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SESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON
THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON
ECONOMIC, SOCIAL AND CULTURAL RIGHTS

SUMMARY RECORD OF THE 13th MEETING

Held at Headquarters, New York,
on Thursday, 15 April 1982 at 10.30 p.m.

Chairman: Mr. BURWIN (Libyan Arab Jamahiriya)

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by States parties to the Covenant, concerning rights covered by articles 13 to 15
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consolidated in a single corrigendum, to be issued shortly after the end of the
session.

The meeting was called to order at 10.55 a.m.

CONSIDERATION OF REPORTS SUBMITTED IN ACCORDANCE WITH COUNCIL RESOLUTION 1988 (LX)
BY STATES PARTIES TO THE COVENANT, CONCERNING RIGHTS COVERED BY ARTICLES 13 TO 15
(continued)

Report of Japan (continued) (E/1982/3/Add.7)

1. Mrs. AKAMATSU (Japan), replying to the questions raised by the Libyan representative, said that the Japan Scholarship Foundation provided grants only to Japanese students and to foreign nationals permanently resident in Japan. However, foreigners who were non-residents could apply for government scholarships, of which 1,360 had been awarded in 1980. The purpose of the "University of the Air" was to provide higher education for such categories of the population as labourers, housewives or the aged who were not normally able to attend university by taking advantage of the fact that 97.7 per cent of the population owned television sets. Courses were also given by radio or correspondence, the final qualification being a bachelor's degree. The Law for the Promotion of Education in Isolated Areas, bearing in mind that Japan consisted of more than 3,000 islands and that more than 70 per cent of its land area was mountainous or forested, was intended to improve the provision of education in remote areas by offering teaching staff special inducements to work there, including a salary 25 per cent higher than for teachers in non-remote areas, and by equipping schools with more facilities, such as gymnasiums and music rooms.

2. The representative of the Federal Republic of Germany had inquired about the long-term policy of the Japanese Government in relation to private and public education and vocational training. The general education policy was twofold, namely to increase the number of public institutions of higher learning while at the same time to preserve private education, thus providing a wide range of educational facilities. The basic policy therefore amounted to maintaining a balanced coexistence of private and public education, in conformity with article 13, paragraphs 3 and 4, of the Covenant regarding respect for the liberty of parents to select schools other than those established by the public authorities and the liberty of individuals and bodies to establish and direct educational institutions. The difference in fee structures between public and private educational establishments could be illustrated by a few figures available for 1980: in the former, fees amounted to 180,000 yen per annum, while, in the latter they amounted to 280,000 yen per annum for social science courses and 400,000 yen per annum for natural science courses. Needless to say, the amount of the fees had no direct bearing on educational standards.

3. As far as vocational training was concerned, students either could select technical options in upper secondary schools or alternatively could gain admission to technical colleges directly from lower secondary schools. The vocational courses most commonly offered in upper secondary schools related to farming, industry, commerce, fisheries, home-making and nursing, although it should be noted that technical options were available under the basic curriculum in upper secondary schools. Technical colleges on the other hand were highly specialized institutions

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created to provide the most sophisticated training education available in theoretical and applied science. To gain admission to technical college, students must have completed their lower secondary education. Vocational training in general was fully integrated in the educational system, under which opportunities were provided for students to receive training in factories. Vocational courses also tended to reflect general industrial trends. For instance, expansion in the computer industry had immediately resulted in courses on computer technology being offered.

4. Mr. FUJI (Japan), referring to the points raised by the representative of France, said that his Government planned to increase the number of schools and educational facilities for the disabled, which were almost all public and therefore not fee-paying. In 1980, there had been 677 schools for the disabled, 73 schools for the blind and 110 schools for the deaf. As to the long-term policy on the progressive introduction of free education, his Government's position regarding upper secondary and higher education had not changed since Japan had entered its reservation to the effect that it would not be bound by article 13, paragraphs 2 (b) and (c), of the Covenant. In 1978, the average fees payable by students, including tuition fees and other expenses, amounted to 900,000 yen per annum in public universities and 1,250,000 yen per annum in private universities. Each year, a total of 200,000 students were awarded scholarships of 25,000 yen per month in upper secondary education and 39,000 yen per month in higher education. The granting of scholarships was not automatic, although all students of insufficient means were entitled to apply.

5. Mr. AKAO (Japan) said, in answer to two questions put by the Libyan representative, that although he did not have the exact figures, an estimated 50 per cent of the 1,500 foreign research workers at Japanese universities and research institutes came from developing countries. Japan's experience of international co-operation and exchange of information in the field of education for the disabled was too recent for the figures to be anything but modest: in 1981, the number of trainees from the developing countries invited to attend training courses had been 16 for a course on mental retardation, 10 for a course for public administration officers in charge of the disabled, and 10 for a course for prosthetic and orthoptic technicians. However, Japan had stepped up its international co-operation activities in that field since 1980, and moreover intended to expand its programme for dispatching experts and volunteers to work on disability programmes in the developing countries.

