Report on Hate Speech

National Human Rights Commission of Korea

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* This report is a result of research conducted by the "Hate Speech Report" team and may present differing views from those of the National Human Rights Commission of Korea.

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Preface

The problem of hate speech is one of the main issues currently facing our society. Although hatred and discrimination is not a recent problem, public expressions of hatred have increased and become more active since 2010. Expressions of hatred towards immigrants and women on the Internet have spread to offline society.

Hate speech has increased towards immigrants, refugees, women, and sexual minorities concerning events such as the murder of a woman at Gangnam Station in 2016, Yemeni asylum-seekers in Jeju in 2018, Queer Culture Festivals, and human rights ordinances of local governments. This hatred has not stopped at words, but has led to threats and violence. One politician's hate speech against disabled people is an example of a recent related issue. Increasing socioeconomic polarization have led to greater anxiety and fear of social instability, triggering the expression of hatred towards social minorities.

Hate speech is now a regular event. However, many people have voiced their concerns regarding such instances and support policies constraining hate speech. According to a survey conducted by the National Human Rights Commission of Korea this year, many citizens are concerned that hate speech will lead to crime, stronger social conflicts and discrimination, and reduce the freedom of expression of underprivileged groups. Further, few respondents stated that they believe that hate speech will naturally come to an end.

Hate speech not only corrupts human dignity and values, it also creates discrimination and damages social integration. Korean society does not yet have a high awareness of the problem of hate speech and has not yet developed responsive measures, with few efforts being made in the various areas of society.

Reducing hate speech is an important task for our society. In addition, it is critical to develop the definition of hate speech, classify types of hate speech, and decide how hate speech should be responded to in order to solve this problem and increase societal awareness.

Therefore, the National Human Rights Commission of Korea has commissioned experts to research the fundamental concepts of hate speech and develop awareness tools. The results of this research are presented in the "Report on Hate Speech." I would like to express my sincere gratitude to Seung Hyun Lee, Joon Il Lee, Gang Ja Jung, Hye In Cho, Sang Hee Han, and Sung Soo Hong, who have put in an enormous effort through discussions and writing over the past several months to enable the publication of this report.

As was stated in the Universal Declaration of Human Rights 70 years ago, human dignity should not be deferred for any reason. I hope that this report will be widely used to build a foundation for a society of coexistence with "dignity for everyone, overcoming hatred and discrimination."

October 2019

Young-Ae Choi

Chairperson, National Human Rights Commission of Korea

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Chapter 1. Introduction of the Phenomenon of Hate

1. Introduction

Over the course of history, groups of people have been discriminated against and classified, and attempts have been made to eliminate this discrimination. Residues of stigma remain against historically discriminated groups such as women, disabled people, minorities, people of other races, and sexual minorities that cast such groups as inferior, invaluable, dangerous, or contaminated. This stigma may be present in our everyday words as well as our conscious and subconscious thought structures.

Sometimes, discrimination is purposely introduced to bring about social hate for political purposes. A major example is the stigma against and massacre of Jewish, disabled, and LGBT people, who were victims of the Nazis' hate politics during World War II. At the same time, people may be excluded and oppressed in everyday life due to unfair prejudice, unjust customs, or socioeconomic reasons. Some examples include patriarchal oppression or discrimination towards aliens.

Hate speech is defined as a social action that openly shows discrimination or an action that encourages discrimination. Hate speech does not stop at exposing one's internal feelings or awareness towards a particular group of people. The root of hate speech is historical or social discrimination, and the public expression of hate in society and its ability to spread is a serious social issue. This not only violates the human rights of those who are subject to hatred by reconfirming and reinforcing existing discrimination, it also divides society and

harms democratic values by expanding and reproducing the social structure of exclusion and oppression based on discrimination.

As such, recent focus has been placed on expressions of hatred or behaviors that express hatred and discrimination, which have been on the rise in Korea recently. Major causes of the spread of hate speech include the rapid polarization of Korean society since the 1997 monetary crisis and the concurrent rise of the information society. In addition, with the rise of the Internet as a major stage for political activities since the presidential elections of 2002, hate speech has been used as a political tool on the Internet and has been spread and reproduced in society.

However, there are no established countermeasures for hate speech, although it is publicly expanded and spread. Critical opinions have been provided by public groups that request society to react to the hate phenomenon. Ultimately, it is necessary to reduce economic and social inequality and polarization, which are the foundations of hatred. First, however, there should be reactions towards hate itself, which violates the dignity of humans and blocks the development of a democratic society.

The purpose of this report is to provide a starting point for such a response. Much criticism of hate speech has been provided by the public and academia, and topical analyses of the matter have been conducted. However, no discussions have been fundamentally effective in addressing the hate phenomenon. Therefore, this report provides the foundation for

systematic and effective policies by organizing basic concepts, awareness, and responsive systems necessary to develop political measures to address the hate phenomenon.

This report is divided into four chapters. Chapter 1 briefly introduces the background and structure of hate in Korean society. Chapter 2 defines the types of hate speech that should be controlled and eliminated from our society and organizes social symbols to provide tools for increasing awareness of hate. Chapter 3 summarizes the malicious effects of hate speech on the protection of human rights and integration of a democratic society and Chapter 4 suggests methods for reacting to hate speech from public areas including the state or the community, and considerations that should be made when selecting and following through with such methods. The last chapter provides some suggestions for future studies.

2. Background and Causes of Hate

Hate has two primary origins in our society. First, hate is one of the most effective political strategies in modern history. It is used by governmental regimes to discipline or control their citizens and to neutralize political opponents. Second, the hate phenomenon that has been on the rise recently also results from changes in the social structure. This kind of hatred stems from increasing social and

economic inequality, dissatisfaction, and fear of unstable social status. These two origins have many similar points, which are increasing through interactions.

1) Hate as a Method of Power

The hatred that has been rampant longest in our society has its origins in the red complex of the anticommunist system of the state. This type of hate towards those who were labelled as "Reds" did not stop at judgments toward particular political beliefs or ideologies. It led the authoritative powers to classify those who should be politically and socially excluded.

The root of this hate is in Japan's colonization method, which considered Koreans who resisted he Japanese as "Non-Citizens" who could be eliminated. Hate was also the result of the ideological conflict between the right and left after liberation, and was used to define and stigmatize those who were aligned against or refused to follow the system as social deviants and enemies of the system. As a result, such people were severely punished and isolated from society. By establishing this national fear through classification and stigma, the authoritative powers were able to control the public's sentiments and awareness.

In addition, the authoritarian ruling of the military regime structured the awareness of hate by rallying regionalism. The regime took advantage of the nepotistic culture evidenced through school ties and regionalism to discriminate against people from particular regions by distributing prejudice and fake information to gather supporters. The powers of the nation were constructed and distributed according to regionalism, and the general public naturally incorporated these ideas about exclusion as part of their beliefs and everyday life.

As such, hatred that has been used as a method of control touches on existing social and cultural discrimination. The concept of a single nation does not accept differences or diversity but supports uniformity and conformity. Confucian patriarchist beliefs based on authoritarian control consider discrimination according to gender and age as part of "social ethics" and cast sexual minorities and those with disabilities as "invisible" or "unrecognized."

2) Hate as a Social Pathological Phenomenon

Another type of hate has recently drawn attention. The majority of this kind of hate stems from the rise of human rights awareness centered on equality, along with democratization. Existing discrimination along the lines of gender, disability, age, or birthplace was renamed "hate" and attempts were made to seek fundamental solutions to such discrimination.

However, the phenomenon of hate has been reinforced due to increased socioeconomic injustice from rapid industrialization. Scapegoats are used to relieve or alleviate anxiety or discontent when polarization occurs. The public identifies the differences and distinctions of underprivileged groups and classifies them into categories such as women, sexual minorities, and migrants. These people are then attacked as a single group. Underprivileged groups are assigned characteristics defined as inferior or are excluded from society by inducing fear that they will bring about social risks. In some cases, national measures to remedy existing discrimination are criticized as "reverse discrimination" to spread hate and hostility towards groups facing discrimination.

Information and communication technologies that have been rapidly developing have recently become the main route for the distribution of hate speech. Discriminatory or prejudicial statements or fake news are spread widely through social networking services to cause confusion and anxiety. Some newspapers, broadcasts, or YouTube videos exaggerate and reproduce such fake news. In other cases, politicians or economic or social organizations may use this information to achieve their own purposes.

There are many examples of the current status of hate speech in Korean society. The murder of a woman by a man in his thirties in a public restroom of a karaoke bar near Gangnam Station in 2016 showed how misogyny may lead to crime, spurring a social debate about misogyny. In 2018, approximately 550 asylum seekers from Yemen applied for refugee status at Jeju Island. Unconditional hate was targeted at these Muslim refugees, encouraging racial discrimination and xenophobia. This hate speech was then disseminated and intensified by the media's provocative reports, speculative articles, and fake news. In September of the same year, those who were against the first Incheon Queer Culture Festival expressed hate towards the participants of the event, threatened them, and caused violence. This showed that hate can directly cause harm to public wellbeing.

3. Political Directions of Reactions to Hate Speech

Considering the numerous evils of hate, it is of utmost importance to provide and carry out measures to address hate speech. However, Korean society has still not identified appropriate reactions or measures for addressing hate. As there has been an extreme increase in the frequency and range of hate due to the rapid social polarization and the development of information technology, it is difficult for the state and civic society to react to such incidences. In addition, there is an anxiety that some public rights, including the freedom of speech, which have only started to become free, may become limited under regulations on hate speech.

Therefore, reactions to hate speech should start from the most fundamental level. The public should first develop a basic awareness of hate speech, such as what it is, how it appears, and what kinds of measures should be considered to eliminate it.

Understanding the concept of hate speech is extremely important. Such an understanding will not only serve as a standard for classifying, controlling, and managing hate speech to increase social integration and secure human rights, which are core values of modern society, but also serve as evidence for the development of specific measures to address the issue.

Chapter 2. Concept and Types of Hate Speech

1. Concept of Hate Speech

The general definition of hate is an intense, passionate dislike of something or someone. Generally, hate refers to situations in which someone feels repulsed by something or does not wish to be near something. However, "hate" as a social phenomenon does not simply refer to personal emotions. This is evidenced by national and international discussions about the regulation of hate speech. The major national and international discussions on the concept of hate speech may be summarized as follows.

- Instillation of racial, ethnic, or religious hate that can cause discrimination, hostility, or violence (Article 20, No. 2 of the UN International Covenant on Civil and Political Rights)
- All propaganda and all organizations that are based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or that attempt to justify or promote racial hatred and discrimination in any form (Article 4, UN International Convention on the Elimination of All Forms of Racial Discrimination)
- Any kind of communication in speech, writing, or behavior that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, color, descent, gender, or other identity factor (United Nations Strategy and Plan of Action on Hate Speech)
- Denigration that is based on "race," skin color, language, religion, or beliefs, country or ethnicity of origin, bloodlines, age, disabilities, gender, sex, sexual

identity, and sexual orientation, and expressions that justify, support, increase or cause any hostility and insults, harassment, mockery, negative prejudice, stigma, or threat (General Policy Recommendation No. 15 on combating Hate Speech)

- (Gender Discrimination Hate Speech) Expressions that disdain people by considering their sexual range of gender or sex as inferior or fundamentally reducing the sexual range (Council of Europe Gender Equality Strategy)
- Expressions that cause discrimination, hostility, and violence or discriminate and hate particular individuals or groups because they have the characteristics of social minorities (Study on Hate Speech and Regulatory Measures, National Human Rights Commission of Korea)

Three factors emerge from the international standards and foreign legislation (Refer to Attachment 2) regarding the definition of hate speech.

① Targets a particular group with particular characteristics

② Insults, degrades, abuses, or threatens particular groups or their members based on negative prejudices and stereotypes and advertises and incites discrimination and violence

③ Words and actions used against a target group rather than physical attacks

In addition, it is necessary to consider the contents and effects of hate speech. Hate speech justifies the existing discrimination of a target group or advertises and reinforces that discrimination. Therefore, the targets of hate speech are social minorities that have received discrimination, and the unique problem of hate speech is that it strengthens the discrimination towards those

groups. Therefore, hate speech is a problem of "discrimination" and is different from general curses or criticisms. It is possible to clearly define the concept of hate speech by describing its contents and effects. The concept of hate speech is summarized in the following.

