

# INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

## Japan

49th Session, 2012

### Submitted by

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

The Second World War caused an unprecedented scale of destruction to many countries in the Asia-Pacific region. Before and during this period, Japan committed war crimes, such as genocide and military sexual slavery by which large numbers of women, often included young girls at the threshold of entering womanhood, fell victims of military sexual violence. These victims are known today as “comfort women.”

For centuries, wartime rape has been perceived as an inevitable consequence of war, and unfortunately we still live in a world plagued by wars and conflicts in many territories where military and paramilitary armed forces carry out brutal sexual assault on women.

Perhaps one of the most horrendous forms of wartime sexual violence against women was the system of institutionalized sexual slavery by the Japanese Imperial Army before and during World War II.<sup>1</sup>

Since 1990, **The Korean Council for the Women Drafted for Military Sexual Slavery by Japan (The Korean Council)** has been working for the survivors of the Japan’s military sexual slavery who are still suffering today. At this point, due to their old age, these survivors are passing away rapidly.

The Korean Council has been working not only with many civilians groups within and outside of Republic of Korea, both North and South Korean governments, but also in coalition with the United Nations and other human and women’s rights organizations around the world such as the Amnesty International, the International Labor Organization, and the U.N. Office of the High Commissioner For Human Rights, to name a few.

#### **Main Activities of the Korean Council:**

- Provide care for the survivors of the Military Sexual Slavery by Japan
  - Operating a shelter
  - Visiting survivors across Republic of Korea to insure medical and personal care
  - Offering healing programs
  - Running human rights camps
  
- Hold weekly “Wednesday Demonstration” for the resolution of the issue of Military Sexual

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<sup>1</sup> Researchers agree that the first “comfort stations” were built in 1932. However, Yuka Anzako, a Japanese researcher at The Institute for Korean Historical Studies presented the case of the “pleasure quarters,” which operated like “comfort stations.” These establishments were given a license by Japanese military in North Hamgyung Province in North Korea as early as in 1908. Anzako probed the “degree of Japanese military’s involvement in the establishment, management, and patronage of these places.” She continues, “by examining how such pleasure quarters were historically constructed and how they were operated, we can diversify and redefine what should be included as “comfort station.” (“Militaristic Nature of North Hamgyung Province and Sexual Violence,” presented at Women’s Worlds 2005, Conference, Panel 1: Military and Sexual Violence in the 20<sup>th</sup> Century Korean Peninsula, June 20, 2005)

Slavery by Japan since 1990.

- Build War and Women's Human Rights Center, dedicated to investigation, research, publication; for holding symposiums and seminars regarding women's human rights.
- Offer Awareness Campaigns on the history and issues of military sex slavery by Japan through the Education Center.
- Plan activities for the War& Women's Human Rights Museum.
- Raise awareness and provide reports on the issue of the Military Sexual Slaver by Japan to the United Nations and other international organizations.
- Collaborate with countries where victims are residing and international societies that seek resolutions for crimes committed by the Japanese military.

With great hope that the Committee of International Covenant on Economic, Social and Cultural Rights will provide guidance to resolving the issues of the Military Sexual Slavery of Japan and with deep urgency to help survivors see their dignity and human rights restored, we, the Korean Council, submit this report.

Thank you.

Sincerely,

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

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## Introduction

From 1932 to the end of the WWII, in 1945, the Japanese government enslaved more than 200,000 women to serve sexually its military men; these women were coaxed, recruited, or kidnapped from many countries in the Asia-Pacific region. These victims were subjected to on-going rape, torture, and forced pregnancy and abortion at many rape centers, so called, “comfort stations.” Worse, after the end of the war, these victims were either killed by soldiers or abandoned (most of these victims were taken to foreign countries and they had no means for surviving on their own.)

A few survivors, who have made back to their homelands after a long and hard journey, faced and still facing an age old discrimination against women whose bodies were violated, due to patriarchal values attached to women. Therefore these survivors in silence endured severe poverty and illness caused by Post Traumatic Stress Disorder from sexual slavery.

However, they broke silence courageously and came forward to fight for justice for their cause by demanding Japanese government to apologize and to compensate for their suffering. Sadly, majority of survivors have passed away with great sorrow in their hearts without seeing their dignity and human rights restored. A fewer survivors are still fighting for the cause and are suffering at this very moment, with traumatic memories, physical, mental, spiritual breakdown by the slavery and they are passing away at an alarming rate.

The Korean Council is deeply grateful for the UN.’s effort for resolving military sexual slavery.

