

Committee on Enforced Disappearances (CED)

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Written Submission by

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



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Slavery by Japan**

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I. Introduction

The Korean Council for the Women Drafted for Military Sexual Slavery by Japan (The Korean Council) was established on November 16th, 1990 to restore victim's honor and human rights through righteous resolution of the issue of Japanese Military Sexual Slavery. The Korean Council has been closely working with victims and conducting various activities to resolve the issue of Japanese military sexual slavery.

We organized Asian Solidarity Conference to resolve the issue of Japanese military "comfort women" (ASC) with victims and supporting organizations in the affected countries by World War II in Asian Pacific regions including DPRK, China, Taiwan, the Philippines, Indonesia, East Timor since 1992.

We also have been operating a shelter, Peaceful Our House, for surviving victims since 2003, and 15 victims has lived and currently 2 surviving victims live. In 2012, the Korean Council successfully established the War and Women's Human Rights Museum with donations from citizens in Korea and abroad.

The Korean Council has actively engaged in the United Nations Human Rights Treaty Bodies on behalf of victims of Japanese military sexual slavery by submitting NGO reports with regard to the issue of Japanese military sexual slavery such as CEDAW, CAT, ICCPR, CESC, CERD and UPR. We also have been working together with umbrella unions in Korea to raise the issue in the International Labour Organization since 1996.

The Korean Council welcomes the opportunity given to submit this report on Japan's compliance with the International Convention for the Protection from Enforced Disappearance.

II. With regard to the State Party report and responding report to the list of issues compiled by the CED

The state party submitted the first report (CED/C/JPN/1, dated 25 August, 2016) and no reference is not included on the issue of Japanese Military Sexual Slavery in the report. Although, the list of Issues compiled by the CED (CED/C/JPN/Q/1, dated 22 June, 2018) requested the State Party to provide information on the "Comfort Women" in paragraph 5 of the general information as follows:

5. Please provide updated statistical data, disaggregated by sex, age and nationality, on the number of disappeared persons under the control of the State party, indicating the number of cases that would constitute enforced disappearance, that is, criminal conduct that comprises all three constitutive elements of an enforced disappearance as defined in article 2 of the Convention. In this respect, please also indicate the number of so-called comfort women that are still disappeared, disaggregated by nationality, and clarify whether any complaints of enforced disappearance have been submitted to the State party in this regard (arts. 1, 2 and 12).

Nevertheless, the Government of Japan states in its responding report¹ that since the CED does not apply retroactively to any issues that occurred prior to its entry into force (2010), it is not appropriate to take up the comfort women issue in the examination of the Government Report regarding the state of implementation of the Convention. Thus, the Korean Council would like to provide information on the issue of Japanese military sexual slavery focusing on the list of issues made by the CED.

¹ CED/C/JPN/Q/1/Add.1, dated 28, September, 2018

III. Information regarding Articles 1 and 2

The Japanese military sexual slavery system is a system set up by Japanese Imperial Army from 1932 to the end of the Second World War. According to research by scholars, estimated number of victims of Japanese military sexual slavery system is known nearly 200,000² and most of the victims were recruited abduction and job fraud.

August 14th, 1991, victim of Japanese military sexual slavery named Kim, Hak-soon publicly testified her experience as "comfort woman" for the first time after she found out that the Government of Japan denies its war crime of "comfort women" system. Her first testimony encouraged other victims who had to be silenced over 40 years and after that 240 Korean victims came forward to let people know war crimes committed by the Japanese Imperial Army.

In the 1990s, the Korean Council conducted interview with victims and published testimony books based on victims' testimonies. According to their testimonies, they remembered that there were between 25 to 30 "comfort women" in most of "comfort stations". Victim named Chung, Seo-un witnessed that the Japanese army killed "comfort women" in the cave near the "comfort station." She was also about to get killed, but she was fortunately be able to survive because of counter attack by the US army and Allied Forces.

