

Endangering the Right to Ethnic Education: Japan’s Exclusion of Chōsen Schools from the Tuition Waiver Program

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Abstract: This article examines the Japanese government’s 2010 decision to exclude Chōsen schools (Chōsen gakkō) from its Tuition Waiver and Tuition Support Fund Program for high school education (Tuition Waiver Program). It introduces the perspectives of groups supporting the Chōsen schools as well as those seeking to exclude Chōsen schools from the Tuition Waiver Program. By tracing the historical background and trajectory of discrimination against ethnic Koreans in Japan, it shows that the exclusion of Chōsen schools reflects the continuation of Japan’s intolerance toward the ethnic education of Korean residents, particularly Korean residents affiliated with North Korea, since the colonial period, which hinders the nation from becoming an ethnically inclusive society.

Keywords: zainichi Korean, Chōsen schools in Japan (Chōsen gakkō), ethnic education, MEXT

Introduction

In 2010, Japan’s Ministry of Education, Culture, Sports, Science and Technology (MEXT) announced that it would expand the existing nine-year free and compulsory education to the high school level by implementing the “Tuition Waiver and Tuition Support Fund Program for High School Education (Tuition Waiver

Program).” This program was originally intended to include not only Japanese public and private high schools, but also schools with foreign curricula and international schools in Japan, regardless of the school categories that had been designated by MEXT. As of March 2018, MEXT had approved twenty foreign schools and twenty-three international schools for the program.¹ Ultimately, however, MEXT revised its ministerial ordinance to exclude all ten high schools that are supported by Chongryun (the General Association of Korean Residents in Japan, or Chōsen sōren in the abbreviated Japanese name), an organization affiliated with North Korea.

These schools are called Chōsen schools (chōsen gakkō), and they provide ethnic education through a full-time schooling system for children of Korean ethnicity in Japan. The schools accept anyone whose roots are in Korea, regardless of their nationality. Children of foreign nationals today typically have three educational paths: attending a Japanese public or private school, attending a foreign school or an international school in Japan, or studying abroad. Koreans in Japan, who wish to receive ethnic education in Japan, can choose between one of the Chōsen schools located throughout Japan and one of the pro-South Korea schools located in Tokyo and Osaka. The translation of names of these schools is “Korean” school, a term that includes various institutions. To avoid confusion, this article uses the term Chōsen schools for the Chongryun-affiliated schools and chōsen and Korea/Korean for a

geographical location of their ethnicity rather than denoting political units such as North Korea and South Korea.

People of Korean ethnicity in Japan are commonly called *zainichi* (meaning, “residing in Japan”). However, *zainichi* Koreans today are a diverse group, even though their ancestors share the same historical background as Korean victims of Japanese Imperialism. Following the end of Japan’s colonial rule in 1945, the Japanese government designated their nationality as *chōsen*, indicating their geographical origin on the Korean Peninsula. With the conclusion of the San Francisco Peace Treaty in 1952, the Japanese government deprived Koreans and Taiwanese, who were subjects of the former Imperial Japan, of Japanese citizenship, leaving them stateless. The Japanese government nevertheless provisionally allowed them to live and work in Japan, their formal status to be determined in the future.² As discussed below, after Japan and South Korea normalized diplomatic relations in 1965, Koreans in Japan could obtain South Korean nationality through overseas national registration and then apply for permanent residency in Japan. Those who did not opt for South Korean nationality remained permanent residents classified as *chōsen* in their resident registration. In 1991, the Immigration Control Act created “special permanent residency” to distinguish their status from other permanent residents who came to live in Japan after the end of World War II.³ While *zainichi* Koreans could include those “newcomers” who are not categorized as special permanent residents, this article uses *zainichi* Koreans to refer to ethnic Koreans whose ancestors had already resided in Japan before the end of war. *Zainichi* Koreans today can be special permanent residents with South Korean or *chōsen* nationality. In addition, there are “former-*zainichi*” who have become naturalized citizens of Japan. This article considers all of *zainichi* Koreans, regardless of their nationality and naturalization status. Until 2006, *zainichi*

Korean was the largest ethnic minority in Japan, but the number has been declining after reaching a peak of over 693,000 in 1991. By December 2020, the number of *zainichi* Koreans with *chōsen* nationality comprises less than 1 percent (about 26,700) of over 2.8 million foreign residents in Japan, while those with South Korean nationality is less than 10 percent (slightly more than 274,100).⁴ Contrary to a common misconception, the *chōsen* nationality classification in the “nationality column” of a special permanent resident certificate does not prove legal citizenship of North Korea. In fact, those with *chōsen* nationality are stateless, because they have neither Japanese nor South Korean citizenship. Nevertheless, the Japanese public tends to arbitrarily view those with *chōsen* nationality as North Koreans and/or the supporters of the North Korean regime, although the self-identity of each *zainichi* Korean is not necessarily aligned with the nationality label in his/her special permanent residency certificate.

Following their establishment after Japan’s defeat in World War II, nearly five hundred schools run by Koreans emerged across Japan, providing education to more than fifty thousand students. Having been emancipated from Japan’s colonial rule, and intending to return to their homeland, Koreans began teaching their children the Korean language and culture. However, with first civil war and then the Korean war, many of them remained in Japan. According to existing studies, the number of students at all *Chōsen* schools reached its highest level of approximately 60,000 in 1947-1948, and then gradually declined in the 1970s and 1980s while fluctuating thereafter.⁵ Today, most teachers in *Chōsen* schools are third-generation *zainichi* Koreans, and the education they provide has been adapted to fit the circumstances of younger generations in Japan. Meanwhile, the number of schools and students has declined sharply since 2000. As of 2016, there were sixty-four *Chōsen* schools (often combining kindergartens, elementary,

middle, and high schools), including one university, with about eight thousand students.⁶ In 2019, the number of students from kindergarten to high schools is estimated to be about five thousand.⁷

The zainichi Koreans' education has undergone multiple difficulties reflecting Cold War tensions, Japan's political and diplomatic relationship with the two Koreas, and its policies toward the zainichi population. Early on, most Chōsen schools were organized and operated by Choryōn (the League of Koreans, or Chōren in the abbreviated Japanese name), which was established in 1945. As will be discussed below, the Supreme Commander of the Allied Powers (SCAP) disbanded Choryōn and ordered closed all schools that it operated. After the Korean War armistice was signed, pro-North Koreans formed Chongryun in 1955, the pro-North Korean organization serving as a de facto embassy of North Korea in Japan. Throughout the early development of the Chōsen schools, the North Korean government sponsored and provided financial support for the schools through Chongryun. Because Japan did not support ethnic education for zainichi Koreans, Chōsen schools relied on financial contributions provided by North Korea and channeled through Chongryun to establish their network of schools for the provision of language and ethnic education with zainichi Korean families paying tuition.

MEXT's exclusion of Chōsen schools from the Tuition Waiver Program in 2013 was a product of tensions between Japan and North Korea, notably North Korea's abduction of Japanese. Indeed, prior to the government's decision, civil organizations advocating the resolution of the abduction issue had been urging the government to exclude Chōsen schools from the program. MEXT's decision led to students in Chōsen high schools becoming uniquely ineligible for financial relief, contradicting its pledge to create "a society in which all high school students can persevere in their studies

by reducing the burden of household educational costs."⁸ Chōsen schools and their students took legal action against the government over their right to receive financial support, condemning the exclusion of their schools based on discrimination against ethnic education; however, MEXT insisted that it provided financial relief based on fair and non-discriminatory principles. Simultaneously, there was an increase in the incidence of racially motivated physical attacks and verbal abuse targeting zainichi Koreans.

This article examines the rhetoric used by the Japanese government and various groups in civil society in support of the exclusion of Chōsen schools from the Tuition Waiver Program and examines the perspective of the Chōsen schools and their supporters in response to exclusionary practices. Tracing the historical trajectory of Chōsen schools in Japan and recent developments in international human rights standards, this article focuses on discrepancies in the perception of ethnic education in Chōsen schools and recent court cases related to the Tuition Waiver Program. It argues that the Chōsen schools' decade-long judicial battle is a continuation of the struggle by zainichi Koreans to secure their right to receive ethnic education to foster their ethnic identity. At the same time, the judicial battles and their outcomes replicate the institutional discrimination within the framework of Japan's assimilation policy toward people of Korean ethnicity during the colonial period. The article concludes that court rulings on the Tuition Waiver Program continued Japan's suppression of Korean ethnic education and its tacit approval of discrimination against the zainichi population, thereby reducing the potential to become an ethnically and culturally inclusive society.