With the “Report on Violence against Women, Its Causes and Consequences” by the Special Rapporteur, Ms. Radhika Coomaraswamy, in 1996, many treaty bodies of the UN, such as CCPR, CESCR, CEDAW, CAT followed up with recommendations, urging the current government of Japan to take responsibility for its war crimes and compensate the aging victims.

In addition, many countries such as the U.S.A., the Netherlands, Canada, Taiwan, South Korea, through their parliamentary resolutions, urged Japan to pay their due for victims of the slavery.

So far, the Japanese government has refused to recognize its war time crimes and no efforts have been made toward peaceful resolution for the issues of military sex slavery.

Earlier, in 2001, on the 26<sup>th</sup> session of The Committee on Economic, Social and Cultural Rights, it “strongly recommends that the State party find an appropriate arrangement, in consultation with the organizations representing the ‘comfort women,’ on ways and means to compensate the victims in a manner that will meet their expectations, before it is too late to do so.”<sup>2</sup>

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<sup>2</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on Japan, UN Doc. E/C.12/1/Add.67

More than ten years have passed since, and to our great disappointment, the government of Japan has been ignoring the Committee's recommendation and many more victims have passed away without seeing their dignity and human rights restored.

This is why the Korean Council deeply wishes the Committee to help resolve the matter of military sex slavery by reminding Japan of its responsibility as a nation that is a part of international community and help victims restore their dignity and human rights.

## **The Progress of Issues of the Japan's Military "Comfort Women" — from the global-perspective --**

### **The United Nations**

Since 1991, many surviving victims of military sexual slavery by Japan broke silence about their experiences in the slavery and came forward to testify to the world about treatment and condition of the slavery that were inhuman in every sense. Against the testimonies by survivors, the government of Japan kept denying its involvement in the slavery. Facing mounting evidences, such as documents and testimonies by many survivors, finally the government of Japan has admitted partially, the involvement of its military and its role in enforcing tens and thousands of young girls and women into the slavery. However, in recent days, with rising conservatism within Japanese politics, the government of Japan tries hard to avoid its legal and ethical responsibilities and even started criticizing victims for *volunteering* for the military sex slavery.

Since 1992, the efforts by survivors of the military sex slavery and supporters to bring justice to their suffering have been continuing through UN human rights mechanisms. The UN paid a great deal of time and energy for investigating military sexual assault on women and produced landmark reports: the "Report on Violence against Women, Its Causes and Consequences," by Special Rapporteur, Ms. Radhika Coomaraswamy, in 1996<sup>3</sup>; "Systematic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict, Final Report," submitted by Special Rapporteur, Ms. Gay J. McDugall, in 1998.<sup>4</sup>

Through these reports it is clear that the Japanese government is legally responsible and these reports provided a ground for bringing responsible parties to the court.

For some time, many human rights committees within the UN have continued to recommend feasible and peaceful resolution on the military sex slavery by Japan. These committees are: Working Group on Contemporary Forms of Slavery, Committee on Economic, Social and Cultural Rights (CESCR), International Covenant on Civil and Political Rights (ICCPR),

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<sup>3</sup> Report of the Special Rapporteur, On Violence against Women, Its Causes and Consequences, Ms. Radhika Coomaraswamy, UN Doc. E/CN.4/1996/53/Add.1

<sup>4</sup> Final report submitted by Ms. Gay J. McDougall, Special Rapporteur, UN Doc. E/CN.4/Sub.2/1998/13

Committee on the Elimination of Discrimination against Women(CEDAW), Convention Against Torture (CAT), Universal Periodic Review(UPR).

In 2007, the United Nations Commission Against Torture (CAT), after having received a report from Japan that was lacking in substance, asked Japan to provide a follow-up report with additional information and punish those responsible for its military's crime; in addition, CAT recommended to not re-traumatize victims.<sup>5</sup>

In May, 2008, at the Universal Periodic Review session,<sup>6</sup> the representatives of France, the Netherlands, China, North Korea, South Korea, the Philippines probed Japan's responsibilities on the slavery; in the same year, on its 5<sup>th</sup> report by the Human Rights Commission(CCPR), the committee recommended that Japan recognize its legal responsibility and make an official apology.

