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**Racism, racial discrimination, xenophobia and related
forms of intolerance: follow-up to and implementation
of the Durban Declaration and Programme of Action**

Written statement* submitted by Japan Society for History Textbook, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 August 2023]

* Issued as received, in the language of submission only.



Call on the Japanese Government to Enact a Law Prohibiting All Kinds of Hate Speech

Recently, a foreigner posted hate speech against the Japanese on the Web, mockingly referring to the atomic bombing over Hiroshima and Nagasaki, which became a problem.

In 2016, the Japanese Government introduced the “Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan.” The Act targets “unfair discriminatory speech and behavior against persons originating from outside Japan” and stipulates that Japanese nationals may not commit “unfair discriminatory speech and behavior.” Perpetrators of unfair discriminatory speech and behavior are Japanese people and there is no reference at all to perpetrators originating from outside Japan and such perpetrators are rampant under the present law.

Moreover, if a perpetrator of unfair discrimination is a person originating from outside Japan, to criticize or condemn the non-Japanese person’s discriminatory speech and behavior may possibly violate the Act as discriminatory speech and behavior and consequently threaten the freedom of speech and have discouraging effects on criticizing discrimination.

Thus, the Japanese Government does not provide any measures when it comes to the cases of Japanese people being defamed by unfair discriminatory speech and behavior. In the supplementary provisions to the Act, it is stated, “considering the actual situation pertaining to the unfair discriminatory speech and behavior against persons originating from outside Japan,” and “When necessary, further examination shall be made.” However, the further examination is also to target unfair discriminatory speech and behavior against persons originating from outside Japan and there is no mention of dealing with Japanese people being denigrated by discriminatory speech and behavior.

If the Japanese Government is to truly tackle to eliminate “unfair discriminatory speech and behavior, it must deal with eliminating all “unfair discriminatory speech and behavior” regardless of who may commit it.

To secure human rights equally for any person, we request the Human Rights Council to make the following recommendations to the Japanese Government:

1. The Japanese Government should investigate unfair discriminatory speech and behavior against Japanese people, regarding “the fact -finding investigation of unfair discriminatory speech and behavior” as regulated in the supplementary provisions to the “Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan.”
2. The Japanese Government should make amendments to the Act so that the Japanese Government may make efforts to eliminate unfair discriminatory speech and behavior committed within Japan by persons originating from outside Japan.

International Research Institute of Controversial Histories (iRICH), NGO(s) without consultative status, also share the views expressed in this statement.