year anniversary since the Kyoto case (December, 2019, at Ryukoku University). Three victims took the stage at this symposium. All three were adults who were already university students over 20 years old (Kopponori ed., 2020). Ten years after the incident, what kind of experiences were they talking about? B, who was in sixth grade at the time of the incident, said “I understood that Korean schools were threatened by parts of Japan, even though I was in sixth grade.” When the incident happened, she said frankly “I never thought it would.” However, she had the opportunity to change her perspective when she was in her second year of junior high school and her mother watched a video of the 2009 incident on YouTube. She was shocked not only by the scene of the incident, but also by the positive comments on the hate video. Even still, her identity as Korean was nurtured by the Korean school, not by this experience.

I think the main reason why I am not a naturalized Japanese citizen is that I went from kindergarten to high school in Korean school and learned there; that is where I was taught my identity.

Additionally, B experiences discrimination against Koreans in Japan on a daily basis; the paradox is that although she sees discriminatory posts on the Internet every day, and feels pain, she still survives.⁵⁾

C is another student who was in fifth grade at the time of the incident. She says that she does not remember those days. It was through a video of the incident that her mother watched that she knew the details of it. She asked her mother “Are Koreans bad?” In footage of her from the above NHK documentary (2015), she cried in front of the lost school building.

The hardest part of the interview at that time was to see the lost school building. At that time, I experienced the reality that intangible things appear as scars to me for the first time. It was very painful and I was disappointed.

After this, she says “I was scared of the Japanese.” However, she also emphasized the following:

I am proud of being born Korean. Of course, I would like to thank my family, who made me think so. It is also thanks to the teachers who taught me about my ethnic culture and language at the Korean school, the Korean community who protected me, and the Japanese people.

4.3 Questionnaire Analysis (2)

So what happens to the victims when they experience such a thing at a young age? The questionnaire mentioned above was conducted 2020 for third-year high school students, 22 people, who were in 4th grade at the time of the incident. Regarding Q.9, the number of respondents who answered “no” (13%) to being afraid of hate speech exceeded the number of respondents who answered “yes” (9.59%). Regarding Q.10, 50% of respondents answered that Japanese society was “easy to live” (11 people), whereas 13.6% answered that it was “difficult to live” (3), and 36.3% answered “not either” (8). This is a big difference from the results mentioned in Section 3.3.

Of these 22 students, 12 belonged to the Kyoto Korean First Elementary School. As pointed out in Section 3.2, ambivalent emotions can be found here as well. Regarding Q.7, there were some that emphasized “I was very sad,” “I felt that something was taken away,” and “I have no basis for my heart.” some students answered that it was “not gone.” In Q.8, some respondents said, “I can’t forgive even after many years,” “Discrimination continues,” and “In the past, fear was prevalent. But now, I feel anger and ask why that happened.” The answer that it should not be forgotten or that it needs to be inherited was also conspicuous.

The answers to Q.7 and Q.8 (only for graduates of Kyoto Korean First Elementary School) were similar to the overall response tendency. However, from the responses of 22 third-year high school students conducted in 2020, there were many positive responses regarding the presence or absence of fearing hate speech (Q.9) and the comfort of living in Japanese society (Q.10). This may be due to the fact that they are enrolled and protected in the space of Korean school. From the story of university students seen in Section 4.2, it is apparent that Korean schools play an important role in the recovery of damage (i.e. identity development and self-esteem as Koreans).

5. Recovery from Damage

5.1 How to Recover

I have been investigating the victims of the Kyoto case over the past 10 years and I make a hypothesis that Korean schools have played a major role in their recovery. The school affected by the incident was merged, but there are also two other elementary schools, one junior high school, and one senior high school in Kyoto. Many of the affected children were healed during their time at the junior and senior high schools (Yamamoto, 2019).

As mentioned above, A has entered high school and I interviewed her in 2019. When I asked her, she said “I can’t beat discrimination” and “I have to appeal to the Korean school.” She was proudly attending a Korean school. Her mother, who was present at the interview, introduced me to the word “must fight” as used in the Korean school community. Apparently, A is positive in her response, and it seems to be the existence of the Korean school that made this possible.

The other was D, who was the third-grade elementary school student at the time of the incident and also went to senior high school. After the incident, he said “sometimes I thought it would be better not to

be Korean.” His mother said, “he was hostile to Japanese people passing by” and “he needed to restore his trust in society.”