Most of victims have always been curious about where all the other victims who were with them at the "comfort stations" did go after the Second World War ended.

² Scholars have used figures of total numbers of soldiers and civilians in the army stationed overseas during the period recorded in the official military documents and they calculated ratio of the numbers of "comfort women" required for certain numbers of soldiers and civilians in the army. For example, according to document issued by the Japanese army, after the Sino-Japanese war began, it required 1 "comfort women" per 30 to 50 soldiers and civilians in the army.

Such courageous testimonies by victims drew attention from the United Nations Human Rights Council. In 1995, Radhika Coomaraswamy, the Special Rapporteur on violence against women, its causes and consequences, took official visit to ROK and Japan. The report was adopted by the Commission on Human Rights on January 4th, 1996.

In the report, she stated that "comfort women" should be considered a clear case of sexual slavery and a slavery-like practice and considers that the phrase "military sexual slaves" represents a much more accurate and appropriate terminology³.

In one case of Micronesia, the Japanese army killed 70 "comfort women" in one night because they felt the women would be an encumbrance or an embarrassment were they to be capture by the advancing troops She also clearly described how Japan coercively mobilized numerous women⁴. She also interviewed with 16 victims at that time. According to their testimonies, slaughter of "comfort women" were actually happened by the Japanese soldiers⁵.

Based on her fact finding visit to ROK and Japan, she recommended to the Government of Japan as follows:

137. The Government of Japan should:

(a) Acknowledge that the system of comfort stations set up by the Japanese Imperial Army during the Second World War was a violation of its obligations under international law and accept legal responsibility for that violation;

(b) Pay compensation to individual victims of Japanese military sexual slavery according to principles outlined by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and protection of Minorities on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. A special administrative tribunal for this purpose should be set up with a limited time-frame

³ Para7 and Para10 (E/CN.4/1996/53/Add.1)

⁴ Para 21 and Para23~31 (E/CN.4/1996/53/Add.1)

⁵ Para 54~55 (E/CN.4/1996/53/Add.1)

since many of the victims are of a very advanced age;

(c) Make a full disclosure of documents and materials in its possession with regard to comfort stations and other related activities of the Japanese Imperial Army during the Second World War;

(d) Make a public apology in writing to individual women who have come forward and can be substantiated as women victims of Japanese military sexual slavery;

(e) Raise awareness of these issue by amending education curricula to reflect historical realities;

(f) Identify and punish, as far as possible, perpetrators involved in the recruitment and institutionalization of comfort stations during the Second World War.

Since this very first report on the issue of Japanese military sexual slavery was issued, various human rights bodies of the United Nations have issued numerous recommendations to the State Party (Please refer to appendix 1).

Nevertheless, the State Party fails to fulfill any of above mentioned recommendations until now. In particular, conducting full scale investigation is required to find the truth of such inhumanity war crimes. However the State Party still refuse to disclose all official documents related to the Japanese military sexual slavery issue while they insist that the information about the "comfort women" system including the numbers of "comfort women" is distortion and not the truth (Please refer to appendix 2).

Although the State Party refuses to conduct investigation and to disclose all related official documents, in February this year, Seoul National University Human Rights Research team discovered a video clip shown abandoned dead bodies of women who were putative "comfort women."⁶

If the State Party sincerely seeks for the truth of the "comfort women" system, the starting point towards to the truth is disclose all official documents related to the "comfort women," as many independent scholars assume that the State Party holds a huge quantity of documents.

⁶ http://english.hani.co.kr/arti/english_edition/e_international/834094.html

IV. The situation after the announcement of the 2015 agreement

Following the announcement of the 2015 Agreement, the survivors, their support organizations and civil society organizations opposed the Agreement demanding nullification of the Agreement. Moon Jae-in administration of ROK that took the office after the impeachment of President Park Geun-hye conducted review procedure on contents and negotiation process of the Agreement, which was directly ordered by the Minister of Foreign Affairs, as President Moon pledged during his candidacy campaign for the presidential election.

