

JAPAN

NGO Submission to the UN Universal Periodic Review
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The Issue of “Comfort Women”

Introduction

1. Women's Active Museum on War and Peace (WAM) is a non-governmental organization as well as a museum, established in August 2005 with the donations from people in Japan and abroad. WAM focuses on violence against women in war and conflict situation, particularly the issue of Japan's military sexual slavery, or the so-called “comfort women” issue. WAM has been working on exhibitions, education, fact-findings, archives and advocacy in order to prevent recurrence of these atrocities.
2. In this submission, Women's Active Museum on War and Peace (WAM) provides information on the “comfort women” issue under section C as stipulated in the General Guidelines.
3. The “comfort women” system was Japan's military sexual slavery system exercised until the end of World War II. Tens of thousands of women and girls from the Asia-Pacific region were illicitly recruited, often by deception or sometimes by the outright use of force and made to serve as sex slaves to the Japanese military. The origin of the survivors who testified includes ROK, DPRK, China, Taiwan, the Philippines, Malaysia, Indonesia, the Netherlands, East Timor, Burma, Papua New Guinea, and Japan. The locations identified from witnesses or documents include Thailand, Vietnam, Cambodia, Singapore, India, Guam, Palau and other Southern Islands. Japan has yet to discharge its responsibility under international law for the “comfort women” system that the Japanese military exercised.

Follow up to the previous review

4. In its first UPR in 2008, Japan received comments on the “comfort women” issue from five countries in the session, namely ROK, DPRK, France, the Netherlands, and China. Out of these comments, the ROK and DPRK made recommendations as follows:

II. CONCLUSIONS AND/OR RECOMMENDATIONS

60.

(5) Respond sincerely to the recommendations of the United Nations mechanisms (Special Rapporteur on violence against women, the Committee on the Elimination of Discrimination

against Women and the Committee against Torture) on the issue of “comfort women” during the Second World War (Republic of Korea);

(18) Take concrete measures to address, once and for all, the Japanese Military Sexual Slavery and other violations committed in the past in other countries including Korea (Democratic People’s Republic of Korea);

5. However, the government of Japan did not include the “comfort women” issue among the issues to be followed up, and made the following comments:

(a) Subparagraph 5. Japan continues to promote understanding in the international community with regard to sympathy of the Japanese people represented by the Asian Women’s Fund (AWF). Japan also continues to have a dialogue with the treaty bodies on this issue.

6. As such, we submit the information on the “comfort women” issue as an ongoing human rights violation which Japan must address, while we are well aware that NGOs are supposed to focus on the human rights issues that the state under review has showed commitment,

7. The system of Japan’s military sexual slavery was a grave case of violence against women. Rape and other forms of violence against women are continued in conflict situations to this day. As a responsible council member of the UN Human Rights Council, Japan should show its commitment to end violence against women by fully accepting the facts of its military sexual slavery system, resolve the issue and establish such a precedent for the global community.

International community continues to call for justice for the survivors

8. The Asian Women’s Fund, which the Government of Japan keeps referring to as its response to the issue, was not accepted by the survivors. The fund was terminated in March 2007.

9. The treaty bodies has made concluding observations on the “comfort women” that the Japanese government has not fulfilled the obligations under the treaties concerned that Japan ratified. The concluding observations of these treaty bodies clearly recommend remedying the victims in the way they would accept.

10. After the first UPR of Japan, ICCPR and CEDAW also reviewed Japan’s reports, and both had referred to the “comfort women” issue in their concluding observations. The Human Rights Committee in October 2008 (CCPR/C/JPN/CO/5) states that:

22. [...] The State party should accept legal responsibility and apologize unreservedly for the “comfort women” system in a way that is acceptable to the majority of victims and restores their dignity, prosecute perpetrators who are still alive, take immediate and effective legislative and administrative measures to compensate adequately all survivors as a matter of right, educate students and the general public about the issue, and refute and sanction any attempt to defame victims or to deny the events.