By continuing to go to Korean school, D was able to confidently say that he would continue to live as a Korean. At one point, he attended a martial arts gym using a Japanese name⁶⁾, but he now feels confident enough to use his Korean name. He says “I talk to a Japanese person and decide if I should have a relationship with him, without first concluding that the person is bad because he is Japanese.” This started when D met a friendly Japanese people at the Korean school; again, this was only made possible because he attended Korean school.⁷⁾

5.2 The Practice of Health Room

As a practice of recovery, another important factor is the health room that was set up in Korean schools. Incredibly, Korean schools do not have sufficient resources for the health room because of discrimination from the state and local governments. Therefore, there was previously no practical health room. After the Kyoto Incident, around 2014, a consultation on the operation of a health room was started to care for the victims of hate speech (Table 1). A consultation body was set up with experts (mostly Japanese people) who could respond to discriminatory damages (trauma, etc.), while maintaining the daily health of the children. This was a rare result for Korean schools in Japan, and no such support was provided by Kyoto City and Kyoto Prefecture in this regard.

The details of the health room are as follows (Yamamoto ed., 2020). There were four main motives for running the health room at Kyoto Korean School: (1) Providing mental care following the hate crime, (2) Eliminating the anxiety of going to class due to intractable diseases and disabilities, and ensuring a wider environment for receiving ethnic education, (3) Ensuring that teachers could concentrate on their educational work even if there were temporarily ill students at the school (consequently, the school network has expanded), and (4) Enhancing the special health classes given by outside lecturers (e.g. on sex, DV, drug addiction, sexual minorities, and lifestyle). Special classes are included in the annual plan, in

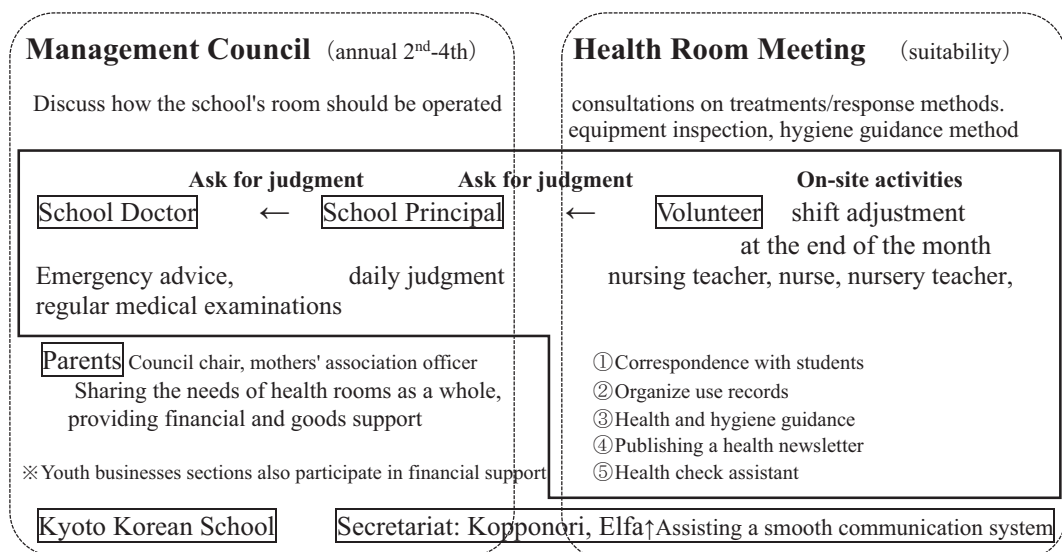


Figure 1: Outline of the Voluntary Health Room in Kyoto Korean School

addition to conventional health classes by the Korean Medical Association in Japan.

Regarding (1), the supporter requested that the administration offer school counseling, but the response was that counselors could not be dispatched. Mental care for students, teachers, and parents following the Kyoto incident had to take on a self-help approach, which was tied to the health room management. With the help of clinical psychologists, psychoeducation for students (2015) and psychological consulting for teachers (2015, 2016) were conducted. However, professional support that focuses on victims of the incident and its consequences has not yet been achieved.

The need for (2) was recognized by the school and parents, even before the incident. The incident occurred just before volunteers provided learning support and set up a health room (from 2007) for children with disabilities. After the trial was over, Kopponori sought advice from CIL (Center for Independent Living) and others in response to the requests of parents who wanted to proceed with this task. Kopponori and Korean welfare NPO “Elfa” cooperated to hold a preparatory meeting in this regard, and Elfa nurses volunteered to start the experimental operation of the health room. Initially, the room was opened once a month, but as the number of volunteers increased, it also expanded to other schools (see Table 1).

A health room Management Council was set up, chaired by a father who was the founder of the room, and attended by school doctors, principals, officers from the mothers’ association, and school directors. At the Council, while confirming on-site activities and room usage, members discussed operational goals, operational maintenance, improvement measures, future prospects, and so on (see Fig. 1). Opinions on how to deal with the situation are exchanged on-site, items are confirmed, and news from the health room is discussed. In the four years, 17 volunteers with various qualifications and experiences were involved, including parents and former teachers, as well as some Japanese nurses that were visiting Korean schools for the first time. In terms of management, the school principal is essentially responsible for what is done in the health room.