- Hate Speech: Expressions that 1. Insult, degrade, abuse, or threaten or 2. Advertise or incite discrimination and violence to justify, encourage, and reinforce discrimination towards a certain individual or group due to gender, disabilities, religion, age, birthplace, race, or sexual orientation

Here, "insult, degrade, abuse, or threaten" includes comparing a particular group to repulsive things, showing negative prejudices against the group, or threatening them with curses. "Advertise or incite discrimination and violence" refers to behaviors that spread or encourage discrimination and violence against a target group.

2. Factors of Hate Speech

1) Groups with Particular Characteristics

The subjects of hate speech are groups who face discrimination due to particular characteristics. They are also called "target groups" of hate speech, referring to "developed" groups based on the characteristics or concepts society

has assigned to them. For example, the same physical conditions may be considered a disability in one society, but may not be considered a disability in another society. In addition, the target group of hate speech may vary in time and space.

Reasons are given for the prohibition of discrimination under the Constitution and the definition of discriminatory activities under the National Human Rights Commission Act. Reasons for the prohibition of discrimination are also used to define hate crimes, which are crimes based on hostility or prejudice towards a certain group. Considering international standards and current events in Korea, discrimination based on race, gender, disabilities, religion, sexual orientation, age, and birthplace is prohibited.

Such discrimination is not temporary, but has accumulated over the course of history. Although the target group of hate speech and discrimination may vary in time and space, members of the target groups can be identified.

The characteristics of target groups of hate speech are generally given according to the universal ideas of discrimination, including racism and sexism. For example, the target groups of hate speech towards disabilities are not limited to those with disabilities under the "Act on Welfare of Persons with Disabilities," but also include those who have difficulties in completely and effectively participating in society due to long-term physical, mental, intellectual, or sensual damage. Further, discrimination based on gender does not only include discrimination based on the typical gender roles and gender expressions of men and women, but also includes intersex people who may have no typical physical sexual characteristics, and transgender people whose sexual identity does not match their sex at birth.

The characteristics given to target groups of hate speech are not voluntary choices of individuals, and cannot be changed with their own will without damaging their personal identity. There has been a recent rise in the awareness of hate that ignores and excludes groups that are considered inferior from a socioeconomic position in Korea.

Although target groups of hate speech may be universal globally, target groups may differ by area or country. For example, in Korean society, racism includes discrimination not only against black people, but also people from countries where migrant workers, children of multicultural families, married migrant women, and Muslim people tend to be from.

2) Negative Ideas and Prejudice

Hate speech includes negative ideas and prejudice towards a particular target group. In other words, hate speech does not simply describe or explain the target group in neutral terms. Negative ideas and prejudice come from stereotypes that have been developed over a long period of time. Some stereotypes assert that people from a particular country are incompetent, have high crime rates, or that women are inferior. Sometimes, stereotypes that may seem positive, such as "those with disabilities are kind" and "African Americans have great physical traits" may also become hate speech that reinforces discrimination.

Negative ideas and prejudices towards a target group serve as justification for spreading discrimination against the group. They may not stop at simple negative emotions, but may lead to hostility or antagonism towards the group such as not wishing to live with them or wishing that they will disappear out of sight.

Furthermore, such hostile behavior may lead to the incitement of specific actions such as making these groups leave or disappear.

Negative ideas and prejudices towards target groups of hate speech may be used to consider target group as different by separating them from others. In other words, as the target group is considered to have harmful effects on society, the country, and the majority of the people, it is claimed that isolating or expelling them from society is justified. Within the process, those who express the negative ideas and prejudices may claim that they are more discriminated than the target group, and that most of the people are in pain due to the target group. In some cases, people become numb to discrimination or violence towards the target group. The target group may be blamed for economic recessions, wars, unfortunate accidents and events, epidemics, or crimes and become scapegoats. This is because the target group is generally considered to be inferior or dangerous, and such treatment may not be considered a violation of human rights, or the violation of human rights may be justified.

In addition, negative ideas and prejudices may be justified with plausible ideology and theories, and may be spread through fake news. For example, this fake news may appear to be academic opinions, scientific evidence, factual information, and academic and political discussions. Some data may seem objective, such as statistics, pictures, or neutral expressions. However, the data may use racism, sexism, xenophobia, or homophobia to cast the target group as inferior or abnormal. In addition, evidence that may seem objective may have eliminated, added, changed, or cleverly used unverified data or overly exaggerate biased information. Academic literature or articles from the media may also be written based on such distorted data.

3) Words, Actions, and other Behaviors of Expression

Hate speech consists of words and actions that publicly express prejudice and hostility towards a certain group, as mentioned above. Expression is a type of communication used to deliver one's thoughts to the public. Therefore, expression includes not only words and text, but also body language, symbols, and drawings. For example, waving the Nazi flag in Europe is a major example of hate speech. In some cases, it may be possible to express negative beliefs or prejudices without directly act, such as through ignorance or silence.

Hate speech may appear as the stating of a fact or the expression of one's personal thoughts and opinions about a certain group. As mentioned above, it may be possible for factual information with objective numbers such as statistics to become hate speech that encourage negative beliefs and prejudices towards a target group. Therefore, "factual" information may also be hate speech. Here, "factual" may refer to false information or facts expressed without a consideration of their context. For example, it is false that "migrant workers receive welfare benefits without paying taxes." According to the National Tax Service, over 10 million migrant workers have reported an income tax of 840.7 billion KRW (as of 2017). The distribution of false information is also hate speech that reinforces prejudice against a particular group. It is also false that the rate of crimes committed by foreigners is high in Korea. According to the Korea Institute of Criminology, the rate of crimes committed by foreigners is less than half of that of Koreans. However, what if some statistics do show higher crime rates for foreigners? In the United States, for example, the crime rates of African Americans are higher in some areas, but this may be because African Americans are more

frequently stopped on the streets and thus gain more misdemeanors. Moreover, these rates may also be related to the poor social environment surrounding African American households and the results of prejudice and discrimination during the process of law enforcement. Emphasizing statistical facts without considering these aspects is not only unjust, but reinforces the stigmatization of the group, which can become hate speech.

4) Encouraging Discrimination

Hate speech justifies discrimination and encourages and reinforces discrimination towards a certain group and its members. In other words, some effects of hate speech include justifying social discrimination towards target groups, reproducing and reinforcing pre-existing discrimination by developing discriminatory policies or systems, causing the members of the target group to continuously be exposed to prejudice, and causing the members of the target group to accept this discrimination and have difficulty fighting back. Therefore, it is important to consider the discriminatory effects of hate speech on the target group and society rather than the intentions of the person expressing hate speech.

From this perspective, hate speech justifies, encourages, and reinforces discrimination. For example, expressing hate regarding the social powers or majority groups, or expressing negative expressions or opinions about individuals or groups without the context of discrimination is not hate speech. Hate speech does not simply refer to general malicious language and unethical behavior, but spreads discrimination towards social minority groups.

3. Types of Hate Speech

It is difficult to organize hate speech into subcategories. There are various types of hate speech that range from simple prejudice to inciting violence, and there are also limitations in classifying types of hate speech using superficial terms without considering the context. However, types of hate speech may be helpful in understanding the concepts and aspects of hate speech. Although the following types do not assume legal measures, they may also be used as references to apply legal measures.

1) Insulting Hate Speech: Expressions that insult, degrade, abuse, or threaten

A major type of hate speech is "insulting hate speech." This refers to an expression that insults, degrades, abuses, or threatens the target group and is prohibited by legislation on hate speech by many countries, including Great Britain's Public Order Act 1986. This type of hate speech shows prejudice towards a particular target group, insults the target group, or compares the target group to animals to describe them as a group that should be avoided or eliminated.

Such prejudice may generalize a target group with a negative image. An example is calling women "Kimchi ladies" or "Doenjang ladies" to state that women spend too much money and are vain. This also includes describing migrant workers from particular countries as lazy or dirty, and calling refugees "fake refugees." The chant "He'll shoot, he'll score, he'll eat your Labrador" aimed at Heung-Min Son, a professional South Korean footballer who plays at the Premier

League in England, is a typical example of prejudice towards Asians. Social minorities have to fight against typical prejudices, which are difficult to overcome unless it is possible to verify that they are stereotypes. This kind of prejudice may reinforce discrimination against the social minority group. In some cases, neutral expressions may be used with no particular malicious intentions, but they may naturally spread prejudice and reinforce stereotypes.

Hate speech can be expressed through disgust or describing a group as dirty. It may refer to its targets as invisible or state that they "should disappear." For example, the people of Joseon who lived in Japan were rumored to "smell like Kimchi," and homosexuality is treated as a social evils that spreads HIV and AIDS and creates "genetic mutants." Direct curses can also be used, such as referring to African Americans as "black bastards" in the United States. In Korea, outrage was provoked when a businessman yelled "Shut up, dirty xx! Where are you from?" and "You stink. Are you an Arab?" to an Indian person on a bus in 2009. In one case, those who referred to Ji-sung Park, who played at the Premier League in England, as a "chink" were punished. In some cases, people are referred to animals to cause displeasure. Hitler referred to Jewish people as "vermin" or "mice," and the Japanese called the people of Joseon who resided in Japan cockroaches or parasites. The Hutu of Rwanda also called the Tutsi cockroaches to discriminate against and suppress them.

2) Inciting Hate Speech: Expressions that advertise or incite discrimination or violence

Another important type of hate speech is expressions that advertise or incite discrimination or violence towards a certain group. Incitement refers to

encouraging, aggravating, advertising, or inciting discrimination or violence by inducing the public to feel hatred and hostility towards a particular group. Major examples of such expressions include "Expel the cockroach Joseon people!" directed towards Joseon people residing in Japan and requesting the government to "Expel all refugees at once!"

Inciting hate speech leads to discrimination and violence for the whole society. This is because inciting hate speech appeals to others to participate in the discrimination and violence. As this causes discrimination and violence that is prohibited by law and breaks the peaceful coexistence of various members of the society, inciting hate speech is the malicious type of hate speech. In addition, although insulting hate speech may be expressed without particular intentions, inciting hate speech is considered to be more malicious, as its intention is to directly attack the target group. Most regulations in countries with legislation on hate speech are related to the incitement of discrimination and violence.

However, the differences between insulting hate speech and inciting hate speech are not always clear. Although the incitement of discrimination seeks the participation of the public, the target group may feel more threatened from the process. Although the statement "Expel the refugees" may be targeted at the government and the public, it may also make refugees feel threatened. In addition, statements for insulting purposes may lead to incitement for the public. For example, "Dirty" may fall under insulting hate speech and "Expel them" may be an inciting hate speech, but the word "Dirty" may lead to the effects of "Expel them."

Major Concepts Related to Hate Speech

Hate Speech, Insults, and Defamation

Hate speech appears as insults aimed at members of a target group. Contempt under the Criminal Act prohibits scorn and disdain without a certain fact, and defamation under the same act prohibits the defamation of the honor of others by publicly stating facts or false information. In addition, both can only be applied when they refer to a specific individual. Therefore, hate speech towards a certain member of the target group may fall under contempt, and if the honor of the certain member has been harmed due to the hate speech, it may fall under defamation. Therefore, some hate speech related to insults may fall under contempt or defamation.

However, as contempt and defamation only come into effect for individuals or when it is possible to specify individuals, it is difficult for them to be used when hate speech is targeted towards an entire group. For example, targeting "migrants," "refugees," or "homosexuals" for hate speech does not fall under contempt or defamation. In addition, as it does not consider a group with certain characteristics, it applies to all individuals regardless of whether they are part of a single group.

In other words, although some hate speech may be defined as contempt or defamation, it does not consider whether the target group is discriminated. In addition, as contempt and defamation do not comprehensively cover all types of hate speech, this does not apply to expressions related to an entire group. Therefore, it is necessary to consider hate speech separately.

Hate Speech and Historical Denialism

In response to the distortion of facts about the Gwangju Massacre, there have been calls for punishment for the distortion of historical facts. There were legislation proposals to punish not only the distortion of the Gwangju Massacre, but also the praising of Japan and the distortion of the pro-democracy movement and the Jeju Massacre. In European countries, including Germany, this is called the crime of historical denialism, and expressions that deny historical facts are criminalized. However, the crime of historical denialism does not punish all acts of historical denialism, but only punishes the denial and distortion of historical facts related to serious issues of the violation of human rights.

