

## **I. Discrimination against children attending Korean schools: Exclusion from the Tuition Waiver Program and Tuition Support Fund Program for High School Education**

### **A. Relevant Third-Cycle UPR recommendations**

1. **161.145** Ensure that the “Tuition Waiver and Tuition Support Fund Programme for High School Education” is extended to all schools in the country, including those that are under the responsibility of local governments (Portugal)
2. **161.150** Ensure that minority children enjoy the right to education without discrimination, in line with the recommendations by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination (Austria)
3. **161.151** Take measures to extend the “Tuition Waiver and Tuition Support Fund Program for High School Education” to children attending Korean schools and ensure equal treatment of Korean schools in accordance with the recommendations of relevant United Nations treaty bodies (Democratic People’s Republic of Korea)
4. **161.86** Repeal all state policy and regulations which condone discrimination against and harassment of Koreans in Japan (Democratic People’s Republic of Korea)
5. **161.146** Continue in its efforts to ensure full access to education enrolment to all and to remove any obstacles that minority communities may face, particularly in reference to equal access to education for women and girls (State of Palestine)

### **B. Assessment of implementation of recommendation**

6. Not implemented yet

### **C. Suggested Recommendations**

7. Revise its position to ensure that Korean school students have equal educational opportunities without any discrimination concerning funding from the High School Tuition Support Fund Program.

### **D. Backgrounds**

8. The Government of Japan has excluded students of 10 Korean high schools from the Tuition Waiver and Tuition Support Fund Program, hereafter referred to as the Tuition Support Fund Program, which started in 2010, while including students of other 42 foreign schools such as Chinese and Brazilian schools.<sup>1</sup> As of July 2022, the number of Korean school students

---

<sup>1</sup> The Government has expanded compulsory education to the high school level since 2010 by enforcing the “Tuition Waiver and Tuition Support Fund Program for High School Education”, which exempted tuition fees for students of Japanese public high school and provided funds equivalent to tuition fees of Japanese public high schools for students of private high schools, including technical schools and foreign schools that are accredited as “miscellaneous school”.

As for foreign schools, they were categorized into three types to be the subject of the Program, (i) a school whose curriculum is equivalent to the one of a 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. The Government has designated twenty national schools such as Chinese and Brazilian as the first category and 22 international schools as the second category as subjects of the Program as of July 2022.

excluded from the Program reached several thousand, and the total amount of damage exceeds one billion yen (approx. 7,291,550 USD). The Committee on the Rights of the Child (CRC), the Committee on Economic, Social, and Cultural Rights (CESCR), and the Committee on the Elimination of Racial Discrimination (CERD) have issued five recommendations in total, urging the Government to rectify the discrimination against Korean school students.<sup>2</sup>

9. The Government states that Korean schools are currently not eligible for the Support System as they are not confirmed to meet the criteria stipulated by the relevant laws and regulations.<sup>3</sup> The Government also states that the decision has nothing to do with the nationality of students or political or diplomatic considerations.<sup>4</sup> However, we consider it incorrect for two reasons below.

10. Firstly, the Government postponed applying the Program to Korean school students for political and diplomatic reasons, such as the military tension between Japan and the Korean peninsula. Furthermore, the Government legally excluded Korean school students from the Program in February 2013 by revising its ministerial ordinance that eliminated the third category for foreign schools, which had been the criteria for applying the Program to Korean school students. That is to say, the elimination of the criteria was the exact reason the Government excluded Korean school students from the Program. Mashiko Shibayama, the then minister of the Ministry of Education, Culture, Sports, Science and Technology (MEXT), stated in the Diet in March 2019 as follows: “We will not designate Korean schools as the recipients of the Program whether we confirm or not that the schools carry out appropriate school management under the relevant regulations. This is because we eliminated the provision under which the school made for the application of the Support Fund.”<sup>5</sup> It means that the Government confessed that it shut the door for Korean schools to apply for the Program because it eliminated the criteria.

11. Secondly, the Government stated that it would eliminate the criteria because “There is no progress of the Abduction issue (between Japan and DPR Korea).”<sup>6</sup> <sup>7</sup> It meant that the Government excluded Korean schools from the Program for political and diplomatic reasons, contrary to its report.<sup>8</sup>

12. In conclusion, a reason the Government excluded of Korean school students from the Program lies the elimination of the criteria, which considered political and diplomatic issues. The Government has denied the rights of Korean school students to have equal educational opportunities for more than a decade.

---

<sup>2</sup> See CRC/C/JPN/CO/4-5, para 39 (c), CERD/C/JPN/CO/10-11, para 22, CERD/C/JPN/CO/7-9, para 19, E/C.12/JPN/CO/3, para 27, CERD/C/JPN/CO/3-6, para 22(e).