As a result of continuing to attend Korean schools, the victims are on the path to recovery. From the results of this study, two main things can be pointed out. The first is the restoration of Korean identity (self-affirmation), and the second is the restoration of relations with Japanese society (not government and administration). Nevertheless, these are basically the result of self-help efforts that the affected Koreans themselves practiced. That is, they were not prepared or arranged by Japanese society, which initially caused the hate speech. In this sense, Japanese society has a big responsibility to fulfil. Additionally, although hate speech was criminalized during the trial and the HSEA was enacted, we must pay attention to the fact that the victims themselves have pioneered their own recovery.

6. Conclusion

In this paper, I have examined hate speech measures taken in Japan by focusing on the Kyoto case as an example. In this specific case, the plaintiffs won, and the Japanese judiciary found that there were damages. In response to this incident, the Act to eliminate hate speech was passed in 2016. However, it is also true that the damage continues and recovery has been left behind. The practice of damage recovery is being addressed by the victims themselves, and is strengthened by the support of some Japanese citizens. Therefore, it is necessary to improve the measures taken in response to hate speech in Japan, focusing on the damages.

Notes

- 1) In Japan, the discrimination system of social status continued until the Edo period. Residents who opposed the abolition attacked Buraku. Buraku is a hamlet of craftsmen (status) who process leather and slaughtered cows and horses and so on. The relationship between Buraku discrimination and hate speech was touched upon in the following paper (Yamamoto, 2021).
- 2) Kim evaluates the Kawasaki City Ordinance with criminal penalties to some extent. However, he points out that the punishment for hate speech targeting minority groups is weak (Kim, 2021).
- 3) Consultation on Hate speech Suppression Measures: Mayor Hashimoto Suggests Support for Appealing to Trial, Nikkei Shimbun, September 4, 2014, https://www.nikkei.com/article/DGXLASHC03H0G_T00C14A9AC8000/, Accessed March 7, 2021.
- 4) See Kotani (2017) for the evaluation of HSEA. Many of hate speech debates in Japan are about freedom of expression and the Constitution. Focus on victims has been delayed.
- 5) From December 3 2019 NHK news about Kyoto incident after 10 years.
- 6) The Japanese name used by Koreans living in Japan comes from the cause of being forced during the colonial rule.
- 7) Chosen Simpo, dated February 21, 2019 "<2nd in the age of hate> I hated Japanese people / A student was at the time of the Kyoto Korean First Elementary School Attack Incident talk about it".

References

- Benier Kathryn, 2017, The Harms of Hate: Comparing the Neighbouring Practices and Interactions of Hate Crime Victims, Non-hate Crime Victims and Non-victims, *International Review of Victimology*, 23(2), pp.179–201.
- Higaki Shinji and Nasu Yuji eds., 2021, *Hate Speech in Japan: The Possibility of a Non-Regulatory Approach*, Cambridge University Press.
- Kim Sangyun, 2021, "Criminal Regulation for Hate Speech", *Legal Bulletin*, 93(3), pp.91–96. [in Japanese]
- Kopponori ed., 2020, *Fighting Attacks on Ethnic Education: 10 Years After the Kyoto Korean First Elementary School Attack*, Self-Publishing. [in Japanese]
- Kotani Junko, 2017, A Comment on Hate Speech Regulation in Japan after the Enactment of the Hate Speech Elimination Act of 2016, *Shizuoka Law School*, 21(3/4), pp.228–218.
- Ryukoku University Human Rights Research Committee, 2016, *Hate Speech Survey of Damage and Guarantee of Human Dignity*, Ryukoku University. [in Japanese]
- Waldron Jeremy, 2014, *The Harm in Hate Speech*, Harvard University Press.
- Walters Mark, 2014, *Hate Crime and Restorative Justice: Exploring Causes, Repairing Harms*, Oxford University Press.
- Yamamoto Takanori, 2015, Two Points that were not asked in the Trial: Community and Support Organization, *Legal Seminar*, 726, pp.54–56. [in Japanese]
- , 2018, Who are the People who Support Korean Schools: Focusing on the Perspectives of Ethnicity and Inhabitants, *Ritsumeikan Ars-vivendi Studies*, 1, pp.63–70. [in Japanese]
- , 2019, Difficulties in "Recovery" from Hate Crime Damage and the Ways: A Study from the Kyoto Korean School Attack Case, *Legal Seminar (separate volume)*, 258, pp.85–97. [in Japanese]
- ed., 2020, *Present and Future of Korean School Support: Rethinking the 'Form' of Support*, Shizuoka University Yamamoto Seminar. [in Japanese]
- , 2021, Buraku Discrimination and Hate speech: Complex Situations of Classical and Contemporary Discrimination in Japan, *Hate speech in Japan: The Possibility of a Non-Regulatory Approach*, Cambridge University Press, pp.107–124.