The historical denialism of discriminatory crimes is closely related to the discrimination of social minorities. Groups that were historically targeted were social minorities, and hate, discrimination, and violence towards those groups ultimately led to massacres. Therefore, denying such crimes may lead to the justification of the crimes and discrimination towards the social minority groups who were targeted. For example, denying the Holocaust is discrimination towards its victims such as Jewish people, minorities, disabled people, and sexual minorities.

In this aspect, expressions of historical denialism are not only simple denials of historical facts, but are also a type of hate speech that causes discrimination for social minorities. It is hate speech that comes in the form of historical denialism. In other words, expressions that cause racial discrimination are shown in the form of historical denialism such as “There was no Holocaust.” In Korea, the denial of the Gwangju Massacre may be related with discrimination towards the Honam area.

Hate Speech and Harassment

Sexual harassment and harassment are similar to hate speech. Sexual harassment refers to "making people feel sexually humiliated or loathsome in business, employment or other settings or giving disadvantage in employment on the pretext of disobedience to sexual comments or other demands by a working person, an employer or an employee of a public agency" (Article 2, No. 3, (d) of the National Human Rights Commission of Korea Act). Verbal sexual harassment can also be categorized as hate speech due to its focus on gender. Whereas hate speech is not defined based on certain relationships, sexual harassment requires relationships such as employment or work. In other words, verbal sexual harassment is a type of sexual hate speech in a relationship related to work or employment.

"Harassment" is also defined as a type of hate in the proposal of the Antidiscrimination Act put forward by the National Human Rights Commission of Korea in 2006. It refers to any activity that causes physical pain or mental pain including shame, insults, or fear for an individual or group due to gender, disabilities, race, country of origin, ethnicity of origin, skin color, or sexual orientation. As harassment can also be enacted verbally, it may coincide with hate speech. In other words, verbal harassment may be a type of hate speech in relationships related to work or employment.

Legislation that defines harassment includes the Act on the Prohibition of Discrimination against Persons with Disabilities and the Labor Standards Act. The Act on the Prohibition of Discrimination against Persons with Disabilities defines "harassment" as "physical, mental, emotional, or verbal acts committed against a person with a disability in the form of organized exclusion, neglect, abandonment, aggravation, harassment, abuse, monetary extortion, and infringement on the right to sexual self-determination" (Article 3, No. 21), and considers "activities to ostracize persons with disabilities or persons related to persons with disabilities or derogatory verbal expressions or conducts which might cause offense or disparagement in schools, facilities, workplaces, local communities, etc. on the basis of disability" (Article 32, No. 3) as prohibited behavior. The Labor Standards Act defines appropriate measures as the rights of employees and employers in cases of workplace harassment (Article 76-2, Article 76-3).

In addition, the Seoul Ordinance of Student Rights states that "Founders, management staff, principals, teachers and students of schools should not violate the rights of others through discriminatory words and actions and hateful expressions according to the reasons stated in Article 1" as a right not to be discriminated against (Article 5) (Article 5, No. 3). This can be regarded as forbidding principals, staff, and students from expressing hate speech, and also prohibits bullying in schools.

Chapter 3. The Evils of Hate Speech

Hate speech not only violates the rights of its subjects, it also harms personal rights and honor. However, if hate speech or behavior continuously repeats itself, it goes beyond the violation of individual rights to become a serious evil of society overall. The following investigates the maliciousness of hate speech from four perspectives.

1. Negation of Human Dignity and Violations of Individual Human Rights

1) Negation of Human Dignity and Values

Hate speech discriminates against its subjects by defining them as inferior, filthy, or dangerous beings and making attempts to exclude them from everyday life. Therefore, the subjects of hate speech may not only feel belittled, fear, or emotional stress, but also lead to self-downing or self-negation. Hate speech harms the human identities of its subjects. In addition, it makes its subjects even more vulnerable by making them feel inferior.

As long as hate exists, efforts to respect and secure human dignity as stated in the Universal Declaration of Human Rights are dashed. The maliciousness of

hate speech does not stop at harming the character and dignity of individuals, but ultimately harms the identity of the target group and isolates them from the rest of society. Furthermore, this violation of human nature not only destroys individual dignity but ultimately prevents the development of an "ideal human society" (UN International Convention on the Elimination of All Forms of Racial Discrimination).

2) Violation of Personal Rights

Hate speech violates or threatens the basic freedom and rights of its subjects as discussed below.

① Right not to be discriminated (Article 11 of the Constitution)

Hate speech negates and violates the rights of individuals not to be discriminated or the rights to be equally protected under the law. It is behavior that is based on discriminatory treatment or behavior that leads and causes such discrimination. Hate speech characterizes a certain trait of the subject of hatred, and treats them as exceptions from the right to be protected by the state or to be safe, political rights, the right to be married or select a spouse, the freedom of rally and association, the right to work and labor, the right to be educated and trained, and the right to participate in cultural activities. This not only violates the equal rights commonly stated in all human rights declarations including the International Convention on the Elimination of All Forms of Racial Discrimination, it violates the right to equality and the right to not be discriminated under the constitution of Korea (Article 11).

In addition, hate speech publicizes discrimination and makes it socially eternal. At the individual and group levels, it internalizes discrimination, and at the social level, it spreads prejudice against the subject of hatred, shows discrimination as something that is natural or objective, and blocks or cuts off any policies to fix discrimination by hindering public discussions.

② Right to be free from fear and danger (Article 10 of the Constitution)

Hate speech violates the rights of the subjects of hate speech to be safe. Here, "safe" transcends the concept of security to be protected from risks or attacks; it also refers to being protected from all types of unwanted or undesirable failures, wounds, mistakes, accidents, or damages.

Hate speech attempts to deprive or limit its subjects from certain social roles, rights, and freedoms. This results in fear that hate crimes may occur due to this discrimination. For example, hatred towards refugees violates their right to be protected from persecution and makes them fearful of possible persecution. Hatred towards certain groups or group members reminds the public that the history of exclusion prevalent in our society is still ongoing, and provides actual fear for hate crimes stemming from discrimination. Therefore, hate speech creates an atmosphere of constant anxiety and fear for its subjects.

③ Personal Rights: Rights not to be hated (Article 10 of the Constitution)

Some people argue that hate speech that does not result in hate crimes should be protected under the freedom of speech. However, it is necessary to consider that Article 21, No. 4 of the Constitution of Korea sets the honor of other persons as the boundary of the freedom of speech. Hate speech brings displeasure for the subjects and attacks and violates the honor or dignity of oneself. The personal rights secured by Article 10 of the Constitution are a direct measure taken towards such actions. They include the rights to be socially secure or to be protected in honor, and also include the right to ensure that their character is not distorted, changed, or damaged by other people. Thus, the rights to not be hated and not be attacked are included in the constitution.

④ Other violated human rights

Hate speech makes numerous human rights difficult to enjoy for its subjects. Hate speech excludes or limits its subjects from being part of communities, workplaces, and educational facilities. Therefore, it also negatively affects the freedom of residence and right to move at will (Article 12 of the International Convention on the Elimination of All Forms of Racial Discrimination, Article 14 of the Constitution), the freedom of occupation and labor (Article 23 of the

Convention, Articles 15 and 32 of the Constitution), the right to fair pay (Article 32 of the Constitution), the right to receive education and training (Article 26 of the Convention, Article 31 of the Constitution), and the right to participate in cultural activities (Article 27 of the Convention, Article 9 of the Constitution). Sometimes, it also violates the rights to select and participate in religion (Article 20). In addition, the discrimination and exclusion caused by hate speech also violate target groups' rights to engage in daily life and to quality of life such as the right to be married and have a family (Article 16 of the Convention, Article 36, No. 1 of the Constitution), the right to quality of life including the right to enjoy medical and health services and social welfare (Article 22, Article 25, No. 1 of the Convention, Articles 34 and 35 of the Constitution), and freedom of personal life (Article 12 of the Convention, Article 17 of the Constitution)

2. Distortion of Democracy and Hindrance to Social Integration

1) Distortion or Negation of Democracy

Democracy is a principal foundation of modern human society. It requires a public arena in which all citizens can actively participate, providing various opinions from various groups. In this aspect, self-determination and the right to participate become the most important foundations for democracy.

However, hate speech prevents its targets from speaking out. Those who are hated cannot represent themselves due to fear caused by hate speech. Sometimes, they refuse to even participate in discussions, or the discussion itself becomes distorted due to hate even if they are given the opportunity to speak out. Those who carry out hate speech tend to be overrepresented by taking advantage of the authority of the majority, in which they are a part. In other words, hate speech deprives the subject of actual opportunities to participate in public discussions by silencing them, making them underrepresented, and distorting public discussions by publicly stating hostile prejudices against other members of society.

In this way, hate speech distorts and negates the structure of democracy. Hate speech incapacitates the rights of the minority and deprives them of citizenship; conversely, they may only be given the right to speech when they become a part of the majority. As a result, the foundation of democracy that should be built on diversity and multiplicity based on value relativism becomes damaged.

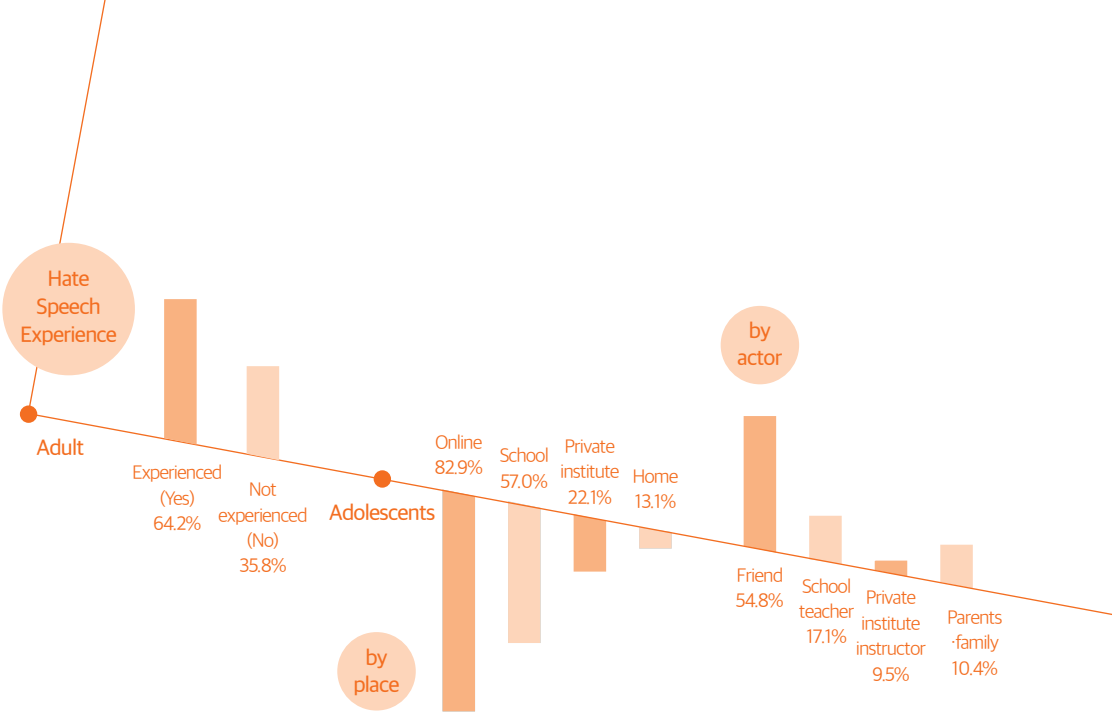
2) Hindering Social Integration

The ultimate evil of hate speech is that it creates a society with structured discrimination and exclusion, leading to permanent divisions. Along the boundary of hate, social integration becomes even more difficult in communities of various sizes of communities. Hate that reinforces and structuralizes unjust discrimination goes against integration and threatens the legal order that is fundamentally based on social integration.