Historical Background of Chōsen Schools in Japan

The history of the establishment and development of Chōsen schools is deeply interwoven with that of Japan's colonization of Korea (1910-1945). During the colonial period, hundreds of thousands of Koreans migrated to Japan, either voluntarily or involuntarily. However, the historical context of Korean ethnic education in Japan has largely been ignored in today's public discourse, enabling the propagation of misrepresentations among Japanese people and the media concerning its purpose and the education that it provides. During colonization, Japan banned the use of Korean names and the Korean language, and prohibited Korean cultural activities, to transform Koreans into subjects of Imperial Japan. Korean children had to attend Japanese schools, and Japanese authorities cracked down on Korean attempts to provide Korean language education to their children.⁹ Nevertheless, the assimilation policy did not eradicate Koreans' desire to retain their ethnic identity. Under the US occupation following Japan's defeat, Koreans in Japan established schools to teach the Korean language, Korean history, and Korean cultural heritage to their children who had been "citizens of Japan" under colonial rule. Initially established as "national language schools," Choryōn gradually institutionalized these schools to become comprehensive educational schools. Choryōn supported repatriation to North Korea while vigorously promoting the new school system, developing textbooks, and training teachers.¹⁰ Kim Byeong-suk, an early student, recalled "There were many [Korean] students. Everyone was learning the Korean language and Korean history, and the teachers were Korean too, so everyone was happy."¹¹ Although many of the approximately two million Koreans in Japan had returned to their homeland, by 1947, approximately 600,000 remained.¹² More than half of school-age Korean children, or approximately fifty thousand children, attended more than 550 Chōsen schools throughout Japan.¹³

The Ministry of Education established the School Education Law and Basic Education Law in 1947, classifying educational institutions in Japan into two categories: schools (gakkō), also known as *ichijō-kō*, meaning "Article 1 schools" and miscellaneous schools (*kakushu gakkō*). During the high economic growth period, the government created another category, vocational schools called special training schools (*senshū gakkō*), between "Article 1 schools" and miscellaneous schools in 1975. The law laid down separate treatments and regulations for schools in each classification.

In the beginning, the Ministry of Education allowed local governments to approve Chōsen schools as private or miscellaneous schools and permitted them to provide ethnic education, even though SCAP had made a provision in 1946 requiring Korean residents to receive compulsory education in the Japanese system as they held Japanese citizenship.¹⁴ The circumstances of Koreans changed drastically as the Cold War intensified on the Korean Peninsula. The open suppression of ethnic Korean education began when the Ministry of Education clarified the obligation of Koreans in Japan to receive compulsory education on the grounds of their Japanese citizenship in its communication to prefectural governors in January 1948.

Historian Chōng Yōng-hwan has argued that the Japanese government utilized the influence of SCAP, which aimed to maintain the status quo on the Korean Peninsula by establishing a U.S.-backed government in the South, to keep Koreans under Japanese control as second-class citizens.¹⁵ With the support of SCAP, the Ministry of Education instructed local authorities to place school-age Korean children in Japanese public or private schools and to prohibit ethnic education in the regular curriculum, even at private Chōsen schools.¹⁶ Chōsen schools were also ordered to stop conducting classes in Korean and to remove Korean language education from the regular

curriculum. Koreans protested against these restrictions. However, local authorities began issuing closing orders to Chōsen schools that refused to comply with the guidelines. Clashes between local administrations and Korean protesters and their Japanese supporters escalated in Osaka and Hyogo prefectures, where many Koreans lived. Regarding such protests as leftist- and communist-influenced riots, SCAP imposed martial law for the first and only time during the occupation years, and open violence against protesters took place in Osaka on April 24, 1948. In what became known as the 4.24 incident or the Hanshin Education Incident, the police used a water cannon to disperse protesters and shot and killed a sixteen-year-old Korean boy. Negotiations resulted in the granting of temporary permission to allow limited ethnic education at approved private Chōsen schools. However, SCAP soon disbanded Choryōn, condemning it as the center of the communist movement in Japan. In 1949, it ordered the closure of all schools that had been established by Choryōn.¹⁷ While SCAP played a role in directing the Japanese administration to regulate Chōsen schools,¹⁸ the Japanese government also regarded Choryōn as an “anti-democratic, terrorist organization” and continued to suppress ethnic education.¹⁹

Between the 1950s and 1960s, the legal status of Chōsen schools was differentiated from other foreign schools mirroring the fluidity of the legal status of the zainichi. As Koreans in Japan lost Japanese citizenship after the signing of the Treaty of San Francisco in 1952, the Japanese government reformulated its stance toward the education of Koreans. With the loss of Japanese citizenship, the zainichi lost their right to receive Japanese compulsory education, but the government made it known that it might permit them to attend public schools if they agreed to a curriculum that did not include ethnic education. This notification signified a further hardening in government opposition to ethnic education, emphasizing

that public education was a “gift” from the Japanese government to those who had now become “foreigners.”²⁰

Like its predecessor Choryōn, Chongryun provided ethnic education taught in Korean language. For zainichi Koreans, the only way to receive ethnic education as an accredited school without the Japanese government’s interference in its curriculum was to obtain miscellaneous school status, which local authorities, not the Ministry Education, could permit under Japanese education law. Via this system, some Chōsen schools began to obtain miscellaneous school status following years of negotiation with local government bodies. Meanwhile, among the aforementioned four pro-South Korea schools, two obtained “Article 1 school” status by agreeing to abide by the regulations of the Ministry of Education as Japanese regular schools, while the other two obtained miscellaneous school status.²¹

Nevertheless, the Japanese government had been reluctant to recognize Chōsen schools in its school system in the 1960s to 1970s. In particular, when Japan restored diplomatic relations with South Korea in 1965, the Ministry of Education instructed local authorities not to approve Chōsen schools’ miscellaneous status. As Japan recognized the government of South Korea as the “only legal government” on the Korean Peninsula, it considered that Chōsen schools’ aim to nurture what might be described as “an ethnic identity as Koreans or (North) Korean national character” was of “no public benefit or interest to Japanese society.”²² Despite such discriminatory policy, Chōsen schools appealed to local authorities to attain miscellaneous school status. By 1975, all existing Chōsen schools were able to obtain miscellaneous school status.²³

The growing number of Chōsen schools during this period corresponded with a mass repatriation of zainichi Koreans to North Korea

promoted by Chongryun along with Japanese and North Korean governments. It is estimated over 93,000 Koreans and their family members repatriated to North Korea from 1959 to 1984.²⁴ This repatriation project reflected the difficulties of zainichi lives during this period. For instance, Japanese social security laws such as the national pension law included a nationality clause to exclude the zainichi population. Even though the nationality clause was eliminated in 1981, the government excluded first generation zainichi Koreans from the pension system. Furthermore, zainichi Koreans were vulnerable to deportation under the Immigration Control Act if they were branded as “law-breakers,” “the destitute and mentally ill.”²⁵ This act could be applied to any impoverished zainichi Koreans since Japan’s newly established welfare system in 1959 did not apply to foreigners including zainichi Koreans. Moreover, the South Korean government did not accept zainichi Koreans as deportees from 1954, even though the majority of zainichi Koreans came from the southern region of the Korean peninsula. Likewise, Chongryun supporters, who refused to recognize the military dictatorship in South Korea as a legitimate government, did not wish to return to South Korea. This is one of the reasons that Chongryun supporters remained stateless, even though permanent resident status in Japan was open to first and second generation zainichi Koreans in 1965 if they obtained South Korean citizenship. Therefore, the repatriation to North Korea was an attractive option for those zainichi Koreans who had concerns about living in Japan permanently due to lack of social security as well as discrimination in educational and employment opportunities. In such circumstances, Chōsen schools played an indispensable role in preparing zainichi children to establish new identities as “overseas nationals” of North Korea and adjust their lifestyle in Japan to the new life in North Korea through promoting ethnic education.²⁶

