

III-A-2. Hate Speech and Hate Crime Targeting Children of Korean Schools in Particular

Several human rights treaty bodies, including the Committee on the Rights of the Child repeatedly expressed their concern about verbal and physical attacks and hate crime against minorities, especially children attending Korean schools to the Japanese Government. Not only any effective measures have been taken to combat hate speeches and hate crimes against Korean school children, but also the Japanese government has never conducted any research or investigation on incidents targeting Korean schools and their students, in the end, racist groups attacked Korean school where children have lesson inside while the issue of hate speech against minority groups, especially Korean residents in Japan has been increasing in its number and grossness.

The racist attack itself had enormous negative mental damage on the victims, especially the traumatic experience suffered by the Korean elementary school children. What is worse, racist groups filmed the whole process of attack and uploaded the video to several websites so as to incite discrimination, hatred, and violence against Korean residents in Japan.

While the anti-hate speech law was enacted in May 2016, the law only clarified the basic principles with hate speech in Japan and does not prohibit the hate speech. Even after the enactment of the law, there are tons of webpages of hate speech demonstrations against Korean residents in Japan, which make Korean children fear to express their ethnic identity in public places.

Recommendations

The Japanese Government should conduct fact-finding survey for the damageaffected to Korean school children, who is the most vulnerable target of hate speeches and hate crimes and take effective measures towards hate speeches and hate crimes.

The Japanese Government should enact comprehensive anti-discrimination law which includes regulation of hate speeches and hate crimes on the internet which incites discrimination, hostility or violence against Korean residents in Japan, especially children attending Korean school.

III-A-1. Comprehensive Anti-Discrimination Legislation Should Be Developed Promptly

While the Diet has adopted pieces of legislation in some areas, acknowledging the existence of discrimination and providing for measures for its elimination, these legislative acts are not comprehensive anti-discrimination laws and do not establish effective measures to provide remedies in sufficient ways. Consequently there still remains discrimination against different categories of children, such as: children of national minorities, including *Buraku* people (people from the areas that have traditionally been segregated from the mainstream community and who have been discriminated against) and the Ainu people (see III-A-6 below); children of migrants, returnees from China and who are otherwise linked to foreign countries; children who are LGBTI (see III-A-5 below); and against children affected by the Great East Japan Earthquake and the nuclear accidents in Fukushima. On 26 July 2016, at an institution for persons with intellectual disabilities, a former employee who had strong prejudices against persons with disabilities killed 19 persons who had been admitted in the institution and inflicted severe or minor injuries on other 26 persons; sufficient responses have not been taken on the basis of the acknowledgment that this mass killing was a form of hate crime.

While the reinforcement of the human rights counseling system in foreign languages [State Party's report, para. 34] is a positive step, its impact is limited partly because it was not underlined by comprehensive anti-discrimination legislation. The survey of foreign residents in Japan, published by the Ministry of Justice in March 2017, found that some 30% of the respondents have experienced discriminatory remarks against them and that discrimination in the fields of housing and employment still persists.

Recommendations

In the light of the relevant recommendations by the human rights treaty bodies, the Government and the Diet should promptly develop comprehensive anti-discrimination legislation, which includes provisions on such matters as definitions of prohibited acts of discrimination (including hate speech), effective mechanisms for the provision of remedies, research as well as education, awareness-raising and training.

VIII-11. Foreign/Ethnic Schools in Disadvantaged Status and Institutional Discrimination against Children in Korean Schools

Foreign schools, including Korean schools are not provided enough subsidies although social recognition of those schools' educational level and contents are equal to those of Japanese general schools is spreading in the Japanese society. Thus, foreign schools must rely exclusively on high tuition fees and financial contributions by parents and supporters. However, while regular Japanese schools and even Western foreign schools can receive support from the central government in terms of tax exemptions, non-Western foreign schools such as Korean schools and Chinese schools cannot receive such benefit.

Although several human rights treaty bodies, including the Committee on the Rights of the Child have repeatedly made recommendation to correct the discriminatory policy, diplomas from Korean schools are still not recognized as direct university entrance qualifications. Thus, there are cases when graduate of Korean schools are refused to access to higher education systems such as universities.

By enforcing "Tuition Waiver and Tuition Support Fund Program for High School Education" (hereafter, "Tuition Waiver Program"), in 2010, the Japanese Government exempted tuition fees for students of Japanese public high school and provided funds equivalent to tuition fees of Japanese public high school for students of private high schools, including technical schools and foreign schools. However, students of 10 Korean schools have only been excluded among other foreign schools since 2010, owing to the political and diplomatic reason, that is, "there was no progress in the abduction issue" which is totally irrelevant to children attending to Korean schools. Seeking for inclusion of "Tuition Waiver Program" without discrimination and recovery of dignity which was severely hurt by the Japanese Government, graduates of Korean schools filed lawsuits and current students carry street campaign and collection of signatures.

In spite of the lack of central government subsidies, all local governments where Korean schools are located have provided subsidies in their own ways. However, with exclusion of Korean schools from "Tuition Waiver Program", some of local governments have started to suspend or to reduce subsidies that had been provided to Korean schools over decades, which threatens the environment which children attending Korean schools learn their own language, culture and history.

Recommendations

The Japanese Government should recognize foreign schools including Korean schools as equivalent to "School of Article 1" defined in article 1 of

School Education Act and eliminate discrimination with regard to tax exemption and health care.

The Japanese Government should recognize diplomas from Korean schools as direct university entrance qualifications.

In view of the principle of primary consideration of the best interest of the child (Article 3(1)) and the principle of non-discrimination (Article 2), Japanese Government should correct unreasonable discrimination against children attending Korean schools and extend "Tuition Waiver Program" to them immediately.

In view of the principle of primary consideration of the best interest of the child (Article 3(1)), the Japanese Government should urge local governments to resume their subsidies to Korean schools.

ANNEX

Additional Information for the Committee on the Rights of the Child, on the occasion of the Submission of Japan's 4-5 Periodic Report

30 Oct 2017

Human rights situation of children attending to Korean schools in Japan with relate to the International Committee on the Rights of the Child

- **Principle of non-discrimination (art. 2)**
- Primary consideration of the best interest of the child (art.3)**
- Rights of the child to education (arts.28 and 29)**
- Rights of the child belonging to minorities (art.30)**

Submitted by:

Human Rights Association for Korean Residents in Japan (HURAK)

* Human Rights Association for Korean Residents in Japan (HURAK) is a non-profit, non-governmental human rights organization devoted to advocating rights of Korean residents in Japan and contributing to their well-being. HURAK was founded in 1994 by legal experts, researchers and activists in the field of human rights of Korean residents in Japan. HURAK is an affiliated body of the NGO Network for the Elimination of Racial Discrimination (ERD Net), which is a nationwide network among NGOs and individuals working for the issues relating to racism, racial discrimination and colonialism in Japan.

Website	http://k-jinken.net/
E-mail	jinken94@yahoo.co.jp
Address	3-41-10-3F, Taitou, Taitou-ku, Tokyo, Japan 110-0016

ANNEX 1 for III-A-2. Hate Speech and Hate Crime Targeting Children of Korean Schools in Particular

1. Hate speech and hate crimes against children attending Korean schools have repeatedly occurred whenever the tension between Japan and Democratic People's Republic of Korea increased since 1980's. Owing to the rampant hate crimes such as ripping or cutting ethnic Korean uniform dresses of Korean school girls in public places¹, Korean school children have not been able to wear their ethnic uniform and to express their identity.

