

Japan

Report on the implementation of the Convention and Recommendation against Discrimination in Education

I. Information on the legislative, judicial, administrative and other measures taken by the State at the national level

1. Ratification of the Convention

1.1 If the Convention has not been ratified yet:
• Does your country plan to ratify this instrument?
Yes/No

No.

• Please indicate the stage of ratification process reached by your country.
– *Close to ratification*
– *Under way*
– *Actively under preparation*
– *Not considering ratification in the short, medium or long term*

Japan has no specific timetable for ratifying this instrument at this moment.

• Please briefly explain which are the obstacles or difficulties encountered in completing the ratification process and the means of overcoming them.
Describe:
– *the obstacles, whether legal, institutional, political or practical*
– *the means of overcoming them*
– *the extent to which UNESCO can assist in completing the process*

The Basic Act on Education in Japan stipulates a principle of equal opportunity that citizens shall not be subject to discrimination in education. Education policies are implemented based on such a principle.

1.2 If the 1962 Protocol instituting a Conciliation and Good Offices Commission to be responsible for seeking the settlement of any disputes which may arise between States Parties to the Convention against Discrimination in Education
• Does your country plan to ratify this instrument?
Yes/No

No.

- Please indicate the stage of ratification process reached by your country.
 - *Close to ratification*
 - *Under way*
 - *Actively under preparation*
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The Basic Act on Education in Japan stipulates the principle of equal opportunity that citizens shall not be subject to discrimination in education. Education policies are implemented based on such principle.

2. Legal framework governing the protection of rights guaranteed in the Convention and the Recommendation in the national legal system

- 2.1 In case your country is a State Party to the Convention:
- Is the Convention directly applicable in your country's domestic law following its ratification?
Yes/No
 - Please indicate whether the provisions of the Convention can be invoked before and given effect to by courts, tribunals and administrative authorities. Information should be given about the judicial, administrative and other competent authorities having jurisdiction with respect to the rights guaranteed by the Convention and the scope of such competence. If possible, illustrate on the basis of available case law and jurisprudence.
 - If not, has it been incorporated into the national Constitution or domestic law so as to be directly applicable?
This seeks information on whether the provisions of the Convention are guaranteed in a domestic legal instrument (Constitution, legislative text or other national provisions)

N/A

2.2 In case your country is not a State Party to the Convention:

- Have legislative measures been taken pursuant to the Recommendation?
- Please explain briefly the ways in which national education policy and programmes correspond to its provisions.
- Information supplied should demonstrate how such norms and programmes comply with commitments under the Recommendation. If possible and when appropriate, describe legal norms, national education policy and programs as well as the factual situation.

The Basic Act on Education in Japan stipulates the principle of equal opportunity that citizens shall not be subject to discrimination in education. Education policies are implemented based on such principle.

2.3 For either the provisions of the Convention or the Recommendation, please list the principal national laws and regulations adopted in order to implement them.

For each of them indicate:

- *References*
- *Dates*
- *Aims*

The Report should cover texts adopted to prohibit discrimination in education as rooted in the historical, cultural, economic and political conditions and to promote equal educational opportunities.

Please include sufficient quotations from or summaries of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to the rights enshrined in the Convention and the Recommendation.

The Article 4.1 of the Basic Act on Education (enacted in 1947, revised in 2006) stipulates that “Citizens shall all be given equal opportunities to receive education according to their abilities, and shall not be subject to discrimination in education on account of race, creed, sex, social status, economic position, or family origin.”

II. Information on the implementation of the Convention or Recommendation (with reference to their provisions)

1. Non-discrimination in education

1.1 Is discrimination in education based notably on grounds specified in the Convention/Recommendation fully outlawed in your country?
Yes/No

Yes.

1.2. Please explain which measures are adopted to:

- Eliminate discrimination within the meaning of the Convention/Recommendation?
- Prevent discrimination within the meaning of the Convention/Recommendation?

The description should include measures taken as regards:

- *Non-discrimination in the admission of pupils to educational institutions*
- *Non-differential treatment*
- *Treatment of foreign nationals resident in your country*

This should also include assistance granted by public educational authorities to educational institutions.

In Japan, there is no stipulated condition for school admission based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth. The government of Japan provides financial aid for compulsory education expenses to persons requiring public assistance. The government also supports reductions or waivers of tuition and enrollment fees by universities and provides financial assistance through scholarship loan programs in higher education.

2. Equal opportunities in education

2.1 Please explain what are the concrete actions taken by your government to guarantee equal access to all level of education in your country?

In this part, please include anti-discriminatory measures, financial incentives, fellowships, positive or affirmative action.

In Japan, there is no stipulated condition for school admission based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth. The government of Japan provides financial aid for compulsory education expenses to persons requiring public assistance. The government also supports reductions or waivers of tuition and enrollment fees by universities and provides financial assistance through scholarship loan programs in higher education.

2.2 Please indicate how strategies and programmes are being implemented with a view to ensuring, in your country, equality of educational opportunities (in terms of access, participation and completion).

Particular emphasis should be placed on gender equality.