Requests for social integration can also be found in our Constitution. The constitution states "we, the people of Korea, proud of a resplendent history and traditions" and emphasizes that Korean society is a historically and culturally integrated society. The constitution of Korea has "determined to consolidate national unity with justice, humanitarianism and brotherly love" which expresses the willingness for social integration. The constitution is based on the assumption that social integration is the foundation to "ensure security, liberty, and happiness for ourselves and our posterity forever." However, hate speech divides the members of the society into those who hate and those who are hated, and leaves out the latter group in the process of constitutional integration. Social responses to hate are imperative in this era.

Experiences and Awareness on Hate Speech

The National Human Rights Association of Korea conducted surveys concerning the public's experiences with and awareness of hate speech, taking data from 1,200 adults in March 2019 (hereby "Public Awareness Survey") and from 500 youths in May 2019 (hereby "Youth Awareness Survey") by outsourcing a polling organization. The major findings of the Public Awareness Survey are as follows (only parts of the findings of the Youth Awareness Survey are shared).

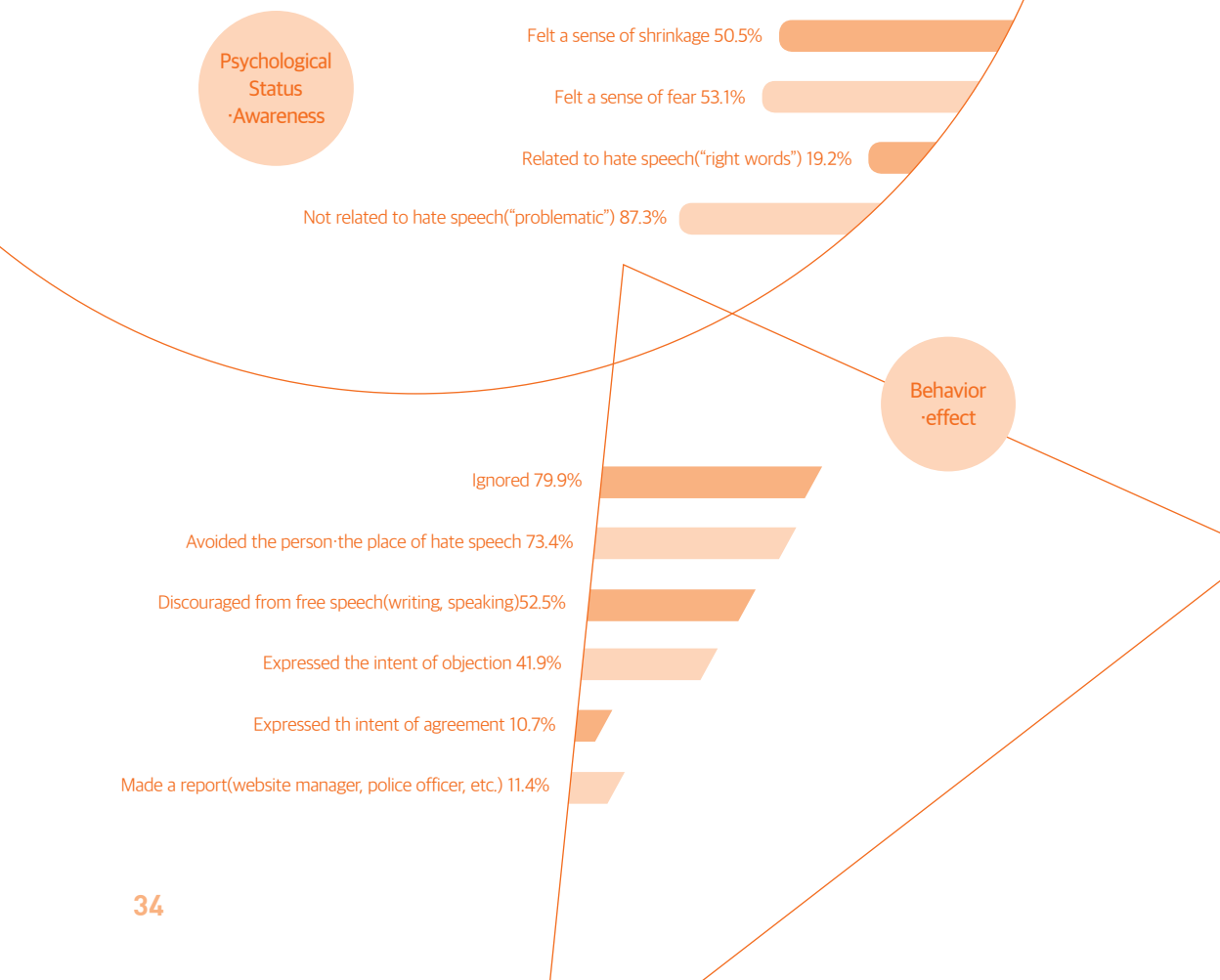


- During the past year, approximately 6 out of 10 people were exposed to hate speech (64.2%). The most common experience of hate speech was related to birthplace (74.6%), followed by women (68.7%), the elderly (67.8%), sexual minorities (67.7%), migrants (66.0%), and the disabled (58.2%).

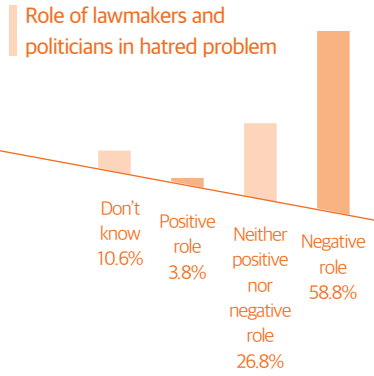
  - According to the Youth Awareness Survey, approximately 7 out of 10 youths were exposed to hate speech (68.3%). The most common hate speech was related to women (63.0%), followed by sexual minorities (57.0%). 82.9% of youth who were exposed to hate speech came across hate speech on the Internet, including social networking services, online communities, YouTube, and games, and among the online activities, social networking services such as Facebook (80.0%) had the most frequent hate speech. At the same time, more than half of youth experienced hate speech at school (57.0%) from friends (54.8%), and 17.1% of youth came across hate speech from teachers at school.

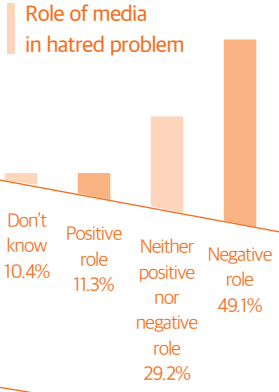
- More than half of those who were exposed to hate speech felt threatened (50.5%) or fearful (53.1%), and felt they were limited in their freedom of expression (52.5%). In addition, most (87.3%) thought that the hate speech was "problematic," but rather than openly expressing objections (41.9%), they tended to be passive by simply ignoring the hate speech (79.9%) or moving away from the location or the source of hate speech (73.4%).

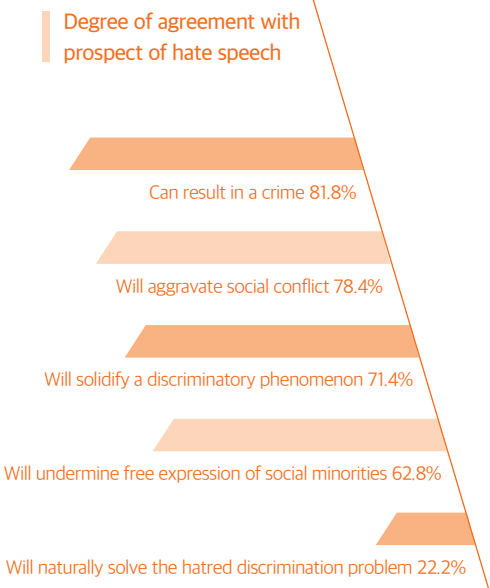
  - The Youth Awareness Survey also showed similar findings, as there were negative influences from hate speech and passive reactio ns to hate speech. However, 22.3% of youth responded that they do not consider hate speech problematic.



- 6 out of 10 respondents (58.8%) stated that politicians, including the member of the National Assembly, encourage hatred. This is 15 times greater than the responses that stated politicians have positive effects in reducing hate speech (3.8%). In addition, four times more respondents answered that the media has a negative influence by encouraging hate speech (49.1%) than those who answered the media has a positive influence in reducing hate speech (11.3%).



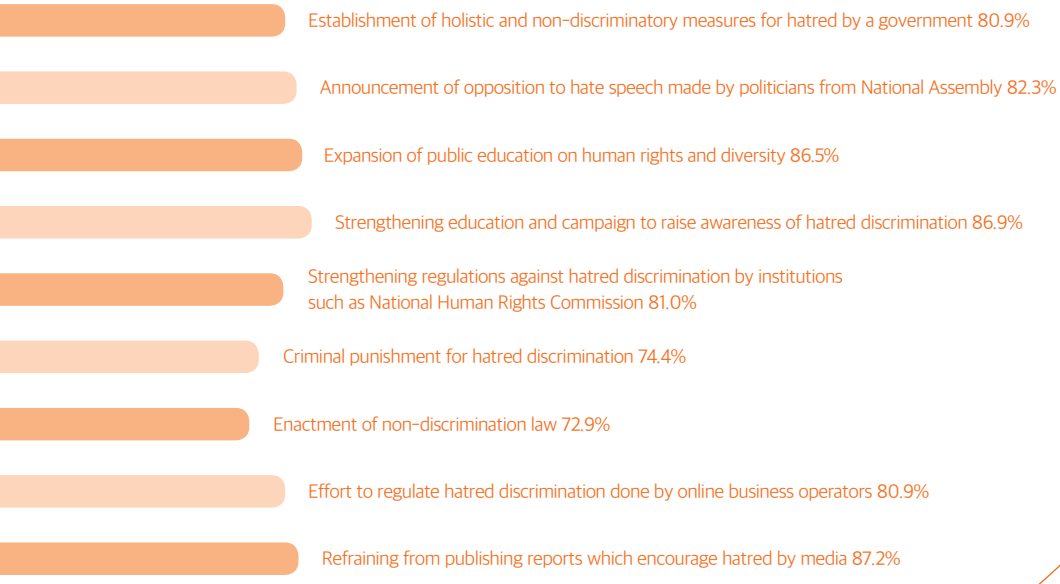




- In the National Awareness Survey, most of the respondents answered that hate speech may lead to crimes in the future (81.8%). In addition, they predicted that there will be increased social conflicts (78.4%), permanent discrimination (71.4%), and limitations in expressions for social minorities (62.8%). In contrast, only 22.2% responded that hate speech will naturally disappear.

- Most respondents agreed that policies should be implemented to counter hate speech. The respondents mainly agreed to limiting hate expressions or coverage by the media (87.2%). They also greatly agreed to education and campaigns on improving awareness (86.9%), increasing school education on respect for human rights (86.5%), objections for hate speech from politicians (82.3%), reinforcing regulations from organizations against discrimination (81.0%), comprehensive plans from the government (80.9%), and autonomous regulations for Internet businesses (80.9%).

Attitude towards policy in response to hate speech



Chapter 4. Reactions and Considerations towards Hate Speech

1. Reactions towards Hate Speech

As discussed in Chapter 3, hate speech is a serious social evil, as it negates human dignity and value, violates personal rights, distorts or negates democracy, and damages social integration. Many democratic countries that value human rights have recognized the seriousness of hate speech and have defined measures against it. Hate speech has also been examined in Korea by the state and various organizations in society due to rising awareness about this problem. Although critics state that responses to hate speech conflict with the freedom of expression, freedom of expression is not an absolute or inviolable right. Democratic countries limit expressions that violate the rights or dignity of others or hinder public order or public health. If hate speech violates democracy or human rights, which are the values under our Constitutional Act, it is possible to partially limit hate speech. However, reactions should be cautious, considering the importance and characteristics of the freedom of expression.

It is important to note that responses to hate speech should not only be limited to direct policies against hate speech. The problem of hate speech is related to hatred, discrimination, or hate crimes, and hate speech is a type of discrimination. This is why reactions to hate speech should be considered within comprehensive measures against discrimination. As such, the National Human Rights Commission of Korea founded the "Group for Measures towards Hatred and Discrimination" and the "Special Committee for Hatred and Discrimination" in 2019.

Of course, it is also necessary to counter hate speech itself. The countermeasures for hate speech can be classified into "Limitations in Behavior" that directly forbid hate speech and "Establishing Environments" that make hate speech difficult to express in public or establish conditions so that hate speech cannot be powerful in society. If limitations in behavior can have direct and immediate effects, establishing environments may be indirect and may not show immediate effects, but can eliminate factors that lead to hate speech in the mid-to long-term. Table 1 provides a general outline of the above discussion.

