

JAPAN

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The Issue of “Comfort Women”

Introduction

1. The Women’s Active Museum on War and Peace (WAM) is a non-governmental organization as well as a museum, established in August 2005 with donations from people in Japan and abroad. WAM focuses on violence against women in war and conflict situations, particularly the issue of Japan’s military sexual slavery, or the so-called “comfort women” issue. WAM has been working on exhibitions, education, fact-finding, archives and advocacy in order to prevent recurrence of these atrocities.
2. In this submission, WAM provides information on the issue of Japan’s military sexual slavery, euphemistically called the issue of “comfort women”, as stipulated in the General Guidelines.
3. This report is jointly submitted by the Japanese Committee for Filipino “Comfort Women” (JCFCW), established in March 1993 in order to support the victims/survivors of Japan’s military sexual slavery system in the Philippines and their lawsuits against the Japanese government.
4. The “comfort women” system was Japan’s military sexual slavery system in effect 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 forced to serve as sex slaves to the Japanese military. Survivors who have testified come from many different countries and regions, including the Republic of Korea (ROK), the Democratic People’s Republic of Korea (DPRK), China, Taiwan, the Philippines, Malaysia, Indonesia, the Netherlands, East Timor, Burma, Papua New Guinea and Japan. The locations where “comfort stations” were established, 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.

1, Follow up to the previous review

5. In its second UPR in 2012, Japan received comments again on the “comfort women” issue from 7 countries in the session, namely the Netherlands, ROK, Timor Leste, Belarus, China, Costa Rica and

DPRK. The ROK, China, Costa Rica and DPRK also made recommendations as follows¹:

147.145. Recognize legal responsibility for the issue of the so-called ‘comfort women’ and take appropriate measures acceptable to the victims, as recommended by the relevant international community (Republic of Korea);

147.146. Face up to and reflect on its past and present a responsible interface to the international community by making apologies on the issue of comfort women and giving compensation to its victims (China);

147.147. Acknowledge responsibility for the issue of "comfort women" during World War II, take steps to restore the dignity of the victims, and compensate them adequately (Costa Rica);

147.148. Accept legal responsibility for and address, once and for all, Japanese military sexual slavery and other violations committed in the past in other Asian countries including Korea (Democratic People’s Republic of Korea);

147.158. Ensure that future generations continue to be informed of all aspects of their history, by taking measures such as the introduction of the topic of comfort women in textbooks for school children (the Netherlands);

6. However, the government of Japan did not include the “comfort women” issue among the issues to be followed up and made the following comments:²

147.145. Not accept. The Government of Japan acknowledges that during a certain period in the past, Japan caused tremendous damage and suffering to the people of many countries, particularly to those in Asian nations. The Government of Japan, squarely facing these historical facts, has expressed its feelings of deep remorse and heartfelt apology, and has also expressed feelings of sincere mourning for all World War II victims, both at home and abroad. The Government of Japan is also deeply pained when thinking of the comfort women who experienced immeasurable pain and suffering. The position of the Government of Japan regarding the comfort women issue is that it should not be politicized or be turned into a diplomatic issue. With a view to offering realistic relief to former comfort women who are now advanced in years, the Government of Japan decided in 1995 to address the matter through the Asian Women’s Fund (AWF) established in cooperation between the Japanese people and the Japanese Government. The Government thereafter has continued to extend maximum cooperation to the AWF in implementing medical and welfare support projects and providing atonement money for the former comfort women. The Government of Japan will continue to make maximal efforts and to implement follow-up activities of the AWF. The issue of reparations, property and claims concerning the Second World War has been legally settled with the countries that are parties to the San Francisco Peace Treaty, bilateral treaties, agreements and instruments.

147.146. Not accept. See 147.145.

147.147. Not accept. See 147.145.

147.148. Not accept. See 147.145.

147.158.

(a) Japan’s position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.62).

¹ A/HRC/22/14

² A/HRC/22/14/Add.1

(b) Our official Courses of Study, which sets standards for educational courses, stipulates “to foster an ability and attitude to consider from a multilateral and multifaceted perspective and judge fairly historical events by using of a wide range of materials and express them appropriately.” Each school offers instruction based on this stipulation in order to enable students to consider historical events from various perspectives and judge them fairly rather than to apprehend them from a one-sided perspective.

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

2, Japan-ROK Bilateral “announcement” on the “comfort women” issue

8. On December 28, 2015, the Foreign Ministers of the ROK and Japan appeared on TV for a press conference and announced that the “comfort women” issue was “finally and irreversibly” resolved. However, because the Japanese Imperial Army’s system of sexual slavery was not confined to Korea, but rather spread over large areas of the Asia-Pacific region, the ROK-Japan bilateral “announcement” neither discharges the Japanese government’s responsibility, nor resolves the “comfort women” issue.

