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IMPLEMENTATION OF THE INTERNATIONAL COVENANT OF  
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution 1988 (LX)  
by States Parties to the Covenant, concerning rights covered by  
articles 13 to 15

JAPAN

[29 September 1981]

I. ARTICLE 13. RIGHT TO EDUCATION

A. Primary, secondary and higher education

1. Japan's school education system will be outlined before specific reference is made to matters relating to the right to education.
2. The School Education Law enacted in 1947 laid the foundation for Japan's post-war school education system by establishing a new system with a six-three-three-four-year division. This system gave the nation nine years of compulsory education, in which, after finishing the six-year course of elementary school, all are required to go on to the three-year course of lower secondary school.
3. The post-war upper secondary school system was started in 1948, with three different courses (full-time, part-time, and correspondence). The aims of the educational reforms involved were to reduce differences in standards existing between schools and in the educational levels of different regions seen in the pre-war middle school system and to give equal educational opportunity to both sexes and to those seeking to continue their education while working.
4. In 1949 universities began operating under a new system. Junior colleges were established provisionally in 1950, and the revision of the relevant law in 1964 made the junior college a permanent part of the nation's school education system.

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17. In order to provide full equal opportunity in education, every effort must be made to provide equal educational conditions everywhere in Japan. For this purpose, detailed standards regarding facilities, equipment, size of classes, numbers and qualifications of teaching personnel etc., are laid down for each stage of school education by laws and ordinances, and various subsidies are provided by the Government for improvement of these standards. As already mentioned, in order to maintain the national education standards, the aims of each stage of school education are laid down in the School Education Law and standard curricula for primary schools and lower and upper secondary schools are prepared by the State (by Enforcement Regulations for the School Education Law and the Courses of Study). Under the School Education Law, all textbooks used in primary schools and lower and upper secondary schools must be approved by the Minister of Education.

18. The Educational Personnel Qualifications Law has the effect of maintaining and improving the quality of teachers, and the State helps to pay the salaries of the teachers of compulsory education public schools. Similar measures are taken to maintain and improve the standards of kindergartens, for preschoolers aged from three to six, and at present 64.4 per cent of the children in this age group receive kindergarten schooling.

19. Under the School Education Law, those who have graduated from upper secondary schools or who have completed 12 years of school education in a regular course, or those recognized, in accordance with the criteria laid down by the competent authorities, to be equivalent or higher in academic achievement, are qualified to enter institutions of higher education, without discrimination of any kind as to sex, race or nationality. In addition, opportunities to receive education exist outside educational institutions, since extension lectures are provided periodically by universities and colleges.

20. For the able with financial difficulties who wish to receive higher education, the Japan Scholarship Society awards grants in accordance with the provisions of the Japan Scholarship Foundation Law. (The Japan Scholarship Foundation also assists students of upper secondary schools and technical colleges.) These grants are also available to foreign nationals who are permanent residents. Local governments and non-governmental organizations etc., also engage in scholarship (grant) activities.

21. In addition to such grants for individual students, the State's financial aid to private universities and other private schools has been increased every year, which both helps them to improve their standards and enables them to avoid raising their tuition fees. Both public and private universities and colleges reduce their fees, or waive them entirely, when a student's financial situation etc., justifies this. National universities, for example, waive the fees when students with good academic achievement become unable to pay their school fees because of financial difficulties. This is also the same for students of foreign nationality.

22. As in the case of upper secondary education, higher education in Japan is not free, for the reasons stated in paragraph 16 above, though various measures are taken to give all equal opportunity to receive higher education.

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## B. Fundamental education

23. No special measures are needed in this area, as all except the very few invalids who are unable to go to ordinary schools receive fundamental education. When those who have not completed the regular course wish to enter a school of a higher level, on recovery from illness etc., the opportunity is guaranteed to them by the existence of an academic achievement recognition system consisting of tests for which it is easy to apply.

## C. Improvement of the school system

24. Since the development of the system has already been outlined, only major developments relevant to the Covenant will be mentioned here.

### 1. Improvement of elementary and secondary education

25. As an improvement of the over-all system, the establishment of a complete system of schools for the handicapped in 1979 achieved the aim of compulsory education for invlaid, mentally retarded and physically handicapped children of school age. As a result, the number of handicapped children in school increased to 80,847, as compared with 71,774 in the year 1970, and those exempted from the obligation to receive compulsory education decreased to 3,384 from the 9,872 of 1970.

26. With regard to financial measures, the Special Education Expansion Plan was started in 1972, when schooling for the handicapped was made compulsory. In 1976 the National Aid System was established to promote the foundation and expansion of public and private upper secondary schools and the establishment and expansion of primary and lower secondary educational schools were promoted. Also, in 1970 the 10-year plan for facilities and equipment improvement was started, with an estimated total expenditure of 460 billion yen at the end of the former 10-year plan, coinciding with the revision of the courses of study for primary and lower secondary education.