2. As for hate crimes and hate speeches targeting to children attending Korean schools, the Committee on the Rights of the Child expressed concern in its first Concluding Observation to Japan in 1998² and one of the Human Rights Committee members asked the Japanese delegation that positive and durable measures should be taken to prevent such hate crimes and hate speeches during the third session of examination of the Japanese periodic report in the same year. Nevertheless, what the Japanese Government did was only distribution of leaflets and putting up posters.

3. In particular in 2002, when some ten cases of abduction of Japanese citizens were recognized and apologized at the meeting of State heads of Japan and DPRK³, more than 1000 of such cases were reported in the following half a year.

4. Measures for such incidents which the Japanese Government reported to the Human Rights Committee in its 4th periodic state party report were awareness-rising activities, such as distributing pamphlets and leaflets, putting up posters and calling for consultation with the human rights organs under the MOJ if they are targeted with harassment⁴, which did not differ from the previous measures. In addition, although Korean school side and lawyers conducted fact-finding survey for incidents targeted to Korean school children, the Japanese Government had never done such survey.

5. Other than the Committee on the Rights of the Child, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination also recommended twice in 2010⁵, and in 2014⁶, that the government of Japan take positive measure for hate speeches and hate crimes against children attending Korean schools and correct the absence of the law to prohibit discrimination based on the ICERD Article 4.

6. Not only any effective measures have been taken to combat hate speeches and hate crimes against Korean school children, but also the Japanese government has never conducted any survey on incidents targeting Korean schools and their students, in the end, racist groups attacked Korean school where children have lesson inside while the issue of hate speech against minority groups, especially Korean residents in Japan has been increasing in its number and grossness.

7. Racists targeted a Korean elementary school in Kyoto⁷. In front of the school, they had hurled abusive, discriminatory and intimidating words to the school and people inside as well as Korean residents in Japan in general. Facilities owned by the school was moved and damaged by them in front of school. Such attack lasted about an hour. Although the police was present, but they did not do anything.

8. The racist attack itself had enormous negative mental damage on the victims, especially the traumatic experience suffered by the Korean elementary school children. What is worse, racist groups filmed the whole process of attack and uploaded the video to several websites so as to incite discrimination, hatred, and violence against Korean residents in Japan⁸.

9. While the anti-hate speech law was enacted in May 2016, the law only clarified the basic principles with hate speech in Japan and does not prohibit the hate speech. Even after the enactment of the law, there are tons of webpages of hate speech demonstrations against Korean residents in Japan, which make Korean children fear to express their

¹ Please refer Appendix 9

² CRC/C/15/Add.90, para 13 and para 35

³ In 2002, the then prime minister of Japan, Junichiro Koizumi, and the then leader of Democratic People's Republic of Korea, Kim Jong-Il, met in Pyongyang and announced the "Pyongyang Declaration". The leader Kim Jong-Il admitted the DPRK abducted some Japanese nationals in 1970-1980s and officially apologized for it at the meeting. The extreme DPRK-bashing has risen up in Japan and the hate speech and hate crimes against Koreans in Japan have come to be rampant since then.

⁴ CCPR/C/JPN/5, para 12)

⁵ CERD/C/JPN/CO/3-6, para 13

⁶ CERD/C/JPN/CO/7-9, para 8, para 10 and para 11

⁷ Please refer the NGO report on Hate Speech submitted by the ERD-Net in 2014

http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/JPN/INT_CCPR_CSS_JPN_17357_E.pdf

⁸ such videos are still on the several websites, <https://www.youtube.com/watch?v=Ui0Jd3AhzwM>

ethnic identity in public places.

10. According to the survey of 1,500 children of Korean origin attending Korean schools and Japanese schools conducted in 2015 by some university teachers and researchers, 37% children came to recognize hate speech demonstrations through the internet. Among them, 76% felt angry and 46% felt fear at those demonstrations⁹.

11. Based on the above-mentioned, HURAK requests to the Committee to make recommendations to the Japanese Government as follows;

- The Japanese Government should conduct fact-finding survey for the damage affected to Korean school children, who is the most vulnerable target of hate speeches and hate crimes and take effective measures towards hate speeches and hate crimes.
- The Japanese Government should enact comprehensive anti-discrimination law which includes regulation of hate speeches and hate crimes on the internet which incites discrimination, hostility or violence against Korean residents in Japan, especially children attending Korean school.
- The Japanese Government should strongly promote human rights education in school education in order to eradicate hate speech and the hate crime.

ANNEX 2 for VIII-11. Foreign/Ethnic Schools in Disadvantaged Status and Institutional Discrimination against Children in Korean Schools

A. History of Korean schools

a) Non-recognition of Korean schools

1. Koreans, who had been prohibited from using their ethnic language and names under the Japanese colonial rule, have established Korean schools in various parts of Japan since Japan's surrender in 1945 for the purpose of preserving their ethnic identity, language, history and culture. Today, there are more than 60 Korean schools across Japan with approximately 8,000 students from kindergarten to university. Children attending Korean schools learn language, culture and history of Korea and Japan, and the subjects in Korean schools are basically taught by Korean teachers who were born and raised in Japan, with using Korean language.

2. As the Japanese government considered Koreans had Japanese nationality even after Japan's surrender, the Ministry of Education informed local governments that Koreans "have a duty to attend Japanese schools as well as Japanese" in 1948, which ended up compulsory closing down almost all Korean schools by police authority power and transferring Korean children to Japanese public schools.¹⁰ This suppression of ethnic education by the Japanese government caused a massive decrease in number of Korean schools from more than 500 to less than 50.

3. However, the Ministry of Education next informed local governments in February 1953 that the principle of free of charge of compulsory education in Japanese public schools would not be applied in case of Korean children's education because of their foreign nationalities, in response to the notice by the Ministry of Justice which deprived all Koreans of Japanese nationality without any right to select their nationalities, issued after the effectuation of the Peace Treaty and the restoration of sovereignty of Japan in April 1952. In other words, the government decided that it would not guarantee the right to education of Korean children at all.

4. In spite of such suppression of ethnic education by the Japanese government, Koreans in Japan made every effort to maintain and rebuild Korean schools throughout Japan, devoting all their money, knowledge and labor power.

⁹ <http://www.ryukyuu.ac.jp/shukyo/committee/pdf/2015=01.pdf> (available in Japanese language only)

¹⁰ Appendix1, Pictures of compulsory closedown of Korean schools in 1948 by the Japanese authority and Allied Occupation Forces

5. When the normalization of diplomatic relationship between Japan and Republic of Korea was realized in 1965, the Ministry of Education informed local governments that they “should not accredit Korean schools, which aim to cultivate ethnicity or nationality of Koreans, even as miscellaneous schools”¹¹, which meant the Japanese government would not give any right to ethnic education in Korean schools. However, the governor of Tokyo accredited Korea University in Tokyo as “miscellaneous school” in 1968 in spite of the notice from the Ministry, and all Korean schools have been accredited as “miscellaneous school” by the local governors as of today. Moreover, all local governments started to provide subsidies to Korean schools after the accreditation, but some local governments stopped providing subsidies in recent years which will be described below. The central government has never provided financial support for Korean schools and what was worse; it only excluded students of Korean high schools from the “Tuition Waiver and Tuition Support Fund Program”, which will also be described below.

b) Foreign school as “miscellaneous school” and its disadvantages

i. Foreign school as "miscellaneous school"

6. There are currently 125 foreign schools in Japan including approximately 60 Korean schools, 30 international schools, 15 South American schools such as Brazilian and Peruvian, and other national schools such as Chinese, French and Germany¹². These schools are accredited as “miscellaneous school” by local governments where each school is located. Approximately 26,000 children¹³ are learning in those schools including kindergarten, primary to high schools, universities and graduate schools.