As miscellaneous schools, Chōsen schools were able to receive subsidies from prefectural and/or municipal governments until recently. However, no government subsidies extended to them. Therefore, foreign and international schools including Chōsen schools have higher tuition and fees than “Article 1 schools” and rely on the external fund from a local government’s subsidies and contributions from parents, outside individuals, companies, and organizations. Nevertheless, local government funds are minimal; typically less than a tenth that received by Japanese private schools. This causes chronic financial difficulties for Chōsen schools, even though the North Korean government has sent educational funds to them since the 1950s. Furthermore, miscellaneous school status has various restrictions. For instance, Chōsen high school students face obstacles in accessing higher education at Japanese universities, because they were not allowed to sit for university entrance examinations due to their schools’ miscellaneous status. A student at one of these schools who wished to take the “qualification examination” had to first complete part-time (evening) courses at a Japanese high school in order to become eligible, all the while attending their own school as a full-time student. Subsequently, they had to take and pass this “qualification examination” in order to prove their academic level was equivalent to that of a student who had completed high school education at an “Article 1” school. This restriction made a negative impact exclusively on zainichi Koreans and Taiwanese who intend to stay permanently in Japan. It rarely affected most students at other foreign schools and international schools since they would advance to the universities in their home countries.

Since the mid-1990s, however, zainichi Koreans achieved some success in improving the conditions of the miscellaneous schools. For instance, the Japanese civil rights organizations and zainichi Koreans lobbied private universities to allow zainichi students to take

an entrance examination on an individual basis without taking the qualification exam. Also, since 2003, national universities, under the direct supervision of the Ministry of Education, finally allowed Chōsen high school graduates to take entrance examinations without proof of having passed the qualification examination.²⁷ Similarly, sports teams from Chōsen high schools gained entry to official games and competitions in the 1990s. These positive changes affect all miscellaneous schools, but it was Chōsen schools and their supporters who fought for and obtained their rights through the continuous civil movements.

The Rhetoric of Exclusion

Although there were minor, overdue improvements with respect to the inclusion of Chōsen schools in the late 1990s, open bashing of Chōsen schools escalated, particularly after the Japan-North Korea joint summit in 2002, when the North Korean leader Kim Jong Il acknowledged and apologized for the abduction of Japanese. Media reports on North Korea’s development of nuclear weapons and missile launches, as well as sensationalized coverage of the victims of abduction fueled the propagation of a negative public image of zainichi Koreans. As soon as the cabinet approved the Tuition Waiver Program in January 2010, which would have applied to the applications from Chōsen schools, Nakai Hiroshi, the then Minister of State for the Abduction Issue, requested that MEXT exclude Chōsen schools from the program in February.

As diplomatic issues involving North Korea complicated the approval procedure for the Tuition Waiver Program for Chōsen schools, the decision to approve subsidies at the local level also became a political issue. Exacerbating the problem, Hashimoto Tōru, the governor of Osaka, announced in March that Osaka would cease subsidies to Chōsen schools in Osaka unless they could satisfy “four requirements,”

including adoption of the educational curriculum of Japanese regular schools and ceasing the practice of displaying portraits of North Korean leaders in classrooms.²⁸ Following Hashimoto’s blunt decision, eleven out of the twenty-eight local authorities in whose jurisdictions Chōsen schools were located, including Tokyo, Chiba, Miyagi, Kanagawa, Saitama, and Hiroshima, temporarily halted or ceased their decades-long practice of providing subsidies one after the other. The local authorities indicated that “consent from the public would not be obtained” due to the abduction issue and claimed the false assumption that Chōsen schools promoted anti-Japanese education.²⁹



Figure 1: The 420th Tuesday Action on March 23, 2021. The supporters of Chōsen schools have held weekly demonstrations in front of the Osaka Prefectural Government building for eight years. Photo courtesy of ニョニョのひとりごと.

Furthermore, Prime Minister Kan Naoto ordered the suspension of the Chōsen schools’ application procedure for the Tuition Waiver Program. This move came in response to military tensions on the Korean Peninsula that

culminated in artillery exchanges between North Korean and South Korean forces on Yeonpyeong Island in November 2010.³⁰ Meanwhile, MEXT set up a confidential review committee in July 2011 to evaluate the eligibility of two newly founded international schools for the program: Korea International School (a pro-South Korea school established in 2008) and Horizon Japan International School (a Turkey-based school established in 2003). With the recommendation by the review committee, MEXT approved both schools for the program. The review committee for Chōsen schools also began in November of that year. With the recommendation by the review committee, MEXT approved both schools for the program. The review committee for Chōsen schools also began in November of that year.³¹ Nevertheless, when the second Abe administration took office in December 2012, Shimomura Hakubun, the new Minister of MEXT, announced that Chōsen schools would be excluded from the program, citing the unresolved abduction issue with North Korea and the close relationship of the schools with Chongryun; he accused Chongryun of exerting influence over the schools' curricula, personnel, and finances.³² Prime Minister Abe instructed him to implement the exclusion process, and MEXT solicited public comments on the order, starting on December 26, 2012. The solicitation of "public comments" was required in order for the Japanese government to implement changes to a ministerial order, and MEXT received 30,510 submissions during the one-month submission period. Approximately fifty-two percent of submissions were in support of the exclusion, while forty-six percent opposed it. Although this suggested a division in the public opinion, rather than support for its policy, MEXT repeated in the short two-page summary of public comments that it could not obtain "(Japanese) citizens' understanding [to approve Chōsen schools] as no progress had been made on the abduction issue and [because] Chōsen schools have a close relationships with Chongryun with

respect to educational content, personnel and finance."³³ Moreover, Shimomura indicated that he would not consider "public comments" when making the decision, which rendered the process of soliciting public comments a mere formality. His statement underlined the government's intention to eliminate Chōsen schools as places for the provision of ethnic education:

For those Chōsen schools, the children are not guilty (of the abduction). I urge them to consider transforming their education by obeying the Japanese education law so that the Tuition Waiver Program would apply to them.³⁴

Since the Chōsen schools were legal institutions under Japanese education law, what Shimomura meant was that they needed to become "Article 1 schools." This would require them to adopt the textbooks approved by MEXT, use the Japanese language for instruction, and significantly reduce or eliminate elements of the curriculum related to Korean traditions and culture. As the core objective of "Article 1 school," according to the Basic Education Act, is to nurture Japanese citizens to "love the nation and local region that have developed (Japanese) traditions and culture,"³⁵ Shimomura was in effect insisting that the prerequisite for inclusion in the program was that each Chōsen school "make an effort to become an Article 1 school."³⁶ This would require the abandonment of the language and cultural education that are essential to the development of the identity of zainichi Koreans.

Within just two months, MEXT revised the ministerial order by removing prescription (c)

in item 2, paragraph 1 of Article 1 in the Tuition Waiver Program Act, which had designated the Chōsen schools as part of the program. Arguing that the removal of prescription (c) also eliminated the necessity to hold review meetings on the Chōsen schools, MEXT suddenly discontinued the review process. Although the review committee's meeting specified that the schools' eligibility "should be evaluated objectively from an educational point of view, instead of diplomatic considerations,"³⁷ the government based its decision on Japan's political stance concerning the situation on the Korean Peninsula and diplomatic relations with the North Korean government. Effective February 20, 2013, Chōsen schools were excluded from the program as they lost their eligibility to apply for the program.