No consultation with victims/survivors

9. The “announcement” has major flaws, both in process and contents. The biggest flaw is that the agreed “announcement” was reached with no consultation whatsoever with any of the survivors of the “comfort women” system. (See Appendix A for the survivors’ reactions.)

No document

10. No written documents exist. The so-called “agreement” was simply an “announcement” for the media as well as a reported 15-minute telephone conversation between Prime Minister Abe and President Park. No documents concerning the agreement were presented to the survivors for their approval or signatures. In the absence of documentation, what exactly the two governments agreed on remains unclear. Furthermore, a comparison of English versions of the “announcement” presented by the Japanese and Korean Foreign Ministers reveals differences in wording. (See Appendix B for full texts of the “announcement” as well as the “telephone talk” and their comparison in English.)

Payment

11. The Foreign Minister Kishida made it clear at the press conference that the 1 billion yen payment (\$9.8 million) is not compensation based on legal responsibility for the harm done to the survivors³.

Apology

12. No apology was given directly to the victim/survivors. Prime Minister Abe refused to apologize to the survivors. When the Korean foundation, established by the Korean government as an outcome of the “announcement”, asked him for an apology for the sake of the survivors, he replied by stating “I have no intention whatsoever” of giving them one.⁴
13. Prime Minister Abe has repeatedly been asked to “apologize” aloud and publicly during Japanese Diet sessions; however, he has yet to comply with this request.

³ At the press conference with Japanese reporters pursuant to the “announcement”, December 28, 2015.

⁴ At House of Representatives Budget Committee, October 3, 2016

Denials of the facts

14. The Japanese government has denied that that the “comfort women” system was a system of military sexual slavery, and it has yet to acknowledge that the system was a grave human rights violation. The survivors have therefore found reported “apologies” such as the one included in this “announcement,” unacceptable. This is precisely because the government of Japan has never made clear the specific nature of the acts for which it is offering an “apology”.
15. Both Prime Minister Abe and Foreign Minister Kishida denied the historical facts when they were asked the meaning of the “announcement” in the Diet session in Japan as follows:

Prime Minister Abe: “This agreement does not mean that [we/Japanese Government] have admitted to, for instance, acts that constitute war crimes.” “Reports of sexual slavery or of 200,000 [victims] are not factual; it is a fact, on the other hand, that [the western media/the world] has been showering [us/Japan] with this criticism. The government would like to firmly show that [this criticism] is not based on fact.”⁵

Foreign Minister Kishida: “Expressions such as ‘sex slaves’ are contrary to the facts, and should not be used; this is the understanding of the Government of Japan.”⁶

16. The Japanese government has also made similar remarks in international settings. At the CEDAW committee held on February 16, 2016, for example, Mr. Shinsuke Sugiyama, the Deputy Minister for Foreign Affairs, repeatedly stated that “the expression ‘sex slaves’ contradicts the facts” without clarifying any reason for this claim.⁷

Reactions from UN human rights bodies

17. The CEDAW reviewed Japan in February 2016, in which the bilateral “announcement” was discussed. The concluding observations showed concern that the “announcement” did not fully adopt a victim-centered approach and recommended that the victims’ rights to truth, justice and reparations be ensured. (See Appendix C, I-1).
18. Mr. Zaid Ra’ad Al Hussein, the High Commissioner for Human Rights, made the following comment on March 10, 2016, during the 31st session of Human Rights Council:

Last year I highlighted the unresolved suffering, and search for justice, of the women who survived sexual slavery by Japanese military forces during World War II. Since then, in December 2015, the Governments of Japan and the Republic of Korea have announced a bilateral agreement to address the issue. Its terms have been questioned by various UN human rights mechanisms, and most importantly by the survivors themselves. It is fundamentally important that the relevant authorities reach out to these courageous and dignified women; ultimately only they can judge whether they have received genuine redress.⁸

19. Three UN special rapporteurs, namely, Ms. Eleonora Zielinska, Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Mr. Pablo de Greiff, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; and Mr. Juan E. Méndez, Special Rapporteur on torture and other cruel, inhuman or degrading

⁵ At House of Councilors Budget Committee, 18 January 2016

⁶ At House of Councilors Budget Committee, 15 January 2016

⁷ Whole statement by Mr. Shinsuke Sugiyama, Deputy Minister for Foreign Affairs in English is on the website of the Ministry of Foreign Affairs. <http://www.mofa.go.jp/mofaj/files/000140100.pdf>