7. Japanese school system is divided into three kinds of schools, which are regular school defined in article 1 of School Education Act (so-called “School of Article 1”), “technical school” defined in article 12 of the Act, and “miscellaneous school” defined in article 134 of the Act.

8. The Japanese government has insisted that “miscellaneous school” can be accredited as “School of Article 1” if the school has fulfilled the accreditation criteria and such school existed in the past. However, in order to be accredited as “School of Article 1”, the school has to fulfill the accreditation criteria determined by the Ministry of Education, Culture, Sports, Science and Technology (MEXT), such as the implementation of its school curricula for Japanese children with Japanese textbooks in Japanese approved by the MEXT and the qualifications of teachers approved by the Government. Therefore, it is almost impossible practically to be accredited as “School of Article 1” for minority schools if minority community wants to give education using their own language and textbooks written in their own language¹⁴.

9. “Technical school” is an educational institution that gives practical vocational education and specialized technical education. These schools can receive public support almost equivalent to regular schools, but foreign schools cannot be accredited as technical schools owing to the legal provision which excluded “schools for foreigners”.

10. “Miscellaneous school” is an educational institution that gives skills such as driving, cooking, sewing, etc. On account of the reasons described above, foreign schools have no choice but to be accredited as “miscellaneous schools”. Regarding this problem, a several concerns and recommendations were issued to the Japanese Government by the human rights treaty bodies and the special procedures of the Human Rights Council (HRC)¹⁵.

ii. Disadvantages of foreign schools in Japan

11. For the reasons described above, foreign schools have been suffering various difficulties as “miscellaneous school”. Firstly, the central government does not provide any financial support for foreign schools at primary and junior high levels¹⁶. While local governments provide some financial support to foreign schools, such support is limited compared to the support Japanese accredited private schools receive, which amounts to less than one-tenth in some schools.

12. Secondly, there are some cases that graduates of foreign schools cannot transfer or take national entrance examinations to enter Japanese schools due to the fact that qualifications acquired at foreign schools are not recognized

¹¹ With regard to “miscellaneous schools”, please refer the next part.

¹² The Survey by the Ministry of Education, Culture, Sports, Science and Technology (MEXT) in May 2016.

¹³ Ibid. Besides these children, there are thousands of students who are on the register in foreign schools not accredited as “miscellaneous schools”. In addition, it is estimated there are a number of children who are not attending to any schools, though the MEXT has never conducted a survey on them.

¹⁴ CERD/C/JPN/CO/3-6, para22(a).

¹⁵ CCPR/C/79/Add.102, para13, E/C.12/1/Add.67, para 60, CERD/C/JPN/CO/3-6, para22(c), E/CN.4/2006/16/Add.2, para56, A/HRC/17/33/Add.3, para 64.

¹⁶ Though the Japanese government has started to provide Tuition Support Fund to students of foreign high schools, it has not provided the support to Korean high school students for political reason as described at D in this report.

as equivalent to those acquired at regular schools. For example, in Tokyo, qualification of graduates of Korean primary school was not recognized when they sought to enter Japanese middle school.

13. Moreover, foreign schools cannot receive any other services from the governments such as free health care and lunches. Foreign school students are not covered recipients of various national scholarship projects due to the lack of accreditation as regular schools.

B. Discriminatory measures with regard to tax exemption

14. Thus, foreign schools must rely exclusively on high tuition fees and financial contributions by parents. However, “miscellaneous schools” cannot receive support from the central government in terms of tax exemptions, which regular schools and technical schools can. While the MEXT decided in 2003 to grant benefit of tax exemption only to Western foreign schools from the perspective of promoting trade, it didn’t grant benefit to non-Western foreign schools such as Korean schools and Chinese schools. With regard to such discriminatory measure by the central government, the Japan Federation of Bar Associations issued recommendation to the government in 2008 to revise its position, saying that the measure “will violate the right to learn of students” of foreign schools such as Korean schools and Chinese schools. Regarding this issue, a several concerns and recommendations were issued to the Japanese Government by the human rights treaty bodies and the special procedures of the HRC¹⁷.

C. Non-recognition of diplomas from Korean schools as direct university entrance qualifications

15. While a 2003 reform by the MEXT granted access to university entrance examinations to graduates of foreign schools, graduates from schools for those from Korean schools have been excluded, because of political reasons linked to the lack of diplomatic recognition of Democratic People’s Republic of Korea. As a consequence, their access to university has not been guaranteed and has been depending on discretion by each university. Some graduates of Korean high school have been refused to take the entrance examination by some universities. Regarding this issue, a several concerns and recommendations were issued to the Japanese Government by the human rights treaty bodies and the special procedures of the HRC¹⁸.

D. Exclusion of Korean children from "Tuition Waiver and Tuition Support Fund Program for High School Education"

16. The Japanese government has expanded compulsory education to high school level since 2010 by enforcing “Tuition Waiver and Tuition Support Fund Program for High School Education” (hereafter, “Tuition Waiver Program”), which exempted tuition fees for students of Japanese public high school and provided funds equivalent to tuition fees of Japanese public high school for students of private high schools, including technical schools and foreign schools that are accredited as “miscellaneous school”.

17. As for foreign schools, they were categorized into three types to be the subject of the Program, which were (i) a school whose curriculum is equivalent to the one of high school in its native country, (ii) an international school certified by the international educational evaluation institution, (iii) a school the Minister of Education certified that it has curriculum equivalent to the one of high school level. 14 national schools such as Chinese and Brazilian as the first category and 17 international schools as the second category were designated as subjects of the Tuition Waiver Program when the Program was enforced in 2010.

18. However, students of 10 Korean schools have only been excluded among other foreign schools since 2010, owing to the arbitrary measure of the MEXT, which prolonged the application of the program to Korean students for the reasons of the military tension between Japan and Korean peninsula and ended up legally excluding them from the program in February 2013 by revising its ministerial ordinance that deleted the third category above, which had been the ground for applying the Program to students of Korean schools. The Japanese government cited the fact that “there was no progress in the abduction issue¹⁹” as one of the reasons of the exclusion, which revealed that the political and

¹⁷ CCPR/C/JPN/CO/5, para 31, CERD/C/JPN/CO/3-6, para 22(d), CRC/C/JPN/CO3, para 72- 73, A/HRC/17/33/Add.3, para 81(e).

¹⁸ CERD/C/304/Add.114, para 16, E/C.12/1/Add.67, para 60, CRC/C/15/Add.231, para 49(d), CCPR/C/JPN/CO/5, para 31, E/CN.4/2006/16/Add.2, para 89, A/HRC/17/33/Add.3, para 81(e).

¹⁹ Please refer to note 3

diplomatic relations between Japan and Democratic People's Republic of Korea were the grounds for the exclusion.