The result of review on the 2015 Agreement came out on December 27, 2017 following by an official announcement of the position of the South Korean government on January 9, 2018.

In the official statement, the Minister of Foreign Affairs of ROK announced that the 2015 Agreement cannot be a resolution to the issue of "comfort women", in which violated the international human rights principle of a victim-centered approach and against principles of truth and justice. However, the State Party immediately released its position⁷ on the South Korean government's review result of the 2015

⁷ The Announcement of the Results of the Assessment by the Taskforce to Review the Agreement on Comfort Women Issue reached between the Governments of Japan and the ROK (Statement by Foreign Minister Taro Kono) December 27, 2017 (https://www.mofa.go.jp/press/release/press4e_001857.html)

1) On December 27 the Taskforce to Review the Agreement on Comfort Women Issue reached between the Government of Japan and the ROK under the direct jurisdiction of Ms. Kang Kyung-wha, Minister of Foreign Affairs of the Republic of Korea (ROK), published a report stating the results of its assessment of the December 28, 2015 Japan-ROK agreement on the comfort women issue. The report criticizes the negotiation structure in the ROK in the lead-up to the agreement and also the content of the agreement, and presents to the Government of the ROK a way of thinking that casts doubt on the agreement that has already been implemented in both countries.

2) Regarding the Japan-ROK agreement at the end of 2015, as a result of efforts led by the democratically chosen leaders of Japan and the ROK at every level including Director-General level talks between the diplomatic authorities, then Minister for Foreign Affairs Fumio Kishida and then Minister of Foreign Affairs of the ROK Yun Byung-se confirmed the "final and irreversible" resolution of the comfort women issue and announced the agreement at a joint press conference. Furthermore, the "final and irreversible" resolution was confirmed in the Summit Telephone Talk held the same day, so this agreement is also an agreement between the leaders of the two countries. This agreement was formed through a legitimate negotiating process between the Japanese and ROK Governments, so we cannot conclude that there was any problem in the process leading up to the agreement.

3) The Japan-ROK agreement is an agreement between the governments of Japan and the ROK, and it is highly appreciated by the international community as well. The position of the Government of the ROK regarding the Japan-ROK agreement is not included in the report, but the position of the Government of Japan is that if the Government of the ROK attempts based on this report to change an agreement which has already been

Agreement saying that they will not accept the result and take no measure for additions to the Agreement. According to the Sankei, Japanese daily newspaper, the Prime Minister Shinzo Abe reportedly said to other officials of the State Party that the Agreement cannot be moved even 1mm.

<Statue of Peace>

As soon as the Agreement was announced, the State Party started pushing the South Korean government to remove the Statue of Peace located in front of the Japanese embassy in Seoul, which was erected by the Korean Council to commemorate the Japanese Military Sexual Slavery victims' lives and celebrate its 1000th Wednesday Demonstration, and ones in front of the Japanese consulate in Busan, claiming that they violate the Vienna Convention on Diplomatic Relations, which requires a hosting state to prevent any disturbance of the peace of a diplomatic mission or impairment of its dignity. Such pressure has not just ended in Korea, but the State Party also pressured a church where the Statue of Peace was built at Sydney in Australia.

The State Party kept demanding the removal of the first Statue of Peace in Germany located at the Nepal Himalaya Pavillon, which is a private property, in Wiesent of the district of Resenburg and the inscription is now gone because of the persistent pressure from the Japanese government⁸.

More recently, "Comfort Women" statue erected by civil society organizations in December 2017 at Bay walk area in Manila city in the Philippines was removed in the middle of the night on April 27 by the Manila city due to heavy economical

implemented, the Japan-ROK relationship will become unmanageable; therefore such an attempt cannot be acceptable whatsoever. The Government of Japan will strongly urge the ROK to ensure that the Government of the ROK continues to steadily implement the agreement as a "final and irreversible" agreement.