The Japanese government's disregard for ethnic education extended to early childhood education. In October 2019, the government started the Free Preschool Education and Childcare Program that makes preschool education and day-care services free. Recognizing the importance of education during children's formative years, the program aims to support child-rearing by reducing household financial burden and contribute to overcoming Japan's low birthrate. Nevertheless, the program excluded those preschools that are registered as miscellaneous schools, including 40 Chōsen kindergartens and 49 foreign kindergartens.³⁸ Claiming that "a wide variety of education" provided at miscellaneous schools cannot guarantee "the quality of early childhood education,"³⁹ the government contradicts its own pledge to provide support for people and communities to achieve "sound growth of each child."⁴⁰ MEXT also denied the eligibility of students of Chōsen university for the Emergency Student Support Handout for Continuing Studies in May 2020. The program was designed to support students facing economic hardship due to the coronavirus pandemic by providing financial

support up to 200,000 yen. Initially, the program applied to higher education institutions, special training schools, and Japanese language schools, excluding Chōsen university and six foreign universities in Japan. In response to criticism from various NGOs, MEXT included six foreign universities to the program while excluding Chōsen university from benefitting from the program because of its miscellaneous school status.⁴¹

The Anti-Korea Connection and the Abduction Issue

In addition to the Japanese government, the Japanese public has also expressed its conscious and/or unconscious bias toward people of Korean ethnicity and Chōsen schools. Even before the Japan-North Korea summit in 2002, the media criticized North Korea's development of nuclear weapons as a threat to Japan and its neighboring countries, and anti-Korean and anti-zainichi radicals demonized the zainichi community. The narrative of "suspicious and potentially dangerous" Koreans infiltrated public discourse on social media, occasionally triggering attacks on the zainichi community and Chōsen schools. One form of attack, first reported in 1994, involved the laceration of female students' traditional school uniforms: "the middle-aged Japanese man" attacked the 11th-grader zainichi Korean girl on a train to school by slashing and damaging her uniform. The increasing incidence of such attacks led Chōsen schools to instruct female students only to wear their uniforms while at school.⁴² More broadly, school children faced continuous harassment and physical and verbal abuse on a daily basis.

Moreover, the abduction issue promoted a sense of victimhood, in addition to feelings of fear and anger among the Japanese public toward North Korea, sentiments which persist to this day. It led to a further strengthening of anti-Korean sentiment among the Japanese and

generated hostility and suspicion toward all people of Korean ethnicity, regardless of their nationality. Anti-Korean themed comics became bestsellers in 2005, and narratives justifying Japan's colonialism and claiming that the Japanese were victimized during World War II were shared and widely spread on the Internet.⁴³ As nationalism and nativism re-emerged in Japan, particularly after the start of the second Abe administration, there was a dramatic increase in the number of anonymous discriminatory remarks against zainichi Koreans on the Internet. Xenophobic groups began holding "demonstrations and rallies filled with hate speech and intimidation against Koreans."⁴⁴

The most visible and prominent civilian group of this kind, as well as the largest anti-Korean "patriotic citizens' group," is Zaitokukai (the Citizens' League to Deny Special Rights for Permanent Residents in Japan). Founded in early 2007, it advocates the abolition of special permanent residency status for zainichi Koreans, making false claims that they have abused their legal status.⁴⁵ Zaitokukai denies the forced labor of former colonial subjects and claims that most of zainichi Koreans entered Japan illegally after the war. While the victims of their protest include Koreans, Chinese, Taiwanese, Okinawans, and the indigenous Ainu population, zainichi Koreans associated with North Korea are their frequent target.⁴⁶ Despite its propagation of information lacking historical accuracy and its excessive use of offensive language, verbal violence and discriminatory forms of expression, Zaitokukai has succeeded in popularizing a public image of the Chōsen school as an institution directly controlled by North Korea and used to harm the Japanese people and nation. Elementary school children were the target of inflammatory rhetoric on December 4, 2019, when members of Zaitokukai gathered in front of the Kyoto Chōsen Elementary School during school hours and delivered anti-Korean hate speeches in response to North Korea's nuclear tests and the

unresolved abduction issue. Waving the flag of Imperial Japan and using loudspeakers, the group chanted blatantly hateful slogans, such as "You're training North Korean spies!," "You're the children of spies!," "Get Chōsen schools out of Japan!" They also damaged school property.⁴⁷ The incident, which was filmed and posted online by Zaitokukai, not only deeply traumatized the schoolchildren and teachers, but also the zainichi community as a whole. The school filed a lawsuit that went to the Supreme Court, and the court affirmed the criminality of the protesters.

Nevertheless, Zaitokukai's racial attacks against zainichi Koreans continue, their sense of nationalism and their anti-Korean allegations encouraging many Japanese people to view Chōsen schools with suspicion. Kotani Junko, a professor specializing in regulations concerning hate speech, explains that even though the Hate Speech Elimination Act was passed in 2016, it does not seriously tackle crime and violence against ethnic minorities. She posits that zainichi Koreans and Chōsen schools have continued to be the targets of racist hate speech and discriminatory behavior because current Japanese law does not consider race or ethnicity in its treatment of "unfair discriminatory speech and behavior," and it does not criminalize hate speech and behavior or consider them to be illegal.⁴⁸

Itagaki Ryūta, a historian of Japanese colonialism in Korea, argues that the anti-Korean sentiment or "Korea-phobia," prominent among the Japanese public in recent decades, is a modern version of the colonizers' fear of the colonized. He posits that the chaotic social conditions after the war and the fear of revenge by former colonized people led the Japanese to "over-generalize Koreans as 'vicious criminals'" or as people who "would threaten Japanese social order and security."⁴⁹ Itagaki argues that ultra-nationalists such as the members of Zaitokukai replicate the colonizers' anxiety, transforming it into hatred

toward Chōsen schools, which are highly visible and easy targets.⁵⁰ This phenomenon of prejudice-driven phobia towards Koreans had grave consequences a century ago: Japanese police, military, and citizens attacked and killed thousands of innocent Koreans after the Great Kantō Earthquake in 1923.⁵¹ The Japanese authorities and people blamed each other for the massacre, while both justified the killing of Koreans as part of the patriotic cause of defending the Japanese from “malcontent Koreans.”⁵² Parallel to the groundless rumors accusing Koreans of plotting anti-Japanese riots, arson, and assaults on Japanese women in the confusion after the earthquake, nationalist groups today depict zainichi Koreans as suspicious foreigners who would cause harm and danger to Japanese people and society.

Unlike Zaitokukai’s venting of anti-Korean anger through hate speech and violence, Sukuukai (National Association for the Rescue of Japanese Kidnapped by North Korea) adopted a different approach to urge the government to exclude Chōsen schools from the Tuition Waiver Program. Founded in 1998, Sukuukai has been the leading civil organization advocating a diplomatic solution to the abduction issue. After the abduction of Yokota Megumi became public in 1997, supporters of the families of suspected abductees established Sukuukai, setting up local branches across the nation in sympathy for the victims of abduction. In the same year, Megumi’s father, Yokota Shigeru, established Kazokukai (Association of Families of Victims Kidnapped by North Korea), which soon merged with Sukuukai to launch initiatives to investigate abduction cases.⁵³ By 2015, Sukuukai had branch offices in more than seventy percent of prefectures and had gained the support of a majority of Diet members. While the government has confirmed seventeen abductees, Sukuukai created its own list, which included seven additional abductees and more than a hundred suspected abduction cases, based on unverified information it had obtained

from “many people in North Korea” who sold “confidential data, including detailed information about 2.1 million people in Pyongyang.”⁵⁴ After the Japan-North Korea Summit, North Korea agreed to temporarily return five abductees in 2002. However, further negotiations were suspended because the Koizumi administration refused to “send them back to North Korea” due to pressure from Sukuukai and the rising tide of public sentiment against North Korea. Aiming to “rescue every (Japanese) victim abducted by North Korea,” Sukuukai has engaged in lobbying activities, demanding since 2003 that the government take firm action through strong retaliatory sanctions measure.⁵⁵ According to a survey conducted by Sukuukai in August 2009, about eighty-seven percent of survey respondents among the members of both lower and upper houses considered the abduction issue one of the top priorities of national affairs, and more than two-third of them supported sanctions.⁵⁶ Despite the large number of politicians supporting such a response, however, the families of abductees have been disappointed by the government, which has not made progress in coming to a settlement with the North Korean government.