In Japan, there is no stipulated condition for school admission based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth. The government of Japan provides financial aid for compulsory

education expenses to persons requiring public assistance. The government also supports reductions or waivers of tuition and enrollment fees by universities and provides financial assistance through scholarship loan programs in higher education.

2.3 Please describe the actions planned and taken in your country to ensure inclusion of all learners in learning process.
Here please describe measures taken for instance to give special consideration to gender equity and equality in education including addressing gender-based violence, and the educational needs of the poor, economically and socially marginalized and other vulnerable groups, including people with disabilities.

In addition to the measures mentioned in 2.1, the Japanese government is working for providing a continuous and diverse learning environment including regular classes, special support services in resource rooms, special support classes, and schools for special needs education. The Japanese Government also supports parents and guardians financially through the promotional grants for school enrollment on special needs education and other measures.

3. Progress made with respect to implementing the right to education

3.1 Universal primary education

- Please provide information on the progress made with respect to ensuring universal access to primary education.
- Please provide details on the availability of **compulsory** and **free of charge** primary education in your country:
→ *Is primary education available free of charge to all? Yes/No*

Yes.

→ *If so, please list the laws and policies that ensure this universal free availability of primary education.*
→ *If not, does your government intend to ensure free primary education? Yes/No*
→ *If so, how?*

The Article 5.4 of the Basic Act on Education stipulates that no tuition fee shall be charged for compulsory education in schools established by the national and local governments.

• Is primary education compulsory in your country?

Yes/No

Yes.

→ *If not, please provide details on its implementation and indicate the current period of compulsory education*

→ *Indicate whether your country has adopted and reviewed legislation so that minimum ages for the end of compulsory education, for marriage and for entry into employment are coherent and aligned.*

No.

3.2 Secondary education

• Please provide information on the general availability and accessibility to all of secondary education, including technical and vocational secondary education and training in your country.

Please provide details on the difficulties experienced by your government to guarantee gender parity in terms of accessibility to technical and vocational secondary education and training

Under Japan's secondary education system, graduating one stage of school qualifies a student to advance to the next level. Junior high school, the lower secondary education, is compulsory.

• Is it available free of charge?

Yes/No

→ *If so, please describe the extent to which it is.*

Please also provide details on the difficulties experienced by your government in the realization of universal access to free secondary education. Please provide quantitative and descriptive information on these difficulties and on the progress realized.

Junior high school, the lower secondary education, is tuition free.

3.3 Higher education

- Please explain to what extent access to higher education, based upon individual capacity, including technical and vocational education and training, is realized in your country.
- Please describe the efforts made by your government to ensure that there is no discrimination on the ground prohibited by the Convention to enter and complete higher education.

Please provide information on the financial costs for students to receive education in such institutions. Please include explanations about both public and private institutions. Please also provide quantitative and descriptive information on the difficulties experienced by your government as regards access to higher education and on the progress realized.

For higher education in Japan, there is no stipulated condition for school admission based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth.

3.4 Adult education and lifelong learning

- What efforts has your government made to establish a system of continuing education on the basis of individual capacity?
➔ *Please specify efforts made especially as regards basic education for persons who have not received or completed the whole period of their primary education.*

Based on the School Education Act, municipal governments have set up “night classes of junior high schools” to provide those who have passed junior high school age without completing compulsory education with the opportunity to receive education which is equivalent to compulsory education.

• What are the concrete measures implemented to ensure equitable access to basic and continuing education?

➔ *Please specify measures (including financial assistance) that ensure that the basic learning needs of all young people and adults are met through:*

– *elimination of illiteracy*

– *equitable access to appropriate learning and life-skills programmes.*

Kominkan (CLC: Community learning Center) is established in order to educate citizens in municipalities or in a given area in line with actual life and to foster the knowledge and culture of citizens.

Universities organize programs open for public in order to realize lifelong learning society. The programs provide achievements of education and research conducted in universities for citizens.

3.5 Quality education

• Please provide information on the measures taken by your country to ensure equivalence in all educational institutions in:

– the standards of education

– the conditions relating to the quality of the education provided (e.g. infrastructure, teacher/learner ratios, teaching and learning materials)

– the provisions to ensure that children learn in a safe environment free from violence or harassment, including school-related gender-based violence (at, around, and on the way to school).

Please, to provide such quality assessment, take into account all public educational institutions of the same level. Please include information on policies, protocols or codes of conduct.

Course of study, which is standard of curriculum design in schools, is set based on legislations such as the School Education Law, in order to keep quality of education at a certain level in all areas of Japan.

Each standard for establishment of schools include standards on school buildings and facilities, standards on number of teachers and number of students per class and so on in primary and secondary school, as well as admission capacity and teacher

organization at universities.

Textbooks used in compulsory education schools are provided free-of-charge for all students on national treasury. To ensure the quality of the textbooks, textbooks written or edited by private publishing companies, based on the Courses of Study (curriculum guidelines), are required to be reviewed by specialists on each subject. Only those that passed the authorizing process can be used as textbooks in schools.

The School Health and Safety Act ensures the safety of schools.

