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WWN Individual Submission for UPR – Japan – October 2012

The Osaka Prefectural Government is Infringing on the Human Rights and Freedom of Thought and Conscience in the Field of Education in Violation of the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child

Working Women's Network (WWN) is an organization established in 1995 to support women in wage and other discrimination cases. The organization also advocates for gender equality in the workplace, as well as raises awareness on other issues that concern women. It has submitted alternative reports to the Committee on the Elimination of Discrimination against Women, as well as the Committee on Economic, Social and Cultural Rights.

- Violation of Article 18 of the International Covenant on Civil and Political Rights (ICCPR) , Article 14 of the Convention on the Rights of the Child (CRC)

The problems caused by the education reform in Osaka Prefecture

1. 1) Article 2 of the Basic Ordinance on Education of the Osaka Prefecture¹ stipulates that the Prefectural Governor prepare the Basic Plan on Education in consultation with the Board of Education. This means that the political intentions of the Governor will be reflected in the field of education, and there is a concern that the freedom of thought and conscience of the teachers will not be protected.

2. 2) The two Ordinances of the Basic Ordinance on Education are based on the intention to develop “human resources” to be successful in the “international competition.” In order to create the necessary “competition,” according to the draft, test results will be published for each school, and schools will be closed or merged depending on these results. Such “competition” is not the kind, in which children can improve themselves in friendly “competition.” It is instead, a race for survival, where losing may mean the end of the child’s future opportunities.

3. The Ordinance also provides for a ‘School Council’ consisting of parents and local community citizens selected by the headmaster, to be involved in the management of the school as well as to evaluate the teachers. This would place the teachers and children/guardians in a confrontational relationship. There is also a risk that the school may be managed arbitrarily by a handful of powerful people.

¹ The Basic Ordinance on Education of Osaka Prefecture

(the roles of the Board of Education and the Governor)

Article 2 (provisional translation)

The Board of Education and the Governor shall endeavor to improve the policy measures regarding promotion of education in the Prefecture, according to appropriate separation of roles based on the powers stipulated in the Act on the Organization and Operation of Local Educational Administration.

4. On the other hand, there is no mention in the Ordinances of allocation of the necessary budget or personnel for the education reform, or concrete measures such as smaller classes or teaching in smaller groups. What is mentioned is the punitive policy of requiring only the results from schools and teachers with the threat of evaluations, closures and mergers.

5. The Ordinance will impoverish education in Osaka and the full development of children will be obstructed. We do not want an education reform that will threaten the teachers with evaluations and compelling them to act against their beliefs. Nor do we want an education reform that will drive our children into competition giving them a baseless sense of superiority or inferiority. We want our children to acquire the strength to help one another, and to overcome difficulties in cooperation with each other. We want to achieve such education, not by confronting the teachers but in cooperation with them.

6. The Network of Parents who Speak Out from Osaka issued the following statement on March 23, 2012 on the day the Ordinances were adopted by the Prefectural Council protesting their adoption. One of the members of WWN is also a member of the Network.

7. "The two Basic Ordinances on Education and the Basic Ordinance on the Prefectural Employees of Osaka Prefecture were adopted today, March 23 in the plenary of the Prefectural Council. We protest their adoption. Has the Council informed the public about these Ordinances? Has it informed the details of their contents? The drafts were initially proposed by Mr. Matsui, Governor of Osaka Prefecture. There were no calls for public comments. We feel deep anguish that the Ordinances were adopted, without the contents being informed, without any hearings or briefings for comments, and without sufficient discussion in the Council.

How can both the Komei and Liberal Democratic Party tell the voters or the children in the future that they had made the best choice? Have they not allowed political interference in education for politicking?

We find that the Government is not acting in good faith, as it adopts the Ordinances

while misrepresenting the “public’s intent” and ignoring the voice of the parents and teachers. It is unforgivable that they are using this logic to leave the children behind in the area of education.

We want to be responsible for the future of our children. We are responsible for confirming, creating and at times fighting for the education being prepared for our children. We will continue to stand by our children.

