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The Korean Council for the Women Drafted for Military Sexual Slavery by Japan



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I. Issue Summary

1. Between 1932 and the end of the Second World War, Japanese government organized “the comfort stations” across the Asia-Pacific area and institutionalized sex slavery with about 200,000 women. The women-victims were treated inhumanely: this includes rape, torture, forced abortion. Many of whom were eventually slaughtered or abandoned at the end of War. Some lucky survivors came back home after the war, only to live suffering from the physical/psychological sequela as well as under their communities’ prejudices. However, while encouraging themselves to accuse Japanese Government of its crime and to demand it of the official apology and legal reparations and to continue their long struggles, they have passed away or become old-aged without any appropriate measures taken to recover their violated human rights until the present time for the post-war 67 years. Since the adoption of report by UN Special Rapporteur on Violence against Women in 1996, the United Nations human rights bodies(CCPR, CESCR, CEDAW, CAT), as well as the national congresses of USA, Netherlands, Canada, EU, Taiwan, Korea, and so on, and the local councils of Japan, Australia, and Korea, have demanded Japanese government to take both legal and historical responsibility for the Japanese military’ Sexual Slavery(‘comfort women’) issue. Therefore, to claim the Japanese government, which has not done nevertheless, on the responsibility and inform the related circumstances by UPR, this report is submitted by Korean Council for the Women Drafted for Military Sexual Slavery by Japan.

II. Japanese Government’s Negligence of Responsibility since 2008 Review

2. During the last review in 2008, the governments of many countries including Democratic People’s Republic of Korea, France, Netherlands, China, and Philippine as well as Republic of Korea exhorted Japanese government to resolve Japanese Military Sexual Slavery issue and questioned it on its solutions, which only led to the repetition of its previous positioning that the government had already completed them legally. Later, the Committee on the Elimination of Discrimination against Women, recommended it again to urgently endeavour to find permanent resolutions for ‘comfort women’ issue including the reparation to the victims, the prosecution of perpetrators and the education of the public about the crimes during 44th session in 2009.¹ In May of the next year, the UN High Commissioner for Human Rights Navi Pillay appealed to the Government to deal once and for all with the ‘comfort women’ issue by apologizing and providing redress to thousands of women victims of

wartime sexual slavery. She pointed out that there have been too many half-measures that have failed to satisfy victims.ⁱⁱ At present with this UPR cycle ahead, the exhortations have continued by surviving victims and the international community. Japanese government, however, has failed to find the solutions and rather is revealing a series of gestures against the surviving victims' expectation.

1. Deletion of Descriptions on 'Comfort Women' in History Textbooks.

3. Since 2001, the descriptions on Japanese Military Sexual Slavery began to be deleted, and in March, 2011, they completely disappeared through the middle school textbook screening system. The government could suggest the teaching guidelines for recording the serious war crimes such as Japanese Military Sexual Slavery issues. However, its revisions of guidelines only lead to glorification of its own war and invasion. Even they are approving the textbooks with the description having 'comfort women,' who had actually been coercively taken, mistaken for just 'working women in factories,' with the fact erased and whitewashing of historical facts that the Japanese government had forcedly mobilized those 'comfort women.' Such positioning of Japanese government clearly contradicts Kono Statement and Asian Women's Fund(AWF) that it proclaimed to teach the historical facts in the education. It purported that there is no government's intervention in the process of examining textbooks but the very government has the authority and responsibility to lay down the related rules and revise them correctly. Specifically if it ignores its responsibility for the description on significant historical facts like Japanese Military Sexual Slavery, that must be said as its intentional negligence.

2. The Government's Acquiescence of the Comments Demeaning the Victims and Its Statements to Evade the Responsibility

4. Japanese officials in charge persistently deny coercive mobilization of 'comfort women' and Kono Statement. Moreover, the recent issue of a Japanese magazine "Will" (April, 2012) announced an article under the title, "Korea appoints a prostitute its national representative," which called Japanese Military's 'comfort women' prostitutes. Japanese politicians and opinion leaders have neither been sanctioned against on such statements nor has Japanese government taken any actions refuting against them. It inflicts another hurt on the victims and repeatedly violates their human rights.