Sukuukai states that the “rescue” of abductees is their only goal, and it considers itself a “citizens’ movement that will not engage in any other activities.”⁵⁷ However, Sukuukai monitors and criticizes human rights violations committed by the socialist dictatorship in North Korea. The organization responded with severe criticism to the original inclusion of Chōsen schools in the Tuition Waiver Program, and it began to advocate anti-Chōsen school campaigns. Masumoto Teruaki, whose elder sister was abducted, stated during a meeting of the “Association for Considering Chōsen Schools’ Tuition Waiver Program” in 2011 that North Korea would not deal with the abduction issue unless it understands how angry Japan is, and that the exclusion of Chōsen schools from the tuition waiver program should be used to

show Japan's indignation at the North Korea's disregard for the issue.⁵⁸ Therefore, the Japanese government's lack of concrete policies to solve the abduction issue fostered frustration for Sukuukai. This anger was turned on Chōsen schools. Sukuukai expanded the range of its activities by insisting on the exclusion of Chōsen schools from the program, arguing that providing financial support would enfeeble Japan's diplomatic position vis-à-vis the abduction problem.⁵⁹

In highlighting the close connection between the schools, Chongryun, and North Korea, Sukuukai became one of the leading forces, along with Zaitokukai and other nationalist organizations, to claim that ethnic education in the Chōsen schools was an example of "brainwashing education that paralyzed human value," arguing that it "cultivated anti-Japanese sentiment" in its following of guidelines conveyed by North Korea through Chongryun. Teachers in Chōsen schools today reject these accusations and emphasize that they hold their own curriculum committee meetings to frequently review and revise the contents of textbooks and supplementary materials to tailor them to the actual living environment of fourth- and fifth-generation children. As with textbooks elsewhere, Chōsen schools' educational curricula and textbooks are not fixed, but have been revised roughly every decade.⁶⁰ Prior to the early 1990s, the editorial committee consisted of teachers who developed textbooks modeled on North Korean textbooks, and there were subjects that promoted ideological and loyalty education centered on Kim Il Sung.⁶¹ Integration of these contents in the textbooks was natural for zainichi Koreans during the early repatriation period when many of them hoped to establish their livelihood in North Korea. However, the curriculum has changed dramatically over the past thirty years as younger generations took on leadership roles in the zainichi community, and as the social and political conditions surrounding the zainichi Koreans evolved. During the major

curricular change in 1993-1995, the academic subjects related to the Kim family were eliminated, while more hours were added for content related to Japanese history and society, and, as Ryang reported in 1997, children were "no longer capable of identifying themselves as 'loyal children' of Kim Il Sung."⁶²

The revision of textbooks in 2003 reflected more input from teachers at Chōsen schools and the faculty of Chōsen University (the only university-level institution among the Chōsen schools), indicating autonomy in developing content apart from Chongryun's Education Department. One notable aspect concerned the similarities in historical perceptions shown in the textbooks used in the Chōsen schools and the history textbooks used in South Korea.⁶³ For instance, both textbooks take up the same historical figures and events related to Korean independence movements and discuss the contributions of both communists and nationalist activities to resist Japanese colonialism. Criticism of Japan's colonial policy and military suppression of their independence movements as well as inclusion of Korean people's resistance to the Japanese authorities are also common characteristics.⁶⁴ This content revision reflected the improvement in North-South relations after the first Inter-Korean Summit in 2000, as well as Chongryun's attempt to provide education that could be embraced by all Koreans, regardless of nationality.⁶⁵ While the highest honorific expressions are used to refer to Kim Il Sung and Kim Jung Il in textbooks on Korean history, neither is treated as a "lord" in Chōsen schools or in the zainichi community.

As stated by Chongryun, the 2003 revision aimed to provide "ethnic education for the children of the compatriots with various ideas and beliefs" and contained "wider knowledge of Japan and the world" to "actively respond to international society."⁶⁶ To achieve these educational goals while responding to the Japanese public school curriculum, Chōsen

schools have more learning hours than the total number of class hours set by MEXT for “Article 1 schools.” Also, they have developed the curriculum starting from the elementary school level that accommodates both the subjects for ethnic education, including Korean language, history, and geography, and the subjects for Japanese language and society. In fact, students begin learning Social Studies, dealing with Japanese society and history at Grade 3, just like Japanese elementary students, before learning Korean geography at Grade 5 and Korean history at Grade 6. Moreover, following the MEXT’s revision on its Course of Study in 2003 that implemented “English activities” at public elementary schools, Chōsen schools began offering English conversation classes taught by the native speakers at their elementary schools.⁶⁷ Fieldwork research by Japanese scholars and students who observed and participated in school life and education in Chōsen schools also determined that the schools taught a considerable amount of common knowledge about Japan and the world and emphasized friendship with Japan and the Japanese.⁶⁸

Regarding the abduction issue in particular, MEXT’s review committee, which conducted classroom observations in several Chōsen High schools, paid close attention to teachers’ efforts to encourage students to engage in critical thinking as well as their emphasis on the importance of independent thinking during lectures.⁶⁹ This could be a contrast to “the persistence of traditional classroom culture” in Japanese public schools where “teachers were assumed to be always right, and students were expected to memorize what is taught in class and were not allowed to doubt what is written in textbooks.”⁷⁰ Furthermore, Chōsen schools emphasize community-based learning through volunteer activities and cultural exchange programs with Japanese schools and foreign schools in their regions. These outreach programs reflect the schools’ aim to prepare students to become members of Japanese

society and succeed in the global community. Therefore, contrary to Sukuukai’s charges, formulated with no exposure to the classroom experience in Chōsen schools, the curriculum at Chōsen schools are designed to engage students with Japanese society and expose them to different cultures and values while cultivating their ethnic identity as Koreans who will live, work, and die in Japan, just like millions of regular Japanese.⁷¹

Nevertheless, the appeals by Sukuukai apparently influenced the decisions taken against Chōsen schools at both local and national levels. In alignment with Sukuukai’s arguments, MEXT justified the exclusion of Chōsen schools from the program, claiming that Chongryun and the North Korean government were violating the educational autonomy of Chōsen schools, undermining school operations and curriculum development. It should be noted that regardless of differences in historical perception, the educational materials and contents of history textbooks have never been a matter for discussion during the approval process for European and American-based foreign schools and international schools. Moreover, MEXT approved two miscellaneous schools, Tokyo Korean School and Korea International School, even though they adopted history textbooks approved by the South Korean government that reflect South Korea’s official views on historical and territorial issues that conflict with the official views of the Japanese government.⁷² Despite MEXT’s contradictory standards, the judiciary also supported this narrative, using it as the basis for its decisions, and claiming that reasonable grounds existed for suspecting “improper control” over Chōsen schools by Chongryun and the North Korean government. In the context of the abduction issue, this idea helped lead the Japanese public to imagine that education at Chōsen schools were directly controlled by North Korea and to conclude that financial aid for the schools would be tantamount to Japan supporting North Korea’s

human rights violations. Sukuukai contributed to propagating the equation of ethnic education in Chōsen schools with anti-Japanese education, that the inclusion of Chōsen schools in the Tuition Waiver Program would mean the payment of public funds to the North Korean government.

Responses of Chōsen Schools and Support Organizations

In response to MEXT's revocation of Chōsen schools' eligibility for the program, Chōsen schools in Osaka, Aichi, Tokyo, Hiroshima, and Fukuoka prefectures filed lawsuits against the Ministry and condemned it for discriminatory and politicized treatment based on the diplomatic relationship between Japan and North Korea. Citizens groups in support of Chōsen schools also formed in these areas. While the arguments for not subsidizing Chōsen schools and excluding them from the program stressed political and diplomatic reactions to the handling of the abduction issue by the North Korean government, the groups supporting Chōsen schools advocated the separation of the Japanese politics from education and focused on the benefits of the development of ethnic identity and self-assurance in zainichi children at Chōsen schools. In addition to the students, teachers, parents, and graduates of Chōsen schools, who have engaged in efforts to fight the MEXT's decision, support organizations have emerged across the five regions where the lawsuits were filed. The following section discusses the activities of these organizations in order to analyze their perspectives and contributions in broadening support and advancing the court cases.