⁸ <https://www.scmp.com/news/world/europe/article/2077424/first-comfort-women-statue-europe-unveiled-germany>

pressure from the State Party shortly after the Prime Minister Shinzo Abe visit to the Philippines⁹.

<Lawsuit raised by the South Korean survivors of the Japanese Military Sexual Slavery>

The "Comfort Women" system has clearly defined as war crimes, which is against humanity, since 1994 in the United Nations. Hence, on December 28, 2016, 11 survivors of the Japanese Military Sexual Slavery and descendants of 5 victims filed a lawsuit to exercise their claim rights and to claim for damages for signing 2015 Agreement against the Japanese government. However the lawsuit hasn't moved one step forward after almost 2 years have passed due to rejection of the Ministry of Foreign Affairs of Japan.

The Korean Court administrative office has tried to deliver lawsuit files to the Japanese government, which is essential process to move forward the lawsuit. As of August 16, 2017, the Ministry of Foreign Affairs of Japan refused to receive the lawsuit files, claiming that receiving the file is interpreted as an Infringement of Sovereignty according to an article 13 in the Hague Service Convention¹⁰

There was a case of the Italian forced labour victims' lawsuit against Nazi of Germany. On March 2004, the Italian court ordered that the German government has an obligation to make reparations for those who victimized during the World War II. Although considering the decision made by the ICJ was controversially reversed, it doesn't mean that perpetrator government has a right to infringe their claim rights.

⁹ <http://www.manilatimes.net/removal-comfort-women-statue-opposed/373698/>

<http://newsinfo.inquirer.net/989329/solons-look-probe-of-comfort-woman-statue-removal-dfa-role>

¹⁰ <https://assets.hcch.net/docs/f4520725-8cbd-4c71-b402-5aae1994d14c.pdf>

<History education on the “comfort women”¹¹>

Not only the State Party puts pressure on the removal of Statue of Peace, but they also have been removing the history of “comfort women” in their history textbooks since 2001 when the State Party authorized the revised version of history textbook from the Society for History Textbook Reform.

During the third UPR session of the State Party, the Government of ROK delegation called on the State Party to teach students about historical facts, including “comfort women” in last November.

However denial of the State Party to include the “comfort women” issue in history textbook has started even long before the 2015 Agreement was announced and its denial has gotten worse after the Agreement was announced.

Furthermore, during the 37th session of the United Nations Human Rights Council, Manabu Horii, Parliamentary Vice-Minister for Foreign Affairs of the State Party, said, “Forceful abduction of comfort women by the military and government authorities could not be confirmed in any of documents in this study.” He also took issue with the Foreign Minister of ROK Kang Kyung-wha’s use of the expression ‘sex slaves’ in an earlier speech, and the term contradicts the facts and should not be used.

During the third UPR Session, 219 recommendations were issued including China, North and South Korea’s calls on the State Party to apologize and pay reparation to the Japanese military “comfort women” victims, which have been rejected.

¹¹ <http://koreabizwire.com/japan-rejects-south-koreas-request-to-teach-about-comfort-women-in-textbooks/113336>

In the meantime, the South Korean scholars and researchers discovered the video¹² in the US National Archives and Records Administration through joint research with the Seoul Metropolitan and they made it public on February 27th 2018.

This video adds to the existing documentary evidence that the Japanese military shot 30 Korean girls to death in the western Chinese city of Tengchong, near Myanmar, on September 13, 1944. However, after the video was discovered, a member of the Japanese cabinet reportedly said that the dead bodies in the video are not the Comfort Women victims and they rather more looked like soldiers.

With regard to recognition of history of "Comfort Women", in its report (A/HRC/35/22/Add.1, paras 28~30, 37~40, 70)¹³ on mission to Japan, which came out during the thirty-fifth session of the United Nations Human Rights Council, the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression has expressed concern and made recommendation to the State Party on May 29, 2017.