In 2009 the CEDAW reiterated "its recommendation that the State party urgently endeavour to find a lasting solution for the situation of 'comfort women' which would include the compensation of victims, the prosecution of perpetrators and the education of the public about these crimes."<sup>7</sup>

In May, 2010, the U.N. High Commissioner for Human Rights, Navi Pillay, appealed to the government of Japan 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 stated, "There have been too many half-measures that have failed to satisfy victims," and continued to say, "The new Government has an opportunity to not only put this terrible past to rest, but set a positive example to other countries in the region."<sup>8</sup>

### **The International Labor Organization**

In 1996, the Committee of Experts on the Application of Conventions and Recommendations, within the International Labor Organization, pointed out that according to "Forced Labor Convention, No. 29," Japan violated international labor law. The ILO since then asked Japan to find ways and means to compensate the victims "in a manner that will meet their expectations."

As recent as in 2011, the ILO and international labor law experts continued to ask Japan to resolve the labor issues of the sex slavery and yet, Japan has not resolved any issues raised by the ILO, either.

### **Passage of Resolution by Many Countries**

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<sup>5</sup> Reference: jmn/pdf/follow up/CAT,

[http://www2.ohchr.org/english/bodies/cat/docs/request\\_further\\_information\\_Japan\\_CAT38.pdf](http://www2.ohchr.org/english/bodies/cat/docs/request_further_information_Japan_CAT38.pdf)

<sup>6</sup> Report of the Working Group on the Universal Periodic Review, UN Doc. A/HRC/8/44

<sup>7</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on Japan, UN Doc. CEDAW/C/JPN/CO/6

<sup>8</sup> DisplayNews of OHCHR's website,

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

Along with numerous committees of the United Nations, international human right groups , many countries around the globe have joined for resolving military sex slavery by Japan. In 2007, the House Representatives of the United States of America have passed a resolution, H.R. 121, recommending Japan to take its historical and ethical responsibilities; in the same year, Canada, the Netherlands, and European Union also passed similar resolutions, asking Japan to offer an official apology, legal compensation and educate its citizens about Japan's role in the military sex slavery.

In 2008, the Parliament of Republic of Korea, following these resolutions, passed a similar resolution.

Taiwan, a country where women were victimized by Japan, passed a similar resolution, too.<sup>9</sup>

### **Local and City Councils Pass Resolutions**

Also many local governments around the globe have passed resolutions

In the midst of continuing efforts for denial of the slavery by the government of Japan, however, many city councils around Japan have been urging their government to take the issues of military sex slavery with sincerity. It is very encouraging to see many local governments of Japan have kept passing resolutions: started by the city council of Takarazuka, in March, 2008, as of March 2012, 36 city councils in Japan have passed resolutions asking their government to treat the issues of military sex slavery with sincerity and care.

In March, 2009, two cities, Ryde and Strathfield, in Australia, passed a resolution within a week apart.

Following this trend, 54 city councils of South Korea have passed similar resolutions.

## **Japan Continues Avoiding Its Responsibility and Violate Human Rights of Victims**

### **Japan's attempt to erase and distort history on the issue**

Against rising voices and pressures by many concerned international organizations and countries around the world, however, Japan has been avoiding its responsibility for its operation of military sex slavery; worse, it has been taking measures that are going against wishes of victims. Political leaders of Japan attempt to erase or distort history of Japan by glorification of its past and denounce and degrade victims in public.

It is a grave concern not only for victims but also for the entire global community to watch Japan try to hide or erase its war crimes during the WWII. Japan as a nation that has committed crimes against humanity and at the same time playing a major role in international

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<sup>9</sup> Please refer to "An NGO Shadow Report to CEDAW," that was submitted to the 44<sup>th</sup> Session, for detailed information on resolutions passed by parliaments and city councils. Below is a direct link.  
[http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ComfortWomen\\_Japan\\_cedaw44.pdf](http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/ComfortWomen_Japan_cedaw44.pdf)

affairs should lead the way for preventing wars and for educating next generations in order to not repeat the past. However, the attitude of Japan has shown toward Japanese military “comfort women” shatters any hope for the future.

One of many demands by survivors and their supporting organizations was asking Japan to educate next generations about its history of military sex slavery by recoding it accurately in their text books. From 1994 to 1997, in text books for junior and high school students, the history on military sex slavery was recorded partially. Since then within Japan there arose a movement that tries to glorify Japan’s history of colonization and accordingly textbooks follow this trend by dismissing its history of military sexual slavery. By 2011, record of Japan’s military sex slavery completely disappeared from textbooks for middle school students.

The Japanese government has power to suggest a guideline for recording its wartime role through educational systems; on the contrary, it has helped glorify its aggression for wartime activities such as military sexual slavery. The government of Japan states that it has no place for interfering with textbook writing. Still, it has power and responsibility for creating a system that guides textbook production for education. At this point, it is clear that government of Japan intentionally neglects its responsibility for disseminating such an important historical fact as Japan’s military “comfort women.”

