

Joint NGO Submission

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Submitted by

**South Korean NGOs Coalition (43 NGOs)
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I. About us

We support Chōsen gakkō(Korean School) and its' students' equal rights. We are consisted of diverse human rights groups that focus on religious rights, women's rights, labor rights, immigrations, and refugees. We are deeply concerned about the severe level of discrimination and human rights violations that Korean schools in Japan and its' students are facing.

II. Introduction – The Present Condition of Korean Schools

1. Chōsen gakkō were established by Koreans in Japan after the liberation of Korea(1945). Since then, these schools have served as educational institutions for Koreans in Japan, mainly focusing on teaching Korean Language and Korean History. As the subjects that are taught in these schools also include Japanese History and Japanese Social Studies, these schools are under the influence of Japanese educational system.

2. There once were about 500 of these schools all around Japan, but the numbers dropped as the Japanese government shut down or cut subsidizing the schools. Now there are only 63 elementary and secondary schools left. Only 10 of those 63 schools provide high school curriculum. Total 8,000 students attend Chōsen gakkō.

III. Discrimination against Chōsen Gakkō

1. Unstable academic status

A. Violation of Right to Higher Education

3. Currently foreign schools(American schools, Korean schools or Kankoku gakkō, Chinese schools, Brazilian schools and etc.) are acknowledged as regular schools by the Japanese government. Graduates from these schools are qualified to apply to colleges.

4. Since 1994, the graduates of Chōsen gakkō have demanded the Japanese government to recognize their qualification to apply to colleges. and a number of Japanese have publicly supported them, On March 2003, the Ministry of Education, under request of U.S. Government, allowed only international school graduates to apply to colleges. As other foreign schools highly criticized this measure, the Ministry decided to extend the scope of recognition.

5. However Chōsen gakkō graduates still are not qualified to go on to colleges. The Japanese government argue that as it cannot fully evaluate Chōsen gakkō's curriculum due to diplomatic tension between Japan and North Korea, each college should decide whether the graduates have been qualified to apply. Chōsen gakkō graduates' right to higher education depends on these decisions of individual colleges and a number of

those colleges refuse to recognize their qualifications.

6. The measures that the Japanese government is taking clearly discriminates Chōsen gakkō graduates by infringing their right to higher education.

B. Suggested recommendations

- **Japanese government should look into discriminatory admission processes of individual colleges and universities.**
- **Individual colleges and universities should acknowledge Chōsen gakkō graduates' academic qualifications.**
- **Japanese government should provide an institutional strategy to recognize Chōsen gakkō graduates' academic qualifications and to guarantee their right to higher education.**

2. Exclusion from High School Tuition Support Fund Program

A. Violation of Right to Education and Right to Social Security

7. The Japanese government, since April 2010, has been financially subsidizing high schools by implementing “tuition waiver program.” Tuitions are free for all public schools and for private schools, the government provides about 120000 ~ 240000 yen per year. As of March 2018, all foreign high schools, except ten Chōsen gakkō high schools, are financially supported by the government.

8. Those schools that do not get financial support from government cannot get various tax benefits and thus Chōsen gakkō students and their parents should cover the expenses. A number of Chōsen gakkō are facing financial difficulties as they are getting less financial support from the local governments due to the implementation of the “tuition free waiver program.” Chōsen gakkō high schools have not received any financial support from the “tuition waiver program.” Total 5000 students faced difficulties and the estimated damages is nearly 1782 million yen.

9. The Japanese government strictly adhered to the ground rule to exclude Chōsen gakkō. 249 students of five Chōsen gakkō high schools (Aichi, Osaka, Hiroshima, Kyushu and Tokyo) filed lawsuits against the government to ask for subsidies or compensation. <Table 1> shows the specifics of these lawsuits.

10. In 2017, Court ruled in favor of the students in Osaka(July 2017) but refused to stand by those in Hiroshima(July 2017) and Tokyo(September 2017). The government appealed(Osaka case) and all three cases are now on appellate court. On April 2018, court again ruled against Chōsen gakkō students in Aichi. The plaintiff(students) appealed. Appellate court decisions are each expected on September 27 and on October 30, 2018.