2. Distorted apology by the State Party

As we have stated in many written submission to the United Nations and for other occasions, the State Party constantly denied to acknowledge its war crime and its legal responsibility such as an official apology and reparation to the victims.

There are three representative statement made by the Prime Ministers of the State Party in 1993, 1994 and 2015. In 1993, Taro Kono confirmed that they mobilized

¹² <http://www.koreaherald.com/view.php?ud=20180227000639>

¹³

https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session35/_layouts/15/WopiFrame.aspx?sourcedoc=/EN/HRBodies/HRC/RegularSessions/Session35/Documents/A_HRC_35_22_Add.1_AUV.docx&action=default&DefaultItemOpen=1

those women coercively. In 1994, Tomiichi Murayama expressed its apology and regret at the level of acknowledgement its moral responsibility.

After 20 years later, historical revisionism was raised and the State Party even considered to review previous announced statements from two Prime Ministers of Kono and Murayama. On August 15, 2015, Prime Minister Shinzo Abe announced its statement to commemorate the 70 years anniversary of end of the World War II. In the statement, he said, "We will bear the past in our minds when dignity and honor of countless women were seriously damaged under the wars in the 20th century. Japan, thus, would like to become a country who goes near to such women's minds. We will lead towards the world where there is no more damage of women's human rights in the 21st century."

Finally, they announced that the issue of "comfort women" was resolved finally and irreversibly with the consolation money of 1 billion yen, in which no words of sincere and official apology by the Japanese government.

After the announcement of the Agreement, the State Party not only silencing the voices of victims, but also they distorted the historical facts, which are acknowledged by the international community, and denied to make sincere and an official apology.

In 2016, Shinzo Abe said that legal responsibility of the State Party is already finished. On April 19, 2016, the State Party also submitted the report to the Human Rights Council in response to the Special Rapporteur on the promotion and protection of the rights to freedom of opinion and expression's follow-up concluding observations. In the report, it said that there was no evidence founded to prove forcible mobilization of girls for the "comfort women."

3. Asian Women's Fund and Consolation money of 1 Billion yen

What the victims of Japanese Military Sexual Slavery have demanded since the

beginning stage of the movement is reparation based on acknowledgement of war crimes, which committed by the State Party and its military authorities. However the State Party has never made reparation until now.

1) Asian Women's Fund

The Asian Women's Fund (AWF) was a quasi-public fund. The fund raised from the private sector between 1995 and 2000. The AWF collected amount of 448 million yen, while the State Party grants the fund several hundred million yen each year for its operation. The AWF dissolved in 2007.

Although the fund was established by the State Party and ran with the state funds, which directly supervised by the Diet and Ministry of Foreign Affairs, such fund couldn't be considered as reparation unless the money comes from the government budget. The money also should be set up based on acknowledgement of its war crimes along with an official apology.

2) Consolation money based on the 2015 Agreement

Like the AWF, the 1 billion yen was also just a consolation money. The State Party funded the 1 billion yen from the reserve fund, which is only purpose for withdrawal money aiming to provide support for the international organizations. According to the State Party's budget system, the withdrawal money supposed to be used for humanitarian projects such as ODA, which is clearly different from reparation and compensation.

V. Recommendation suggested by the Korean Council

(a) The State Party should conduct a full scale investigation and make a full disclosure of documents and materials in its possession with regard to "comfort women" system.

(b) The State Party should make a full disclosure of the situation where individual "comfort women" victims' placed after the end of the Second World War.

(c) The State Party should accept the Concluding Observations of the Committee on the Elimination of Racial Discrimination in which the Committee recommends that ensure a lasting solution to the issue of comfort women with a victim-centered approach, inclusive of "comfort women" of all nationalities, accepting responsibility for its role in the violation of the human rights of these women.

(d) The State Party should ensure that public officials and leader will refrain from making disparaging remarks regarding responsibility, which have the effect of retraumatizing victims.