One of the most visible and consistent demonstrations of support for the Chōsen schools is Friday Action, comprising students from Chōsen University, which began staging demonstrations outside the MEXT building

every Friday. Another, called Tuesday Action, is a street action event held in front of the Osaka Prefectural Government building which began in response to the Osaka government's decision to cease subsidies to Chōsen schools in March 2012. Organized by the Chōsen School Tuition Exemption Liaison Group in Osaka (Mushōka Renrakukai Osaka; hereafter referred to as Renrakukai), Tuesday Action aimed to appeal directly to the officials of the Osaka prefectural government to help them understand the existence of discrimination and consider the importance of ethnic education in Chōsen schools. Inspired by the Wednesday Demonstration in South Korea, a weekly protest event that seeks justice and redress for the comfort women from the Japanese government, supporters gathered in the street every Tuesday following its launch on April 17, 2012, regardless of the weather conditions.⁷³ Although it began with a handful of volunteers, Tuesday Action attracted more participants and regularly maintained approximately sixty to seventy Japanese and zainichi Korean volunteers every week. For the 200th Tuesday Action on June 21, 2016, about three hundred supporters gathered at Osaka Castle Park and marched peacefully to the prefectural government building, chanting the slogans such as: "Don't take away the right to learn" and "Restore the subsidies to Chōsen Schools."⁷⁴ Tuesday Action was held concurrently with the two court cases filed by the Osaka Chōsen school (one for the restoration of subsidies and the other for inclusion in the Tuition Waiver Program).

Nevertheless, human rights activists and supporters of Chōsen schools confronted obstruction, defamation, and apathetic or angry reactions from members of the public, as well as from some staff and officials of the Osaka prefectural government. "When we started (Tuesday Action), a group of people holding the national flag came to obstruct our activity with violent and offensive language," said Ōmura Kazuko, a co-representative of Renrakukai who

founded a local citizens' group, the Association to Support Jōhoku Hyakko (Jōhoku Hakkyo o Sasaerukai) in October 2009 to support Jōhoku Chōsen Elementary School in Osaka. While she and other volunteers were delivering messages to passers-by in the street, hecklers chanted "discriminatory remarks (against students and Chōsen schools) that were obviously false" and "slandered" the peaceful demonstrations.⁷⁵ Besides the hate group's actions to obstruct the support organizations' activities, Ōmura also recognized that the authority's decisions concerning Chōsen schools and their treatment have been nurturing public discrimination against Chōsen schools.

To combat the spread of misinformation and prejudice toward Chōsen schools, Sasaerukai organized various events to develop connections between schools and neighborhood communities. For instance, Sasaerukai organized Japanese volunteers to make school lunch meals once a semester for Chōsen school students to facilitate direct interaction between local residents and school children. It also circulated newsletters within the community that included details about student life and school events, as well as comments by parents. Such grassroots efforts to establish human-to-human connections between students at Chōsen schools and their Japanese neighbors contributed to the development of a more accurate image of the schools and better public understanding of the situation faced by zainichi Korean children. As a result, the number of Japanese members has gradually increased to more than 220 during the years of community outreach. Besides activities at Chōsen schools, Tuesday Action, and Friday Action, Sasaerukai has coordinated community discussions to raise awareness against discrimination and campaigns to collect signatures to petition MEXT, and the Osaka prefectural and city governments. Ōmura explained that "most (Japanese) members of Sasaerukai had no previous connections to Chōsen schools," but once they were informed of the real situation

and/or visited such schools for the first time to witness actual student life and see the lively smiles of children, most of them stood up for the schools in order to protect the students' right to education, particularly ethnic education.⁷⁶

On the other hand, parents and supporters have been concerned about the negative effects on students exposed to racism and discrimination, as a large number of students from Chōsen schools have volunteered at Tuesday Action, Friday Action, and other advocacy events while managing their study schedules and participation in club activities. For instance, some Japanese who took leaflets from the students, who bowed deeply as they handed them out, crumpled them up in front of the students' eyes. In Hiroshima, Japanese mocked the students conducting street activities, saying, "Ask your 'mighty general' (shōgun-sama, implying Kim Jong Un), if you want money!" "Why do we (Japanese) have to waste our tax money on you folks!"⁷⁷ When discussing the hostile attitude of certain members of the Japanese public, such examples are just the tip of the iceberg. Such behavior hurt the students' feelings as they attempted to draw attention to their difficult situation by having the courage to publically call for an end to discrimination. Ōmura warned about the danger posed by Japanese people's neglect of the situation faced by ethnic minorities, arguing that politicizing the right to education further nurtured hatred among regular Japanese toward zainichi Koreans. In case of Tuesday Action in Osaka, some members of the prefectural government, including the then governor of Osaka, Matsui Ichirō, expressed an unsympathetic attitude toward the activists. According to Renrakukai, when an activist approached Matsui to pass out a leaflet during the 177th Tuesday Action on January 5, 2016 and asked him if her (Korean) child has the right to (ethnic) education, Matsui blatantly responded, "No!" and walked away. The Osaka prefectural government refused to

acknowledge the incident based on “lack of evidence,” when Renrakukai submitted a protest against the governor.⁷⁸ Renrakukai reported another incident in 2017 that an Osaka prefectural government staff struck the leaflet from an activist’s hand and yelled at her, “Are you still doing this!? (Stop talking about) discrimination anymore!” The Osaka prefectural government again denied the incident, arguing “the existence of the relevant staff could not be confirmed” at the prefectural office.⁷⁹

Despite negative responses from the general public and some government officials, Tuesday Action and Friday Action have continued appealing for the resumption of the prefectural subsidy and applying the Tuition Waiver Program to Chōsen High Schools for nine years. Consistent and solid civil activities contributed to spreading public awareness in local level and helped the Osaka Korean high school achieve an initial victory for the Tuition Waiver Program case at the Osaka District Court in July 2017. However, major newspapers rarely covered this activism. Even though incidents like the hostile attitude of the governor and a staff member exposed the authority’s inconsiderate attitude toward the activists’ plea for ethnic education, the limited media coverage of these civil organizations indicates the Japanese public’s overall disregard for the situations of students at Chōsen schools.

Apart from a desire to foster a sense of ethnic identity among their students, a strong devotion to protecting students from social and political injustice has also been part of the core philosophy of Chōsen schools. As previously discussed, Chōsen schools were founded in order to help zainichi Koreans reestablish their identity by regaining their language and nurturing their ethnic identity by understanding their roots. Im Jinhyeok, one of the lawyers in the Osaka court case and a graduate of Osaka Chōsen High School,

explained that students and teachers commonly refer to their schools with affection using the term *uri hakkyo*, meaning “our school,” a reflection of the schools’ historical background and their strong bond to the community. Im explained that the schools were sanctuaries for the majority of students and graduates, where people of the same ethnic background could develop a sense of community, share their struggles, and “grow together through mutual help.”⁸⁰ “Our predecessors entrusted our schools with paving the way to a brighter future for children who would be constantly exposed to discrimination and prejudice,” said Im.⁸¹ He also expressed appreciation for his school and members of the community for giving him the opportunity to “develop the self-awareness to live as a zainichi Korean and take pride in” being who he is.⁸² Hyeon Yeongso, a former chief director of Osaka Chōsen Schools who was a plaintiff on behalf of the school in two litigation cases, emphasized that students were innocent of all the accusations of opposition groups, and argued that the government and the schools themselves needed to protect them from heartless and discriminatory remarks. “This is (a continuation of) the fight between the Chōsen schools and the government... the students do not bear the sin and have committed no faults. We cannot allow them to feel guilty. We cannot let the students suffer the hardship of preparing statements and performing as examination witnesses under pressure,” said Hyeon, who has served in Chōsen schools as an educator and administrator for over forty years.⁸³ While many current and former students were eager to fight for their rights, volunteering to take the witness stand in other cases, Hyeon’s statement reflected the feelings of the Chōsen school community and its supporters.