⁸ URL:<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E>

treatment or punishment, have expressed their concerns on this political “announcement”. They urged the government of Japan to implement CEDAW's new recommendations, take the victim-centered approach and follow the international human rights standards⁹. (See Appendix C, I-2)

Not a “final solution”

20. “Final solution” is the phrase used by Nazi Germany in reference to “solving the Jewish problem” at the Wannsee Conference on January 20, 1942. For this reason alone, it is utterly inappropriate to use this phrase for human rights issues. While no bilateral agreement can solve the “comfort women” issue on its own, due to the international nature of the issue, the 2015 Japan-ROK “announcement” is no “final solution” even for the women victims living in the ROK, let alone those survivors in other parts of the Asia-Pacific region.

3, Objection to memory/non-repetition

Memorials

21. The Japanese Government demands the removal of the “girl statue for peace” in front of the Embassy of Japan in Seoul. This statue was built on December 14, 2011, by citizens including “comfort women” survivors themselves. The memorial was erected on the day of the 1000th demonstration of protest the survivors have held there every Wednesday since 1992¹⁰. In response to the erection of this statue, the Japanese government 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. The government of Japan has continued to demand the removal of the statue even after the “announcement”.
22. When another girl statue was built by citizens on December 30, 2016, in the city of Busan, ROK, the Japanese Government demanded the removal of this new one and, in protest, summoned back Japan’s ambassador to the ROK. On February 17, 2017, Foreign Minister Kishida made the request again to the Foreign Minister of the ROK “in a strong manner.”¹¹
23. The Japanese Government has repeatedly stated that the “comfort women” statues erected overseas are “against” Japan’s “position”. On February 22, 2017, the Japanese Government filed an *amicus curiae* brief to the U.S. Supreme Court (in *Gingery et al. v. City of Glendale.*) in support of the plaintiffs who sued the city of Glendale for the removal of the “comfort women” memorial which the city erected in July 2013. In the document the Japanese Government argues that the girl statue “presents a significant impediment to Japan’s diplomatic efforts” as it is “not in line” with the “spirit” of the bilateral agreement of 2015. The Japanese Government also “strongly disagrees that the inscription on the Glendale monument accurately describes the historical record, which Japan has studied at length”.¹² When the U.S. Supreme Court dismissed the case on March 27, 2017, Chief Cabinet Secretary Suga again stated that setting up comfort women statues is “irreconcilable” with Japan’s stance and “extremely regrettable” and that the Japanese Government continues to promote an “accurate understanding” of its basic stance and projects with regard to this issue.¹³

⁹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17209&LangID=E>

¹⁰ The “Wednesday Demonstration” started on January 8, 1992 in front of Japanese Embassy in Seoul. Korean survivors of Japan’s military sexual slavery and their supporters have continued to stand in front of the every Wednesday at noon calling for the restoration of their honor and dignity. The Wednesday Demonstrations have been carried out no matter the weather with two exceptions on Wednesdays just after the 1995 Great Hanshin Earthquake and the 2011 Great East Japan Earthquake and Tsunami. On December 14, 2011, at the 1000th time, the “girl statue for peace” had erected.

¹¹ At the press conference held by Foreign Minister Kishida, on February 17, 2017, reported on the website of Ministry of Foreign Affairs. http://www.mofa.go.jp/mofaj/press/kaiken/kaiken4_000458.html#topic1

¹² The website of Ministry of Foreign affairs, <http://www.mofa.go.jp/mofaj/files/000231732.pdf>

¹³ “US comfort woman statue: CCS calls for understanding of Japanese Government’s position”, NHK, 28 March 2017.

24. On March 8, 2017, another “girl statue” was erected on private premises in Germany. The Japanese Government again showed resentment and demanded its removal. At his press conference on March 10, 2016, the Foreign Minister Kishida noted that “the recent developments centering round comfort women statues are extremely regrettable. We will continue to make every effort to explain the position of our country.”¹⁴

UNESCO Memory of the World

25. The government of Japan is openly against the initiative to register documents related to Japan’s military sexual slavery in the UNESCO Memory of the World registration. For example, on May 15, 2015, Prime Minister Abe noted “with emphasis” to members of his Liberal Democratic Party including the head of the party’s Foreign Affairs Division: “It is important to start making all-out efforts now so as not to get [the materials concerning “comfort women”] registered [in MOW]”.¹⁵

