NGO report on the implementation of UPR recommendations by the Japanese government

30 March 2017

To be submitted for the Universal Periodic Review (Third Cycle) of Japan
At the 28th session of the UPR working group (6-17 November 2017)

Discrimination against minority children in Japan in the provision of educational opportunities ——focusing on children attending Korean schools in Japan

Submitted by:
Human Rights Association for Korean Residents in Japan (HURAK)[1]

* 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

[1] This report was jointly submitted by International Movement Against All Forms of Discrimination and Racism (IMADR).

I. Summary

1. Minority children who attend foreign schools have been suffering various difficulties due to lack of accreditation as regular schools in Japan.

2. Children who attend Korean schools are discriminated among other foreign schools. The Japanese government excluded the students of Korean high schools from the "Tuition Waiver and Tuition Support Fund Program for High School Education", citing political conflict between Japan and Democratic People's Republic of Korea as one of the reasons of the exclusion. Furthermore, 11 local governments have stopped subsidies to Korean schools in recent years for political reasons, following the discriminatory measure against Korean school by the central government.

3. In addition, graduates of Korean high schools receive unequal treatment with regard to access to higher education. Children attending Korean schools have no choice but to refrain from wearing their ethnic Korean uniform in public places for fear of expressing their ethnic identity, because of the rampant hate speech and hate crimes against Korean residents in Japan.

II. Background

A. History of Korean schools

4. 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.

5. 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.[2] 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.

6. However, the Ministry of Education next informed local governments in 1952 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.

[2] Annex 1, Pictures of compulsory closedown of Korean schools in 1948 by the Japanese authority and Allied Occupation Forces

7. 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.

8. 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"[3], 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

a) Foreign school as "miscellaneous school"

9. 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 Germany[4]. These schools are accredited as "miscellaneous school" by local governments where each school is located. Approximately 26,000 children[5] are learning in those schools including kindergarten, primary to high schools, universities and graduate schools.

10. 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.

11. 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 language[6].

12. "Technical school" is an educational institution that gives practical vocational education and specialized technical education. These schools can receive public support almost

[3] With regard to "miscellaneous schools", please refer the next part.
[4] The Survey by the Ministry of Education, Culture, Sports, Science and Technology (MEXT) in May 2016.
[5] 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.
[6] CERD/C/JPN/CO/3-6, para22(a).

equivalent to regular schools, but foreign schools cannot be accredited as technical schools owing to the legal provision which excluded "schools for foreigners".

13. "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)[7].

b) Disadvantages of foreign schools in Japan

14. 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 levels[8]. While local governments provide some financial support for 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.

15. 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 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.

16. 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 HRC[9].

17. 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.

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

[7] 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.

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

[9] CCPR/C/JPN/CO/5, para 31, CERD/C/JPN/CO/3-6, para22(d), CRC/C/JPN/CO3, para 72- 73, A/HRC/17/33/Add.3, para 81(e).

18. 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".

19. 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.

20. 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 for 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 issue[10]" as one of the reasons of the exclusion, which revealed that the political and diplomatic relations between Japan and Democratic People's Republic of Korea were the grounds for the exclusion.[11]

21. 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. In response to this discrimination, two Korean schools and 249 Korean students filed lawsuits with the court in five districts including Tokyo, Osaka, Hiroshima, Aichi and Fukuoka. Regarding this issue, a several concerns and recommendations were issued to the Japanese Government by the human rights treaty bodies[12].

D. 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

22. The discriminatory measure to exclude Korean school students from the Tuition Waiver

[10] 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.

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

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

Program by the central government has led some local governments to suspend subsidies to Korean schools since 2010.

23. 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.

24. Since 2010, 11 prefectural governments out of 28 prefectures where Korean schools are located have suspended subsidies that had been provided to Korean schools over decades[13]. The prefectural governments that have suspended subsidies include Tokyo, Osaka, Saitama, Miyagi, Chiba, Kanagawa, Hiroshima, Yamaguchi, Niigata, Ibaraki and Wakayama, and they cited political and diplomatic relations as the reasons for suspending their subsidies.[14] By the same token, some cities such as Osaka city, Hiroshima city and Yokohama city have stopped their subsidies to Korean schools, following the decision of the prefecture the city belongs to, to stop the subsidies to Korean schools.

25. 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

26. 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 schools[15], the 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.[16]

27. 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.

