



By: TA | AP Insight

Japan against national flag vandals – protecting tradition or threatening free speech?



Japan on Friday enacted a controversial new law prohibiting desecration of its national flag, a key right-wing agenda pushed by Prime Minister **Sanae Takaichi**.

Opponents say it's an attempt to intimidate the public and silence criticism of her government.

The law punishes publicly damaging or defacing the national flag, known as "hinomaru," including livestreaming of the scene in ways that would offend the feelings of others.

Opponents say the ambiguous law only intimidates people from using the flag in art, protests or other forms of expression, and could violate constitutional freedom of speech.

Japan has a law to punish vandalizing foreign national flags, mainly those displayed at diplomatic facilities, to avoid international disputes.

Takaichi says Japan's lack of a law criminalizing disrespectful handling of its own national flag is "wrong."

Today, the flag is widely seen at athletic events, government offices and international events. At Imperial Palace events, well-wishers wave small versions of the flag to cheer their beloved emperor and his family.

Another well-known **Japanese flag**, called "kyokujitsuki," with a red disc surrounded by 16 rays extending outward has repeatedly led to **vehement protests** from some of Japan's neighbors because of its use by Japan's imperial navy as the nation colonized the Korean Peninsula and invaded or occupied China and other Asian countries until its World War II defeat in 1945.

Law to punish actions 'based on impression'

The new law prohibits publicly damaging, removing or defacing a national flag in ways

that "causes extreme discomfort or sense of disgust to others." It is meant to protect the people's respect for the flag, the law says.

Violators would face up to two years in prison or a maximum fine of 200,000 yen (about \$1,230).

The passage of the law highlights a win for Takaichi's right-wing agenda and her supporters

The passage of the law highlights a win for Takaichi's right-wing agenda and her supporters.

Many legal experts have opposed the law, arguing the vaguely worded law criminalizes actions on the grounds of people's feelings and could be used arbitrarily, possibly against those critical of the government.

"Punishing national flag vandals means a prohibition of criticism against the government," Motohiro Hashimoto, a Chuo University constitutional law professor, told a parliament hearing this week.

No clear guidelines

The law has raised a flurry of questions in parliament about exactly what actions can be punished.

Takaichi's governing Liberal Democratic Party said violations include pulling down and discarding a national flag displayed at a municipal building; tearing, burning or cutting a national flag in a public space; stepping on a national flag, covering it with mud in public; livestreaming or uploading footage showing oneself cutting or burning a flag in a private space.



Violations include pulling down and discarding a national flag displayed at a municipal building; tearing, burning or cutting a national flag in a public space - Sanae Takaichi

Use of images of a flag in anime, cartoons or those created by artificial intelligence is allowed because they are not in the tangible form, and flag images that form part of a painting won't be subject to punishment.

Damaging of miniature hinomaru flags, often used to decorate children's meals is also allowed.

Ayaka Shiomura, an opposition Constitutional Democratic Party of Japan lawmaker, noting that the flag with Japan's historical background can be used at political rallies, repeatedly asked at a parliamentary session if crossing out the flag is subject to punishment.

"It all depends," said LDP lawmaker Akihisa Shiozaki. "It is difficult to categorize, standardize or make a hypothetical judgment until it happens."

A number of countries, including the U.S. and Europe, have laws targeting flag vandals but they come with clearer criteria and greater protection of freedom of speech, experts say.

Japan's flag has been prone to controversy

Japan's national flag has a red disc on a white background, believed to originate from an ancient sun worship. In 1870, it was recognized as a national flag for Japanese commercial ships.

During the war, soldiers sent to the front lines each carried a hinomaru flag covered with the signatures of their family and friends wishing them good luck.

But it lacked the legal status of a national flag until 1999 because of the controversy and mixed feelings about its wartime past.

The government began promoting the flag and the anthem "Kimigayo," which means the Emperor's reign, at public schools from around the 1980s

The government began promoting the flag and the anthem "Kimigayo," which means the Emperor's reign, at public schools from around the 1980s but often faced protests from teachers who opposed using the flag and the anthem for patriotic education.

In 1999, a school principal in Hiroshima killed himself the day before a graduation ceremony, caught between teachers protesting the flag and enforcement demands by local education authorities.