

Abstract

In this paper, I compare and contrast laws that concern the foreign children's right to education and ethnic minorities' right to learn their heritage language in the United States and Japan from the view of international human rights law. It has become clear that although the United States is certainly not one of the countries that is actively pushing legislation to protect the rights of foreign and minority children to education, Japan is far behind the United States in its lack of legal provisions for foreign and minority children.

The present Japanese law regarding the foreign children's rights violates international human rights law that Japan has ratified. These human rights conventions include: the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights, and the International Convention of Elimination of All Forms of Racial Discrimination. In order to ensure the right of foreign and minority children to education that is stipulated in these conventions, the Japanese government must reform its educational system to accommodate the needs of foreign and minority students. I also discuss the present movement in Japan for legal reforms to improve foreign and minority children's education, focusing on the roles lawyers play in it.