28. In fact, the governor of Ibaraki prefecture announced to suspend the provision of subsidy of the fiscal year 2016 for Ibaraki Korean School 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.

c) Judicial judgment on suspension of subsidies by local governments

29. In response to the suspension of subsidies by Osaka prefecture and Osaka city, the

---

13 Annex 4, Japan's Prefectural Governments which suspended subsidies to Korean Schools (2009 - 2016)
14 Annex 5, Policy speech by the Governor of Tokyo and m edia coverage on local governments' suspension of subsidies to Korean schools on suspension of subsidies to Korean school children
15 CERD/C/JPN/CO/7-9, para 19.
16 Annex 7, Editorial of The Asahi Shimbun, "Politicians bully Korean school students for acts of Pyongyang" (22nd Mar, 2016)

Korean School in Osaka filed a lawsuit against both the prefecture and the city in September 2012 in search of repeal of the governments' action having suspended subsidies to the Korean school.

30. However, the Osaka District Court rejected the case without acknowledging the right to conduct ethnic education in Korean school, saying 'The international human rights standards such as the article 19 of the International Convention on Economic, Social and Cultural Rights[17] do not decide the specific right [to education] and therefore it cannot be said that the difference of the provision of subsidies between other private schools and "miscellaneous schools" violates the principle of equality' and 'The fact that the plaintiff cannot receive the subsidy from Osaka prefecture can result in the deterioration in the educational environment of children, students and parents of the school which the plaintiff is operating, and in the effect such as an increase of economic burden. However…it is unavoidable that the plaintiff cannot receive the subsidies.'[18]

E. Unequal treatment with regard to access to higher education

31. 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 HRC[19].

F. Hate speech and hate crimes

32. Hate speech and hate crimes against children attending Korean schools have repeatedly occurred whenever the tension between Japan and the Democratic People's Republic of Korea increased since 1980s[20]. Owing to the rampant hate crimes such as ripping or cutting ethnic Korean uniform dresses of Korean school girls in public places, Korean school children have not been able to wear their ethnic uniform and to express their identity.[21]

33. While the anti-hate speech law was enacted in May 2016[22], 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 website pages of hate speech demonstrations against Korean residents in Japan, which make Korean children fear to express their ethnic identity in public places.

---

17 It seems that the court mistook the article 19 for the article 13 of ICESCR.
18 Osaka District Court, Judgement, January 26th, 2017, Case (Woo) No.197 (2012), Case (Woo) No.163 (2014).
19 CERD/C/304/Add.114, para 16, E/C.12/1/Add.67, para 60, CRC/C/15/Add.231, para49(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).
20 CERD/C/304/Add.114, para 14, CERD/C/JPN/CO/3-6, para 13, E/CN.4/2006/16/Add.2, para 90.
21 Annex 7, Pictures of Korean traditional uniform dress of Korean school's female students and ripped uniform and school bag of Korean school children
22 http://www.moj.go.jp/ENGLISH/m_jinken04_00001.html

34. According to the survey of 1,500 children of Korean origin attending Korean schools and Japanese schools conducted in 2015, 37% children came to recognize hate speech demonstrations through the internet. Among them, 76% felt angry and 46% felt fear at those demonstrations[23].

III. Implementation of previous UPR recommendations by the Japanese government

A. Recommendation 165 (A/HRC/22/14, 2nd Cycle, para 147.165, Portugal)

35. The recommendation is not implemented yet. While the Japanese government reported that "children of foreigners and of foreign backgrounds are able to receive education free of charge in Japan's public compulsory education schools in the same manner as Japanese children, and are ensured access to education"[24], children of foreigners are not fully guaranteed their right to learn their own ethnic identity, language, culture and history as described in the paragraph 11 in this report. In Japan, it is almost impossible for minority children to nurture their ethnic identity in Japanese public education.

B. Recommendation 36, 64 (A/HRC/22/14, 2nd Cycle, para 147.36, Switzerland, para 147.64, Palestine)

36. Those recommendations are not implemented yet. While the Japanese government reported that "Paragraph 1 of Article 14 of the Constitution provides the principle of equality under the law…In highly public fields such as employment, education, medical care and traffic…discriminatory treatment is prohibited by relevant laws and regulations"[25], the paragraph 1 of Article 14 of the Constitution has not been functioning as the provision to eradicate discrimination against minorities including Korean residents in Japan. Furthermore, the central and local governments themselves have been discriminating against Korean school children and hindering their right to education as described in the paragraph20, 21, 24, 26 and 31 in this report.