Meanwhile, the financing of school operations has been a consistent problem for Chōsen schools since their establishment. Many Chōsen schools have been unable to renovate school buildings or improve school facilities for a long

time. Without the state support like regular schools, tuition fees are high, and creating an adequate educational environment with small subsidies from local government authorities has been a challenging task. Consequently, schools have relied on donations from parents and compatriots who succeed in business.⁸⁴ The recent suspension of subsidies from local governments had numerous consequences, including the imposition of a greater financial burden on parents, difficulty in repairing deteriorating school buildings, and a decrease in the number of students.⁸⁵ Moreover, exclusion of Chōsen schools from the Tuition Waiver Program has created a huge gap in tuition burdens on households sending students to Chōsen schools. According to the report submitted to MEXT in 2011, the average annual tuition of all ten Chōsen high schools is approximately 320,000 yen, ranging from 204,000 yen at Hokkaido and Ibaraki Chōsen schools to 444,000 yen at Osaka Korean high school.⁸⁶ This average costs is more than twice that of public high schools, which is about 117,000 yen, and about the same as private high schools.⁸⁷ MEXT's tuition waiver program would cover all or partial tuition depending on the households' annual income, while each local government provides its own tuition reduction subsidy program that would help families pay educational expenses besides tuition. Subsequently, the parents/guardians of high school students have access to financial supports to cover basic school related educational expenses for their children since 2010, except those who send their children to a Chōsen high school. As a result, exclusion of Chōsen schools from the Tuition Waiver Program has caused an enrollment decline, because of financial difficulties for families.⁸⁸

Despite financial burden and criticism on the Chongryun's relationship with North Korea, the parents who sent their children to Chōsen schools believed that learning about their ethnic identity, learning their language, and engaging with the community were essential in

preparing each of their children to "live strong as a Korean without feeling ashamed of themselves."⁸⁹ Parent groups, and particularly mothers, have played an important role in supporting the school financially, ensuring that children grow up in good health and have the opportunity to learn in a safe environment through such activities as those organized by omonikai (mothers' associations). For instance, the omonikai at Osaka Chōsen High School collects annual fees to cover various expenses, such as purchasing essential equipment for the school, inviting guest speakers, and providing students the opportunity to enjoy live theater performances. As no government subsidies were provided to Chōsen schools, financial contributions by each omonikai provide crucial additional support for each school's operations.

According to Shin Yeosun, a former vice chair of the omonikai at Osaka Chōsen High School, each region's omonikai collaborated with advocacy activities by forming a National Mothers Liaison Group to advocate the human rights of zainichi Koreans in response to the Tuition Waiver Program issue. When news of the exclusion of Chōsen schools from the Tuition Waiver Program reached the parents and schools, the omonikai at Osaka Chōsen High School acted quickly to join Tuesday Action, collect signatures for petitions to the state and local government, and participate in many protest parades.⁹⁰ All supporting civil organizations worked together to carry out national-level events to appeal to the Japanese public, while each organization developed its own activities at the local level. For instance, seven organizations, including zainichi Korean and Japanese groups, held a national meeting at Hibiya Open-Air Concert Hall in Tokyo on March 31, 2013, which was followed by a rally calling for the inclusion of Chōsen schools in the program. More than 7500 people from across the nation attended this peaceful protest, calling for "the right to education for all children."⁹¹ These civil organizations and Chōsen schools also held press conferences,

workshops, and open lectures, and distributed information in the street about Chōsen schools and the discriminatory nature of the current Tuition Waiver Program in order to raise public awareness of the issue.

International Standards and Court Cases

Besides this local and national level activism, the supporting organizations appealed to an international audience by working with human rights treaty bodies under the Office of the United Nations High Commissioner for Human Rights (OHCHR). By 2010, multiple human rights treaty bodies, including the Human Rights Committee (CCPR), the Committee on the Elimination of Racial Discrimination (CERD), and the Committee on the Rights of the Child (CRC), had expressed concerns about the discrimination against Chōsen schools and children of Korean ethnicity in Japan, urging the Japanese government to provide sufficient subsidies and include the schools in the Tuition Waiver Program.⁹² For instance, the CERD committee meeting held in 2010 recognized the abusive nature of the language and behavior used against Chōsen schoolchildren, particularly in the case of hate speech and racist violence perpetrated by members of Zaitokukai in and after December 2009. They recommended to the Japanese government that it establish “relevant constitutional, civil and criminal law provisions” and “address hateful and racist manifestations by, inter alia, stepping up efforts to investigate them and punish those involved.”⁹³ Nevertheless, the government has not considered racism as the central issue of hate speech and abusive actions against zainichi Koreans.⁹⁴

Since 1956, Japan has been a member of the United Nations and accepted its obligations under that organization’s Charter by ratifying human rights treaties requiring member nations to “assume obligations and duties

under international law to respect, to protect and to fulfil human rights.”⁹⁵ In particular, by condemning “colonialism and all practices of segregation and discrimination associated therewith, in whatever form and wherever they exist,” the CERD defined “race, colour, descent, or national or ethnic origin” as objects of “racial discrimination” in its Article 1, articulating in its Convention that member nations must work to “adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations.”⁹⁶ Although Japanese colonialism and the existence of Chōsen schools are deeply intertwined in the history of Japanese and zainichi Koreans, the Japanese government has dismissed the severe criticism and repeated recommendations of human rights treaty bodies, insisting that its measures do not discriminate on the basis of Korean ethnicity. Most importantly, Article 2 of the CRC underlines the rights of the child “without discrimination of any kind,” including in relation to their “national, ethnic or social origin.” Articles 29 and 30 specify and reinforce “the rights of the child of minorities and indigenous origin,” guaranteeing their right to develop their “own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own.”⁹⁷ Based on international human rights standards, it is evident that the Japanese government has violated the principle of children’s right to ethnic education guaranteed by the CRC’s provisions.



Figure 2: The members of omonikai visited the UN in Geneva to lobby at the 2019 CRC meeting in January 2019. Photo courtesy of Mushōka Renrakukai Osaka.

In order to protest against the successive cancelations of local government subsidies and to support the Chōsen schools in their court cases against the government, a group of omonikai members visited the UN in Geneva in 2013, where the Committee on Economic, Social and Cultural Rights (CESCR) was holding its third periodic session on Japan.⁹⁸ Along with other civil social organizations, such as the Japan Federation of Bar Association and Korean International Networks-MongDang Pencil, a South Korea-based civil rights organization that supports ethnic education in Chōsen schools, the omonikai members informed the CESCR’s committee of the violations of the human rights of children in Chōsen schools. In its concluding observations, the 2013 CESCR indicated that the Japanese government had violated the Right to Education in Articles 13 and 14 of its treaty, again urging the government to extend the Tuition Waiver Program to Chōsen high schools.⁹⁹ Moreover, the 2014 CERD recommendation to the Japanese government pointed out that the government needed to “revise its position and allow Chōsen schools to

benefit, as appropriate, from the High School Tuition Support Fund and invite local governments to resume or maintain the provision of subsidies to Chōsen schools.”¹⁰⁰

Meanwhile, district courts began ruling on cases related the Tuition Waiver Program and local government subsidies in 2017. In July of that year, the first court decision was handed down in a case in which 110 students and graduates of Hiroshima’s Chōsen school were plaintiffs. The court ruled against the plaintiffs, arguing that MEXT’s decision to exclude Chōsen schools did “not fall under unreasonable discrimination and could not be said to violate the Constitution.” The judge supported all of the claims made by MEXT, including the concerns about the influence of the North Korean government and Chongryun on the school’s operations and MEXT’s assumption about the potential misuse of program funds.¹⁰¹

In stark contrast, the Osaka District Court ruled in favor of the plaintiff in its ruling on July 28, 2017. It claimed that Shimomura’s action in removing provision (c) based on the assumption that the inclusion of Chōsen schools in the program would hinder attempts to resolve the abduction issue with North Korea, as well as the enactment of the revised ordinance to justify the exclusion of Chōsen schools were “irrelevant” in the context of “equal educational opportunity,” as the judgements had been made based on political and diplomatic intentions. The Osaka ruling clearly stated that the removal of the prescription deviated from the scope of the ordinance; therefore, it was “unconstitutional and invalid.”¹⁰² The Chōsen schools’ victory at Osaka District Court has historical significance, because the judiciary recognized the historical context of the existence of Chōsen schools and denounced discriminatory government practices in relation to the ethnic education of children of Korean ethnicity.¹⁰³ The ruling established the responsibility of the state to

guarantee equality and the right of zainichi Koreans to develop their identity by learning their language, as well as by learning about their culture and history.



Figure 3: The plaintiff and supporters of Chōsen schools in the Osaka case marching to enter the Osaka High Court on September 27, 2018. Photo courtesy of Mushōka Renrakukai Osaka.