### **The Government of Japan Continues to Encourage Expressions that Are Violent toward Victims and Statements that Dismiss Japan’s Responsibility**

Another grave concern is that political leaders of Japan, including cabinet members, keep denying and distorting the facts of Japanese military sex slavery as a historical fact. They often denounce victims with words full of violence against victims and the government of Japan closes its eyes on these acts of victim-blaming by high officials.

Many Japanese political leaders are attempting to reverse the “Kono-Statement” issued in 1993, in which then the prime-minister Yohei Kono accepted Japan’s responsibility however partially it was.

Political leaders of Japan today maintain that they uphold the “Kono Statement,” and yet they work hard to deny it. In recent years when voices are being raised by international community about resolving issues of Japan’s military sex slavery, many cabinet members of Japan deny the principles of the “Kono Statement,” or downgrade it in public.

Especially during the time when the U.S House Representatives passed H.R. 121, then the prime minister, Abe Shinzo, did not hesitate to state “there is no evidence that these women were forced.”<sup>10</sup> Following his statement, at the National Diet of Japan, he stated, “the H.R. 121 is not based on historical facts,” and “even if, the H.R.121 passed, Japan will not

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<sup>10</sup> “Abe questions sex slave 'coercion'”, BBC News, <http://news.bbc.co.uk/2/hi/asia-pacific/6411471.stm>

apologize.”<sup>11</sup>

In the same month, Japan’s conservatives demanded the “Kono Statement” amended.

In June, 2007, in the Washing Post, many politicians in the leading party of Japan and well-known figures paid a full page advertisement, denying once again, its military sexual slavery by saying the victims were not forced: “No historical document has ever been found by historians or research organizations that positively demonstrates that women were forced against their will into prostitution by the Japanese army....They were working under a system of licensed prostitution”<sup>12</sup>

These attempts and public statements by Japan’s political leaders re-traumatize victims.

As recent as in April, 2012, a Japanese magazine, the Will published an article titled, “Korea Is a Country that Elects Prostitutes for its Representatives,” in which it called victims of Japan’s military sex slavery, prostitutes.<sup>13</sup>

Regardless its timing, these public statements about victims by prominent figures that are full of toxic words are continuously created. The problem is that because these negative campaign against victims, repeated by political leaders not only distort the historical fact but also contributes to blinding its citizens about their history; worse, these expressions re-traumatize victims as stated by CAT:

The survivors of the wartime abuses, acknowledged by the State party representative as having suffered ‘incurable wounds’, experience continuing abuse and re-traumatization as a result of the State party’s official denial of the facts, concealment or failure to disclose other facts, failure to prosecute those criminally responsible for acts of torture, and failure to provide adequate rehabilitation to the victims and survivors.<sup>14</sup>

The H.R. 121 by the U.S. House Representatives and resolutions by many nations urge Japan to refute negative statements about victims; however, the political and opinion leaders of Japan are sanctioned from any regulations by their government. Rather, the government is gravely neglecting its duty. This damages victims’ dignity and violate their human rights.

## **Avoiding Legal Responsibility**

### **Follow-up Measures after Failed Implementation of Asian Women’s Fund**

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<sup>11</sup> “No Apology for Sex Slavery, Japan’s Prime Minister Says”, The New York Times, <http://www.nytimes.com/2007/03/06/world/asia/06japan.htm>

<sup>12</sup> “Japan’s conservatives are spitting in face of democracy”, The Hankyoreh, [http://english.hani.co.kr/arti/english\\_edition/e\\_editorial/193860.html](http://english.hani.co.kr/arti/english_edition/e_editorial/193860.html)

<sup>13</sup> Please refer to: [http://web-wac.co.jp/magazine/will/201204\\_w](http://web-wac.co.jp/magazine/will/201204_w)

<sup>14</sup> Conclusions and recommendations of the Committee against Torture on Japan, UN Doc. CAT/C/JPN/CO/1



The government of Japan, in response The ILO Committee of Experts on the Application of Conventions and Recommendations, CEACR, submitted a report<sup>15</sup> in which it stated that it had entrusted the Asian Women's Fund to implement visiting care and group counseling activities in Republic of Korea and in the Philippines and it was arranging meetings with the former "comfort women" to listen carefully to their current living circumstances, past experiences and their personal sentiments. However, one of four survivors who attended the meeting organized by the Japanese government showed her disappointment saying that the attitude of the Japanese government has not been changed. She added that she wouldn't attend a meeting anymore because she is afraid of being taken advantage of by the Japanese government.