<sup>3</sup> See CCPR/C/JPN/7, para 235

<sup>4</sup> Ibid.

<sup>5</sup> See <https://kokkai.ndl.go.jp/#/detail?minId=119815104X00320190319&spkNum=33&single> (available in Japanese language only).

<sup>6</sup> In September 2002, the leader of the DPRK met with the Prime Minister of Japan in Pyongyang and officially apologized for abducting Japanese nationals in the 1970-80s. Since then, harsh DPRK-bashing has occurred all over Japan. It caused hate speeches and hate crimes against Zainichi Koreans and Korean school children.

<sup>7</sup> At the press conference by Hakubun Shimomura, the then Minister of MEXT, on 28<sup>th</sup> Dec 2012. See [https://warp.ndl.go.jp/info:ndljp/pid/11373293/www.mext.go.jp/b\\_menu/daijin/detail/1329446.htm](https://warp.ndl.go.jp/info:ndljp/pid/11373293/www.mext.go.jp/b_menu/daijin/detail/1329446.htm) (available in Japanese language only).

<sup>8</sup> Regarding this issue, the Japan Federation of Bar Associations (JFBA) issued a presidential statement, which urged the MEXT to withdraw the deletion of criteria. JFBA stated in the statement that the deletion of criteria refuses to provide subsidies based on no progress to resolve the abduction issue, which has nothing to do with the right of the child to receive education (See Annex 1). The Japan Times, one of the leading English Newspapers in Japan, said in its editorials in 2013 that the exclusion of Korean schools from the Program constitutes discrimination and that the Government should withdraw the decision to exclude the schools (See Annex 2).

## **II. Discrimination against children attending Korean schools: Suspension of subsidies to Korean schools by local governments**

### **A. Relevant Third-Cycle UPR recommendations**

13. **161.150** Ensure that minority children enjoy the right to education without discrimination, in line with the recommendations by the Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Racial Discrimination (Austria)

14. **161.151** Take measures to extend the “Tuition Waiver and Tuition Support Fund Program for High School Education” to children attending Korean schools and ensure equal treatment of Korean schools in accordance with the recommendations of relevant United Nations treaty bodies (Democratic People’s Republic of Korea)

15. **161.86** Repeal all state policy and regulations which condone discrimination against and harassment of Koreans in Japan (Democratic People’s Republic of Korea)

16. **161.146** Continue in its efforts to ensure full access to education enrolment to all and to remove any obstacles that minority communities may face, particularly in reference to equal access to education for women and girls (State of Palestine)

### **B. Assessment of implementation of recommendation**

17. Not implemented yet

### **C. Suggested Recommendations**

18. Ensure to invite local governments to resume the provision of subsidies to Korean schools in line with the recommendations by the Committee on the Elimination of Racial Discrimination.

### **D. Backgrounds**

a) Suspension of subsidies by local governments

19. 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.

20. 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. Although it was so small compared to other Japanese schools, it had become a valuable financial resource for the operation of Korean schools, which had had no financial support from the central government.

21. Since 2010, 11 prefectural governments out of 28 prefectures where Korean schools are located have suspended subsidies to Korean schools. Those governments include Tokyo, Osaka, Saitama, Miyagi, Chiba, Kanagawa, Hiroshima, Yamaguchi, Niigata, Ibaraki, and Wakayama. They cited political and diplomatic relations as the reasons for suspension of their subsidies.<sup>9</sup> Some cities such as Osaka city, Hiroshima city, and Yokohama city have also

---

<sup>9</sup> See Annex 3, Policy speech by the Governor of Tokyo on suspension of subsidies to Korean school children (31st Oct, 2012)

suspended their subsidies to Korean schools, following the decision of the prefecture the city belongs to, to stop the subsidies to Korean schools.<sup>10</sup>

22. Due to the suspension of subsidies, Korean schools have been facing extreme financial difficulty. They had no choice but to run up tuition fees and other expenses. Thus, many parents have given up sending their children to Korean schools.

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

23. In 2014, the Committee on the Elimination of Racial Discrimination (CERD) pointed out that the suspension of subsidies by local governments is “government’s actions that hinder the right to education of children of Korean origin”. The Committee also recommended that the Japanese government invite local governments to resume or maintain the provision of subsidies to Korean schools.<sup>11</sup> However, contrary to the concern and the recommendation, the Japanese government issued a notice named “Points to be noted concerning subsidies relating to Korean schools” in March 2016 to each local government<sup>12</sup>, which made other several local governments suspend subsidies to Korean schools.<sup>13</sup>

24. While the notice did not refer to the concern and the recommendation by the CERD, the Government demanded the local governments reconsider the provision of subsidies, which became a de facto pressure to make local governments suspend the provision of subsidies to Korean schools.