19. While learning their own culture and language and bringing up their identity, children attending Korean schools deepened their exchange through cultural activities, sports events and so on with Japanese children. Thus, children attending Korean schools are just like the linking bridge between Korea and Japan. It is unreasonable to exclude such children from "Tuition Waiver Program" because of non-progress of the abduction issue, which is totally irrelevant to those children. In response to the Japanese government's policy, the Committee on Economic, Social and Cultural Rights pointed out that the exclusion of Korean schools from "Tuition Waiver Program" constitute discrimination²⁰. and The Japan Times criticized that policy in its editorial as "Treat all students equally" or "Students are not political pawns"²¹. The Japan Federation of Bar Association also criticized the Japan's policy in its presidential statement²².

20. In response to this discrimination, children attending Korean schools are fighting for inclusion of "Tuition Waiver Program" without discrimination and for recovery of their dignity which was severely hurt. Graduates who were excluded from "Tuition Waiver Program" filed lawsuits and current students carry street campaigns and collection of signatures, sacrificing their precious time for study, club activities and leisure²³. As of March 2017, more than 10,000 Korean high school students were excluded from the Program and the total damage of tuition support funds is estimated over 1.5 billion yen. Regarding to this issue, a several concerns and recommendations were issued to the Japanese Government by the human rights treaty bodies²⁴.

E. Suspension of subsidies to Korean schools by local governments and the pressure from the central government to local governments to suspend subsidies

a) Suspension of subsidies by local governments

21. The discriminatory measure to exclude Korean school students from the Tuition Waiver Program by the central government has led some local governments to suspend subsidies to Korean schools since 2010.

22. Subsidies by local governments for Korean schools were approximately one-tenth of Japanese public schools and one-third of Japanese private schools on average as of 2009, though the amount of subsidy is varied with location. While it was a very small amount compared to other Japanese schools, it had become valuable financial resources for the operation of Korean schools which had had no financial support from the central government.

23. Since 2010, 13 prefectural governments out of 28 prefectures where Korean schools are located have suspended subsidies that had been provided to Korean schools over decades²⁵. The prefectural governments that have suspended subsidies include Tokyo, Osaka, Saitama, Miyagi, Chiba, Kanagawa, Hiroshima, Yamaguchi, Niigata, Ibaraki, Tochigi, Wakayama and Mie, and they cited political and diplomatic relations as the reasons for suspending their subsidies.²⁶ By the same token, some cities such as Osaka city, Hiroshima city and Yokohama city have suspended their subsidies to Korean schools, following the decision of the prefecture the city belongs to that suspended the subsidies to Korean schools.

24. Those Korean schools where the provision of subsidies by the local governments had been suspended have been facing extreme financial difficulty. They had no choice but to run up tuition fees and other expenses for education. Thus, a number of parents have given up sending their children to Korean schools.

b) The pressure from the central government to local governments to suspend subsidies

25. In spite of the concern and recommendation by the Committee on the Elimination of Racial Discrimination(CERD) in 2014 that pointed out the suspension of subsidies by local governments is "government's actions that hinder the right to education of children of Korean origin" and that recommended the Japanese government to invite local governments to resume or maintain the provision of subsidies to Korean schools²⁷, the

²⁰ E/C.12/JPN/CO/3, para27

²¹ Appendix 2, Editorial of The Japan Times, "Treat all students equally" (1st Mar, 2013) and "Students are not political pawns" (12nd Apr, 2013)

²² Appendix 3, Statement of President of the Japan Federation of Bar Associations objecting to exclusion of Korean Schools from Tuition Waiver Program for High School Education (1st Feb, 2013)

²³ Please refer to Appendix 8, voices of children of Korean schools

²⁴ CERD/C/JPN/CO/3-6, para 22(e), E/C.12/JPN/CO/3, para27, CERD/C/JPN/CO/7-9, para 19.

²⁵ Appendix 4, Japan's Prefectural Governments which suspended subsidies to Korean Schools (2009 - 2016)

²⁶ Appendix 5, Policy speech by the Governor of Tokyo and media coverage on local governments' suspension of subsidies to Korean schools on suspension of subsidies to Korean school children

²⁷ CERD/C/JPN/CO/7-9, para 19.

Japanese government issued a notice named “Points to be noted concerning subsidies relating to Korean schools” in March 2016 to each local government where Korean school is located, which made other several local governments suspend subsidies to Korean schools.²⁸

26. While the notice did not refer to above CERD’s concern and recommendation, the Japanese government demanded the local governments reconsider the provision of subsidies in light of “public benefit and the effect on educational promotion”, which became a de facto pressure to make local governments suspend the provision of subsidies to Korean schools.

27. In fact, the governor of Ibaraki prefecture suspended the provision of subsidy of the fiscal year 2016 for Ibaraki Korean School in March 2017, on the ground of the notice issued by the central government. The notice also made other several local governments reconsider the provision of subsidies to Korean schools.

28. Based on the above-mentioned, HURAK requests to the Committee to make recommendations to the Japanese Government as follows;

- The Japanese Government should recognize foreign schools including Korean schools as equivalent to “School of Article 1” defined in article 1 of School Education Act and eliminate discrimination with regard to tax exemption and health care.
- The Japanese Government should recognize diplomas from Korean schools as direct university entrance qualifications.
- In view of the principle of primary consideration of the best interest of the child (Article 3(1)) and the principle of non-discrimination (Article 2), it is clear that the exclusion of Korean schools from “Tuition Waiver Program” is unjust. Thus, the Japanese Government should correct unreasonable discrimination against children attending Korean schools and extend “Tuition Waiver Program” to them immediately without waiting results of on-going lawsuits.
- In view of the principle of primary consideration of the best interest of the child (Article 3(1)), the Japanese Government should urge local governments to resume their subsidies to Korean schools.

IV. Relevant previous recommendations and question of the Committee

CRC/C/JPN/CO/3

72. The Committee is concerned that schools for children of Chinese, North Korean or other origin are insufficiently subsidised. It is also concerned that graduates from these schools may not be eligible for entrance examinations to universities and colleges in Japan.

73. The Committee encourages the State party to increase subsidies to non-Japanese schools and ensure that access to university and college entrance examinations is non-discriminatory. The State party is encouraged to consider ratifying the UNESCO Convention against Discrimination in Education.

86. While noting the measures taken by the State party to improve the situation of the Ainu people, the Committee is concerned that children of Ainu, Korean, Burakumin origin and other minorities continue to experience social and economic marginalisation.

87. The Committee urges the State party to take the necessary legislative or other measures to eliminate discrimination against children belonging to ethnic minorities in all spheres of life and ensure their equal access to all services and assistance provided for under the Convention.

CRC/C/15/Add.231

49. The Committee notes the State party’s efforts to reform the education system and bring it into greater

²⁸ Appendix 7, Editorial of The Asahi Shimbun, “Politicians bully Korean school students for acts of Pyongyang” (22nd Mar, 2016)

conformity with the Convention; however, it is concerned that:

(d) Although eligibility criteria have been broadened for graduates from foreign schools in Japan applying to university, some continue to be denied access to higher education;

50. The Committee recommends that the State party:

(d) Expand opportunities for children from minority groups to enjoy their own culture, profess or practise their own religion and use their own language;

V. Relevant previous recommendations of other Committees

CERD/C/JPN/CO/7-9

Korean schools

19. The Committee is concerned about the legislative provisions and government's actions that hinder the right to education of children of Korean origin, including: (a) the exclusion of Korean schools from the High School Tuition Support Fund; and (b) the suspension or continued decrease of funding allocated by local governments to Korean schools (art. 2, 5).

Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, the Committee reiterates its recommendation included in paragraph 22 of its previous concluding observations that the State party ensure that there is no discrimination in the provision of educational opportunities and that no child residing in its territory faces obstacles to school enrolment. The Committee encourages the State party to revise its position and to allow Korean schools to benefit, as appropriate, from the High School Tuition Support Fund, as well as to invite local governments to resume or maintain the provision of subsidies to Korean schools. The Committee recommends that the State party consider acceding to the UNESCO Convention against Discrimination in Education of 1960.

CERD/C/JPN/CO/3-6

22. The Committee notes with appreciation the efforts taken by the State party to facilitate education for minority groups, including bilingual counsellors and enrolment guidebooks in seven languages, but regrets the lack of information on the implementation of concrete programmes to overcome racism in the education system. Moreover, the Committee expresses concern about acts that have discriminatory effects on children's education including:

(c) obstacles in connection with school accreditation and curricular equivalencies and entry into higher education;

(d) the differential treatment of schools for foreigners and descendants of Korean and Chinese residing in the State party, with regard to public assistance, subsidies and tax exemptions; and

(e) the approach of some politicians suggesting the exclusion of North Korean schools from current proposals for legislative change in the State party to make high school education tuition free of charge in public and private high schools, technical colleges and various institutions with comparable high school curricula (art. 2, 5).

The Committee, in light of its general recommendation No. 30 (2004) on discrimination against non-citizens, recommends that the State party ensure that there is no discrimination in the provision of educational opportunities and that no child residing in the territory of the State party faces obstacles in connection with school enrolment and the achievement of compulsory education. In this regard, it further recommends that a study on the multitude of school systems for foreigners and the preference for alternative regimes set up outside of the national public school system be carried out by the State party. The Committee encourages the State party to consider providing adequate opportunities for minority groups to receive instruction in or of their language and invites the State party to consider acceding to the UNESCO Convention against Discrimination in Education.

CERD/C/304/Add.114

14. The Committee is concerned about reports of violent actions against Koreans, mainly children and students, and about inadequate reaction on the part of the authorities in this regard and recommends that the Government take more resolute measures to prevent and counter such acts.

16. The Committee is concerned about discrimination affecting the Korean minority.

Though efforts are being made to remove some of the institutional obstacles preventing minority students from international schools, including Korean schools, from entering Japanese universities, the Committee is particularly concerned that studies in Korean are not recognized and that resident Korean students receive unequal treatment with regard to access to higher education. It is recommended that the State party undertake appropriate measures to eliminate discriminatory treatment of minorities, including Koreans, in this regard and to ensure access to education in minority languages in public Japanese schools.

E/C.12/JPN/CO/3

27. The Committee is concerned at the exclusion of Korean schools from the State party's tuition fee waiver programme for high school education, which constitutes discrimination (arts. 13 and 14).

Recalling that the prohibition against discrimination applies fully and immediately to all aspects of education and encompasses all internationally prohibited grounds of discrimination, the Committee calls on the State party to ensure that the tuition fee waiver programme for high school education is extended to children attending Korean schools.

E/C.12/1/Add.67

32. The Committee expresses its concern about the fact that there are very limited possibilities for children of minorities to enjoy education in their own language and about their own culture in public schools. The Committee is also concerned about the fact that minority schools, such as Korean schools, are not officially recognized, even when they adhere to the national education curriculum, and therefore neither receive central government subsidies nor are able to provide qualification for university entrance examinations.

60. The Committee strongly recommends that mother-tongue instruction be introduced in the official curricula of public schools enrolling a significant number of pupils belonging to linguistic minorities. The Committee further recommends that the State party officially recognize minority schools, in particular Korean schools, when they comply with the national education curriculum, and consequently make available to them subsidies and other financial assistance, and also recognize their school leaving certificates as university entrance examination qualifications.

CCPR/C/79/Add. 102, para 13

13. The Committee is concerned about instances of discrimination against members of the Japanese-Korean minority who are not Japanese citizens, including the non-recognition of Korean schools. The Committee draws the attention of the State party to General Comment No. 23 (1994) which stresses that protection under article 27 may not be restricted to citizens.

CCPR/C/JPN/CO/5, para 31

31. The State party should ensure the adequate funding of Korean language schools by increasing State subsidies and applying the same fiscal benefits to donors of Korean schools as to donors of other private schools, and recognize diplomas from Korean schools as direct university entrance qualifications.

CCPR/C/JPN/Q/6, para 21

21. Please provide information on whether the State party is considering applying its tuition-waiver programme for high school education to children attending Korean schools? Does the State party recognize the Korean school leaving certificates as direct university entrance qualification?

VI. Appendix

1. Pictures of compulsory closedown of Korean schools in 1948 by the Japanese authority and Allied Occupation Forces
2. Editorial of The Japan Times, "Treat all students equally" (1st Mar, 2013) and "Students are not political pawns" (12nd Apr, 2013)
3. Statement of President of the Japan Federation of Bar Associations objecting to exclusion of Korean Schools from Tuition Waiver Program for High School Education (1st Feb, 2013)
4. Japan's Prefectural Governments which suspended subsidies to Korean Schools (2009 - 2016)
5. Policy speech by the Governor of Tokyo and media coverage on local governments' suspension of subsidies to Korean schools (31st Oct, 2013)
6. Editorial of The Asahi Shimbun, "Politicians bully Korean school students for acts of Pyongyang" (22nd Mar, 2016)
7. Editorial of The Asahi Shimbun, "Government should provide tuition aid to Korean schools" (30 July, 2017)
8. Voices of children of Korean schools
(*additional ones to be submitted prior to the pre-session of Japan' next state party report)
9. Pictures of Korean traditional uniform dress of Korean school's female students, ripped uniform and school bag of Korean school children

Appendix 1. Pictures of compulsory closedown of Korean schools in 1948 by the Japanese authority and Allied Occupation Forces



EDITORIAL

THE JAPAN TIMES FRIDAY, MARCH 1, 2013 11

Treat all students equally

The education ministry on Feb. 20 revised an ordinance to exclude so-called Korean high schools or pro-North Korea high schools from the government's tuition-waiver program.

This change will cause various problems.

First of all, the revision violates the principle of an education program designed to ensure that all high school students in Japan receive an education regardless of the financial condition of their families. Excluding children attending Korean high schools also violates the principle of equality under the law as stipulated by Article 14 of the Constitution.

The government will have difficulty justifying the decision as not discriminatory to students of Korean high schools because the tuition-waiver program covers so-called international schools and schools with close ties to China and South Korea as well.

The decision could also fan prejudice and intolerance in Japanese society toward people who have different views, especially with regard to historical issues.

Education minister Mr. Hakubun Shimomura said on Dec. 28 that the government would not be able to get the public to support a tuition-waiver program that includes pro-North Korea schools, because they have close ties with the General Association of Korean Residents in Japan (Chongryon), which acts as North Korea's de facto diplomatic mission in Tokyo, and because there has been no progress toward resolving the issue of Japanese nationals abducted by North Korean agents in the 1970s and '80s.

The Democratic Party of Japan government introduced the tuition-free program from fiscal 2010. There are 12 Korean high schools in Japan with about 1,800 students, including both South Korean and Japanese nationals, but two of the schools are virtually closed. Most national and private universities regard graduates of

these high schools as having the same qualification as graduates of Japanese high schools and allow them to take their entrance exams.

The DPJ government chose not to act on the tuition waiver for Korean high schools while it was in power. The education ministry's move last week reflects Prime Minister Shinzo Abe's tough stance against North Korea's rocket launches and nuclear-weapons tests as well as the abduction issue.