3. The Negligence of Legal Responsibility

1) The Follow-ups after the failure of Asian Women's Fund

5. According to the CEACR(Committee of Experts on the Application of Conventions and Recommendations)'s report published before the 2011 International Labour Conference, Japanese government submitted the information that it will continue to implement follow-up activities of the AWF (established in 1995 and dissolved in 2007).ⁱⁱⁱ It meant the Government of Japan has entrusted the people who were involved in the AWF to implement visiting care activity and group counselling activity (Republic of Korea and the Philippines), as well as exchange of opinions with government officials and academia (Indonesia and the Philippines). After then, the 4 victims participated in the meeting that the Japanese government had arranged. One of them, however, revealed her mind with disappointment, saying that she went after them, for they had promised the resolution, but that their positioning did not seem to be ever changed. And she added that she worried if she would be taken advantage of by Japanese government, so that she will not go to see them again even if they contact her. Japanese government processed an informal meeting with a few victims in March, 2012. So far, those victims and the organizations supporting them, however, had often delivered their letters appealing the resolution to 'comfort women' issues to every Japanese Prime Minister as well as its Foreign Ministry, and persistently demanded acceding to their wishes. But they only used to be ignored. There are great doubts on the Japanese government's own positioning to take so-called 'follow-ups' only on a very few victims just from a part of all victim countries by informal ways while ignoring such appeals of the victims to hear their own stories.

6. AWF was not legal compensation by Japanese government after the regret of their own crimes and official apology in the national dimension. But it was the private fund raised by civilians. It means just 'compassion money' intending to evade 'legal reparation,' as well as a 'follow-up' to replace it. Such treatment shifts the crime by the state into the private responsibility, which the government proposed, institutionalized, and eventually committed as an evident 'institution.' It reveals the Japanese government's positioning of denial or extremely limited admission of its as well as Japanese military's roles and interventions. The government has explained that they established the fund for the moral responsibility. What the victims want is, however, to fulfill legal and historical responsibility for the crimes

committed nationally, and therefore they refused to receive the fund saying that they actually felt 'insult' from the fund. At last, AWF ended literally with failure causing a lot of problems even in the course of payment, for it was then enforced secretly only on some victims and the Prime Minister's letter of apology was also delivered to some of the victims receiving the fund.

7. If this fund allegedly to establish for victims had become a complete resolution, there would have been no need for these elderly victims to protest in the street for over 20 years. Rather, the fund had frustrated the victims more deeply against their expectation and resulted in another long-lasting human right violation. Therefore Japanese government should take actions for resolution through fulfillment of its legal responsibility neither by follow-ups after AWF nor by another fund type treatment. This fund had already been internationally pointed out as an insufficient measure, never legal reparation. Recently a report by Rashida Manjoo, UN Special Rapporteur on Violence against Women indicated that victims of sexual crimes do not want to receive economic compensation without an official apology and official recognition of State responsibility.^{iv} Also in the same report she pointed out that there are signs that the traditional neglect of women in the reparations domain, best exemplified by the largely unsuccessful movement for reparations for the so-called 'comfort women.'
8. Facing the Korean government's repeating demand for the resolution, Japanese government recently insisted again that it has completed its legal responsibilities mentioning a solution from 'a humanitarian standpoint' and another fund type treatment. But the victims' wish is the very legal reparation, which is the Japanese government's obligation under the international law on the crimes against humanity.

2) Evasion of the Legal Responsibility in the Excuse of the 1965 Korea-Japan Treaty and the Rejection of Korean government's Proposal for Bilateral Talks

9. Such Japanese government's arguments depend on the 1965 Korea-Japan treaty however the 'comfort women' issue never revealed when the treaty was signed. Therefore it is an inappropriate argument that the victims' claim for reparation was invalidate by the treatment.
10. Concerning this, Korean government fully released the documents relating to the treaty in

2005 clarifying its position that this treaty is never considered a resolution of issues of illegal behaviours against humanity like 'comfort women' in which the Japanese government authorities intervened, so that Japanese government has the legal responsibility for the resolution to complete. It is also Korean government's explicit objection to the Japanese government's argument, and eventually an evident dispute between the two countries has occurred.

11. So far Korean government, however, has not decisively dealt with this issue in the level of the Korean-Japanese diplomatic relations. Concerning such stance of Korean government, the victims filed the petition with the constitutional court against Korean government to claim that their property and other basic rights were infringed on because the government had not taken any actions on the issue under the name of the 109 claimants, who were the surviving victims then, on July 5th, 2006. It demands the decision on violation of the constitution by the Korean government that have not settled the two countries' disputes on the interpretation for whether the victims' claim for reparation has lapsed under the 1965 Korea-Japan treaty. There is a provision under the treaty that a bilateral conflict be addressed through diplomatic channels and mediation committee.
12. The constitutional court ruled in 5 years on August 30th, 2011, deciding that the Korean government's lack of endeavour to settle the 'comfort women' issues is unconstitutional. Following the ruling, Korean government set up a task force in the Ministry of Foreign Affairs and Trade, September 14th, 2011, and then delivered to Japanese government the verbal notes suggesting bilateral talks on procedures to resolve dispute in the treaty twice on September 15th and November 15th. At the Korea-Japan Summit Talks in Tokyo on December 18th, President Lee Myung-Bak called on Japanese Prime Minister Noda Yoshihiko to resolve the 'comfort women' issue.
13. On the very day when Korean government suggested bilateral talks for the first time, Tsuyoshi Yamaguchi, Vice-Minister for Foreign Affairs of Japan commented at a press briefing that Japanese government has not changed the stance that the compensations had completed with legal fulfilment at the 1965 normalization of the diplomatic relations, and since then, through the authorities' public statements, it has continued the same argument.