25. In fact, the governor of Ibaraki prefecture announced to suspend the provision of subsidy for 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.

26. Among those local governments that have suspended the provision of subsidies to Korean schools, no government resumed it as of July 2022. According to the media coverage, the total amount of subsidies to Korean schools from local governments in fiscal 2019 decreased by 75% compared to that in fiscal 2009.<sup>14</sup>

### **III. Discrimination against children attending Korean schools: Exclusion of Tuition-free Measures to Preschool/Daycare Facilities belonging to Foreign National Schools including Korean kindergartens**

#### **A. Relevant Third-Cycle UPR recommendations**

27. **161.86** Repeal all state policy and regulations which condone discrimination against and harassment of Koreans in Japan (Democratic People’s Republic of Korea)

28. **161.146** Continue in its efforts to ensure full access to education enrolment to all and to remove any obstacles that minority communities may face, particularly in reference to equal

---

<sup>10</sup> See Annex 4, Media coverage on local governments’ suspension of subsidies to Korean schools (31st Oct, 2013)

<sup>11</sup> CERD/C/JPN/CO/7-9, para 19.

<sup>12</sup> See Annex 5, *Attention with regard to the provision of local government subsidies to North Korean schools (Notice)*

<sup>13</sup> See Annex 6, Editorial of The Asahi Shimbun, “Politicians bully Korean school students for acts of Pyongyang” (22nd Mar 2016)

<sup>14</sup> <https://www.sankei.com/article/20210207-HV5FPNYOFVNY5BDT2BB3IL3EAU/> (available in Japanese language only)

access to education for women and girls (State of Palestine)

## **B. Assessment of implementation of recommendation**

29. Not implemented yet

## **C. Suggested Recommendations**

30. Ensure to re-examine its “Tuition-free Measures to Preschool/Daycare Facilities” and take necessary measures to apply them to children attending foreign and national schools.

## **D. Backgrounds**

31. Tuition-free Measures to Preschool/Daycare Facilities, hereafter the Tuition-free System, came into effect on October 1, 2019<sup>15</sup>. The basic principle of this system is to “provide support to ensure the growth and well-being of all children” (Article 2, paragraph 2 of the Amended Support Act). In spite of this, in the statutory system, the children who attend preschool/daycare facilities belonging to foreign national schools (e.g. Korean schools, Brazilian schools and international schools) that fall into the category of Miscellaneous Category Schools (Article 134, paragraph 1 of the School Education Act), are ineligible for the Tuition-free System.<sup>16</sup>

32. According to the Japanese government, the ineligibility which these children are subject to has been justified for the reason that “Miscellaneous Category Schools “are providing wildly diverse education without established standards relating to their distinctive schooling including preschool education. Additionally, they are not included in non-licensed childcare facilities as defined in the Child Welfare Act”, hence the preschool/daycare facilities belonging to the “Miscellaneous Category Schools” are not deemed “facilities where the quality of preschool education provided is properly guaranteed by law”.

33. Nevertheless, even the non-licensed childcare facilities, which concerns against them had been raised regarding ensuring the quality because of their diverse operations, became eligible for the Tuition-free System by considering the fact that such facilities offer child care services and early childhood education for children in need and the voices of users. However, foreign and international schools categorized as “miscellaneous schools” are excluded formally from the System without taking into account such fact, which is nothing but unreasonable handling. Excluding the children attending the preschool/daycare facilities of foreign national schools on the ground that these schools are classified as “miscellaneous category”, constitutes discrimination, which is prohibited under Article 14 of the Constitution of Japan, Article 2, paragraph 1 of the International Covenant on Civil and Political Rights, Article 2, paragraph 2 of the International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, and Article 2, paragraph 1 of the Convention on the Rights of the Child. Therefore, this discriminatory handling should be

---

<sup>15</sup> Under the Tuition-free System, there is no fee for kindergarten, daycare centers, and centers for early childhood education and care for ages 3 to 5. (For ages 0 to 2, there is no fee for the households with exemptions from municipal residence tax.) For the children between 3 years old to 5 years old using unlicensed childcare institutions, up to 37000-yen are exempt per month from their tuition fees. (As for the children aged 0 to 2 years using unlicensed childcare institutions, only households with exemptions from municipal residence tax are eligible for up to 42000-yen exemption per month for their tuition fees.)