We will protect our children with the teachers in the schools.

We will continue to speak out so that the full growth of the children, who are the main actors in the schools, will not be obstructed. We will continue to speak out so that political or arbitrary matters that are not in the interest of children will not be placed within the framework of this Ordinance.”

8. The national government also seemed to have some concern. The newspaper, Asahi Shimbun reported in December 2011², that the Ministry of Education, Culture, Sports, Science and Technology expressed the view that the main provision of the draft Osaka ordinance, stipulating that the Prefectural Governor would set the education goals, may be illegal, depending on the contents of the target. The Ministry’s view was that education required neutrality and stability, and that the main authority regarding education should be held by the education board, which is independent from the Governor.

On the Osaka Prefectural Ordinance on the national anthem

9. 1) In June 2011, the Osaka Prefecture adopted an Ordinance requiring all staff to stand and sing the national anthem during the entrance and graduation ceremonies. The Basic Ordinance on Prefectural Employees (Article 27 para. 2) stipulates that any Osaka Prefectural government employee, who does not follow the same official order 3 times, would be dismissed.³ Forcing the teaching staff to act in accordance

² Asahi Shimbun, dated December 7, 2011.

³ The Basic Ordinance on the Prefectural Employees of Osaka Prefecture

with a particular idea, with the threat of punishment is a serious violation of Article 18, paragraphs 1a and 2 of the ICCPR.

10. 2) With the adoption of the Ordinance on the national flag and anthem, the “Hinomaru” and “Kimigayo,” both of which are a very controversial issue within the Japanese society, will be enforced in the school ceremony. This may infringe on the freedom of conscience of the children, as stipulated in Article 14 of the CRC, and may have negative effects on the education of children.

11. The Editorial of the newspaper, Asahi Shimbun raises concern about the effects of the Ordinance, citing the example of a headmaster, who watched the teachers during the graduation ceremony to check whether they were singing⁴.

12. Some teachers are already feeling pressured. The Asahi Shimubun reported the anguish of a piano teacher, who was confronted by the decision to play the piano for the anthem or not.⁵

13. According to the article, the junior high school teacher in Osaka City was told by the headmaster to play the national anthem on the piano for the ceremony. The school had the music played on tape for school ceremonies for years. She refused, as she had always taught the children that singing should come from the heart. But the headmaster has twice instructed the staff to stand and sing the national anthem, and she is uncertain, whether she can risk losing her job and refuse.

Chapter 2 Violation of official orders

(Disposal of violators of official orders)

Article 27 (provisional translation)

2 If a staff repeats acts in violation of an official order, even after the appointer has taken measures stipulated in Article 29, and the incidences of violation totals five times (if the content of the act of violation is the same, three times), the standard disposal for such staff stipulated in Article 28 paragraph 1 is dismissal.

⁴ Asahi Shimbun dated March 16, 2011.

⁵ Asahi Shimubun, March 5, 2012.

14. The same newspaper reports on March 10, that 17 teachers received reprimands for refusing to stand during the national anthem, after the graduation ceremonies were held for the first time since the Ordinance was adopted.⁶ The Prefectural Board of Education declared that 17 teachers from 14 schools acted in violation of the official order and were reprimanded. All of these teachers were required to undergo half hour training, and to submit written pledges that they would follow official orders in the future.

Background of the national flag and anthem

15. The Japan Federation of Bar Associations has reported on the circumstances involving the national flag and anthem in its Report on the Japanese Government's Third Report on the Convention on the Rights of the Child and the Initial Reports on OPAC and OPSC⁷ It explains that there are still people who consider the national flag and anthem as being strongly connected with the militarism before the Second World War, and that there are controversies regarding the duty to stand during flag raising and to sing the national anthem.

⁶ Asahi Shimbun, March 10, 2012.

⁷ Paras.101-105, [http://www.crin.org/docs/Japan Federation of Bar Association report on the CRC&OPs.doc](http://www.crin.org/docs/Japan_Federation_of_Bar_Association_report_on_the_CRC&OPs.doc)