27. The standards regarding class size and pupil/teacher ratio in compulsory education schools have been improved through four 5-year improvement plans since 1959, and another 12-year improvement plan started in 1980 with the aim of improving educational conditions, for instance, by reducing the present standard class size of 45 pupils to 40 and improving the geographical (and other) distribution of teaching personnel.

28. The following statistics give an idea of the improvement attained: the percentage for enrolment in compulsory education (elementary and lower secondary education) was 99.98 per cent in 1980 (compared with 99.91 per cent in 1975); the percentage of those receiving upper secondary education was 94.2 per cent in 1980 (91.9 per cent in 1975); and 64.4 per cent of those entering primary school in 1980 had finished kindergarten courses (63.5 per cent in 1975) as a result of the progress of the Kindergarten Education Promotion Plan, which started in 1964.

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formal schooling institutions are carried on energetically under the Social Education Law, which is complemented by the Library Law and the Museum Law.

41. Specifically, the following measures are implemented for the spread and promotion of cultural and artistic activities:

(a) Measures to encourage artistic creation:

(i) Organizing of study programmes for artists:

- a. Study abroad programmes for artists;
- b. Study at home programmes for artists;
- c. Establishment of awards for new artists;
- d. Purchase of works of new artists;

(ii) Awards and honours for those in the arts etc.:

- a. Order of Culture Award;
- b. Establishment of system of awards for distinguished cultural services;
- c. Founding of the Japan Academy;

(iii) Encouraging and aiding artistic and cultural activities:

- a. Holding of cultural festivals;
- b. Aiding private activities relating to the arts;
- c. Encouraging production of good films;

(b) Measures to promote culture:

(i) Provision of opportunities for art appreciation:

- a. Children's art theatre;
- b. Art theatre for youth;
- c. Travelling art festivals;
- d. Holding of art exhibitions;

(ii) Increasing opportunities for participation in artistic and cultural activities:

- a. Aiding artistic and cultural projects organized by public bodies;

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- b. Sending leading members of the world of the arts and culture to the different parts of Japan and abroad for cultural and artistic activities;
- c. Organizing of study courses for the staff of local cultural organizations;

(c) Measures relating to cultural institutions:

(i) Establishment of national cultural institutions and the operation and maintenance of them:

- a. Art museums;
- b. Museums;
- c. National theatres; 1/

(ii) Improvement of public cultural institutions:

Aiding the establishment and expansion of culture halls established and run by local governments.

42. With regard to the preservation of the nation's cultural heritage, the following measures are being implemented. Under the Law for the Protection of Cultural Properties, material and non-material cultural properties, folk cultural properties, historic remains and monuments, and traditional structures are protected and preserved, and training in the skills needed to preserve these properties is given. Important properties of cultural value are designated, in accordance with the nature of each property, as "national treasures", "important cultural properties", "important non-material cultural properties", "places of historical interest", "national treasures", "important traditional structure districts", or "preservation skills".

43. For the preservation and enjoyment of these important treasures of the people, appropriate measures are taken to maintain and operate them, and to protect them from disasters; to preserve historic monuments by promoting their inclusion in the list of national and local public properties, to excavate and investigate buried cultural properties, to promote the handing on of traditional arts, and to establish and expand folklore museums. With regard to the promotion of social education, the State aids the establishment and operation of social education activities organized by local government or private (non-governmental) bodies, including the building of social education institutions and the purchase and installation of equipment. National government assistance for the building of local community halls and libraries has been given since 1951 and assistance for the building of museums, since 1952. As for the total number of these institutions

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1/ Establishment of another national theatre is planned.

in 1978, community halls numbered 16,452 (16,427 of them were public), libraries 1,200 (1,166 public) and museums 493 (28 national (including museums belonging to national universities), 222 public).

44. Specialized education in the field of the arts is provided in various ways. In addition to specialist technical education and training provided in art and music colleges, faculties of music and art have been instituted at universities, colleges and junior colleges, and training courses in the arts are frequently and periodically organized by the various public bodies. The number of students in the departments of art and music at universities amounted to approximately 43,000 in 1978, and the number of art and music faculties was 35. In 1978 the number of art, music and related courses offered in junior colleges was 75, with about 20,000 students studying in these courses.