[Appendix 1] Concluding Observations and remarks from 2016 through 2018

1. Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/JPN/CO/7-8 on 7 March 2016)

"Comfort women"

28. The Committee recalls its previous concluding observations (CEDAW/C/JPN/CO/6, paras. 37 and 38) and also refers to numerous recommendations on the unresolved issue of "comfort women" made by other United Nations human rights mechanisms such as the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9), the Human Rights Committee (CCPR/C/JPN/CO/6), the Committee Against Torture (CAT/C/JPN/CO/2), the Committee on Economic, Social and Cultural Rights (E/C.12/JPN/CO/3), several United Nations Special Procedures mandate holders of the Human Rights Council and the Universal Periodic Review (A/HRC/22/14/Add.1, para.147- 145 et seq.). While noting the efforts by the State party to attempt to resolve the issue of "comfort women", most recently through the bilateral agreement between the State party and the Republic of Korea announced on 28 December 2015, the Committee regrets the State party has not implemented the aforementioned recommendations and its position that the issue of "comfort women" does not fall within the mandate of the Committee, as the alleged violations occurred prior to the entry into force of the Convention for the State party in 1985. The Committee further regrets that:

(a) Recently, there has been an increase in the number of statements from public officials and leaders regarding the State party's responsibility for violations committed against "comfort women"; and that the announcement of the bilateral agreement with the Republic of Korea, which asserts that the "comfort women" issue "is resolved finally and irreversibly" did not fully adopt a victim-centred approach;

(b) Some "comfort women" have died without obtaining an official unequivocal recognition of responsibility by the State party for the serious human rights violations that they suffered;

- (c) The State party has not addressed its obligations under international human rights law towards "comfort women" victims in other concerned countries; and
- (d) The State party deleted references to the issue of "comfort women" in textbooks.

29. The Committee reiterates its previous recommendations (CEDAW/C/JPN/CO/6, paras. 37 and 38) and observes that the issue of "comfort women" gives rise to serious violations that have a continuing effect on the rights of victims/survivors of those violations that were perpetrated by the State party's military during the Second World War given the continued lack of effective remedies for these victims. The Committee, therefore, considers that it is not precluded *ratione temporis* from addressing such violations, and urges the State party to:

- (a) Ensure that its leaders and public officials desist from making disparaging statements regarding responsibility, which have the effect of retraumatizing victims;
- (b) Recognize the right of victims to a remedy, and accordingly provide full and effective redress and reparation, including compensation, satisfaction, official apologies and rehabilitative services;
- (c) Ensure that in the implementation of the bilateral agreement announced jointly with the Republic of Korea in December 2015, the State party takes due account of the views of the victims/survivors and ensure their rights to truth, justice, and reparations;
- (d) Adequately integrate the issue of "comfort women" in textbooks and ensure that historical facts are objectively presented to students and the public at large; and
- (e) Provide information in its next periodic report on the extent of consultations and other measures taken to ensure the rights of victims/survivors to truth, justice and reparations.

2. Statement by Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights (Human Rights Council's 31st session on 10 March 2016)

Mr President,

[abbr.]

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.

3. Human Rights Experts' position on the 2015 agreement on 11 March 2016

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;

Mr. Juan E. Méndez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Japan / S. Korea: "The long awaited apology to 'comfort women' victims is yet to come" – UN rights experts

GENEVA (11 March 2016) – A group of United Nations human rights experts today raised concerns at the agreement on the issue of 'comfort women' passed between Japan and the Republic of Korea in December 2015, and urged the Japanese Government to implement without delay the recommendations* made earlier this week by the UN Committee on the Elimination of all Forms of Discrimination against Women (CEDAW).

The term 'comfort women' refers to hundreds of thousands of girls and women from several Asian countries abducted and forced into sexual slavery prior and during World War II by the Japanese imperial military.

On 28 December 2015, the agreement between Japan and South Korea declared the issues arising from the widespread and systematic human rights violation of the 'comfort women' as final and irreversible.