Measures to Counter Bullying is promoted in a comprehensive manner based on Act for the Promotion of Measures to Prevent Bullying.

The Article 11 of School Education Law strictly prohibits corporal punishment by teachers.

3.6 Teaching profession

- Please describe the conditions of teaching staff at all levels in your country. *Please include information on teachers' average salaries (for each level of education) as compared to the salaries of (other) civil servants with equivalent qualification, and on how this ratio developed overtime.*

The Act on Special Measures concerning Salaries and Other Conditions for Education Personnel of Public Compulsory Education Schools stipulates the payment of a faculty adjustment in addition to monthly salary to teachers of public elementary, junior high and high school teachers and other schools in accordance with local ordinance, based on the standards of 4% of monthly salary, which differs from general civil servants. The establishing entity determines conditions for university teachers.

- Please explain briefly the measures your country takes to improve the living and teaching conditions of teaching staff.

For public school teachers and other staff, the Mutual Aid Association of Prefectural Government Personnel is established to contribute to improve the welfare , and maintain the standard of living of local government employees and their families. That

corporation handles the payment of benefits such as pension and health insurance as well as welfare services.

- Please explain briefly the measures your country takes regarding the training for the teaching profession.

Regarding teacher training, the Japanese Government established legal system that requires to complete programme in University and so on (teacher-training programme) approved by Minister of Education, Culture, Sports, Science and Technology, in principle, in order to obtain regular teaching certificate. The Government is also working for maintenance and improvement of the level of teacher-training programme by regularly reviewing the contents of teaching in the course.

Regarding in-service teacher training, the Law for Special Regulations Concerning Educational Public Service Personnel stipulates to conduct in-service teacher training for public school teacher by appointers. Prefectural boards of education are to plan and conduct training programs such as training for new teachers, and training for teachers with 10 years' experience.

- Have there been instances of discrimination as regards the training for the teaching profession in your country?

Yes/No

No.

3.7 Respect for human rights and fundamental freedoms

- Please briefly report on national efforts made for directing education to:
 - the full development of the human personality
 - the strengthening of respect for human rights and fundamental freedoms.

Here the information should demonstrate how education promotes understanding, respect and further progress towards gender equality (for example, through the introduction of human rights education in curricula).

The measures regarding human-rights education are implemented based on the Act on

Promotion of Education and Enlightenment of Human Rights (6th Dec. 2000).

School education as a whole provides human rights education.

3.8 Private education and religious and moral education

- Please provide brief information on the regulatory framework relating to the establishment or maintenance of private educational institutions

In the context of rapid privatization of education, the information should also indicate how the Government is regulating private education providers and is ensuring compliance with minimum standards of education. The information should also demonstrate how your government guarantees that the development of private education does not generate discriminations and to what extent private schools offer a relevant alternative in your country.

School corporations established with permission of the relevant government agency can establish and run private schools in compliance with the Private School Act and the ministerial ordinances stipulated in the law. The Japanese government has set up an aid system based on the Law Concerning Support for Private School Promotion in order to support the private school education activities, in light of the great importance of private institutions in school education. Private schools may add religion when drafting their curricula and can use religion to replace moral education, in line with the Ordinance for Enforcement of the School Education Act.

- Please briefly describe the education policy framework for minimum educational standards as regards the rights of the parents/legal guardian for providing religious and moral education for their children.

There is no stipulation regarding the rights of parents/guardians to teach religion or moral education.

3.9 Rights of national minorities

- What are the rights given to national minorities to carry out their own educational activities protected?
- As regards the educational standards in educational institutions run by minorities, please describe the legal and policy framework existing in your country.

Please cover the language facilities, such as the availability of teaching in the mother tongue of the students, use of teaching of languages in education policy.

There is no stipulated condition for establishing incorporated schools in terms of on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth.

III. Methods used to draw the attention of the various authorities in the country to the instruments and to remove the obstacles encountered

1. Challenges and obstacles – Please provide information on

1.1 The difficulties and obstacles encountered in the process of implementing the key provisions of the Convention/Recommendation.

N/A

1.2 The main issues that need to be addressed for promoting further the implementation of equality of educational opportunities in your country.

N/A

1.3 Brief assessment of the effectiveness of the methods introduced to remove obstacles encountered.

The Report should provide concrete elements on the difficulties and obstacles (including legal and practical) encountered.

N/A

2. Awareness-raising

2.1 Briefly describe activities carried out to:

- draw the attention of the various authorities of the country to the Convention/Recommendation

The government posts on its website a list of recommendations adopted by UNESCO.

- raise public awareness of the principles of non-discrimination and equality of educational opportunities enshrined in the Convention and the Recommendation, and their national or local dissemination, in particular to non-governmental organizations.

This should include their translation into national and, where necessary, local languages.

The government posts on its website a list of recommendations adopted by UNESCO.

2.2 Please specify activities undertaken or supported by the National Commission with a view of

- promoting the Convention/Recommendation
- fostering debate on critical issues, in relation to the rights enshrined in the instruments

The government posts on its website a list of recommendations adopted by UNESCO.

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