[Table 1] Measures for Hate Speech

Measures	Organizations in Charge	Methods	Examples of Regulations
Limitations in Behavior	State Community	Criminal Regulations	Criminal punishment
		Civil Regulations	Compensations, injunction
		Administrative Regulations	Aid from discrimination, Broadcasting standards, Communication standards
	Companies Public Societies	Autonomous Regulations	Policies against hate speech from companies, universities, organizations and Internet businesses
Establishing Environments	State Community	Education	Human rights education for elementary, middle, and high schools and universities, government officials, human rights education for the public
		Promotion	Improve awareness with public promotions and campaigns

Measures	Organizations in Charge	Methods	Examples of Regulations
Establishing Environments	State Community	Policies	Policies to counter hatred and discrimination from the state or community
		Support	Protection and support for minorities
		Research	Investigations and research on hatred and discrimination
	Companies, civil society	Policies, etc.	Anti-discrimination movement from civil groups Policies on responding to hatred and discrimination from companies, universities, organizations ,and Internet businesses

1) Limitations in Behavior

① Criminal, Civil, and Administrative Regulations

The most direct regulations against hate speech forbid hate speech and punish those who have used hate speech. Many countries punish people under the Criminal Act for hate speech. Some hate speech is still considered illegal under criminal and civil acts, or it may fall under defamation or contempt under the Criminal Act. In 2009, a person who yelled "Dirty man…. You stink," and "Where are you from? Are you Arab?" to a professor on a bus was punished for contempt. Although it is typical hate speech, the person was punished, as it also fell under contempt. It is also possible to go through civil measures including compensation for damage or injunction from hate speech. A few years ago, a high school student

who was bullied for seeming to be homosexual committed suicide. There was a lawsuit that held the student's homeroom teacher and the local government that operates the school responsible for protecting and supervising the student. In 2016, there was a case in which discriminatory words such as "It is illegal for them to be here" were shouted at migrant women. The court recognized the responsibility of the guilty party to compensate for damages with two million KRW.

However, in order to hold someone criminally or civilly responsible for hate speech, there should be a distinguished victim (individual or particular group), and specific proof of damage. Therefore, it may be difficult to define general measures against hate speech. If a minority group is generally referred to, if expressions of hate speech may be regarded as objective by using softer expressions, or if hate speech seems like suggestions for policies, it is difficult to hold someone responsible under the current Civil and Criminal Acts even if such expressions are deemed hate speech. Therefore, countries around the world have separate legal measures regarding hate speech. In order to legally forbid hate speech, separate laws can be enacted such as regulations on hate speech, and it is also possible to add articles that punish hate speech to the Criminal Act. In addition, it is also possible to sign the "Additional Protocol to the Convention on Cybercrime (2001), concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems" (2003) to counter online hate speech from the EU and criminalize hate speech that clearly leads to social issues.

Administrative measures can be taken according to the current laws on certain types of hate speech. If the hate speech has sexual connotations and takes place in areas such as the workplace, it may be considered "sexual harassment" under the National Human Rights Commission of Korea Act or the Equal Employment

Opportunity and Work-Family Balance Assistance Act. Article 32 of the Act on the Prohibition of Discrimination against Persons with Disabilities considers "verbal expressions to cause a sense of shame, molestation or assault" "on the basis of disability" as discriminatory actions, so hate speech towards the disabled is technically illegal. Hate speech towards those with disabilities may be punished under the Act on the Prohibition of Discrimination against Persons with Disabilities, and who have expressed hate speech may be required to compensate for damages, as it is illegal under the civil act. In addition, if hate speech clearly causes harm for youth, it may be considered as harmful media contents for youth under the Youth Protection Act. In Germany, Articles 15 and 18 of the Jugendschutzgesetz (JuSchG) regard hate speech prohibited under the Criminal Act as harmful information for youth, and prohibits its distribution. In addition, Article 1 of the Gesetz über die Verbreitung jugendgefährdender Schriften und Medieninhalte (GjSM) states that texts that "[induce] violence, crime, or racial hostility" as causing moral risks for children and the youth, and Article 6 also includes hate speech prohibited under the Criminal Act in the expressions with great harmful effects.

Administrative measures may be taken for particular areas with great influence, such as broadcasts. The current Rules Concerning the Review of Broadcasts and Rules Concerning the Review of Commercials include articles related to hate speech, which prohibit broadcasting and advertising particular hate speech.

Regarding hate speech on the Internet, the Act on Promotion of Information and Communications Network Utilization and Information Protection states that the text of posts that defame the honor of others may be blocked or deleted, as they are considered violations of the rights of others. Discriminatory expressions on the Internet may be deleted or blocked under the Provisions Concerning Information

and Communications, which states details on harmful information from the Act on Promotion of Information and Communications Network Utilization and Information Protection. The Act on the Management of Outdoor Advertisements and Promotion of Outdoor Advertisement Industry also prohibits advertisements with racial discrimination and gender discrimination.

Among the ordinances of local governments, the Seoul Ordinance of Student Rights defines discriminatory words, behavior, or hate speech as "violation of human rights," and any student can ask for assistance from the Student Human Rights Advocate when they have experienced hate speech.

However, these legal measures are not directly aimed at "hate speech," so only some of the hate speech is subject to regulations, rather than systematically and comprehensively reacting to hate speech itself. Antidiscrimination acts should be implemented to provide a fundamental legal basis for hate and discrimination, and also overall legislation on hate speech.

Indirect measures may also be taken towards hate speech. In the case of events during which hate speech may occur, state and local governments may prohibit the use of facilities including plazas and lecture halls. For example, Kawasaki, Japan has guidelines to limit the use of public facilities for events that are expected to encourage hate speech towards a particular race. In Korea, the National Assembly Member's Office Building or the National Human Rights Commission of Korea Building were borrowed for "transitional therapy" to spread hate towards sexual minorities by stating that "sexual minorities should become normal with treatment." The UN Human Rights Committee suggested that the Korean government block the rental of public buildings for "transitional therapy,"

stating concerns about hate speech towards sexual minorities in Korean society in 2015. In terms of renting public facilities, the "Seoul Ordinance on the Use and Management of Gwanghwamun Plaza" states that "Citizens should not block the free movement of the public or show acts of disgusts." These kinds of regulations may block thoughtless hate speech in public areas, and may also block the use of public facilities and public goods for events that are expected to include such behavior.

Lastly, state and local governments may provide additional advantages for individuals and organizations with policies related to hate speech and discrimination during the assignment of contracts, the delegation and consignment of office work, and the provision of financial support. On the contrary, they may provide disadvantages to organizations that remain silent or encourage hate speech or discrimination.

[Table 2] Major Legislation related to Hate Speech

※ Refer to Attachment 1 for details

Legislation	Major Articles
Criminal Act	Article 307 (Defamation) Article 311 (Insult)
National Human Rights Commission of Korea Act	Article 2 (Definitions) 3. (D) Sexual Harassment
Equal Employment Opportunity and Work-Family Balance Assistance Act	Article 12 (Prohibition against Workplace Sexual Harassment)

Legislation	Major Articles
Labor Standards Act	Article 76-2 (Prohibition against Workplace Harassment) Article 76-3 (Measures to Be Taken in Cases of Workplace Harassment)
Act on the Prohibition of Discrimination Against Persons with Disabilities, Remedy Against Infringement of their Rights, etc.	Article 32 (Prevention of Harassment, etc.)
Youth Protection Act	Article 9 (Criteria for Examination of Media Products Harmful to Youth)
Rules Concerning the Review of Broadcasts	Article 29 (Social Integration) Article 30 (Gender Equality) Article 31 (Respect for Cultural Diversity)
Rules Concerning the Review of Commercials	Article 13 (Prevention of Discrimination)
Act on Promotion of Information and Communications Network Utilization and Information Protection, etc.	Article 44 (Protection of Rights in Information and Communications Networks) Article 44-7 (Prohibition on Circulation of Unlawful Information)
Provisions Concerning Information and Communications	Article 8 (Violation of Good Customs and other Social Order, etc.)
Act on the Management of Outdoor Advertisements, etc. and Promotion of Outdoor Advertisement Industry	Article 5 (Prohibited Advertisements, etc.)
Seoul Ordinance of Student Rights	Article 5 (Right not to be discriminated) Article 6 (Right to be free from violence)

② Self-Regulation

Policies that forbid hate speech may come in the form of self-regulations against hate speech enacted in schools, companies, public organizations, and media institutions, which all members and related officials are required to follow. It is necessary to establish policies on hate speech within the organization to educate staff, and punishments should be enacted when such regulations are not followed. As self-regulations reflect the particular environment of each field, they must consist of appropriate regulations that consider the situations of the field. In particular, it is important for schools, companies, public organizations, and the media, which are locations vulnerable to hate speech, to have widespread self-regulations. A major example is the "Rules on Reporting Human Rights" enacted by the National Human Rights Commission of Korea and the Journalists Association of Korea. These rules state that reporters should not publish articles that are related to hate speech. As it details standards acceptable for the actual media environment of the reporters, it can be useful when actually writing articles.

In addition, the political regulations of the Korea Internet Self-Governance Organization, which is responsible for the self-regulations of internet service providers, provides regulations for service providers. This includes removing hate speech online to address discriminatory expressions. As hate speech may limit freedom of expression for minorities, there are minimal rules and guidelines on hate speech that internet service providers can delete, which can be used to establish provisions on the reactions to specific hate speech incidences.

In other countries, IT companies such as Twitter, YouTube, and Microsoft have their own regulations on hate speech, and the EU enacted the "Code of Conduct on Countering Illegal Hate Speech Online" with IT companies including Facebook,

Microsoft, Twitter, and YouTube in 2016. This code of conduct stipulates that IT companies should establish a process of reporting to delete or block hate speech, and that they should cooperate with related organizations. In Korea, SOGILAW provided guidelines on diversity in 2018 to make companies LGBTQIA-friendly; companies can refer to these guidelines when establishing internal policies against discrimination and hate speech.

In addition, in some cases, the state partially controls self-regulations. Although the state does not become involved in the execution of such self-regulations, it may legalize self-regulations, and there may be encouragement and support from the national level to implement self-regulations. Germany's "Network Enforcement Act" (NetzDG, passed on June 2017, enacted on January 2018) makes social networking companies responsible of deleting or blocking access to illegal hate speech online (Article 3, No. 2). Considering the situation in Korea, the related departments of the national government or the National Human Rights Commission of Korea should actively support self-regulations.

2) Creating Environments

Although legal regulations that forbid and punish hate speech may have the most direct and strongest effects, they cannot fundamentally eliminate the root of the cause of such expressions. Hate speech comes from deeply rooted prejudice and hate, and reactive measures to hate speech that do not address this root are limited in their effectiveness. Creating environments refers to all measures that eliminate the fundamental causes, or make hate speech powerless.

① Education, Promotion, and Policies at the Country and Local Government Levels

First, various measures can be taken by countries and local governments. Public organizations should have important roles in recognizing and reacting to the problem of hate speech and discrimination. They should have firm attitudes towards the problem of hate speech and continuously remind the public on the issue of hate speech. The attitudes of public organizations on hate speech may serve as a barometer for the public attitude on hate speech.

Education regarding hate speech is also important. There should be active education in all curriculums of compulsory education to sufficiently internalize the awareness of the problem of hate speech and discrimination, anti-hate education in companies should match the situations of workplaces, and appropriate education should be provided for the general public. It is also important for the country and local governments to improve the public awareness of hate speech with campaigns and promotions. It may also greatly influence the society if a figure or organization with a great public role officially states that they are against hate speech.

In addition, it may also be helpful to react to hate speech if there are policies to improve the rights of the social minority groups and conduct research and surveys on hate and discrimination. Public organizations should establish basic internal anti-discrimination and anti-hate policies and put them into practice. It is also important to review and revise legislation and policies that encourage prejudice and discrimination.