6. On the subject raised by the Byelorussian representative, namely compatibility between the principle of equal educational opportunity guaranteed by the Constitution and the practice of charging fees for education above a certain level, his Government considered that the best way of ensuring equal opportunities for all was to expand the existing system of scholarships and fee-exemption for school children and students of inadequate means rather than to phase out private education. It was a matter of deliberate policy and was designed to ensure free choice of education. As to the principle underlying private education referred to in paragraph 16 of the report, it could be described in essence as the right of

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private institutions to pursue administrative and educational policies consonant with the beliefs and wishes of their founders. They were entirely independent and autonomous establishments financed from private donations and other sources and were selected by many students, despite the higher fees, simply on the grounds of their specific academic orientations or traditions.

7. Private schools were naturally free to determine their own standards for the size of classes and to provide religious instruction, whereas public schools were bound by the government policy of reducing the size of classes from 45 to 40 and prohibiting religious instruction. However, the textbooks used in both public and private primary and lower secondary schools must be approved by the Ministry of Education. As to the figures of 99.98 and 94.2 per cent given in paragraph 28 of the report, they covered enrolment in primary and secondary education in both public and private schools.

8. In connexion with job opportunities for school leavers and graduates, it should be noted that unemployment was so low in Japan, standing at roughly 2 per cent, as to constitute in Keynesian terms almost full employment. There was also a considerable demand for graduates, who experienced very little difficulty in finding jobs, particularly given the practice whereby companies toured the universities and arranged interviews with prospective employees.

9. To turn to the final question asked by the Byelorussian representative as to the right of everyone to enjoy the benefits of cultural and scientific activity, in addition to the measures detailed in paragraph 41 (b) of the report, all of which were State-subsidized, the Government sponsored annual arts festivals, including a one-and-a-half-month festival of music, traditional Japanese theatre and popular art and films. It also sponsored music festivals, such as the traditional Japanese song festival, and sent performers abroad at government expense as part of cultural exchange programmes. It would also be wrong to assume that academic scientific research benefited only a privileged section of the population as distinct from the public at large, since many industrial applications of scientific research led to the production of manufactured goods for mass consumption, such as television sets, radios, cars and watches.

10. With reference to a point raised by the representative of Mexico, he said that the relationship between industry and vocational training was such as to ensure that educational institutions maintained their academic independence and did not directly serve the interests of firms, although many schools provided students with the opportunity for on-the-spot training in firms as part of the vocational training provided under the basic curriculum. Certain private firms did run their own schools but those were not regarded as educational establishments under the legislation on education. As far as the competitiveness of the Japanese educational system was concerned, it must be stressed that 37 per cent of all school children went on to higher education. That was a very high percentage; indeed, Japan ranked second only to the United States of America in terms of university enrolment. Despite the fact that competition was very stiff for gaining entrance to certain universities with a high reputation, such as those at Tokyo and Kyoto, the system as a whole could not by any means be held to be restrictive.

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11. The question put by the representative of Bulgaria concerning State subsidies to both public and private schools as part of official Government policy would perhaps best be answered in conjunction with the question raised by the representative of the USSR. However the answer to his question about the Japan Scholarship Foundation was that it was a semi-public body whose budget was 100 per cent government-funded. The Government had continued to increase its expenditure on scientific research. In 1980 the Ministry of Education had spent over 40 billion yen on such research and the publication of findings.

12. With reference to the questions raised by the representative of the Soviet Union, he said that the enrolment rate at the upper secondary level, where more schools were private, was almost as high as at the elementary and lower secondary levels, suggesting that there was no direct link between enrolment rates and whether schools were private or public. In accordance with article 13 of the Covenant, it was the Government's policy not to discourage private schools. It should be noted that none of the political parties in Japan, including the socialists and communists, supported the abolition of private institutions. More than 37 per cent of the relevant age group attended university. It would not be fair for such studies to be completely free, since that would require vast government expenditure and a consequent increase in taxation. It seemed only reasonable for those who received the benefits of higher education to share at least part of the cost of providing it. Scholarships were readily available for those in financial need.

13. Mr. SOFINSKY (Union of Soviet Socialist Republics) said that the Japanese representative had not answered all the points with regard to education raised by the Soviet delegation. The report stated, in paragraph 28, that the percentage for enrolment in compulsory education (elementary and lower secondary education) had been 99.98 per cent in 1980. The report further stated, in paragraph 12, that lower secondary education was compulsory and provided free of charge in public schools. Was it thus the case that only foreign students attended private schools in Japan?

14. Mr. AKAO (Japan) said that there was no link between enrolment rates and whether schools were private or public. Approximately 97 per cent of elementary and lower secondary schools and approximately 70 per cent of upper secondary schools were public schools. Although there was a lower percentage of public schools at the upper secondary level, the enrolment rate remained high, at 94.2 per cent.

15. Mr. SOFINSKY (Union of Soviet Socialist Republics) said it seemed that 3 per cent of the pupils in elementary and lower secondary schools were in private institutions. It clearly followed that public schools could not contain 99.98 per cent of the relevant population. The report was in error.