Nevertheless, all of the judges in subsequent court cases did not rule in favor of Chōsen schools. The Tokyo District Court ruled against a group of plaintiffs consisting of sixty-two students from Tokyo Chōsen High School in September 2017. Subsequently, in April 2018, the Nagoya District Court ruled against ten students and graduates of Aichi Chōsen School, while the Fukuoka District Court ruled against sixty-seven students and graduates of Kyūshū Chōsen School in March 2019. The illegality of the removal of provision (c) by MEXT was one of the main points of dispute in all of these court cases. The defense counsels proved that the removal of provision (c) contradicted the main purpose of the Tuition Waiver Program, which aimed to provide equal opportunities for all children to pursue high school-level education. The defense counsel also criticized the lack of objectivity in the evidence presented

by MEXT – newspaper reports, information provided by the Public Security Intelligence Agency, and petitions from civil organizations, including Sukuukai – all of which denounced Chōsen schools as places of ideological education for the nurturing of “human resources that can contribute to North Korea and Chongryun.”¹⁰⁴ The defense counsel refuted the government’s argument concerning the possible “improper control” of the schools’ operations, finances, and personnel by North Korea and Chongryun, stating that this argument was invalid, because Chōsen schools had met all of the inspection criteria based on the program’s ministerial ordinance.¹⁰⁵ Moreover, they highlighted the illegality of the process that brought about the cessation of the review committee, whose discussions had favored the inclusion of Chōsen schools in the program. They argued that the fact that the decision to exclude Chōsen schools had been made without allowing the review committee the opportunity to submit a final recommendation indicated serious flaws in the legal process. The rulings stubbornly rejected the plaintiffs’ arguments by repeating the government’s claims that the relationship between Chōsen schools and North Korea and Chongryun could be considered improper control by North Korea, without considering the historical context of their relationship and the government’s discrimination against zainichi Koreans.¹⁰⁶



Figure 4: Members of the defense counsel in the Osaka case protest “Unjust Decision,” in front of the Osaka High Court on September 27, 2018. Photo courtesy of Mushōka Renrakukai Osaka.

Convinced that they had no place in Japan to appeal these rulings, the support groups continued to raise awareness of the issue internationally. While the court decisions were handed down one after the other, the 2018 CERD’s concluding observation in Japan revealed the discriminatory nature of the measures taken by the government in relation to the Tuition Waiver Program and urged the government to “ensure that students at Chōsen schools have equal educational opportunities, without discrimination.”¹⁰⁷ Moreover, omonikai representatives visited the UN again in Geneva to lobby the 2019 CRC meeting, where they presented reference materials, data, and visual resources to inform the committee about historical and current discrimination and disadvantages suffered by Chōsen schools and zainichi Korean children. Their efforts succeeded in attracting the keen interest of the committee, which concluded that the Japanese government needed to make fundamental changes regarding this issue.¹⁰⁸ The 2019 CRC report repeatedly recommended that the government “review the standards to facilitate the extension of the tuition waiver programme

to Chōsen schools.”¹⁰⁹ The Japanese judicial decisions, however, went in the opposite direction. By July 27, 2021, a series of appeals by Chōsen schools and advocacy groups to the Supreme Court had been rejected. These Supreme Court’s decisions to dismiss Chōsen schools’ final appeals deprived zainichi Koreans of the means to fight and correct national level discrimination against their ethnic education through the judicial system.

Conclusion

The exclusion of Chōsen school from the Tuition Waiver Program exposed Japan’s obdurate attitude toward recognizing the historical trajectory behind the existence of Chōsen schools in Japan as well as the ongoing discrimination against zainichi Koreans. Consistently displaying reluctance to acknowledge the actual nature of the education offered by the schools, and despite repeated criticism by UN human rights organizations, Japanese courts have consistently failed to recognize the exclusion of Chōsen schools as an example of discrimination against an ethnic group which limits that group’s access to education. As a result, the Japanese government has conveniently exploited diplomatic tensions with North Korea, particularly with respect to the abduction issue, using them as a pretext for excluding Chōsen schools from its Tuition Waiver Program to satisfy a desire among the general public to punish North Korea.

The “solution” which the Japanese government offered to Chōsen schools was to choose between receiving formal recognition from the North Korean government after Japan had established a formal diplomatic relationship with the nation or becoming an “Article 1 school.” The former option is unlikely in the near future, as Japan has declared that there will be “no normalization of relations between Japan and North Korea” without the resolution

of the abduction issue,¹¹⁰ while the latter would require the abandonment of language and ethnic education through curriculum-related and institutional reforms. In other words, they would have to abandon the core concept of the schools. Such rhetoric is the manifestation of Japan's colonizer mentality, which demands that zainichi Koreans choose between undesirable alternatives: either exclusion or assimilation. The fact that MEXT approved other miscellaneous schools without reviewing their educational curricula, as it did in the case of the Chōsen schools, demonstrates a double standard in evaluating eligibility for inclusion in the program. It could be said that the government excluded Chōsen schools as a sanction and as a substitute for a solution after failing to negotiate a real solution with North Korea in relation to the abduction issue. Simultaneously, rhetoric used by the government and civil organizations demonizing zainichi Koreans generated furthered prejudice-driven Korea-phobia among the Japanese. Subsequently, the government utilized the public's ambiguous suspicion of zainichi Koreans to pin responsibility for the unresolved abduction problem on the children studying at Chōsen schools.

The exclusion of Chōsen high schools triggered an alarming chain reaction spreading the discriminatory policies against Chōsen schools. With the exclusion from subsequent financial support programs for preschools and universities in the following years, the government eliminated opportunities for Chōsen school students to receive financial support at all levels of education.

While the legal and institutional framework significantly disadvantaged zainichi Koreans even after colonial rule ended, the Japanese public also normalized ethnic discrimination by passively accepting the hateful rhetoric of Zaitokukai, remaining largely silent and apathetic. Right-wing civil organizations have developed an ultra-nationalistic narrative that

rejects the historical context of Chōsen schools and lacks sympathy concerning the systematic discrimination faced by zainichi Koreans in their daily lives. Moreover, although Sukuukai started as an organization advocating the return of Japanese abductees, it contributed to the promotion of a hasty generalization connecting human rights violations in North Korea with the education in Chōsen schools. By determining that their ethnic education was intended as ideological and individual worship to produce anti-Japanese elements, Sukuukai's argument ironically matches the rhetoric of Zaitokukai, which disregarded the human rights of zainichi Koreans. While civil activities to support Chōsen schools increased some Japanese and international awareness of the dire situation of ethnic education in Chōsen schools, discriminatory views about zainichi Koreans in Japanese society have not changed fundamentally since the colonization period. The exclusion of Chōsen schools from the Tuition Waiver Program demonstrates the resurgence of ethnic discrimination against zainichi Koreans and has allowed the propagation of hateful rhetoric and the social acceptance of racism.

Related articles in APJF:

[“Exodus to North Korea Revisited: Japan, North Korea, and the ICRC in the “Repatriation” of Ethnic Koreans from Japan”](#) by Tessa Morris-Suzuki

[“The Rise and Fall of Chongryun - From Chōsenjin to Zainichi and beyond”](#) by Sonia Ryang

[“The Denationalized Have No Class: The Banishment of Japan's Korean Minority - A POLEMIC”](#) by Sonia Ryang

[“The Cold War Explodes in Kobe—The 1948](#)

[Korean Ethnic School “Riots” and US Occupation Authorities](#)” by Mark E. Caprio

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Notes

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¹¹ Chanyu Ko, *Ai Tachi no Hakkyo* (Life Eizo Work, 2019).

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²⁰ Nakayama, *Zainichi Chōsenjin Kyōiku Kankei Shiryōshū*, 52-54.

²¹ Ryuta Itagaki, “A Proposal for the Trial on Hate Speeches to a Korean School in Japan,” *Hyōron Shakaikagaku* 105 (2013): 167-68; Ryang, *North Koreans in Japan: Language, Ideology, and Identity*, 24-25. Note that one of the miscellaneous status schools, Kyoto Chōsen Junior High School, eventually obtained “Article 1 school” status in 2003 due to the severe financial difficulties and changed its name to Kyoto International Junior and Senior High School in 2004. See Il Park, “Gaikokujin Gakkō to Tabunka Kyōsei: Kankoku-Chōsen Gakkō o Chūshin ni,” *Journal of Economics* 112, no. 1 (2011): 72-73.

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¹⁰⁰ Committee on the Elimination of Racial Discrimination, *Concluding Observations on the Combined 7th to 9th Periodic Reports of Japan*, CERD/C/JPN/CO/7-9, 2014, para 19.

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