<Table 1>

Region	Plaintiff	Claim	Filing Date	First Trial Decision	Appeal
Osaka	Osaka Korean High School	-Cancellation of disposal - Mandatory designation	2013. 1. 24.	Win (2017. 7. 28.)	Government Appealed/ In Progress
Aichi	10 Students (Enrolled or Graduates)	- Reparations	2013. 1. 24.	Lose (2018. 4. 27.)	Plaintiff Appealed/ In Progress
Hiroshima	Hiroshima Korean School	-Cancellation of disposal - Mandatory designation	2013. 8. 1.	Lose (2017. 7. 19.)	Plaintiff Appealed/ In Progress
	Hiroshima 10 Students (Enrolled or Graduates)	- Reparations			
Fukuoka (Kyushu)	68 Students (Enrolled or Graduates)	- Reparations	2013. 12. 19.	In Progress	-
Tokyo	62 Students (Enrolled)	- Reparations	2014. 2. 17.	Lose (2017. 9. 13.)	Plaintiff Appealed/ In Progress

11. The local court of Aichi, Hiroshima, and Tokyo supported the government's claim that Chōsen gakkō should accept disadvantages as they are deeply connected to the Chongryon. These courts, by supporting government's claim that is based on propaganda and groundless suspicions, have excluded Chōsen gakkō from benefits because of political or diplomatic reasons.

12. The exclusion is in fact a discrimination against the students of Chōsen gakkō, a violation of their right to multicultural education and an infringement on their right to education.

13. Chōsen gakkō students, civic groups and others who support equal treatment to Chōsen gakkō are constantly raising their voices in protests. Committee on the Elimination of Racial Discrimination has also urged the Japanese government to correct current situation. However, the government has not taken any step further. Below are the remarks of students on the issue.

I appreciate the fact that I could help others

Kim, Young-Keun (alias, Chōsen gakkō student, age 17)

Even though there are some hate speech going on, there are a lot of Japanese who support us. People tend to believe what media tells them – that North Korea is a bad country – and that is why people unconsciously accept the idea.

Chōsen gakkō taught us to have diverse perspectives. I think that is the true strength of our school. As a student council member, I felt responsible for my school and that is why I participated in this lawsuit. Some of my friends decided to participate in this lawsuit in order to defend our rights as Koreans in Japan. Looking at them, I also changed my mind. My name appears on the internet and I feel nervous from time to time. But I appreciate the fact that I can fight at the forefront and help others.

What does Chōsen gakkō mean to me?

Kang, ___ (Chōsen gakkō student)

I love Osaka.

I love streets of Osaka. I love people in Osaka.

I was raised in Osaka and attended Chōsen gakkō for 13 years, starting from kindergarten.

I learn our language and our history in Chōsen gakkō.

I learned a lot of things from our school.

I also met a lot of people in Chōsen gakkō.

People like you who came to this gathering.

For a long period of time, I heard people saying “Leave Osaka or go to Japanese school. Live as a Japanese.”

One thing we wanted to do was to learn our language, our history and live life as a Korean. I just cannot understand why they try so hard to exclude us and disapprove us.

This uniform that I am wearing right now — I cannot wear this on my way to school. We have to wear a different type of uniform.

Hate speech everywhere.

I felt nervous because people could bully us for not being a 100% Japanese.

When we heard that the Osaka court ruled in favor of us, me and my friends hugged each other and cried. We were so relieved as we thought that the court now recognized us and allowed us to live as a member of this society.

One type of discrimination leads to another.

No one in this world should be the subject of discrimination.

Everyone is born to be loved.

Every child has right to education.

I know that the history of Korean living in Japanese was all about struggles and solidarity.

Thank you for all the support and solidarity you have shown throughout this 4-year long fight. Thank you lawyers who fought with us. Thank you, supporters. Thank you parents and teachers.

Every student members feel the same.

We could attend this school that we love because you gave us strength throughout the hard times. I am so proud that I went to this school.

I want Osaka, Japan, and the whole world to become a place where there is no prejudice --where every person is treated equal--where every person can enjoy his or her own rights.

I will study hard to become a person who change the world.

I will not forget everyone who helped me attend this school.

And I will pay you back someday.

The future of Chōsen gakkō is on our hands.

I dream of Osaka, where we can be who we are. I hope our society can let us live confidently, helping each other, no matter where we are from. I want to be a stepping-stone in that progress.

Our struggle continues.

We will fight to the end with spirit.