In this context, Japan agreed to acknowledge and express regret for its role and to provide a one-time contribution of one billion yen (US\$ 8.3 million) to carry out joint projects with South Korea, including a foundation to be established by the country.

For its part, the South Korean Government agreed to consider the removal of a statue commemorating the 'comfort women' built in front of Japan's embassy in Seoul. Both governments agreed to refrain from accusing or criticizing each other in the international community on this issue.

"We believe the agreement between Japan and South Korea falls short of meeting the demands of survivors," said the independent experts on discrimination against women, transitional justice and torture. "An unequivocal official apology recognizing the full responsibility of the then Japanese Government and military, as well as adequate reparations, would protect and uphold the victims' right to truth, justice and reparation."

"We are also deeply concerned that the Republic of Korea may remove a statue commemorating not only the historical issue and legacy of the 'comfort women' but also symbolizing the survivors' long search for justice," they added.

The human rights experts drew attention to the fact that the agreement does not meet standards of State accountability for gross human rights violations and was reached without a proper consultation process.

"Neither the surviving victims nor the organizations representing them for more than 20 years were consulted in the preparation of this agreement," they stated. "This undermines decades of activism and efforts to seek truth and justice and naturally leaves the survivors in considerable distress."

The experts stated that "the Governments of Japan and South Korea should understand that this issue will not be considered resolved so long as all the victims, including from other Asian countries, remain unheard, their expectations unmet and their wounds left wide open." They underscored that this is now a race against

time given the age of the survivors.

“It is the responsibility of States to put an end to impunity by condemning and addressing sexual and other violence against women and girls used as a war weapon, and by upholding women victims’ right to redress,” the experts said.

Japan has ratified the Convention on the Elimination of All Forms of Discrimination against Women and is therefore reviewed regularly by CEDAW on how it is implementing the Convention. In its last review during its 15 February – 4 March session in Geneva, CEDAW findings and recommendations are particularly important in the context of the bilateral agreement.

4. Concluding Observations of the Committee Against Torture (CAT/C/KOR/CO/3-5 on 30 May 2017)

47. The Committee: (a) While welcoming the agreement reached at the meeting of Ministers for Foreign Affairs of Japan and the Republic of Korea held on 28 December 2015 and taking note that 38 victims of sexual slavery during the Second World War are still alive, is concerned that the agreement does not comply fully with the scope and content of its general comment No. 3 and that it fails to provide redress and reparation (including compensation and the means for as full a rehabilitation as possible) or to ensure the right to truth and assurances of non-repetition;

48. The State party should: (d) Revise the agreement of 28 December 2015 between Japan and the Republic of Korea in order to ensure that the surviving victims of sexual slavery during the Second World War are provided with redress, including the right to compensation and rehabilitation, and that they are guaranteed the right to truth, reparation and assurances of non-repetition, in keeping with article 14 of the Convention;

5. Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/KOR/CO/8 on 23 March 2018)

"Comfort Women"

26. The Committee recalls its concluding observations concerning Japan (CEDAW/C/JPN/CO/6, paras. 37 and 38, and CEDAW/C/JPN/CO/7-8, paras. 28 and 29) and welcomes the additional steps taken by the State party since the publication, on 27 December 2017, of the results of the review of the bilateral agreement between the State party and Japan of 28 December 2015. It further notes the State party's intention to implement follow-up measures based on a victim-centered approach, and the opposition of victims/survivors and their families to the Reconciliation and Healing Foundation established under the bilateral agreement to distribute 1 billion yen received from Japan.

27. The Committee recommends that the State party;

(a) Ensure that, in the implementation of the bilateral agreement announced jointly with Japan in December 2015, the State party takes due account of the views of the victim/survivors and their families;

(b) Ensure that the rights to truth, justice and redress of the victims/survivors and their families are fully upheld, including rehabilitation and fair and adequate compensations to be afforded without delay.