C. Recommendation 161 (A/HRC/22/14, 2nd Cycle, para 147.161, Libyan Arab Jamahiriya)

37. The recommendation is not implemented yet. The Japanese government only reported on the situation of Ainu[26], but not on the situation of other minorities including Korean residents in Japan, concerning programs and policies to improve the situation of minorities and to support them at the linguistic, cultural and social levels, which have not been conducted as described through this report.

D. Recommendation 60, 62, 79 (A/HRC/22/14, 2nd Cycle, para 147.60, Jordan, para 147.62, Bhutan, para 147.79, Uruguay)

[23] http://www.ryukoku.ac.jp/shukyo/committee/pdf/2015_01.pdf (available in Japanese language only)
[24] The Government of Japan, Mid-term Report on the progress made in the implementation of the recommendations issued at the second cycle of the Universal Periodic Review, Jan 2017, recommendation 165
[25] Ibid, recommendation 36
[26] Ibid, recommendation 161

38. Those recommendations are not implemented yet. While the Japanese government reported on awareness-raising of children's rights[27], such measures are too inadequate to protect the rights of minority children including Koreans, as described in the paragraph 32-34 in this report.

E. Recommendation 40 and 91 (A/HRC/22/14, 2nd Cycle, para 147.40, Iran, para 91, Democratic People's Republic of Korea)

39. Those recommendations are not implemented yet. The Japanese government did not accept both recommendations on taking measures to eliminate discrimination against children of ethnic minorities and non-Japanese nationality, and to eliminate all forms of discrimination against Koreans, which were described through this report.

IV. Suggested questions and recommendations

A. Suggested questions

a) How does the Japanese government ensure the right to education of minority children? Does the Japanese government officially recognize schools for minority children?

b) Do all foreign schools receive subsidies from the central and local governments?

c) Is the Japanese government planning to extend the "Tuition Waiver and Tuition Support Fund Program for High School Education" to children attending Korean schools without any discrimination?

d) Is the Japanese government planning to invite local governments to resume the provision of subsidies to Korean schools in accordance with the recommendation of the Committee on the Elimination of Racial Discrimination?

e) Is the Japanese government planning to recognize the certificates of graduates of Korean schools as university entrance examination qualifications on the same footing as other foreign schools?

f) What kind of measures is the Japanese government planning to take to ensure the safe environment that children of Korean origin can show their ethnic identity in public places?

g) What kind of measures is the Japanese government planning to take to regulate hate speech and hate crimes, both on the street and online?

B. Suggested recommendations

a) Review the legislation on school education to officially recognize foreign schools as regular schools to ensure the right to education of minority children.

b) Ensure that there is no discrimination in the provision of educational opportunities and that no child residing in Japan faces obstacles in connection with

[27] Ibid, recommendation 60, 62, 79

school enrolment, provision of state subsidies and the tax deduction to achieve compulsory education.

c) Ensure that the "Tuition Waiver and Tuition Support Fund Program for High School Education" is extended to children attending Korean schools.

d) Repeal the notice issued by the MEXT in March 2016 which pressured local governments to suspend subsidies to Korean schools and invite local governments to resume or maintain the provision of subsidies to Korean schools.

e) Recognize the certificates of graduates of Korean schools as university entrance examination qualifications, on the same footing as other foreign schools.

f) Ensure the safe environment that children of Korean origin can show their ethnic identity in public places through the elimination of all forms of discrimination against Koreans in Japan, intensification of measures to combat racial discrimination in the field of media and coverage, and progress of education on human rights of minority children.

g) Take urgent measures to regulate hate speech and hate crimes, not only on the street but online, by reviewing legislation so that the government can order the deletion of racially motivated website pages without complaints of victims.

V. Annex

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)