B. Suggested recommendations

- **Japanese government should immediately include Chosun schools as subjects for high school tuition free policy.**
- **Provide adequate legal compensation and indemnity for damages occurred to Chosun schools and Chosun school students for not being subjects of the high school tuition free policy.**
- **Japanese government should join UNESCO Convention against Discrimination in Education (1960).**

3. Suspension of Providing Education Subsidies

A. Violation and discrimination of the right to receive education and right to social security

14. Chosun schools are to receive ‘education subsidies’ from local governments of the schools’ location as ‘other schools.’ This had been continuously practiced from the

1950s, when Chosun schools were approved as ‘other schools’ status, until the 1970s. When the High School Tuition Free Act was implemented in April 2010 and Chosun schools were the only ones excluded, educational experts, recognized by the country, started the Chosun schools’ ‘suitability screening’ as tuition free subjects. Though majority of opinions were forming for a positive result, in September 2010, leaders of local governments in Tokyo and Osaka decided to suspend educational subsidies toward Chosun schools within the areas. The number of Chosun schools in Tokyo and Osaka is over 20, including kindergartens, elementary-, middle-, high schools and university, comprising 1/3 of total Chosun schools in Japan.

15. Subsequently other municipalities continuously suspended and reduced educational subsidies, resulting in suspension of educational subsidies in 16 Prefectures as of 2018 (Of all 47 Prefectures in Japan, Chosun schools are located in 27 Prefectures).

16. In particular, in 2018, educational subsidy to Kobe Chosun high school in Hyogo Prefecture was cut to 1/2. It has been gradually reduced and this year the subsidy had drastically been cut. The reason for the cut by the Hyogo Prefecture is that holders of ‘teacher license’ should be over 2/3 of the total teaching staffs. However, since Chosun schools are categorized as ‘other schools,’ there is no legal ground for teaching staffs to have ‘teacher license’ in any of Japan’s laws.

17. Chosun School in Osaka brought the educational subsidy case mentioned above against the Osaka city to the district court in September 2012. After five years in the first trial, on January 26, 2017, the petitioner lost the case. The second trial decision was made on March 20, 2018, also resulting in petitioner’s loss. Osaka local government required ‘removal of portrait’ and ‘severance of relationship with Chongryon,’ which are ideologically impossible for Chosun schools, as conditions for providing subsidies. The school rejected the offer and thus was suspended of subsidy. This clearly is a discrimination based on prejudice and bias toward Chosun schools.

18. The CERD Committee’s last Concluding Observations recommended the Japanese government to urge local governments to resume and continue providing subsidies. Nonetheless, the Japanese government did not implement such recommendations but rather stated in 175 of its recent national report that it is inappropriate for central government to directly resume or request local governments to provide subsidies. On the other hand, Japan’s Ministry of Education, Culture, Sports, Science and Technology sent official letters to 28 local governments on March 29, 2016, urging them to suspend providing educational subsidies to Chosun schools. This is an action directly against the purpose of the CERD Committee’s recommendations and an order of direct discrimination against Chosun schools.

19. The number of local governments providing educational subsidies to Chosun schools are continuously decreasing, worsening the environment surrounding Chosun schools. It discriminates Chosun schools and students in education and social security as

well as violates their right to receive education and right to social security.

B. Suggested recommendations

- **Japanese government should request local governments to provide educational subsidies to Chosun schools and guarantee the action institutionally through legislation.**
- **Japanese government should report to the CERD Committee on how and why it requested and sent political letters to local governments to reduce their educational subsidies to Chosun schools, and provide adequate legal remedies for damages occurred to Chosun schools due to such incident.**
- **Japanese government should join UNESCO Convention against Discrimination in Education (1960).**

4. Exclusion from Child Education Tuition Waiver Policy

A. Discrimination and violation of right to receive education and right to receive childcare

20. In 2016, Osaka city started <Child education tuition free policy> to have no education fee for 5-year-olds, expanding to include 4-year-olds in 2017. However, only 7 Chosun kindergartens in Osaka city were excluded. The city explains the policy as below.

<Reference> Explanation on ‘Child education free tuition’ policy by the Osaka city

*** The child period is an important period to build foundations of ethics, sociality, intelligence, and fitness to aim ‘self-realization’ and live as ‘a member of society.’ This is a period that ‘every child’ needs to receive high-quality child education regardless of household’s economic situation. Thus, the city has been implementing the child education tuition free policy since 2016. Starting from 2017, with current beneficiaries of 5-year-olds, education fee for 4-year-olds is also free. Moreover, those who attend other unapproved childcare facilities that meet certain conditions will also be subjects of the policy.

21. Children who attend Chosun kindergarten are also children who are in their important period to aim ‘self-realization’ and live as ‘a member of society.’ Nevertheless, children who attend the Chosun kindergarten are excluded from the policy above. This is a violation of right to receive childcare and right to receive education as well as racial discrimination of being Korean.