Even if pro-North Korea high schools were covered by the tuition-waiver program, the schools themselves would not be financially supported by the Japanese government. The beneficiaries are individual children who have to pay tuition. The ministry's decision targets them.

Children attending Korean high schools have had nothing to do with North Korea's nuclear weapons program or the abduction of Japanese nationals. Excluding them will not help to resolve these problems. The right of foreign residents of Japan to study their own languages and history of their countries at schools they have established also should be upheld. That said, it would be helpful if Korean schools made greater efforts to make themselves transparent through class visits and other activities.

The government should heed the words of Mr. Shigeru Yokota, the father of Ms. Megumi Yokota, who was abducted in 1978 by a North Korean agent. Tokyo Shimbun quoted him as saying: "It is unreasonable to discriminate against second- and third-generation Koreans living legally in Japan. I would like Korean schools to sufficiently teach the abduction issue. But I think it is unreasonable to make the children take responsibility (for the abductions)."

The government should also consider what the international community will say about the decision. Criticism of Japan will likely be strong.

EDITORIAL

THE JAPAN TIMES FRIDAY, APRIL 12, 2013 71

Students are not political pawns

Because of North Korea's provocations following its third nuclear test on Feb. 12, the general affairs section of the board of education of Tokyo's Machida City on March 27 made a unilateral decision — unknown to board members or the city assembly — to not provide personal safety alarms to students at a pro-North Korean school in the city.

After reports of the decision surfaced April 4, the board of education was inundated with protest telephone calls and emails, prompting it to reverse the decision. On Monday, the first day of the new school year, the board sent alarms to the Nishi-Tokyo Korean Second Elementary and Junior High School, where 68 students study.

Even if the decision was made without the knowledge of the city government and the members of the board of education, they must accept responsibility for the poor judgment shown by the general affairs section, which smacked of discrimination against students of the Korean school. The head and workers of the general affairs section should be disciplined for their actions.

According to the school, the general affairs section's chief and other employees visited the school on March 28 and cited the current political situation and citizens' feelings stemming from North Korea's provocations as the reason for not providing alarms to its students. In doing so they demonstrated their complete failure to understand the principle that all students must be treated equally regardless of their nationality or ethnicity.

It should have been clear to them that punishing children in Japan for the provocative actions of Pyongyang is both utterly ludicrous and ethically repugnant.

In 2004, the board started providing safety alarms, each costing around ¥300, to first-year students of municipally run elementary schools. In a threatening situation, children activate the alarm, which sets off a loud noise to attract help.

The board has been giving out the alarms to students of private schools and the Korean school upon request. In February, the Korean school asked the board for 45 alarms.

After the board received more than 1,300 protest telephone calls and email messages, the board members held an emergency meeting and reversed the original decision by the general affairs section. They should be praised for their quick action to uphold the principle that it is the board of education's responsibility to ensure the safety of all children living in Machida City. They also agreed that the general affairs section should have consulted with them before making its original decision.

What happened in Machida is part of a bigger, very disturbing trend that is sweeping the country. Several prefectural governments have stopped subsidizing pro-North Korean schools. On Feb. 20, the Abe administration excluded pro-North Korean high schools from the government's tuition-waiver program. These decisions should be reversed. It is wrong to use children as political pawns, and doing so will only fan anti-Korean discrimination in Japan.

Appendix 3. Statement of President of the Japan Federation of Bar Associations objecting to exclusion of Korean Schools from Tuition Waiver Program for High School Education (1st Feb, 2013)

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) announced a proposed amendment to ministerial ordinance on December 28th, 2012, which amends a part of enforcement regulations regarding free tuition for public high schools and subsidies for private high schools. As for the high schools where foreign students are enrolled such as international schools and ethnic schools, the current enforcement regulations define the subject for the policy as either high schools that are confirmed through its embassy to have curriculum equivalent to that of high schools in its native state, or high schools that are certified by international evaluation body, while the rest of the schools that are evaluated as having curriculum equivalent to that of Japanese high schools can be the recipient of the subsidies, whether or not Japan has diplomatic relations with its native state, after the minister of the MEXT designates each school individually. The proposed amendment is to delete the grounds for the individual designation.

Regarding the purpose of this revision, the minister of MEXT, Hakubun Shimomura, stated at the press conference on December 28th, 2012, that the proposed amendment is aimed at deleting the grounds for designating Korean schools because there is no progress to resolve the Democratic People's Republic Korea's (DPRK) abduction of Japanese citizens, which makes it clear that this proposed amendment is aimed at excluding Korean Schools from applying the Free High School tuition policy.

As we stated in the "Statement on Subject High Schools of the Free Tuition Bill" on March 5th, 2010, the main purpose of this bill is "to contribute to the creation of equal educational opportunities by alleviating the financial burdens of high school education", which is also demanded by Article 28 of Convention on the Rights of the Child. Considering the fact that Convention on the Rights of the Child as well as International Bill of Human Rights (International Covenant on Civil and Political Rights) guarantee the right to receive education with ethnic identity being maintained, the current ministerial ordinance which would include international schools and ethnic schools is in a right direction. Furthermore, it is revealed through the process of the deliberation on the bill that, as the Government's collective view, the designation of high schools for foreign students should not be judged by diplomatic concern but should be judged objectively through educational perspective.

On contrary to that, this proposed amendment is to refuse to provide subsidies based on the grounds that there being no diplomatic relations between Japan and DPRK or no progress to resolve the DPRK's abduction issue, either of which has nothing to do with the right of the child to receive education. It is a discriminative treatment which is prohibited by Article 14 of the Constitution of Japan.

Korean Schools in Japan completed applying for the designation based on the current bill legitimately by the end of November, 2011, this upcoming amendment is to extinguish the regulations considered as the grounds for applying and refuse the Korean Schools' application retroactively after more than two years from the application, which poses serious doubts on its procedure.

The Japan Federation of Bar Associations strongly urges that the proposed amendment be withdrawn whilst the review of the application from Korean schools be concluded promptly based on the current law and screening standard so that all foreigners and ethnic minorities in Japan can enjoy the right to education maintaining their ethnic identities without any discrimination.

February 1st, 2013

Kenji Yamagishi

President

Japan Federation of Bar Associations

Appendix 4. Japan's Prefectural Governments which suspended subsidies to Korean Schools (2009 - 2016)

Fiscal Year	2009	2010	2011	2012	2013	2014	2015	2016
Name of Prefectural Government (start year of subsidy)	Total Subsidy (Approximately)	Total Subsidy (Approximately)	Total Subsidy (Approximately)	Total Subsidy (Approximately)	Total Subsidy	Total Subsidy (Approximately)	Total Subsidy (Approximately)	Total Subsidy (Approximately)
Tokyo (1995)	23.5 million	0	0	0	0	0	0	0
Saitama (1982)	9 million	0	0	0	0	0	0	0
Osaka (1988)	185 million	87 million	0	0	0	0	0	0
Miyagi (1992)	1.5 million	1.5 million	0	0	0	0	0	0
Chiba (1985)	5.6 million	5.6 million	0	0	0	0	0	0
Hiroshima (1992)	13.8 million	10.1 million	9.6 million	0	0	0	0	0
Niigata (1993)	11.5 million	11 million	11 million	0	0	0	0	0
Yamaguchi (1992)	2.4 million	2.4 million	2.3 million	2.2 million	0	0	0	0
Kanagawa (1977)	72.5 million	63 million	63 million	63 million	0	56 million	42 million	0
Ibaraki (1981)	2.4 million	2.4 million	2.4 million	1.6 million	1.4 million	1.6 million	1.6 million	0
Tochigi (1991)	1.7 million	1.7 million	1.5 million	1.5 million	1.5 million	1.5 million	1.5 million	0
Wakayama (2002)	4 million	4 million	4 million	4 million	3.2 million	2.3 million	2.3 million	0
Mie (1993)	3 million	3 million	3 million	3 million	3 million	3 million	3 million	0