#### B. Protection of personal and property rights of authors

45. In Japan, the Copyrights Law and other laws protect authors' rights to both their personal and property interest in their work and their personal rights. Through its membership in the Berne Convention for the Protection of Literary and Artistic Works of 1886 and the Universal Copyright Convention (1952, revised in 1971). Japan is obligated to protect not only the writings of Japanese authors but also the writings of foreign authors which are protected by these Conventions. Japan's current Copyright Law, which has been in force since 1971, conforms fully to the provisions of the Covenant.

46. For the various copyrights and author's personal rights to be fully protected, Japan still needs to disseminate greater knowledge and understanding of these rights among the people in general. The Government is endeavouring to spread such knowledge and understanding among teachers, public employees, librarians, and the general public by annually organizing training and study courses and circulating and preparing materials for an enhanced understanding of these rights.

47. Because it is difficult to protect these rights from abuse nowadays, bodies established to protect these rights are working to protect the interests of the holders of these rights. The Japanese Musical Copyright Society, the Japanese Copyright Protection League and the Japan Broadcasting Dramatists Union are working in their respective fields, under the supervision of the Commissioner for Cultural Affairs.

#### C. Protection of scientific rights and measures to develop and spread science

48. The maximum respect for the independence of the researcher is indispensable if academic research is to be truly fruitful, and articles 21 (Freedom of expression) and 23 (Freedom of learning) of the Constitution guarantee the right to research, publication and teaching.

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49. In Japan the results of academic and scientific research, being published by academic societies and utilized in industry and other areas of practical application, with no laws or regulations to limit their use, are available to the general public.

50. For the promotion of science in Japan, the National Schools Establishment Law (enacted in 1949) constitutes the foundation for the establishment of national universities and research institutes; the Law for the Private School Promotion Subsidy (enacted in 1975) enables the Government to share part of the cost of research in private colleges etc.; the Law concerning National Assistance for Research Equipment Costs at Private Universities (enacted in 1957) also promotes assistance for private universities; and other forms of financial assistance for scientific research are provided under various laws and regulations.

51. Under the Law concerning the Japan Society for the Promotion of Science, the special juridical person known as the Japan Society is working to promote scientific research, to aid researchers, and to promote international co-operation in scientific fields. Based upon the reports of the Science Council, the Government has been establishing and expanding research institutes, facilities and organizations, increasing the funds available for research activities (including research promotion subsidies granted to researchers or groups of researchers working on their own projects for the progress of science), and organizing scientific information systems. The National Science Museum, established in 1877 to spread scientific information, is now at the centre of a system of national museums (59 in 1978) in Japan engaging in the collection of data and materials and in research in natural history, the natural sciences and in the applied fields of these studies. The Government has been sharing the building costs of public museums, including science museums, since 1952.

52. Further, through publication of official reports on science, organization of lectures on science for both the general public and professional researchers and the production of science films, the Government is making efforts to disseminate information on science.

53. In addition to granting subsidies to research bodies and organizations publishing academic and scientific journals etc., financial measures are taken to assist the Japan Academy, which honours and presents awards to scientists for distinguished services to science.

D. Encouragement and development of international contacts and co-operation in the scientific and cultural fields

54. In this field, the Japan Science Promotion Society, established under the Law for Science Promotion enacted in 1967, is working in co-operation with other organizations. With regard to international cultural exchange, the Japanese Government founded the Japan Foundation under the Japan Foundation Law (enacted in 1972). The Ministry of Education and the Agency for Cultural Affairs are

implementing various measures. It is intended that the Japan Foundation will contribute to the welfare of all the world's people and to the world's cultural progress by strengthening international understanding, promoting international friendship and effectively carrying out projects for international cultural exchange.

55. Japan has been actively co-operating in the activities of UNESCO, and enacted the Law concerning UNESCO Activities in 1952 to embody the spirit of the Charter of the United Nations, the Constitution of UNESCO and the International Covenant on Civil and Political Rights.

56. As concrete measures of encouragement, in addition to sending Japanese researchers to conferences of international scientific and other learned societies, with financial support from the Government, about 2,000 Japanese researchers are studying abroad and about 1,500 researchers from abroad are at Japanese universities and research institutes.

57. In the field of culture, the Government is actively involved in sending artists abroad for study, sending persons outstanding in the various cultural areas to international conferences and symposia, inviting many artists and other persons active in the different areas of culture from abroad, and holding art exhibitions and performances.



Annex

LIST OF REFERENCE MATERIAL a/

1. School Education Law (Law No. 26, 31 March 1947, with amendments)
2. Order for Enforcement of School Education Law (Cabinet Order No. 340 of 31 October 1953, with amendments)
3. Enforcement Regulations of School Education Law (Ministry of Education, Science and Culture Ordinance No. 11 of 23 May 1947, with amendments)

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a/ This reference material is available for consultation in the files of the Secretariat in the original language, as received from the Government of Japan.