<sup>16</sup> As of May 2019, the number of kindergartens attached to foreign and national schools categorized as miscellaneous schools was 89. 40 out of 89 kindergartens attached to Korean schools. In contrast, the number of child facilities which the “Tuition-free System” are applied is about 55000 whether child facilities are licensed or not. (“School Basic Investigation” by the Minister of Education, Culture, Sports, Science and Technology and “Management Fact-Finding for kindergartens and nurseries”)

amended as soon as possible.

34. In light of the basic principle of this Tuition-free System which is to “provide support to ensure the growth and well-being of all children”, the reason to exclude foreign and national kindergartens, where children belonging to minorities can positively develop their identity through learning languages and cultures of their roots, cannot be found.

35. Against this backdrop, children attending foreign and national kindergartens should be included to Tuition-free System and necessary measures should be taken including the revision of law<sup>1718</sup>.

#### **IV. Discrimination against children attending Korean schools: Hindering the expression of their identities due to hate speech and hate crimes against Korean residents in Japan**

##### **A. Relevant Third-Cycle UPR recommendations**

36. **161.86** Repeal all state policy and regulations which condone discrimination against and harassment of Koreans in Japan (Democratic People’s Republic of Korea)

37. **161.146** Continue in its efforts to ensure full access to education enrolment to all and to remove any obstacles that minority communities may face, particularly in reference to equal access to education for women and girls (State of Palestine)

##### **B. Assessment of implementation of recommendation**

38. Not implemented yet

##### **C. Suggested Recommendations**

39. Enact a law prohibiting hate speech and hate crimes against ethnic minorities to ensure that Korean children can express their identity in public places free from fear of hate speech and hate crimes.

##### **D. Backgrounds**

40. 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

---

<sup>17</sup> The Government has started the Support Program for Use of Various Schools for Children before Elementary School Age as one of the regional childcare support programs based on the Child Care and Child Rearing Support Act since FY 2021.

The Program is the outcome of the Government’s consideration that reviewing how the Government and the municipalities could cooperate to help support the “so-called quasi-preschools” including the Miscellaneous Category Schools, to which the Tuition-free System does not apply, because these facilities were, through various historical developments indigenous to each distinct region, conceived to be playing a vital role even today by meeting the needs of the local community and parents. It is welcome that the Program is available to foreign national schools including Korean kindergartens if those facilities meet certain criteria decided by the Government. However, the problem lies in the fact that it is left to the judgment of each local government, (wards, cities, towns, or villages) whether be the Program implemented or not. That means the Program would not be applied to children who need financial support through the Program if the local government rejected the Program. To solve this problem, children attending foreign and national kindergartens should be applied to the Tuition-free System and necessary measures should be taken including the law revision for that purpose.

<sup>18</sup> See Annex 7, *International schools left out of free preschool education start*

increased since the 1980s<sup>19</sup>. In the 1990s, hate crimes such as ripping or cutting ethnic Korean uniform dresses of Korean school children in public places occurred frequently.<sup>20</sup> Such a situation made them impossible to wear their ethnic uniform and express their identity in public places. Today, Korean school children have no choice but to wear Japanese school-style uniforms outside their schools to hide their identities.

41. According to the survey of 1,500 children of Korean origin attending Korean schools and Japanese schools conducted in 2015, 80% responded that they realized discrimination against Korean residents in Japan, and 37% recognized hate speech demonstrations on the internet.<sup>21</sup> The survey also shows that 76% felt angry, and 46% felt fear at such demonstrations.<sup>22</sup>

42. As of July 2022, no legislation prohibiting hate speech, hate crimes, and racial discrimination exists in Japan. While the anti-hate speech law was enacted in May 2016<sup>23</sup>, it only clarified the basic principles of hate speech in Japan and does not prohibit hate speech.

43. Today, tons of pages of hate speech against Korean residents in Japan exist on the internet. Furthermore, a series of hate crimes against Korean residents, including cases of arson and vandalism, have occurred in recent years.<sup>24</sup>

---

<sup>19</sup> CERD/C/304/Add.114, para 14, CERD/C/JPN/CO/3-6, para 13, E/CN.4/2006/16/Add.2, para 90.

<sup>20</sup> See Annex 8, Picture of Korean traditional uniform dress of Korean school's female students

<sup>21</sup> [http://www.ryukoku.ac.jp/shukyo/committee/pdf/2015\\_01.pdf](http://www.ryukoku.ac.jp/shukyo/committee/pdf/2015_01.pdf) (available in Japanese language only)

<sup>22</sup> Ibid.

<sup>23</sup> [http://www.moj.go.jp/ENGLISH/m\\_jinken04\\_00001.html](http://www.moj.go.jp/ENGLISH/m_jinken04_00001.html)

<sup>24</sup> See Annex 9, Editorial of The Asahi Shimbun, "Worrying spike in hate crimes against Korean residents in Japan" (11 Jan, 2022)