22. Protest regarding the issue was planned, but it was not happened because of sudden earthquake. Below is a poster of the once planned protest to remonstrate the exclusion

of Chosun kindergartens from <Child education tuition free> policy.

<Reference> Poster of protest on remonstrating exclusion of Chosun kindergartens from ‘Child education tuition waiver policy’



B. Suggested Recommendations

- **The Government of Japan should request the local governments, e.g. Osaka, to include Korean kindergartens in their Child Education Free Tuition policy and implement the policy without discrimination.**

5. Confiscation of DPRK Field Trip Souvenir by the Japanese Customs Office

A. Violation and Discrimination in Rights to Privacy

23. On June 28th, 2018, the Kansai Airport Customs in Japan confiscated souvenirs and gifts from Kobe Korean Advanced School’s students whom were returning from their field trip to DPRK.

24. The customs office claimed that the souvenirs were ‘goods related to the sanctions against North Korea’ and they only followed the authority’s directives. However, it has been a customary practice to allow good as ‘humanitarian assistance’. The souvenir and gifts confiscated from the Kobe school students were 177 in total and amount to 121,000 Japanese Yen (approx. 1,200 USD and one gift was about 70 USD on average). The confiscated goods were mainly souvenirs, such as simple pillows, Korean traditional ornaments and pencil cases that they planned to give to their friends, family and teachers.

25. Outraged by the event, the students and teachers shared the confiscation via social media and Chongryon hold an emergency press conference to protest the Japanese government’s inhumane action. In South Korea, various civil society organizations signed a letter of protest and delivered to the Japanese Embassy in South Korea on July 3rd, 2018. The letter was signed by 285 Korean NGOs in two days and no response has been released from the Japanese Embassy.

<Picture 1. Korean NGOs Protesting against the Japanese Customs Office’s Confiscation of DPRK Field Trip Souvenir>





26. Since then, two more Korean schools, Osaka and Tokyo Advanced Schools, came back from their field trips to DPRK but the customs office didn't confiscate anything this time. This only shows that that Japanese customs office abuses and applies arbitrarily their policies regarding Korean schools and Korean in Japan.

27. It is abuse of the customs office administrative power and violation of privacy to confiscate gifts only because the Korean school students went to field trip to DPRK, which they consider as their homeland.

B. Suggested Recommendations

- **Japanese Government should direct the customs office to return the Korean school students' gifts and souvenir and to revise their discriminatory confiscation practice targeting Korean schools.**
- **Establish concrete measure to prevent reoccurrence of this type of human rights violation.**

IV. Conclusions

28. Korean NGOs strongly urge the Committee to recommend the above to the Government of Japan which failed to implement the entire CERD recommendations in 2014.

29. Japanese Government, especially the Abe Administration has been using 'Chosen(Korean) Schools' as their political hostage since the 2002 abductions of

Japanese citizens. It also has been imposing sanctions and oppressing Chongryon, which is a rights organization of Korean residents in Japan by implementing their own sanctions against DPRK. In addition, the Government of Japan prohibited port entry of MV Mangyongbong-92 and prevent Koreans in Japan without any political interests from visiting DPRK. Since then, the Korean school students had to take airplane via China for their DPRK field trip. Zainichi Koreans were requested to write a pledge to the customs office promising not to enter DPRK even when they depart for other countries. And in 2018, they confiscated the Korean school students' gifts and souvenirs from their DPRK field trip.

30. The Japanese Government is claiming that the high school tuition support fund program provides 'equal opportunity for education', but it has been 8 years since Korean schools excluded from the program. The Government and local governments are disqualifying the Korean schools for political and diplomatic reasons for the support program where even government-appointed education experts acknowledged the Korean schools' qualifications. The situation is the same with the education subsidies and kindergarten free tuition policies. The people in Republic of Korea are appalled by these types of systematic, legal and institutional discrimination by the Japanese Government which goes far beyond inciting the public's racial hatred.

31. The Committee always has been firm on the note that discrimination between human beings on the grounds of race, color or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State. Japan is not an exception. Unfortunately, the Japanese Governments has been ignoring numerous recommendations by the UN treaty bodies to prohibit any type of discrimination against Korean schools and Koreans in Japan. The ongoing discrimination on the high school tuition support fund program, acknowledgement of graduating Korean schools, kindergarten tuition waiver policies, etc. should be prohibited immediately and the Government should treat the Korean residents and Korean schools in Japan without any discrimination, but with dignity.