② Reactive Policies of Companies and Civic Society

Anti-discrimination and anti-hate policies enacted by companies and universities may be effective reactions towards hate speech. It is also important for the state or the local government to provide appropriate guidelines and support and encourage such organizations to follow the guidelines. Self-regulations have been developed and enacted by Stanford University, Georgetown University, the University of Chicago, the University of Oxford, and the University of Cambridge on hate speech.

Reactions in civic society are also effective measures. If it is possible to actively react to hate speech with counter-speech, as well as improving the general awareness of hate speech, it will be possible for hate speech to lose its power. Counter-speech can be from the subject or another third party, and sometimes, organizational measures from non-government organizations (NGO) may be effective as well. If the position and competence of social minorities are enhanced, an opposing power can naturally grow and opportunities for counter-speech may be prepared. It is also necessary for the state and local governments to support these activities actively. The role of the media is also important. Although the media can cause hate speech, it can also activate and support expressions that counter hate speech

2. Things to Consider when Reacting to Hate Speech

It is possible to determine whether certain behaviors fall under the category of hate speech by examining the concept of hate speech. Various methods can be used to react to hate speech, from limiting the actions of those who use hate speech, to establishing an environment that does not encourage hate speech. In order to effectively react to hate speech, it is important to investigate the degree and characteristics of the statement in question, and to select reactive measures that match the specific instance of hate speech.

The following is a list of topics that should be reviewed to identify the degree of maliciousness and characteristics of the hate speech in question.

- Status of People that Cause Hate Speech
- Context of Hate Speech
- Range of Hate Speech
- Media of Hate Speech
- Intentions and Effects of Hate Speech

Comprehensively reviewing the degree of maliciousness and characteristics of hate speech with these topics will help determine the effectiveness of measures against hate speech and their legal justification. However, it should be considered

that each topic and the factors are not the absolute criteria to uniformly assess the maliciousness of hate speech. Each topic may lead to completely different meanings according to the characteristics of the hate speech in question. For example, in terms of the "Publicness of Hate Speech," although it is generally regarded that public hate speech has greater harmful effects because it can reach more people, there may be instances in which hate speech in an exclusive rally among people with strong common beliefs on discrimination may lead to a greater arousal of emotions from the audience due to the exclusiveness, leading to greater harmful effects. Details of each topic follow.

1) Status of People that Cause Hate Speech

The status or position of the person who expresses hate speech within society is one of the most important factors to consider when determining the maliciousness of hate speech. As the same hate speech may have a greater effect on the audience if it is spoken by a person with great social influence, stronger measures should be taken in such situations. The factors that are related to this topic are as follows.

[Social Status] The harmful effects of hate speech from people with social influence or status such as politicians, people of major parties, high-ranking officials, or religious leaders. Urgent and strong social responses should be taken towards the hate speech of those with great public influence.

[Position within the Group] The person who expresses the hate speech may be a person of authority from a particular institution, social group, or community including school teachers, university professors, or the management of public organizations or companies. Hate speech from these people greatly affect the members of the community in question, and so both regulations and preventions on such hate speech are important. This is also the reason why the self-regulation of major areas including schools, companies, public organizations, and media institutions is important.

[Actual Effectiveness on the Audience] The expression of hate speech by someone whose relationship with the audience is highly influential should be considered seriously regardless of whether the speaker has a particular status or title. The effectiveness of the person who expresses hate speech should be evaluated by comprehensively considering the speaker's relationship with the audience, the location or media used for the hate speech, the contents and methods of hate speech, and the audience's degree of respect for the person who expressed the hate speech.

2) Context of Hate Speech

The degree of harmful effects of hate speech may vary according to the political, economic, and social aspects of the time at which hate speech occurs. The same expression may be considered ineffective or lead to extreme issues according to the social atmosphere of the time. The social context may be identified in consideration of the following factors.

[Discrimination towards the Target Group] In a society with structural and historical discrimination towards a certain group, hate speech that can be lightly regarded can lead to or reinforce serious discrimination or hostility. It is necessary to identify the kinds of discrimination the target group faces from the public area (police, judiciary, administrative offices, etc.) or the private area (companies), and the public's awareness of discrimination towards the target group.

[Legal or Institutional Measures for the Target Group] It is necessary to review whether there are legal or institutional measures that protect and prohibit the discrimination of the target group and whether those measures can actually come into effect, or if there are discriminatory legal or institutional measures towards the target group.

[Media Topography] It is necessary to review whether there is repeated media coverage that negatively describes the target group, how widespread the distorted information on the target group is, and whether there is another source of information that counters the distorted information.

[Political Topography] It is necessary to identify whether political attempts have been made to group together the supporting groups by causing discrimination and hostility towards the target group during important political occasions such as elections. In addition, it is necessary to review whether the target group is represented in official political events through politicians or other figures.

[Frequency of Hate Speech or Violation] It is necessary to investigate whether the hate speech towards the target group is quantitatively expanding in personal and public areas and whether it is likely that the discrimination and hostility will develop into violence towards the target group.

[Securing Counter Expressions and Countermeasures] It is necessary to investigate the activity of oppositional media from human rights organizations or supporters of human rights, and whether there are public movements to counter the particular form of hate speech. It should also be considered whether the members of the target group can put forward counter expressions against the discrimination, hostility, and hate speech without great anxiety or fear, and whether the target group has the political and social competences to go against the discrimination, hostility, and violence to determine the harmful effects of the hate speech.

3) Range of Hate Speech

Hate speech varies in effectiveness and impact based on how it is stated. The dangers of harmful effects increase with a greater range and size of hate speech. The range of hate speech is determined by the following factors, in addition to the size of the audience.

[Publicness] It is necessary to investigate whether it is possible for more people to come across hate speech, considering the type of media used and the location of the hate speech.

[Organization] Greater harm may be caused when hate speech is organized. This occurs when people who agree to exclude the target group gather together and organize a system to increase the number of people enacting hate speech.

[Planning] Hate speech that is not a one-time event that happens in an instant, but rather goes through systematic planning such as devising and planning effective measures to lead to discrimination, hostility, or violence towards a particular group. If there are preliminary preparations for hate speech, there may be greater harm.

[Repetitiveness and Continuity] The harmful effects may vary by the frequency and amount of hate speech, depending on whether it is a one-time event or an ongoing expression. There may be greater harmful effects if hate speech has a physical foundation that can lead to continuous and repetitive distribution through the media of publications, broadcasts, and communication.

[Media of Hate Speech] This is an especially important factor to determine the range of hate speech. The following discusses the topic in more detail.

4) Media of Hate Speech

Some points to consider regarding the range of hate speech are the delivery and distribution of hate speech through media such as publications, broadcasts,

and communication. Recently, there has been a strong rise of hate speech from new non-traditional media such as YouTube, Facebook, and personal media. It is necessary to explore the media of hate speech separately, as it can interact with other factors and greatly increase the harmful effects of hate speech. The harmful effects of hate speech and its countermeasures may differ according to different types of media. The meanings and importance of the subfactors mentioned below may differ according to whether the media is online or offline, has room for participation from subscribers, provides significant amounts of information, or intuitively delivers messages by stimulating the senses. In addition, characteristics of a media may not be considered due to the rapid integration of traditional media such as publications, broadcasts, and communication, or changes to the media environment through which hate speech is distributed. The following are general factors to consider.

[Credibility of the Media] Hate speech published through mainstream media is more harmful, as it has greater credibility than non-mainstream media. However, it is difficult to state that the traditional concept of credibility has absolute status, as hate speech from nontraditional media such as YouTube, Facebook, and personal media have received much focus.

[Effectiveness of the Media] Media with greater public popularity or greater numbers of regular viewers or subscribers may have more harmful effects. In addition, media that stimulates the senses and directly and intuitively delivers a message, such as videos, may be more effective than media that provides a greater amount of information with text and symbols.

[Simple Reproduction and Distribution] An online environment can increase in the harmful nature of hate speech, as it can be easily reproduced and distributed.

5) Intentions and Effects of Hate Speech

The malicious intentions of those who use hate speech are not an absolute prerequisite of hate speech. Hate speech may occur when people are not well-informed about something, when they are careless, or even when they have good intentions. Furthermore, the results of a statement do not determine whether the statement is hate speech. Hate speech may occur even if the statement ultimately fails to bring problematic results.

However, when determining measures to counter hate speech, it is necessary to examine the intentions and motivations of hate speech in detail. Stronger regulations should be enforced for hate speech with malicious intentions and that actually leads to problematic results.

[Intentions] Legislation that regulates hate speech in criminal terms is generally aimed at hate speech with certain intentions. Although the intentions of hate speech do not have to be present for other legal regulations or self-regulations, certain measures should consider the intentions and purpose of hate speech. It is important to actively prevent and rectify unintentional hate speech caused by ignorance by taking various measures to change the environment.

[Effects] It is necessary to identify whether an insult, belittlement, contempt, or threat has actually violated the human rights and dignity of the target, have brought about a discriminatory atmosphere or hostility for the public by leading and causing discrimination and violence towards the subjects, or have led to actual effects that justified the discrimination towards the subjects and encouraged or reinforced the discrimination through hate speech. If such malicious effects are present, stronger regulations should be justified. In particular, the general international trend is to enforce criminal penalties under certain conditions for hate speech that has led to actual actions of discrimination, hostility, or violence, or has a great possibility of leading to such activities.

Chapter 5. Conclusion

Hate speech does not stop at personal expressions about particular subjects. It is a behavior that reinforces social suppression based on existing hatred, causes others to hate a particular subject, or induces the possibility of such behavior. Hate speech violates the human rights of others, hinders democratic values, and threatens the common beliefs and values of human dignity. Social authorities may cause and spread hate to expand their political power, economic benefits, or group benefits. We have already witnessed severe damage to the precious values of our society with the murder of a woman at Gangnam Station, violence towards sexual minorities, and the spread of fake news about Muslim refugees.

Now is the time to create social responses to hate speech. Society is the primary body for reaction. The public should stand in solidarity with those who are subject to hate speech to fight against these evils. To do so, conditions should be established that help underprivileged groups develop the power to fight back. The competences of the entire society can create a systematic and broad structure of solidarity with the power to respond to the hate phenomenon.

The role of the nation, including the local government, becomes critical at this point. First, the nation should provide a definition of hate speech, emphasize the importance of reacting to it, and create social acceptance. To this end, guidelines should be developed to determine the kind of behavior that is included in hate speech and enable the public to understand the value of human rights and social integration that become hindered in the process. In addition, regulations of hate speech should be reviewed,

antidiscrimination legislation should be established, and educational or promotional policies should be provided based on such legislation.

Second, the nation should reinforce countermeasures for the subjects of hate speech. The nation should not be responsible for organizing such countermeasures, but should provide and support the foundations for society and people subject to hatred to develop an awareness of human rights violations and secure competences to fight back. Some examples include providing policies to actively protect underprivileged groups and allow them to have practical voices within society. Other examples include controlling or limiting political or economic support for hate groups and taking action to ensure that public forums such as public facilities and plazas are not used for expressing hate speech.

The National Human Rights Commission of Korea should be the cornerstone of these roles for the nation. The Commission is a public organization that provides political directions and alternatives to react to hate speech to lead other public areas and has the responsibility to bring forward all areas of society to react to hate speech with "democratic persuasion."

First, public announcements should be made regarding hate speech and social reactions to it. Investigations on hate speech should be carried out and campaigns should be made to encourage respect for the values of human rights and diversity.

Second, it is of utmost importance to prevent and react to hate speech and publicly state that measures will be taken against hate speech from the core areas of society. It is necessary to state that hate speech will no longer be accepted and that society is willing to provide countermeasures. It is first necessary that the government establish measures and put them into effect. All areas of society including politicians and parties such as the National Assembly as well as media, religious groups, local groups, and online platforms should call for policies and promise action.

Third, it is necessary to provide a foundation of self-regulation towards hate speech and expand regulations. Guidelines on preventing and reacting to hate speech should be established in all areas of society. Self-regulations should first be made for areas with large social influence such as public organizations, schools, media, and online platforms and such regulations should immediately be put into action.

Fourth, legislation related to hate speech should be reviewed. It is necessary to investigate such legislation from various perspectives to maintain the general structure of human rights and guarantee freedom of expression in reactions to hate speech.

Overcoming the phenomenon of hate that casts a shadow on our society is a task of utmost importance for the promotion of human rights and democracy. Our community has a shared responsibility to solve this task. The country and the public should address the hate that is present in society and work to develop a society that is free from hate and that fosters respect towards human rights and diversity with strong willingness and effort.

