

Proposal to the Human Rights Committee
On the issue of Korean School Children in Japan
in relation to Article 27 of ICCPR
and para 31 of the Concluding Observation to Japan
(CCPR.C.JPN.CO.5-)

For its consideration and adoption of
the List of Issues to Japan

By the Committee Task Force

At 109th Session (14 October – 1 November 2013)

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I. Introduction

Since last 5 years discriminatory treatments towards Korean children by the Japanese Government has unchanged or even been getting worse on considering the current situation in Japan where the Japanese Government is excluding Korean schools from the system of making high school education tuition free and neglecting the financial support of the National Treasury, and some prefectural governments have stopped or been reducing the subsidies to Korean schools. The submission of this report intends to provide ongoing discriminatory policy against Korean schools in relation to Article 27 of ICCPR and the Concluding Observation to Japan following the examination of Japan's last periodic report in 2008 and to suggest for the List of Issues.

II. Situation

Koreans in Japan are ethnic minority who were forced to come to Japan under the Japanese colonial rule of Korea and settle there even after the WWII while facing various difficulties. After the liberation from the Japanese colonial rule, Koreans in Japan have established their own ethnic schools in various places in Japan in order to inherit their own language and culture that were deprived under the Japanese colonial rule.

Although the Japanese government has not recognized Korean schools as regular schools and has been imposing institutional discrimination upon Korean schools such as exclusion from financial support scheme of the central government, access to Japanese universities and tax benefits, which has already criticized by various international human rights bodies including the HRC, Korean community has been sustaining their schools on their own for more than 60 years. The total number of Korean schools in Japan is approximately 70 including kindergarten, primary to high schools, and university. Approximately 10,000 Korean children irrespective of their nationality are learning in those schools today.

In April 2010, the central government of Japan introduced the law of so-called "Free High School Tuition" in order to provide all students having will of learning and regardless of their household situation with the high school stage education. Under this law, the Japanese government has decided not to collect tuition fees from students of public high schools in Japan and to supply students of private schools and foreign schools with a subsidy in the amount equivalent to the tuition fee of public high schools. Since the introduction of this law, students of all 39 foreign schools in Japan have been receiving subsidies i.e. "Free High School Tuition".

However, the Japanese Government had postponed its decision for two and a half years as to whether Korean high schools should be included to this program or not by repeating superficial screening of applications submitted by Korean schools. In the end, the Japanese Government excluded Korean schools from the program based on the grounds that there being no diplomatic relations between Japan and DPR Korea and no progress had been made on the

abduction of Japanese citizens by DPR Korea, which is nothing to do with students of Korean schools. Since no subsidy has been provided to Korean students, some of them gave up to go to Korean high schools.

In the Concluding Observations to Japan following the examination of Japan's periodic report in February 2010, CERD has expressed concern about the approach of some politicians suggesting the exclusion of Korean schools from the bill of "Free High School Tuition" and recommended "*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*". (CERD/C/JPN/CO/3-6, para 22)

CESCR also has expressed concern "*that at the exclusion of Korean schools from the State party's tuition-waiver programme for high school education, which constitutes discrimination*" and called on Japan "*to ensure that the tuitionwaiver programme for high school education is extended to children attending Korean schools.*"(E/C.12/JPN/CO/3) after the examination of Japan's periodic report in May 2013.

In contrary to the approach of central government, all 27 prefectural governments where Korean schools are located have been providing subsidies to Korean schools in Japan. However, the approach of the central government excluding Korean schools from "Free High School Tuition" has led to the new discriminative situation that some prefectural governments have stopped or been reducing their subsidies to Korean schools. It has also resulted in the rise of racism against Koreans in Japan in general. In case of Osaka prefecture, there are 10 Korean schools and most of them are facing critical situation of their subsistence, such as 4 month delayed pays for their school personnel, due to the suspension of the subsidy by the local government.

In such situation, Korean schools are forced to rely on private donations, which are not exempted or deductible from taxes, unlike donations to private Japanese schools or international schools. The MEXT granted tax exemption treatment to the donations for some foreign schools such as international schools for European and American in 2003, but not for other schools for foreigners. On this issue, the CCPR urged Japan to ensure the adequate funding of Korean schools, by increasing state subsidies and applying the same fiscal benefits to donors of Korean schools as to donors of other private schools." (CCPR/C/JPN/CO/5, para. 31) The CERD and the CRC also referred to this issue. (CERD/C/JPN/CO/3-6, para. 22, CRC/C/JPN/C/CO3, para. 72)

It should be noted that the Japanese Government has not recognize diplomas from Korean schools as direct university entrance qualifications, which was also concerned by the HRC in the previous examination of Japan's periodic report. (CCPR/C/JPN/CO/5, para. 31)

III. Request to the Committee

The Japanese government has the responsibility to ensure Korean children the right to learn Korean language, culture and history, as set in the international human rights Treaties such as the Covenant on Civil and Political Rights, the Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of Child. . At the same time, it is also the responsibility of Japan to provide appropriate compensation to the Koreans in Japan for depriving of their language and culture by colonizing Korean Peninsula. Korean schools are exactly the place where ethnic minority's right to education can and should be realised.

Concerning the aforementioned situation we would like to suggest following questions i.e. aspects to be included in the List of Issues to Japan:

- ◆ The Committee was informed that students of minority schools which are accredited as “miscellaneous schools” became to receive financial assistance from the central government by the system of making high school education tuition free at the first time in 2010. However, why did the Japanese Government exclude only students of Korean schools from that system although there is massive opposition to the Government's decision from both domestically and internationally?
- ◆ The Committee was also informed that financial assistance from some local governments to Korean schools was stopped, which would signify the retreat of the policy to give opportunities to maintain contact with native language and culture to ensure adequate opportunities for minority children to receive instruction in or of their language and about their culture. What is the central government's countermeasure for such retreat?
- ◆ Donations for international schools (mainly for European children) are subject to tax exemption, while those for Korean and Chinese schools are not. Please explain the reason why.
- ◆ While the Japanese Government revised the system concerning qualifications for admission to university in 2003, Korean high school graduates still have to pass “individual examination” to be given by individual university. Does the Government intend to improve the system by accepting a graduation certificate of Korean high school as qualification for admission to university?