*Based on a survey by Human Rights Association for Korean Residents in Japan (HURAK)
All the currency unit is Japanese yen (1 euro ≙120 yen, 1 dollar ≙110 yen [as of 29 Mar 2017])*

Appendix 5. Policy speech by the Governor of Tokyo and media coverage on local governments' suspension of subsidies to Korean schools

A. Policy Speech by the Governor of Tokyo, Shintaro Ishihara, at the First Regular Session of the Tokyo Metropolitan Assembly, 2012²⁹

(Subsidies for North Korean schools)

Moving on, I would like to discuss the subject of subsidies to North Korean schools.

The Tokyo Metropolitan Government provides subsidies to "miscellaneous category" schools that educate foreign children in order to help defray their operational costs. This is because having foreign nationals deepen their understanding of Japan and develop an attachment to our country is also very meaningful for Japan's future.

However, this becomes a totally different story in the case of schools that are indicated to have a close affiliation with Chongryon, the General Association of Korean Residents in Japan, which is under the influence of the North Korean government, which abducted Japanese citizens, and when there are doubts about the school's curriculum and political neutrality. Because of such reasons, we have decided not to include subsidies for North Korean schools in our budget. We will continue thorough investigations into the management and curriculum of these schools.

B. Media coverage on local governments' suspension of subsidies to Korean schools (31st Oct 2013)

Yokohama Stops Subsidies for Chongryon Schools³⁰

The Japanese city of Yokohama has decided to stop annual subsidies to pro-North Korean schools this year, citing North Korea's nuclear test and other provocations, the Tokyo Shimbun daily reported Wednesday.

The schools are affiliated with the General Association of Korean Residents in Japan or Chongryon, a Pyongyang mouthpiece.

The education committee in Yokohama informed three of the Chongryon schools in the city last week that they would not be receiving the subsidy of 2.5 million yen set aside in this year's budget.

They include two primary and one secondary school.

Yokohama Mayor Fumiko Hayashi said she is halting the subsidies as long as the issues of "North Korea's nuclear weapons development and abduction of Japanese citizens remain unresolved."

Earlier in February, the Japanese government cut Chongryon schools out of federal subsidies. Seven regional governments, including Saitama and Hiroshima, have followed suit.

The Chosunilbo

englishnews@chosun.com / Oct. 31, 2013 12:32 KST

²⁹ <http://www.metro.tokyo.jp/ENGLISH/GOVERNOR/ARC/20121031/SPEECH/2012/fgm57103.htm>

³⁰ http://english.chosun.com/site/data/html_dir/2013/10/31/2013103101641.html

EDITORIAL: Politicians bully Korean school students for acts of Pyongyang

The Asahi Shimbun, March 22, 2016

Korean schools across Japan are attended by Korean residents' children, who are taught subjects in line with Japan's official curriculum guidelines and also learn Korean language and culture.

Almost all of these schools are in financial distress. Many local governments of areas hosting Korean schools provide the institutions with subsidies similar to the financial support received by private Japanese schools and other international schools.

But some politicians of the ruling Liberal Democratic Party and other parties are calling on the education ministry to terminate public subsidies to Korean schools.

These lawmakers are casting their proposal as part of Japan's sanctions against North Korea, which has failed to respond to Tokyo's demands concerning Japanese citizens abducted by Pyongyang decades ago and has refused to stop its provocative actions, such as nuclear tests.

Some local governments have already suspended their subsidies to Korean schools.

But children attending Korean schools are not at all responsible for North Korea's nuclear weapons program or the abduction issue.

Punishing schools that educate young Korean residents of Japan for North Korea's actions is tantamount to bullying of the weak driven by misplaced anger.

It is inappropriate, in the first place, for the education ministry to interfere in the issue, which is under the jurisdiction of local governments concerned.

The Japanese government started offering tuition-free high school education six years ago, when the Democratic Party of Japan was in power. But this benefit has not been applied to Korean schools.

The DPJ-led government kept dragging its foot on abolishing tuition fees at Korean schools. And the administration of Prime Minister Shinzo Abe, which was inaugurated in December 2012, swiftly removed Korean schools from the list of institutions eligible for the program.

Students at Korean schools and other people concerned have sued the government in Tokyo, Osaka and other cities, arguing that the exclusion of their schools from the program due to political reasons is illegal.

In the international arena, some U.N. agencies, including the Committee on the Elimination of Racial Discrimination, have criticized the Japanese government's policy concerning the issue. These organizations have recognized the exclusion of Korean schools from tuition-free high school education as a form of discrimination. They have also urged the Japanese government to apply the program to these schools and exhort local governments to continue the subsidies.

Last year, the bar association of Saitama Prefecture rebuked Saitama Governor Kiyoshi Ueda for his move to suspend the prefectural government's subsidies to Korean schools within the prefecture. The association warned that Ueda's action constitutes an "extremely serious violation of human rights."

At many Korean schools, members of the pro-Pyongyang General Association of Korean Residents in Japan (Chongryon) are involved in school administration.

But education should be kept insulated from politics. Kanagawa Governor Yuji Kuroiwa has continued subsidies to individual Korean students instead of their schools. Kuroiwa has said children are blameless.

Aside from differences in perceptions about history, problems with the curricula at Korean schools, if any, should be solved through talks between the government and the institutions.

In fact, the content of education at Korean schools has been changing significantly.

The community of Korean residents in Japan has become diversified. At many Korean schools, children of South Korean nationality make up a majority.

It is wrong to think that Korean schools are attended only by children of people who worship the North Korean regime.

More than anything else, students at Korean schools are also members of our society.

Any attempt to close the door to children who can build bridges between Japan and its neighbors would only increase the number of people who harbor antipathy toward Japan.



Japanese citizens and parents of students at Korean schools rally in front of the Nagoya city office on March 9, calling on Mayor Takashi Kawamura to retract his plan to suspend part of the municipal subsidies to a Korean school in the city. (The Asahi Shimbun)

Appendix 7. Editorial of the Asahi Shimbun, July 30 2017

EDITORIAL: Government should provide tuition aid to Korean schools

<http://www.asahi.com/ajw/articles/AJ201707310012.html>

The Osaka District Court on July 28 struck down the government's decision to bar a Korean school from its program to eliminate tuition for high school students.

The district court's ruling, which ordered the government to make Osaka Korean High School eligible for the program, is totally in line with the initiative's original goal of giving all students in Japan equal educational opportunities.

The government should take the court's decision seriously and swiftly provide the financial aid to the school required for the program.

The court fully aligned its decision with the purpose of the law on the tuition-free high school education program.

Under the initiative, the government covers the costs of high school education to ensure equal educational opportunities so that no student has to give up receiving an education due to economic reasons.