Until now, it has not presented any official responses to the Korean government's verbal notes.

14. As stressed before, however, the Korea-Japan treaty has never dealt with 'comfort women' issues, and treaties between nations do not invalidate rights of compensation for crimes against humanity. In view of the resolutions by the international community, and in the principle of human rights, Japan must fulfill its duty to victims, with full reparation in a manner that is prompt and timely.
15. Indeed, the ruling by the Korea Constitutional Court against Korean government should have first and more severely been done against Japanese government. It is because though it should have taken relief steps for the victims by law and administration, for it have known and committed such serious illegal acts, Japanese government neglected its responsibility and still deepens victims' pain.

III Survivors' Endless Struggle and Desperate Urgent Situation

16. The 1000th "Wednesday Demonstration," a weekly rally demanding the resolution of the Japanese Military Sexual Slavery issue was marked on December 14th, 2011, by a group of survivors, backed by numbers of supporters. It was for 21 years that so old-aged survivors have been shouting in the street every Wednesday. Their outcries have been ignored, however. Japanese government's non-response and neglect of responsibility must be regarded as another case of violations of human rights that have continued until today as violent as in the past it established the institutional "system of rape" sans pareil.
17. In 2009 when Japan achieved the regime change for the Democratic Party in 54 years, the survivors expected a chance. Once in the days of the opposition party, the Democratic Party endeavoured to submit "the Promotion of Resolution for the Issues Concerning Victims of Wartime Sexual Coercion Bill" 8 times arranged for legislative proceedings to resolve Japanese Military Sexual Slavery issue. In the Democratic Party's regime, however, the reality is that this promotion even has never proposed to the parliament. On November 25th, 2010, the survivors, again with expectation, with the signatures of 440,000 world citizens, delivered the statement urging legislative proceedings to resolve the issues, but so many people's demand has got no reply in vain. During the 1000th 'Wednesday Demonstration'

held in over 70 areas in 10 countries as well as in Korea, the entire world heated with joint meetings and campaigns shouting 'Justice for Japanese Military 'comfort women', once more the victims expected Japanese government to listen to them. But it answered back that all have already settled legally.

18. Nevertheless the survivors are never discouraged but, appealing no more wars with no more victims like them, empathized that this is why they want neither compassion nor money but they demand 'legal reparation' of Japanese government. On March 8th, International Women's Day this year, two survivors made an formal will to the public in which they donated all the money from compensation by Japan, if and when this happens, to women in Congo who are experiencing war time rape at present. On the same day, Amnesty International announced the statement to demand to return the justice to the Japanese Military's 'comfort women' victims.
19. So far since the cycle of UPR in May, 2008, 39 victims have passed away while Japanese government have not resolved the issues, and now only 61 survivors among 234 victims registered as the victims of 'Japanese Military's comfort women' by Korean government are waiting for justice. Their average age is 86 and most of them are spending their last time in illness and despair. Japanese government is obliged to recover their honours and human rights while more victims are alive.

IV. Recommendations

20. Japanese Government and Parliament should admit the definite national responsibility for the crimes of sexual slavery and implement the legal reparation afterwards. According to this, the prompt administrative and legislative measures for resolution should be taken.
21. Japanese government should immediately respond to bilateral talks that the government of Republic of Korea offered, and if it should not be resolved, fulfill its next procedure as stipulated in the Korea-Japan Treaty, 1965.
22. Japanese government should establish an administrative measure to insure recording accurately about the historical fact of "comfort women," in the history textbooks and educate its own citizens and future generation

23. Japanese government should sanction against and refute to the official comments or statements by all the government authorities and public figures denying the historical facts and coerciveness of Japanese Military Sexual Slavery and demeaning the victims' honours.

//End.

ⁱ Concluding observations of the Committee on the Elimination of Discrimination against Women , CEDAW/C/JPN/CO/6

ⁱⁱ Displaynews by OHCHR,
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=10043&LangID=E>

ⁱⁱⁱ Report of the Committee of Experts on the Application of Conventions and Recommendations, ILC.100/III/1A

^{iv} Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, A/HRC/14/22