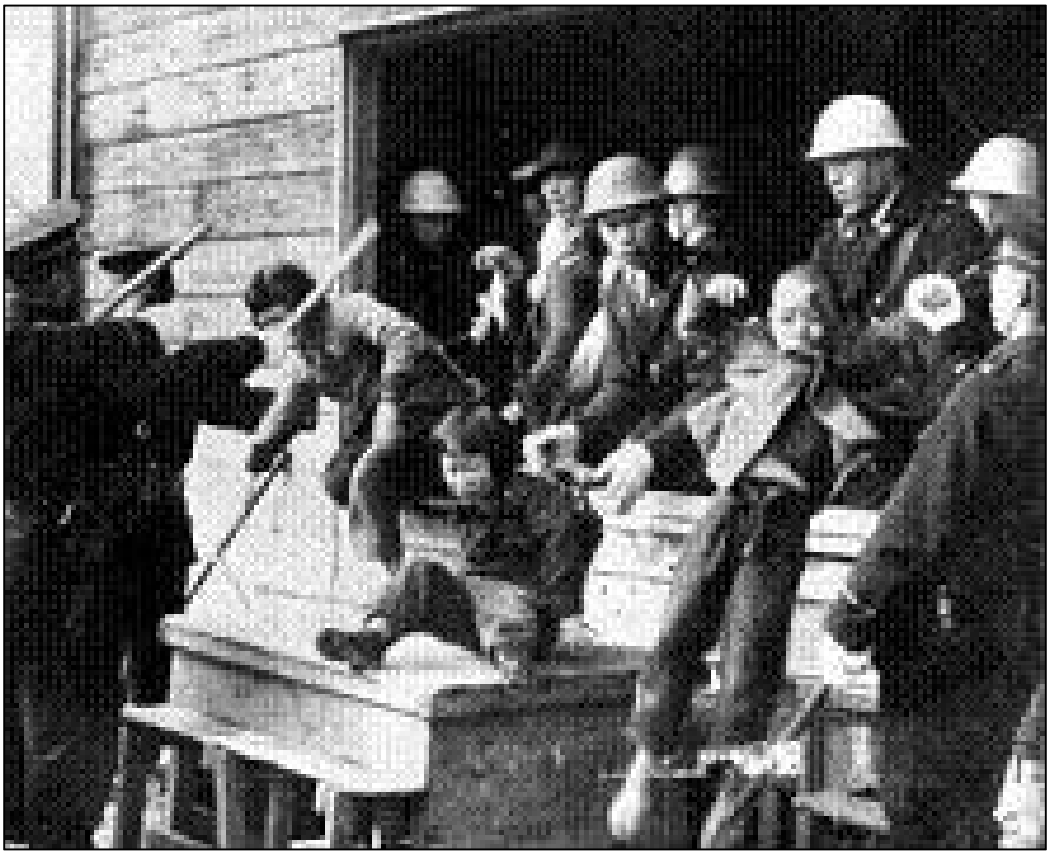
4. Japan's Prefectural Governments which suspended subsidies to Korean Schools (2009 - 2016)

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

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



Annex 2. Editorial of The Japan Times (1st Mar and 12nd Apr, 2013)

EDITORIAL

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

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.

Annex 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

Annex 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** (Approximately)	**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
Wakayama (2002)	4 million	4 million	4 million	4 million	3.2 million	2.3 million	2.3 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])

Annex 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, 2012[28]

(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 Schools[29]

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

[28] http://www.metro.tokyo.jp/ENGLISH/GOVERNOR/ARC/20121031/SPEECH/2012/fgm57103.htm
[29] http://english.chosun.com/site/data/html_dir/2013/10/31/2013103101641.html

Annex 6. Editorial of The Asahi Shimbun (22nd Mar, 2016)

EDITORIAL: Politicians bully Korean school students for acts of Pyongyang

The Asahi Shimbun, March 22, 2016

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)

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.

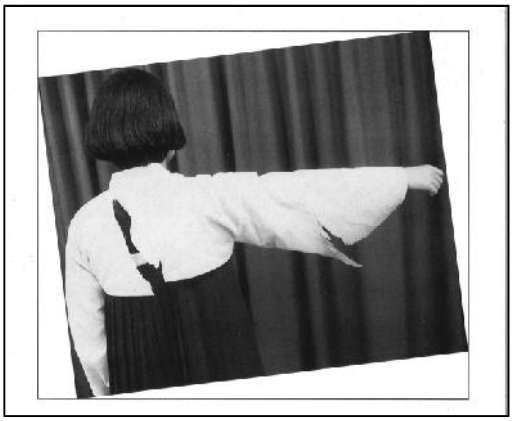
It is wrong to think that Korean schools are attended only by children of people who worship the North Korean regime.

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.

http://ajw.asahi.com/article/views/editorial/AJ201603220023

Annex 7. Pictures of Korean traditional uniform dress of Korean school's female students, ripped uniform and school bag of Korean school children



チョゴリ切られる

朝鮮初中級学校女生徒 通学のバス車中で

八幡西区

児童・生徒13人が被害

在日朝鮮人にいやがらせ

広島

朝鮮総連に京都市謝罪