Attachment

Attachment 1 Major Korean Legislation related to Hate Speech

Legislation	Major Legislation
Criminal Act	Article 307 (Defamation) ① A person who defames another by publicly alleging facts shall be punished by imprisonment or imprisonment without prison labor for not more than two years or a fine not exceeding five million won. ② A person who defames another by publicly alleging false facts shall be punished by imprisonment for not more than five years, suspension of qualifications for not more than ten years, or a fine not exceeding ten million won. Article 311 (Insult) A person who publicly insults another shall be punished by imprisonment or imprisonment without prison labor for not more than one year or a fine not exceeding two million won.
National Human Rights Commission of Korea Act	Article 2 (Definitions) The definitions of terms used in this Act shall be as follows: 3. The term "discriminatory act violating the equal right" means any of the following acts, without reasonable grounds, on the grounds of sex, religion, disability, age, social status, region of origin (referring to a place of birth, place of registration, principal area of residence before coming of age, etc.), state of origin, ethnic origin, physical condition such as features, marital status such as single, separated, divorced, widowed, remarried, married de facto, or pregnancy or childbirth, types or forms of family, race, skin color, ideology or political opinion, record of crime whose effect of punishment has been extinguished, sexual orientation, academic career, medical history, etc., provided that the temporary favorable treatment of a particular person (including a group of particular persons; hereafter the same shall apply in this Article) to solve the existing discrimination, the enactment and amendment of statutes and the formulation and enforcement of policy to this effect shall not be deemed a discriminatory act violating the equal rights (hereinafter referred to as "discriminatory act")

Legislation	Major Legislation
National Human Rights Commission of Korea Act	(d) An act of sexual harassment (referring to making people feel sexually humiliated or loathsome in business, employment, or other settings or giving disadvantage in employment on the pretext of disobedience to sexual comments or other demands by a working person, an employer or an employee of a public agency (referring to State agencies, local governments, various levels of schools established under Article 2 of the Elementary and Secondary Education Act, Article 2 of the Higher Education Act and other Acts, and agencies affiliated with public services pursuant to Article 3-2 (1) of the Public Service Ethics Act) who takes advantage of their superior position or sexual comments, etc., with regard to their duties, etc.);
Equal Employment Opportunity and Work-Family Balance Assistance Act	Article 12 (Prohibition of Sexual Harassment on Job) No employer, superior, or worker shall commit any sexual harassment on the job against another worker.
Labor Standards Act	Article 76-2 (Prohibition against Workplace Harassment) No employer or employee shall cause physical or mental suffering to other employees or deteriorate the work environment beyond the appropriate scope of work by taking advantage of superiority in rank, relationship, etc., in the workplace (hereinafter referred to as "workplace harassment"). Article 76-3 (Measures to Be Taken in Cases of Workplace Harassment) ① Anyone who has learned the occurrence of workplace harassment may rep ort the case to the employer.

Legislation	Major Legislation
Labor Standards Act	② Where an employer receives a report under paragraph (1) or is aware of the occurrence of workplace harassment, he/she shall, without delay, investigate the case to ascertain the fact. ③ Where necessary to protect employees who suffer or claim to suffer workplace harassment (hereinafter referred to as "victimized employees, etc.") while investigation under paragraph (2) is conducted, the employer shall take appropriate measures for the victimized employees, etc., such as transferring their place of work or ordering them a paid leave of absence. In such cases, the employer shall not take measures contrary to the will of the victimized employees, etc. ④ Where the occurrence of workplace harassment is verified as a result of investigation under paragraph (2), the employer shall take appropriate measures for the victimized employees, etc., such as transferring their place of work, giving them a lateral transfer, or ordering them a paid leave of absence, if the victimized employees, etc., make a request. ⑤ Where the occurrence of workplace harassment is verified as a result of investigation under paragraph (2), the employer shall, without delay, take necessary measures, such as taking disciplinary measures against the perpetrator of workplace harassment or transferring his/her place of work. In such a case, before taking disciplinary measures, etc., the employer shall hear opinions of the victimized employees, etc., on such measures. ⑥ No employer shall dismiss employees who report the occurrence of workplace harassment, victimized employees, etc., or treat them unfavorably.

Legislation	Major Legislation
Act on the Prohibition of Discrimination Against Persons with Disabilities, Remedy Against Infringement of their Rights, etc.	Article 32 (Prevention of Harassment, etc.) ① Persons with disabilities shall have the right to be free from any and all types of violence, regardless of gender, age, and type, degree, or characteristics of disability. ② Persons with disabilities who have suffered harassment, etc., shall have the right to receive counseling, treatment, legal aid, and other appropriate measures and shall not receive any disadvantageous treatment on the grounds of reporting harms caused by harassment, etc. ③ No person shall engage in activities to ostracize persons with disabilities or persons related to persons with disabilities or derogatory verbal expressions or conducts which might cause offense or disparagement in schools, facilities, workplaces, local communities, etc., on the basis of disability. ④ No person shall abandon, abuse or extort money from persons with disabilities or persons related to persons with disabilities in private spaces, homes, facilities, workplaces, local communities, etc., on the basis of disability. ⑤ No person shall infringe on the right to sexual self-determination of persons with disabilities or engage in verbal expressions to cause a sense of shame, molestation, or assault or rape taking advantage of disability. ⑥ The State and local governments shall provide education for awareness-building and prevention of harassment, etc., to eliminate harassment, etc., of persons with disabilities and seek appropriate measures.

Legislation	Major Legislation
Youth Protection Act	Article 9 (Criteria for Examination of Media Products Harmful to Youth) 5. If a media product is anti-social or unethical and hinders youth's formation of good character and citizen consciousness; 6. If a media product is obviously likely to harm the mental or physical health of youth in any other aspect.
Rules Concerning the Review of Broadcasts	Article 29 (Social Integration) Broadcast may not create discrimination, prejudice, or conflict among regions, generations, classes, races, and religion. Article 30 (Gender Equality) ① Broadcasts should describe both genders with balance and equally, and shall not use any gender discriminatory expressions. ② Broadcasts shall not negatively, humorously describe or distort a certain gender. ③ Broadcasts shall not fix any prejudice towards a particular gender. Article 31 (Respect for Cultural Diversity) Broadcasts shall respect the diversity of human culture and the universal values of humanity and may not create prejudices on a particular race, ethnicity or country. In particular, it shall not contain any contents related to the insult or mockery of other race or cultures.
Rules Concerning the Review of Commercials	Article 13 (Prevention of Discrimination) Commercials shall not use expressions that discriminate or create prejudices by country, race, gender, age, occupation, religion, beliefs, disabilities, class, or region.

Legislation	Major Legislation
Act on Promotion of Information and communications Network Utilization and Information Protection, etc.	Article 44 (Protection of Rights in Information and Communications Networks) ① No user may circulate any information violative of other person's rights, including invasion of privacy and defamation, through an information and communications network. Article 44-7 (Prohibition on Circulation of Unlawful Information) ① No one may circulate any of the following information through an information and communications network:
Provisions Concerning Information and Communications	Article 8 (Violation of Good Customs and other Social Order, etc.) There should be no distribution of any information as follows that may greatly damage good customs and other social order. 3. Any of the following information that will harm social integration and social order F. Discriminating or creating discrimination by gender, religion, disabilities, age, social status, origin, race, region, or occupation without a rational reason
Act on the Management of Outdoor Advertisements, etc. and Promotion of Outdoor Advertisement Industry	Article 5 (Prohibited Advertisements, etc.) ② No person shall display any of the following (including manufacturing in case of subparagraphs 2 and 3): 5. Racial or gender discriminating content that is likely to infringe on human rights;

Legislation	Major Legislation
Seoul Ordinance of Student Rights	Article 5 (Right not to be discriminated) ③ Founders, management staff, principals, teachers, and students of schools should not violate the rights of others through discriminatory words and actions and hateful expressions according to the reasons stated in Article 1. Article 6 (Right to be free from violence) ① Students have the rights to be free from all physical and verbal violence including, but not limited to, punishment, exclusion, group bullying, and sexual violence. ② Students have the fights to be free from purposely leaking information based on prejudices towards particular groups or social minorities, insults, and harassment. ③ Superintendents, principals, and teachers should prohibit any kinds of physical or verbal abuse including, but not limited to, punishment, exclusion, group bullying, and sexual violence.

Attachment 2 Overseas Legislation Related to Hate Speech Regulations

Country	Legislation	Regulation
France	Law on the Media and Freedom (Loi sur la liberté de la presse du 29 juillet 188)	- Acts of defamation and insult towards individuals or groups due to their "ethnicity, nationalities, race, or religion" or "gender, sexual orientation, sexual identities, disabilities" - Causing discrimination, hostility, or violence towards individuals or groups due to their "ethnicity, nationalities, race, or religion" or inducing hostility and violence due to "gender, sexual orientation, sexual identities, disabilities"
	Orders of Council (Décrets en Conseil d'Etat)	- Behavior that defames dignity, insults, or induces discrimination, hostility, and violence towards others due to their race, nationalities, ethnicity, religion, gender, sexual orientation, or disabilities under any situation
England	Public Order Act 1986	- Publicly showing threatening, abusive, insulting words, behavior, or text that has "the purpose to encourage racial hostility" or "situations for possible racial hostility under all conditions" - Threatening words or behavior due to religion or sexual orientation, or publicly showing those words
	Equality Act 2010	- Defines harassment as behavior that violates the dignity of humans related to their age, disabilities, sex change, race, religion or beliefs, gender or sexual orientation by posing threats or hostility, shows contempt or shame, or has purpose or effects on establishing an insulting environment that is not desirable to others

Country	Legislation	Regulation
Germany	Penal Code (Strafgesetzbuch)	- Incidents that incite hate, violence, or arbitrary measures towards individuals or groups defined by nationalities, race, religion, or ethnicity, or violate the dignity of man by maligning or despising others for insult or malicious purposes
Canada	Criminal Code	- Behavior that supports or creates mass killings of groups that can be specified by "skin color, race, religion, nationalities, or sexual orientation" - Behavior that causes hostility in public or purposive behavior to cause hostility that poses concerns on the safety of groups that can be specified by "skin color, race, religion, nationalities, or sexual orientation"
	Canadian Human Rights Act	- Acts of discrimination include publishing or reminding of announcements, signs, symbols, logos or other representations that express or hint motivations to cause discrimination - Acts of discrimination include the unjust treatment and harassment while using commodities, services, facilities, and accommodations, within employment opportunities or workplace relationships or wages, due to race, country of origin or nationalities, skin color, religion, gender, sexual orientation, marital status, family status, disabilities or criminal records that have been pardoned or withdrawn
Norway	Penal Code (Lov om straff)	- Expressions that cause threats or insults, or cause others to hate or discriminate people due to their "skin color, race, nationalities, religions, beliefs, sexual orientation or disabilities, etc." ("Discriminatory or hate speech")

Country	Legislation	Regulation
Japan	Hate Speech Act of 2016 (本邦外出身者に対する不当な差別的言動の解消に向けた取組の推進に関する法律)	- Unjust discriminatory words that either publicly state damage on the lives, bodies, freedom, dignity, or wealth of people of overseas origin (those who are not from Japan) to induce and cause discriminatory awareness, or induce others to exclude people of overseas origin from the community ("Unjust discriminatory words towards people of overseas origin") ※ "People of overseas origin" refers to "those who are from foreign countries or areas and who along with their descendants have the legal rights to reside in the country." This act is a basic act and act of beliefs that define the responsibilities of the state and local public organizations, as well as the responsibilities of the citizens to realize the society, and there are no other articles.

Attachment 3 Examples of Guidelines for Preventing and Reacting to Hate Speech

1. Schools (Elementary, Middle, and High Schools)

Teaching Tolerance, which is a project by the United States' Southern Poverty Law Center (SPLC), a major human rights organization, published <A guide for administrators, counselors and teachers RESPONDING TO HATE AND BIAS AT SCHOOL> to provide a guideline that can prevent and solve problems related to hatred and prejudice at school. This guideline first addresses how to develop an overall culture and climate in schools to relieve anxiety and danger (Prevention), then discusses how to solve problems when a crisis occurs (Reactions), and lastly details how to create a long-term plan to establish a better school culture and develop capacity (Future Plans). In each section, the guideline suggests detailed methods, points of concern, and examples of speeches that can be used when such issues are discussed publicly. The following is a summary of section 2 - checklists for when there is a crisis.

