

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