11. On August 30, 2011, the constitutional court of ROK gave the decision that it was against the constitution for the ROK government to not take diplomatic measures to try and resolve the “comfort women” issue. Having received this decision, the ROK government in September and November officially requested the Government of Japan as provided in the 1965 Japan-ROK agreement (Art. III-1) to hold bilateral talks with the Japanese government. LEE Myung-bak, the President of ROK

also raised the issue during the summit with Japanese Prime Minister Noda in December. However, the response from the Japanese government was that the issue had already been resolved with the 1965 bilateral treaty between Japan and the Republic of Korea, and has not responded to the talk proposals.

12. On December 14, 2011, the “Wednesday Demonstration” calling for the resolution of the issue of Japan’s military 'comfort women' was held for the 1000th time in Seoul, Korea. For the last 20 years since January 8, 1992, Korean survivors of Japan’s military sexual slavery and their supporters have continued to stand in front of the Japanese Embassy in Seoul every Wednesday at noon calling for the restoration of their honor and dignity. With the two Wednesdays just after the 1995 Great Hanshin Earthquake and the 2011 Great East Japan Earthquake and Tsunami as the only exceptions, the Wednesday Demonstrations have always been carried out no matter the weather.
13. On the day of the 1000th demonstration, a monument praying for peace was placed in front of the Embassy of Japan in the Republic of Korea. In response to the erection of the Peace Monument, the Japanese government has made official requests to the ROK for its removal, claiming that the monument negatively affects the “dignity of diplomatic establishments abroad” and that it is in violation of the Vienna Treaties concerning consulatory relations.

Survivors are dying without remedy

14. Now many victims of this system are passing away due to age, without receiving any remedy. We have received the following information about the numbers of deceased victims from support groups in each country. These figures cover only fractions of the reality because we cannot reach all the victims.
 - ROK: 234 victims were registered; 61 remain alive.
 - People's Republic of China: 34 victims/plaintiffs of the lawsuits; 12 alive
 - The Philippines: 173 registered to Lila Pilipina Inc.; 67 reported to have died.
 - Malaysia: 1 victim came forward. No one alive
 - Indonesia: 1747 victims came forward; about 20% of them remain alive.
 - East Timor: 19 victims came forward; 12 alive
 - Taiwan: 53 victims were registered; 9 alive.
15. Those who still remain are also aging and not so many of them live in good health. Victims are suffering not only from wounds of the wartime physical violence but also psychological damage and pain, economic destitute and socio-cultural prejudice against them till today. PTSD has also continued to give pains to victims.
16. The following factors also increase the sorrow and pain of the women victims and continue to violate their human rights; the State party has yet to apologize to the “comfort women” victims in an acceptable way; neither legislative nor administrative action has been taken to compensate the victims; the term “comfort women” has been expunged from history textbooks used in compulsory education in Japan; the perpetrators of this crime have not been prosecuted; and leading politicians and the media in Japan have continued to deny the facts, and condemn the victims.

Removal of 'comfort women' from textbooks

17. Most victims seek that history be told to the next generations to ensure that the same mistakes will not

be made. However, even though in 1997 through 2001 all the history textbooks in compulsory education included some reference to the 'comfort women' issue, the number of such textbooks decreased in 2002 and 2006, and now in 2012, the term 'comfort women' cannot be found in any compulsory education textbook.

18. As the “comfort women” issue did not appear in textbooks in mandatory education until 1997, most adults have not had a chance to learn about this issue. Thus, it is important to provide other means of educating people about “comfort women”. However, the National Museum of Japanese History makes any reference to the facts about “comfort women”.

Recommendations for action by the state under review

Women's Active Museum on War and Peace (WAM) calls on the government of Japan to:

19. Admit in the UN Human Rights Council that the “comfort women” system was the military sexual slavery system in conflict situations;
20. Apologize unreservedly for the “comfort women” system in a way that is acceptable to the victims and that restores their dignity; and
21. Include meaningful references to the “comfort women” system in history textbooks used in compulsory education.