(1) Put Safety First

- Call school security officers or outside law enforcement
- Make sure everyone on campus is safe and accounted for
- Form an incident response team
- Isolate alleged offenders

(2) Denounce the Act

- Denounce the hateful act to prevent misinformation or confusion
- Points to consider when announcing the incident: Be specific in the description of the unacceptable incident; state that a full investigation is under way, and that the school stands for respect and inclusion, a place where all are welcome and appreciated

(3) Investigate

- Do not jump to conclusions before facts are gathered
- Understand whether the incident is a simple hoax or malicious mischief, or a more serious issue, for example, if it has established a hostile environment for particular group of students
- Pay attention to the school's atmosphere so that there will be no stronger prejudice or hate during the process of the investigation

(4) Involve Others

- Include those who have direct ties to the school (faculty and staff, students, parents and caregivers, school district officials, alumni, etc.) and those who have indirect ties to the school (Government entities, human rights groups, nonprofits and civic groups, faith groups, mental health counselors, elected officials, etc.) based on the incident

(5) Work with the Media

- There should be a single hub to avoid miscommunication and the spread of conflicting messages or misinformation
- Provide sufficient information to the media so that there will be no rumors or misinformation, rather than avoiding press interviews

(6) Provide Accurate Information - and Dispel Misinformation

- Check social media sites and the news websites to correct misinformation

(7) Support Targeted Students

- Do not put victims on the spot by asking them to speak out in public
- Inform victims about the support that they can receive, and do not state that they "brought on" the attack by finding the root of the incident at the victim
- Apologize on behalf of the school and promise that the school will do everything possible to solve the problem and prevent incidents from happening again
- If a bias incident targets a LGBT student, avoid making an issue of the victim's sexual orientation or gender identity, and do not "out" students to the public

(8) Seek Justice, Avoid Blame

- Take measures that are not ineffective or too lenient that match the harassment and bias-motivated incidents

- Enforce the consequences fairly and without regard to the offender's status
- Organize programs that help the victim to overcome the incident involving parents and caretakers, the community and volunteers

(9) Promote Healing

- Share messages for recovery and healing instead of quickly ending the incident and risks
- Plan and participate in events that can recover community unity within the school

2. Media

The International Federation of Journalists (IFJ), which is the largest global organization of journalists with over 250,000 members from 100 countries, has adopted "The Brussels Declaration: Incitement to Hate and Violence through Media" on April 25, 2014. The Brussels Declaration was made by journalists who "[acknowledge] that hate speech thrives in times of war where media are most exposed to pressure to take sides on account of patriotism and nationalism" and "[reaffirm] the need for high standards in reporting politically sensitive matters to avoid bias, prejudice and manipulation." The following is a direct excerpt from the Declaration.

<The Brussels Declaration: Incitement to Hate and Violence through Media>

(The participants at the International conference on media, armed conflict and hate speech, organized in Brussels by the International Federation of Journalists with the participation of Communication and Information Sector of UNESCO) Agree to recommend to journalists and their unions to:

1. Stand up for the principles and ethics of responsible journalism at all times;
2. Commit to fighting incitement to hate and violence in media and to denouncing it wherever and whenever it happens as a matter of principle, and ensure that their members are made aware of codes and guidelines as well as their use in resolving ethical dilemmas;
3. Promote higher standards in journalism through education and training, putting an emphasis on the importance of words;
4. Further promote better working conditions for journalists to increase their independence and commitment to their profession;
5. Urging media to be aware of the potentially self-serving rhetoric used by those parties with a vested interest in influencing public opinion in order to justify racist acts or even war;
6. Encourage diversity in media and solidarity among journalists and their organizations at the country, regional, and global levels in order to oppose attempts to use media for the purpose of inciting hate and violence;
7. Support the use of online media in a way that seeks to prevent the abuse of these platforms to foment violence and divisions based on hate speech;

The European Federation of Journalists consists of approximately 70 media organizations from European Union countries. Mogens Blicher Bjerregård, the director of the European Federation of Journalists, published the following guidelines called "Guidelines for countering online hate speech," as the activities of the media and its influence are closely related to the online world.

<Guidelines for Countering Online Hate Speech>

1. Self-regulation. Never leave it to the state to make judgments on media ethics as it will lead to censorship, but take responsibility in the media not to promote hate speech.

2. Stay away from censoring, but support and develop pluralism in media, as it will reduce propaganda media to one out of a range of media, and that will reduce the extent of hate speech.

3. Develop mechanisms of early warnings of hate speech online and share information and best practices.

4. Never let victims of hate speech alone, but identify dedicated colleagues to whom victims always can report safely about abuses and threats, they have received online.

5. Never accept hate speech; report it every time. We should tackle online abuse by prompt actions. A threat online should be addressed exactly as we address threats offline - by an immediate response and report to the authorities.

6. Ensure that employers and other persons in leading positions always will have a serious approach and will firmly take action, when they learn about victims of hate speech.

7. As hate speech happens across borders, international authors, journalists, and media organizations should in common develop guidelines to counter hate speech in general and with a focus on social media in particular.

8. Create dialogue with the owners and editors of social media platform as they must take responsibility to take partnership in countering hate speech.

9. Create dialogue and confrontation when hate speech authors are identified regardless of they are individuals or in groups or organizations.

10. Media literacy. More and more people - and not only the young - get their news through social media and online comments in particular. Universities and schools of journalism and writing should comprehensively reflect this. We should have a common approach on this together with the educational sector.

International Covenant on Civil and Political Rights, 1966.

International Convention on the Elimination of All Forms of Racial Discrimination, 1969.

UNITED NATIONS STRATEGY AND PLAN OF ACTION ON HATE SPEECH, 2019.5. The original text is as follows: "any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor."

(https://www.un.org/en/genocideprevention/documents/UN%20Strategy%20and%20Plan%20of%20Action%20on%20Hate%20Speech%2018%20June%20SYNOPSIS.pdf)

All human beings are part of a single species, and the term "race" is used based on the assumption that no humans can be clearly divided into races. European Commission against Racism and Intolerance, GENERAL POLICY RECOMMENDATION NO. 15, ON COMBATING HATE SPEECH, ADOPTED ON 8 DECEMBER 2015, Page 3.

European Commission against Racism and Intolerance, GENERAL POLICY RECOMMENDATION NO. 15, ON COMBATING HATE SPEECH, ADOPTED ON 8 DECEMBER 2015. The original text is as follows: "Hate speech for the purpose of the Recommendation entails the use of one or more particular forms of expression - namely, the advocacy, promotion or incitement of the denigration, hatred or vilification of a person or group of persons, as well any harassment, insult, negative stereotyping, stigmatization or threat of such person or persons and any justification of all these forms of expression - that is based on a non-exhaustive list of personal characteristics or status that includes "race", colour, language, religion or belief, nationality or national or ethnic origin, as well as descent, age, disability, sex, gender, gender identity and sexual orientation."

(https://rm.coe.int/ecri-general-policy-recommendation-no-15-on-combating-hate-speech/16808b5b01)

Council of Europe Gender Equality Strategy, Combating Sexist Hate Speech, 2016. The Gender Equality Strategy of the Council of Europe defines "sexist hate speech" as: "one of the expressions of sexism, which can be defined as any supposition, belief, assertion, gesture or act that is aimed at expressing contempt towards a person,

based on her or his sex or gender, or to consider that person as inferior or essentially reduced to her or his sexual dimension."

(https://www.coe.int/en/web/genderequality/sexist-hate-speech)

Sung Soo Hong, Jung Hye Kim, Jin Suk No, Min Hee Ryu, Seung Hyun Lee, Joo Young Lee, Seung Mi Cho, Study on Hate Speech and Regulatory Measures, National Human Rights Commission of Korea, 2016, pg. 21.

The UN Convention on the Rights of Persons with Disabilities states that "persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others" (Article 1). This includes attitudes that limit the social participation of persons with disabilities in the concept of disabilities (text of the CRPD).

Gender refers to the "characteristics of women and men that are socially constructed" (WHO). Gender expression refers to expressions of gender with actions or behavior, and gender identity refers to how individuals feel and experience their awareness and sex characteristics of the body. No one should be discriminated due to their gender expression, gender identity, or sexual orientation. The UN Committee on the Elimination of All Forms of Discrimination Against Women (CEDAW) states that discrimination towards women based on sex and gender is inevitably related to discrimination towards lesbians, bisexuals, transgender, and intersexual people along with race and disabilities ((WHO, Gender mainstreaming for health managers: a practical approach, 2011, General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19, CEDAW/C/GC/35, 14 July 2017). Refer to the International Labour Organization, Information paper on protection against sexual orientation, gender identity and expression and sexual characteristics (SOGIESC) discrimination, 2019 for more details.

Racial hate speech includes "natives, groups based on heredity, those who are not citizens including migrant workers, refugees and exiles" (UN Committee on the Elimination of Racial Discrimination (CERD), General recommendation No. 35: Combating racist hate speech, 26 September 2013, CERD/C/GC/35).

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O'Neil, Cathy, Weapons of Math Destruction, Next Wave Publishing, 2017, pg. 160-165.

A mobile survey of 1,200 adults (considering gender, age, areas of residence, etc.) was conducted from March 20 to March 22, 2019 (three days) by an outsourced polling organization. The confidence level was 95% with a sampling error of ±2.8%p (National Human Rights Commission of Korea, National Survey on the Awareness of Hate Speech, 2019). In addition, A mobile survey of 500 youths aged between 15 and 17 in Korea was conducted from May 9 to May 14, 2019 (six days). The confidence level was 95% with a sampling error of ±4.4%p (National Human Rights Commission of Korea, Survey on the Awareness of Hate Speech from Youths, 2019).

Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, 2003.

Although it is not a direct reaction to hate speech, it is also possible to indirectly reduce hate speech by giving additional punishment to hate crimes. Hate crimes refer to crimes such as murder, violence, and arson based on prejudice. In other countries, much legislation further punishes hate crimes, and in some cases, hate crimes are considered in the examination of an offense without any revision of legislation. According to the "Standards for Examination of an Offense based on Crimes of Defamation" that comes into effect on July 2019, "crimes from revenge, grudges, hatred or loathing towards the victim" are included in "Criminal Intents to be condemned," which is a weighting factor for the examination of an offense. In other words, it is possible to receive weighted punishment in case of defamation or contempt from hatred or loathing.

「本邦外出身者に対する不当な差別的言動の解消に向けた取組の推進に関する法律に基づく『公の施設』利用許可に関するガイドライン」（http://www.city.kawasaki.jp/250/page/0000088788.html)

United Nations Human Rights Committee,「Concluding Observations on the Forth Periodic Report of the Republic of Korea (CCPR/C/KOR/CO/4)」, Dec. 3, 2015, Paragraphs 14, 15.

Sung Soo Hong et al., Survey on the Preparation of Preventive and Reactive Guidelines on Hate Speech, National Human Rights Commission of Korea, 2018.

Korea Internet Self-governance Organization, KISO Reviews of the Political Regulations, 2018.

Refer to the "Hateful Conduct Policy" of Twitter, the "Community Standards" of Facebook, the "Hate Speech Policy" of YouTube, and the "Content Policies" of Microsoft.

This guideline was developed with the support of Google and HR Fund Saram by the SOGI Law. 'Diversity Guideline to Develop a Sexual Minority-Friendly Workplace' (http://diverseguide.org/).

Refer to Section II of Chapter 2 of the Survey on the Preparation of Preventive and Reactive Guidelines on Hate Speech by Sungsoo Hong·Ji Hye Kim·Jiwon Min·Yoonjin Song·Seung Hyun Lee·Eunjin Lee (2018), National Human Rights Commission of Korea, for examples of guidelines on hate speech by universities.

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Mogens Blicher Bjerregård, 'Guidelines for countering online hate speech', 2016 (http://europeanjournalists.org/mediaagainsthate/guidelines-for-countering-online-hate-speech)

Report on Hate Speech

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Happy Together
in Diversity

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