16. Mr. AKAO (Japan) said that there were enough public schools in Japan to accommodate all children in the relevant age group. Some parents, in practice, preferred to send their children to private schools. The figure of 99.98 per cent was a total, referring to the percentage of children enrolled in both private and public schools.

17. The CHAIRMAN said that, if he heard no objections, he would take it that the Working Group had concluded its consideration of the report of Japan.

18. It was so decided.

Report of Australia (E/1982/3/Add.9)

19. At the invitation of the Chairman, Mr. Joseph (Australia) took a place at the Committee table.

20. Mr. JOSEPH (Australia) said that Australia's world role had been rather limited until the Second World War, following which Australia had begun to perceive itself as a separate nation for the first time. The composition of the population had begun to change with immigration from Europe, followed by immigration from Asia. One in three Australians had been born outside the country or was the child of parents born abroad. Recently there had been a surge in cultural activities, which the Government had undertaken strenuous efforts to promote.

21. The establishment of the Australian Human Rights Commission was of note. It represented a profound commitment to the cause of human rights. The Commission would have to solve existing problems and identify emerging areas of concern, using its unique blend of conciliatory machinery, advisory functions and research, educational and promotional capacity.

22. The Australian Government firmly believed that legal guarantees had to be built upon effective administrative structures and appropriate community attitudes. While the law had a vital role to play, the protection of human rights was, in the end, a matter of relationships between people. The Government was aware of the need to develop community attitudes and recognized the potentially significant role of international conventions in shaping such attitudes. Implementation of the Covenant had provided a helpful stimulus to other efforts to ensure that fundamental human rights would be protected.

23. The complex network of agencies established to implement the rights embodied in the Covenant reflected Australia's federal system of Government, the complexity of issues involved and the Government's commitment to human rights.

24. Mr. BOUFFANDEAU (France) said that he had a number of questions. The first two related to the section on the right to choice of school (sect. 13 J (1)). He would like to know, first, if the problems of distance and the dispersal of the population in Australia did in fact allow public education to be made available wherever necessary. Secondly, there was a reference to schools having to meet minimum educational standards and he wondered whether those standards were set at state or at federal level. A second group of questions related to the section on the right to fundamental education (sect. 13 F (2)). The remarks on the special efforts being made for the education of aborigines, referred to past policies, which implied that they had since been replaced by new ones. He would like to have to some idea when the change was made. Elsewhere in the report, in the section on aboriginal education (sect. 13 C (1) (vi)), there was a reference to special

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provisions being made for people of aboriginal and Torres Strait Islander descent and he wondered if further details could be provided. The passage implied that although most aboriginal children attended government schools, others went to aboriginal and independent schools. Could percentages be given to indicate the distribution between the two types of school? A third set of questions referred to the passage on bilingual teaching (sect. 13 J (3)). He had been interested to learn that there were bilingual schools in Australia and wondered if some indication could be given of their number and in what languages they operated. He would also like to know at what level pupils could or had to learn a foreign language, and whether they could learn more than one.

25. Mr. SOFINSKY (Union of Soviet Socialist Republics) said he simply wished to ask if aborigines were taught in their own language or not.

26. Mr. MRATCHKOV (Bulgaria) asked for information on the cost of enrolment and education in private schools. He also wished to know what was the percentage of illiterates among the aboriginal population. Thirdly, there was a section on the provisions made for children from low-income families (sect. 13 C (1) (ii)). He would like to know what the criteria were for determining which were low-income families and how many of Australia's states provided them with assistance.

27. Mr. MARDOVICH (Byelorussian Soviet Socialist Republic) asked for information about any measures being taken to correct the social and economic inequalities suffered by some groups of the people which were mentioned in the section on participation in society (sect. 13 B (4)). Secondly, the report stated that primary education was compulsory and free in government schools in all states and territories (sect. 13 C (1)), but implied elsewhere that primary education was not always free; for example, sections 13 C (2) and (3) implied that primary education was not free for the 20 per cent of children who attended non-government schools. How could those two points be reconciled with one another and with the principle of equal rights to education. Thirdly, he noted that girls were listed among the six major groups which were recognized as being at a relative disadvantage in Australian society and for which efforts were being made to discriminate positively in the provision of educational services. He would like to know what was the reason for the disadvantage; for example, was it a result of the schools being mixed or segregated?

28. Mr. AKAO (Japan) said that his questions referred to the tertiary education assistance mentioned in table 5 of the report. Since tuition was mainly free at university level, he assumed that such assistance was primarily intended to cover subsistence. He wondered if more information could be provided; for example, what percentage of students was covered by such schemes, how much did they each receive, and was the selection of students to receive assistance based on the financial situation of their families, their school records or other criteria?

29. Mr. BORCHARD (Federal Republic of Germany) said that the report admirably highlighted Australia's achievements and its problems. The information on the subjects covered by article 15 of the Covenant was extensive and he particularly