The program was introduced in 2010 by the government led by the then Democratic Party of Japan, but its application to Korean schools was suspended because of the situation on the Korean Peninsula. After the second administration of Prime Minister Shinzo Abe was inaugurated in 2012, then education minister Hakubun Shimomura decided in February 2013 to make Korean schools ineligible for the program, saying public support could not be gained because of North Korea's past abductions of Japanese citizens and other reasons concerning the country.

The Osaka District Court adjudged the government's policy as illegal and invalid, arguing it is based on diplomatic and political considerations unrelated to the goal of securing equal educational opportunities and deviates from the spirit of the law. The ruling can be described as a stern warning about linking a question concerning the education system to debate on political and diplomatic challenges and blurring the border between these different policy areas.

In defending its policy, the government stressed that the school has ties with North Korea and the pro-Pyongyang General Association of Korean Residents in Japan (Chongryon) and is subject to "unjust control" by the association. There are concerns, the government said, that the school may not be operated appropriately.

The ruling acknowledged that there are elements in education at the Korean high school that admire North Korea, and that Chongryon is involved in the operation of the school to a certain degree.

But the district court also pointed out that the school uses teaching aids to prevent its education from becoming dogmatic and to teach diverse viewpoints. The court ruled that there is no compelling case for the claim that the school lacks autonomy with regard to its education.

The government claimed there are concerns that the public financial aid could be used for purposes other than subsidizing tuition fees. But the court didn't accept the claim, saying there are no facts to support it. These claims made by the government without sufficient efforts to comprehend the reality have helped spread prejudice against Korean schools. The government should do serious soul-searching on this fact.

In a ruling that stands in sharp contrast with the Osaka court decision, the Hiroshima District Court July 19 rejected the Hiroshima Korean School's demand for the reversal of the government's policy decision. The Hiroshima court declared the government's policy legal, saying the school has close relations with Chongryon.

While the Hiroshima court was only too willing to uphold the government's claims, the Osaka District Court allowed the school's graduates and former teachers to testify and examined the results of a survey of the parents of students submitted by the school as evidence.

In other words, the Osaka court reached its decision through more careful efforts to evaluate the reality of education at the Korean high school.

Most of the students at Korean schools in Japan are fourth-generation Korean residents who have been born and raised in this country. They are learning in pursuit of a future in Japan while treasuring their ethnic language and culture. The question this issue poses to Japanese society is whether it really values diverse backgrounds among its members as well as autonomy in education.

Appendix 8.Voices of children of Korean schools

(*additional ones to be submitted prior to the pre-session of Japan' next state party report)

A. Voice of a student attending to Korean school

A letter to Kobe Shimbun, entitled "I shall continuously fight against discrimination", 8th Apr 2017

By Hwidok KIM, the 3rd year student of KOBE Korean high school, as of Oct 2017

"I shall continue fighting against discrimination",

There is various discrimination against Koreans and Korean schools in Japan now. It is not only my hope but also many people' ones to eliminate such discrimination. Verbal violence and discriminative remarks can be heard routinely in Japan because of prevailing hate speech and only Korean schools are excluded from a Tuition Waiver Program now.

Actually I witnessed the moment that hate speech was shouted at the festival in Hyogo prefecture where many Koreans gathered last year. "Die Koreans!" That word scared and hurt me deeply.

Although we belong to the different ethnicity, we Korean are also the same human beings as Japanese people. I cannot understand why we have to suffer from such discrimination. I do wish Japan be the society without discrimination. In order to realize such society, I study at Korean school and want to be a fine adult and Korean while coping with discrimination.

I shall continue fighting for the elimination of discrimination.

I shall continue fighting for the future society, Korean schools and younger Korean school students.

B. Voice of a graduate of Korean school

Statement by Kyongju LEE, a senior at Korea University in Japan, as of Jul 2014, on the occasion of the examination of Japan's 6th periodic report during 111 Session of the Human Rights Committee (07 Jul 2014-25 Jul 2014)

"Apply High School Tuition Free to Korean Schools in Japan Immediately

~what I want to appeal as a graduate of Korean school~

Dear Committee members,

I am a senior at Korea University in Japan, majoring in literature. The reason why I came here today is to tell you the situation surrounding Korean school students in Japan. We are suffering from human rights violations in particular after the Government of Japan excluded Korean high schools from its tuition waiver program.

In April 2010, the then Government under the Democratic Party of Japan introduced the policy to make high school tuition free. Under this program, subsidies equivalent to the tuition fees of public senior high schools have been paid to every high school student. This program was groundbreaking because the subject of this program includes high school students at foreigners' schools which are classified as "miscellaneous schools" under the School Education Act. The government, however, excluded only Korean school students from this program because of diplomatic situation between D.P.R.K and Japan, which has nothing to do with us. In 2010, when I was a third grade at high school, I was too shocked at this unbelievable discrimination.

In my high school days, I belonged to the school rugby team. My team won the tournaments in Osaka, and

participated in the national athletic meeting. I could experience mutual understanding through rugby game. We are the same students as the other students in Japan, and we have the same right as the others do. I cannot understand the reason why only Korean school students are excluded from this program. The government must not deprive us of right to study Korean language and culture. This is a clear violation of article 2 of International Covenant on Civil and Political Rights (ICCPR).

I graduated from high school without receiving any grant from the government. Against such human rights violations, however, I have carried out several campaigns such as collecting signatures from ordinary people, distributing leaflets to claim the study right of children at Korean schools. I don't want Korean children to experience the same discrimination as we did any more.

Despite that several recommendations were issued from Committee on the Elimination of Racial Discrimination (CERD) and Committee on Economic, Social and Cultural Rights (CESCR) to correct discrimination, however, Japanese government does not respond sincerely to the severe criticism from international community.

The member of committee,

I make a strong request that CCPR urge the Japanese government to apply "tuition waiver" program to Korean students in Japan. There is no one to be discriminated in the world. We, Korean students, born and brought up in Japan, have the same study right as ordinal Japanese students do. Finally I sincerely request the committee to encourage Japanese government to equally recognize the study right of Korean students. ■

Appendix 8. Pictures of Korean traditional uniform dress of Korean school's female students, ripped uniform and school bag of Korean school children





京字直線が切られたチヨゴリのセディ

児童生徒13人が被害 在日朝鮮人にいやがらせ

【京字直線】 在日朝鮮人の児童生徒13人が、在日朝鮮人にいやがらせを受けたと訴えている。京字直線が切られたチヨゴリのセディを着用した児童生徒が、在日朝鮮人にいやがらせを受けたと訴えている。京字直線が切られたチヨゴリのセディを着用した児童生徒が、在日朝鮮人にいやがらせを受けたと訴えている。京字直線が切られたチヨゴリのセディを着用した児童生徒が、在日朝鮮人にいやがらせを受けたと訴えている。

八幡西区

チヨゴリ切られる

【京字直線】 八幡西区の八幡中学校在日朝鮮人児童生徒13人が、在日朝鮮人にいやがらせを受けたと訴えている。京字直線が切られたチヨゴリのセディを着用した児童生徒が、在日朝鮮人にいやがらせを受けたと訴えている。京字直線が切られたチヨゴリのセディを着用した児童生徒が、在日朝鮮人にいやがらせを受けたと訴えている。

朝鮮総連に 京都市謝罪

【京字直線】 京都市が、朝鮮総連に謝罪した。京都市が、朝鮮総連に謝罪した。京都市が、朝鮮総連に謝罪した。京都市が、朝鮮総連に謝罪した。京都市が、朝鮮総連に謝罪した。

