

ELIMINATING DISCRIMINATION AGAINST MINORITY CHILDREN IN EDUCATION

In the second UPR cycle, the recommending States (Norway, Czech Republic, Palestine, DPR of Korea, Tunisia, Uruguay, Iran, Libyan Arab Jamarhira, Portugal) made recommendations with relate to elimination of discrimination against children of ethnic minorities.

However, Japan has taken no measures to eliminate discrimination against minority children, especially who attend to Korean schools.

In line with the International Human Rights Convention, Japan introduced Tuition Waiver and Tuition Support Fund Program for high school students including children attending to foreign

schools in 2010 in order to ensure all children equal opportunities to learn at high schools, regardless of their financial situation and nationalities.

Japan has designated students of 41 foreign schools such as Chinese, Brazilian, Indian and international schools as recipients of Tuition Support Fund (approximately 120,000 yen per year).

However, Japan did not include students attending 10 Korean high schools in this Program and officially excluded them from it in 2013, citing political conflict between Japan and Democratic People's Republic of Korea as one of the reasons of the exclusion.

CHALLENGES

1. Japan expanded compulsory education to high school level since 2010 by enforcing Tuition Waiver and Tuition Support Fund Program (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 foreign schools. However, Japan did not include students attending to 10 Korean high schools in this program from the start and officially excluded them from the program in 2013, citing political conflict between Japan and Democratic People's Republic of Korea as one of the reasons of the exclusion.

2. In the wake of the exclusion of Korean high school students from the Tuition Waiver Program, 13 prefectural governments out of 28 have suspended the provision of educational subsidies to Korean schools since 2010 due to the decision of the central government and political conflict between Japan and Democratic People's Republic of Korea. The central government of Japan issued a notice to all prefectural governments where hold Korean schools, which pressured the governments to suspend subsidies to Korean schools in 2016.

CASES, FACTS, COMMENTS

- ✓ The Ministry of Education has designated students of 41 foreign schools such as Chinese, Brazilian, Indian and international schools as recipients of Tuition Support Fund (approximately 120,000 yen per year).
- ✓ As of March 2017, more than 10,000 Korean high school students were excluded from the Tuition Waiver Program and the total damage of tuition support funds is estimated over 1.5 billion yen (14 million dollar).
- ✓ Two Korean schools and 249 students and graduates of Korean high schools have filed lawsuits with the court in five districts including Osaka, Aichi, Hiroshima, Fukuoka and Tokyo. In July 2017, Osaka district court ruled that the exclusion of Korean high school students from the Tuition Waiver Program was illegal and ordered that the Japanese government apply the Program to them. However, the Government appealed to the High Court.
- ✓ UN Committee on Economic, Social and Cultural Rights (CESCR) and UN Committee on the Elimination of Racial Discrimination (CERD) criticized the action of the Japanese government as "discrimination" and recommended in 2013 and 2014 that the Government apply the Tuition Waiver Program to Korean high school students.

- ✓ Prefectural governors of such as Tokyo, Osaka and Hiroshima have suspended educational subsidies to Korean schools since 2010. Due to the pressure from the central government, three governors suspended the subsidies to Korean schools.
- ✓ UN Committee on the Elimination of Racial Discrimination (CERD) pointed out that the suspension of subsidies by local governments to Korean schools hinders the right to education of Korean children. The Committee recommended in 2014 that Japan invite local governments to resume or maintain the provision of subsidies to Korean schools.

- ✓ Owing to no educational subsidies from the State, subsidies from local governments are indispensable for parents to let their children go to Korean school, which is the only place where Korean children can learn their own language, culture and history and can maintain their own ethnic identity.

3. Japan grants no benefit of tax exemption to non-Western foreign schools such as Korean schools and Chinese schools, while granting it to Western foreign schools.

- ✓ The Japan Federation of Bar Associations issued recommendation to the Japanese Government that the Government should treat Korean schools and Chinese schools equally with regard to benefit of tax exemption in 2008.
- ✓ So far, the UN Human Rights Committee (HRC), UN Committee on the Elimination of Racial Discrimination (CERD) and UN Committee on the Rights of the Child (CRC) have recommended that Japan should apply same benefits to donors of Korean schools as to donors of other foreign schools.

4. Japan has granted no access to Japanese university entrance examinations to graduates of Korean schools, while granting it to graduates of other foreign schools. As a consequence, access of graduates of Korean high schools to university has been depending on discretion by each university. Some graduates of Korean high schools have been refused to take the entrance examination by some universities.

- ✓ So far, UN Committee on the Rights of the Child (CRC), the UN Human Rights Committee (HRC), UN Committee on the Elimination of Racial Discrimination (CERD) and UN Committee on Economic, Social and Cultural Rights (CESCR) have recommended that Japan should eliminate discriminatory treatment against Korean school children with regard to access to higher education.

5. Japan has not ratified the UNESCO Convention against Discrimination in Education yet.

- ✓ UN Committee on the Rights of the Child (CRC) and UN Committee on the Elimination of Racial Discrimination (CERD) have recommended that Japan consider acceding to the UNESCO Convention against Discrimination in Education.

SUGGESTED QUESTION

1. What legislative and policy measures are in place to ensure that the "Tuition Waiver and Tuition Support Fund Program for High School Education" is extended to children attending Korean schools?
2. How many local governments in Japan are providing educational subsidies to Korean schools? How many local governments in Japan have suspended educational subsidies to Korean schools?
3. What measures have been taken by the Japanese government to apply same benefits to donors of Korean schools and Chinese schools as to donors of other foreign schools so far?
4. What legislative and policy measures have been taken to ensure equal access to higher education of Korean school children?
5. What measures have been taken by the Japanese government to accede to the UNESCO Convention Discrimination in Education?

SUGGESTED RECOMMENDATION

1. Ensure that the "Tuition Waiver and Tuition Support Fund Program for High School Education" is extended to children attending Korean schools, in line with the recommendations of UN Committee on Economic, Social and Cultural Rights (CESCR) and UN Committee on the Elimination of Racial Discrimination (CERD).
2. Invite local governments to resume or maintain the provision of subsidies to Korean schools, in accordance with the recommendation of UN Committee on the Elimination of Racial Discrimination (CERD).
3. Apply same benefits to donors of Korean schools as to donors of other foreign schools, in accordance with the recommendations of the Human Rights Committee (HRC), UN Committee on the Elimination of Racial Discrimination (CERD) and UN Committee on the Rights of the Child (CRC).
4. Recognize the certificates of graduates of Korean schools as university entrance examination qualifications on the same footing as other foreign schools, in accordance with the recommendations of UN Committee on the Rights of the Child (CRC), the Human Rights Committee (HRC), UN Committee on the Elimination of Racial Discrimination (CERD) and UN Committee on Economic, Social and Cultural Rights (CESCR).
5. Accede to the UNESCO Convention Discrimination in Education, in line with the recommendations of UN Committee on the Rights of the Child (CRC) and Committee on the Elimination of Racial Discrimination (CERD).
6. Ensure that minority children enjoy the right to education without discrimination.

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