Textbooks

26. Most victims hope that history will be told accurately to succeeding generations to ensure that the same mistakes will not be repeated. However, even though from 1997 through 2001 all history textbooks used in compulsory education in Japan included some reference to the “comfort women” issue, the number of such textbooks decreased in 2002 and 2006, and in 2012, the term ‘comfort women’ was erased from all compulsory education textbooks. In 2016, a reference to “comfort women” appeared in one history textbook out of 8 publishers, but the reference was largely modified under the scrutiny of a committee set up by the government. (See Appendix D1-3)

Museums

27. 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, neither National Museum of Japanese History nor other national museums related to the history of WWII make any reference to the facts regarding the “comfort women”.
28. Furthermore, the Japanese Government objected to and harshly criticized the establishment of museums focusing on the “comfort women” issue in Shanghai and Taiwan. Concerning a report that then President Ma of Chinese Taipei had expressed interest in setting up a memorial museum on “comfort women,” Chief Cabinet Secretary Suga said: “This is of course in conflict with Japan’s position”; “If such efforts seem likely to be formalized, then we intend to explain our position [to the government of Taiwan] through a variety of channels, and thrash it out [with them] so that the plan is cancelled.”¹⁶
29. The “position” of the Japanese government is, as far as we have seen from its remarks and actions, to erase the memory and history of Japan’s military sexual slavery in Japan as well as overseas. This attitude has negative effects on the protection of human rights at present and in the future.

4, Treaty Bodies’ Recommendations before the “announcement”

30. After the second UPR of Japan in 2012 but before the bilateral “announcement”, ICCPR, ICESR,

<http://www3.nhk.or.jp/news/html/20170328/k10010927181000.html>

¹⁴ The website of Ministry of Foreign affairs, http://www.mofa.go.jp/mofaj/press/kaiken/kaiken4_000467.html#topic2

¹⁵ “PM Abe: Memory of the World ‘requires close examination’; efforts for ‘comfort women’ non-registration”, Jiji Wire Service, 15 May 2015. Archived at: <http://archive.fo/nArGp>

¹⁶ At the Cabinet Secretary’s press conference on June 5, 2015

CAT and CERD also reviewed Japan's reports, and all of them referred to the "comfort women" issue in their concluding observations and recommended that the government of Japan should fulfill its obligations under the treaties concerned that Japan had ratified. Due to continued denials by the Japanese government, they recommended especially that all attempts to deny the facts be refuted, that all materials be disclosed, that perpetrators be prosecuted, that legal responsibility be fully acknowledged, and that the victims' rights for reparation be ensured. (See Appendix C, II-1, II-2, II-3, II-4)

5, Survivors are dying without remedy

31. Now many victims of this system are passing away due to old age, without receiving any remedy. Those who are still alive are also aging, and many suffer from poor health. Today, victims are still suffering, not only from the wounds of wartime physical violence but also from PTSD and economic destitution.
32. The following factors increase the pain of the women victims; the State party has yet to acknowledge human rights violations and the historical facts of the "comfort women" system; leading politicians and the media in Japan continue to deny the facts, while condemning the victims instead; the perpetrators of this crime have not been prosecuted; no reparations are provided to each survivor through legislative or administrative measures; the term "comfort women" has been expunged from history textbooks used in compulsory education in Japan.

6, Recommendations to the state under review

33. The system of Japan's military sexual slavery was a grave violation of human rights exercised against women and girls in the Asia-Pacific region. Today the government of Japan remains in violation of their rights due to failure to provide remedial measures in accordance with international human rights standards¹⁷.
34. Rape and other forms of violence against women continue in conflict situations to this day. As a responsible member of the UN Human Rights Council, Japan should show its commitment to ending violence against women by fully accepting the crimes of its military in the past, and give full reparation to the victim/survivors throughout the Asia-Pacific region.

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

35. Admit in the UN Human Rights Council that women/girls were sexually enslaved in "comfort stations" established and/or controlled by the Japanese Imperial Military during WWII;
36. Apologize unequivocally and publicly to the victims/survivors of Japan's military sexual slavery system in a way that is acceptable to the victims/survivors and that restores their dignity;
37. Establish inter-governmental institutions/framework to discuss measures for reparations and remedy to the "comfort women" victims/survivors in all the territories that Imperial Japan colonized or occupied until 1945; and
38. Stop denying historical facts; cease all negative reactions to remembrance initiatives in Japan and abroad, including memorials of girl statues; encourage and ensure that meaningful references to the "comfort women" system be written in history textbooks used in compulsory education.

¹⁷ e.g. Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (A/RES/60/147)