CCIU　Attachment（Document１〜１５）

CCIU report　Tokyo Teachers and Children Whose “Academic Freedom” and "Freedom of Thought and Conscience" Are Violated by Enforcement of the "Hinomaru (National Flag) and Kimigayo (National Anthem)”

DocumentⅠ　Article

　　　　１　　Article 23　　Academic freedom is guaranteed.

　２　　Article 19　　Freedom of thought and conscience shall not be violated.

　　　　３　　Article 21　　Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed.

No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

４　　Article 26　　All people shall have the right to receive an equal education correspondent to their ability, as provided by law.

All people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law.Such compulsory education shall be free.

５　　Article 13 All of the people shall be respected as individuals.Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

　６　Article 14 All of the people are equal under the law and there shall be

no discrimination in political, economic or social relations

because of race, creed, sex, social status or family origin.

Peers and peerage shall not be recognized.

No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

　７　Article 25　　All people shall have the right to maintain the minimum

standards of wholesome and cultured living.

In all spheres of life, the State shall use its endeavors for the promotion and extension of social welfare and security, and of public health.

**Document**Ⅱ

　８　**Article 10. Education Administration（１９４７）**  
Education shall not be subject to improper control, but it shall be directly responsible to the whole citizens.  
  
(2) Education administration shall, on the basis of this realization, aim at the adjustment and establishment of the various conditions required for the pursuit of the aims of education.

* **Provisionary translated by MEXT**

**Document**　Ⅲ

　９　　**National Flag & National Anthem**

Regarding the national flag and national anthem, in August 1999 **the Law Regarding the National Flag and National Anthem** was passed, and the rising sun flag and "**Kimi ga Yo**" respectively became the national flag and anthem.

**National Flag**　　　　**The rising sun flag**

**RATIO and POSITION**

　　　　　　　　　　height : width = 2 : 3

　　　　　　　　　　the rising sun

　　　　　　　　　　at the center of the flags

　　　　　　　　　　diameter : three-fifths of the flags height

**COLORING**

　　　　　　　　　　base : white

　　　　　　　　　　the rising sun : deep red

**National Anthem　　　Title : Kimi ga Yo**

The words of National Anthem are as follows:

**Kimi ga Yo wa**

**Chiyo ni Yachiyo ni**

**Sazare-ishi no**

**Iwao to narite**

**Koke no musu made**

**Document**　Ⅳ

１０　　　10.23 Directive

The directive of October 23rd: This directive, issued by the Education Board of Tokyo

on October the 23rd, 2003, is concerns secondary schools of both general and special

classes. However, children at the latter suffer more, when they happen to be in need of

help because of their sudden change of physical conditions that teachers need to deal with　quickly. There was a case that a student abruptly had difficulties in breathing but did not　receive appropriate first aid, because all his teachers stood still at that moment under the　order to keep standing until the end of the ceremonial chorus of the national anthem.

### TRANSLATION OF "10.23 DIRECTIVE" or "10.23 TSU-TATSU"

The documents below are our private translation of 10.23 Directive, the written directive issued by the Tokyo Board of Education on October 23, 2003 and the guidelines attached to it. They were handed out to all the principals of Tokyo Metropolitan schools, who were summoned to the principals’ meeting on that day.  
  
October 23, 2003  
  
To Principals of Tokyo Metropolitan high schools and  
Principals of Tokyo Metropolitan schools for the handicapped,  
Superintendent of Schools  
Yokoyama Yokichi  
  
With regard to the practice of hoisting the national flag and singing the national anthem at entrance, graduation and other ceremonies (Directive)  
  
Tokyo Board of Education has directed each school to practice entrance and graduation ceremonies appropriately based on the course of study, in order to lead the pupils and the students to have the correct understanding of the national flag and the anthem, and to pay respect to those symbols.  
As a result, hoisting the flag and the singing of the anthem has been practiced at all the Metropolitan schools since the graduation ceremonies of 2001. The actual conditions of the practice have been, however, full of problems. Each school should try to improve and better the practice of the hoisting the flag and singing the anthem.  
Accordingly, we direct each school to practice the hoisting of the flag and singing of the anthem appropriately at entrance, graduation and other ceremonies as follows.

1. To practice entrance, graduation and other ceremonies appropriately based on the course of study.
2. To follow exactly the attached “guideline concerning the hoisting of the national flag and the singing of the national anthem at entrance, graduation and other ceremonies”
3. To make it known to all the teachers and other staffs that if they should fail to obey the orders by the principal, they are to be reprimanded.

The attached is the guideline concerning the hoisting of the national flag and the singing of the national anthem at entrance, graduation and other ceremonies.  
  
1. The Hoisting of the National Flag  
  
The national flag should be treated as follows at entrance, graduation and other ceremonies.

1. The flag should be hoisted in the front, on the wall of the stage.
2. The Metropolitan flag should be hoisted along with the national flag.: the national flag on the left, the Metropolitan flag right.
3. When the national flag is hoisted outside, it should be on the pole, gate or front entrance etc, so that pupils, students, custodians and visitors can acknowledge that it is hoisted.
4. It should be hoisted from the opening time of school till the closing time.

2. The Singing of the National Anthem  
  
The national flag should be treated as follows at entrance, graduation and other ceremonies

1. The phrase “Singing of the national anthem” should be printed in the program of the ceremony.
2. The master of the ceremony should announce, “The singing of the national anthem,” and ask all the attendance to stand up.
3. The teachers and staff should stand facing the national flag and sing the anthem at their seats assigned beforehand.
4. The singing should be accompanied by the piano.

3. Setup of the Ceremony Venue  
  
The ceremony venue should be arranged as follows;

1. When the graduation ceremony is held in the gymnasium, a podium should be placed on the stage, and diplomas should be given to the pupils or students there.
2. When the graduation ceremony is held at other places, a podium should be placed in the front of the place, and diplomas should be given to the pupils or students there.
3. The ceremony venue should be arranged so that the pupils and the students are seated facing the front.
4. The teachers and staff should be dressed appropriately to suit the solemn and purifying atmosphere of the ceremony.

**Document**　Ⅴ

１２　**Final Report of Thirteenth Session of CEART**

<https://www.ilo.org/sector/activities/sectoral-meetings/WCMS_624033/lang--en/index.htm>

　１３　**Final Report of Fourteenth Session of CEART**

<https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_837723.pdf>

１４　**Concluding observations on the seventh periodic report of Japan of CCPR**

[tbinternet.ohchr.org/\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FJPN%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FJPN%2FCO%2F7&Lang=en)

１５　　　38. The Committee notes with concern the reports of restrictions of freedom of thought

and conscience in the State party. It is concerned that as a result of passive, non-disruptive

acts of non-compliance of teachers to stand and face the flag and sing the national anthem at

school ceremonies, some have received punishment of up to six months suspension of duties.

Furthermore, the Committee is concerned of the alleged application of force to compel

students to stand during ceremonies (art. 18).

39. The State party should guarantee the effective exercise of freedom of thought

and conscience and refrain from any action that may restrict it beyond the narrowly

construed restrictions permitted under article 18 of the Covenant. It should bring its

legislation and practices into conformity with article 18 of the Covenant.