6. Concluding Observation of the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/10-11 on 30 August 2018)

"Comfort Women"

27. While noting information provided by the State party on the efforts to resolve the issue of "comfort women," including the recent agreement with the Republic of Korea in 2015, the Committee is concerned at reports that these efforts do not take a fully victim-centered approach, that the surviving "comfort women" were not adequately consulted and that this solution did not provide unequivocal responsibility for the human rights violations committed against these women by the military before and during WWII. The Committee is also concerned by

statements of some public officials minimizing the responsibility of the Government in respect to "comfort women" and their potential negative impact on survivors.

28. The Committee recommends that the State party ensure a lasting solution to the issue of "comfort women" with a victim-centered approach, inclusive of "comfort women" of all nationalities, accepting responsibility for its role in the violation of the human rights of these women. The Committee requests detailed information in its next periodic report on efforts to achieve resolution of the issue of "comfort women", including adequate measures to surviving "comfort women" and their families.

[Appendix 2] Absurd Remarks

1. Shinzo Abe, Prime Minister

- On October 3, 2014 "There is no evidence that the Japanese government forcibly made those women as a sex slave. Thus that is a groundless slander, so we should strengthen our external publicity."
- On March 27, 2015 Interview with the Washington Post "The Comfort Women were victims of human trafficking (by private). Whenever I think about them I feel heartbroken"
- On December 28, 2015 Press conference immediately after the announcement of the Agreement) "We can't leave a fate of continuous apology for the issue of comfort women to our future generation. This agreement was a result of our commitment to implement such thought"
- On January 18, 2016 at the Budget Reviewing Committee "The government of Japan has decided a position in the diet meeting in 2017 that there is no written description in discovered documents to show directly so called 'forcible abduction' done by the Military or government authorities. There is no change on this view."
- "It is deeply regrettable that San Francisco's acceptance of "comfort women" statue." Mainichi on 22 November 2017¹⁴

2. Sakurada Yoshitaka, Former Ministerial member of Education, Culture, Sports, Science and Technology Ministry

- On January 13, 2016 "Comfort women were prostitutes."

¹⁴ <https://mainichi.jp/english/articles/20171122/p2a/00m/0na/003000c>

- On January 14, 2016 "Comfort women were a professional prostitutes. They pretended to be victims. We have been deceived too much by propaganda maneuvers."

3. Minister of Foreign Ministry of Japan Taro Kono on the reviewing result of the Task Force Team on the 2015 agreement on 27 December, 2018_The Japan Times

"Japan sees no problem in the process that led to the agreement."

"If South Korea seeks to review it based on the report, bilateral relations of Korea and Japan will become unmanageable." Taro Kono

4. Other officials

- On June 23, 2017 Shinozuka Dakashi, General Counsellor of the Japanese Consulate in Atlanta, GA, USA "According the investigation done by the Japanese government in 1990s and 2000s, it is not yet confirmed that 200,000 sex slaves were mobilized. Even the South Korean government has not yet discover evidences. The number of Comfort Women is not 200,000 and they are neither sex slaves nor forcibly mobilized."
- On November 15, 2015 (Column for the Sankei Daily Newspaper) "It is a fabrication of revenge disguising the name of history. At that time, there were only population of 20 million lived in Chosun(old name of Korea). So if it is true that the 200,000 Korean women were abducted by the Japanese government authorities, did it means that all men in Chosun just ignored the situation while they were doing nothing about that?"
- The Comfort Women Memorial represents 'uncertain and one-sided claims as historical facts. Unless the city and mayor reject the memorial as public property,

Osaka would have to rethink the sister city relationships.” Hirofumu Yoshimura in the open letter to back then Mayor of San Francisco sent on 29 September 2017¹⁵

¹⁵ <http://www.city.osaka.lg.jp/keizaisenryaku/cmsfiles/contents/0000412/412733/koukaishokan.pdf>