Asian Women's Fund, established in 1995, was a coveted activity by Japan: on the surface, it seemed the fund was set by the government; in reality, most of the fund was raised by the general public. The fund was for "consoling" victims, not legal compensation. This case shows that the government of Japan once again attempted to avoid its legal responsibility while the slavery was implemented by the government and the military played a major role for operating the system of sexual slavery.

The government of Japan explained that it felt compelled to compensate victims by providing fund through AWF, out of moral duty; however, victims/survivors wish to see Japan fulfill its legal responsibility for the crimes committed against them at political level. Most of victims stated that they felt insulted by charity—AWF<sup>16</sup>--and pleaded with Japan to compensate them according to law.<sup>17</sup>

Without basing the fund on the legal merit, the government of Japan pursued AWF, against voices of victims opposing it. Also the way the fund was distributed was questionable, because the AWF ignored any official channels, and made deals with survivors behind closed doors. This eventually caused distrust between the victims and their supporting organizations as well.

Besides, fund for medical care and a letter of apology signed by then the prime minister were delivered to those who had resolved to receive the fund, only, not to all victims.

In addition, Japan excluded victims in North Korea, China, and East Timor.

Thus Asian Women's Fund in fact failed miserably because it was used to cover Japan's legal responsibilities.

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<sup>15</sup> Report of the Committee of Experts on the Application of Conventions and Recommendations, ILC.100/III/1A

<sup>16</sup> The 4th Asian Solidarity Conference Report, 1996, The Korean Council for the Women Drafted for Military Sexual Slavery by Japan

<sup>17</sup>"History That Can't be Erased[Film]", 2006, The Korean Council for the Women Drafted for Military Sexual Slavery by Japan

If the fund was for victims in truest sense, there is no reason why victims in their old age are struggling today, out in the streets, for more than twenty years. The Asian Women's Fund on the contrary generated more frustration on victims' part and in a long term resulted in violation of their human rights. Therefore, we recommend Japan to resolve the issues of military sex slavery through appropriate legal channels, not as a follow up measure of the AWF.

Besides, Asian Women's Fund by Japan is regarded as a measure that is not sufficient for victims by many international experts on the issue. For instance, the U.N. Special Rapporteur Radhika Coomaraswamy and Special Rapporteur Gay McDugall pointed out that AWF cannot be substituted for Japan's legal compensation. At the Women's International War Crimes Tribunal for the Trial of Japan's Military Sexual Slavery, the court found that "the AWF does not constitute an acceptable mechanism for compensating victims for the wrongs inflicted by the state."

At present the Special Rapporteur on violence against, Rashida Manjoo reported, "As victims of sexual crimes, they do not want to receive economic compensation without an official apology and official recognition of State responsibility." In the same report Manjoo stated, "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'." <sup>18</sup>

Facing a strong demand by the government of Republic of Korea, Japan responded that it was seeking ways to resolve the issues on the ground of humanity by raising fund, while behind, the government is seeking again to do a follow-up of the AWF.

In the 3<sup>rd</sup> report by Japan submitted to the Committee on Economic, Social and Cultural Rights, prior to the 49<sup>th</sup> session, Japan keeps the same attitude of avoiding any legal responsibilities.

What victims/survivors want is compensation according to international laws and it is Japan's duty in the point of view of international community.

### **Refusing to Negotiate Bilateral Resolution**

Finally, the government of Republic of Korea officially suggested Japan to resolve the issues of military sexual slavery bilaterally.

The government of Japan has dismissed calls for compensation demanded by victims, saying the Korea-Japan Treaty, in 1965, closed such claims. However, at the time when the treaty was signed, the issues of "comfort women" were not surfaced and therefore the claim is not valid; in addition, its claim that the statutes of limit for compensating these victims is expired is not valid, according to international human rights laws.

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<sup>18</sup> Report of the Special Rapporteur on Violence Against Women, Its Causes and Consequences, Rashida Manjoo, UN Doc. A/HRC/14/22

In 2005, the government of Korea reviewed the entire document of the Korea-Japan Treaty of 1965, and it declared that the treaty did not include any crimes against humanity committed by Japan and therefore, Japan is still responsible for “comfort women” legally.

On August 30, 2011, the Constitutional Court of Korea ruled against the government of Republic of Korea: 109 “comfort women” survivors filed the petition with the court against the Ministry of Foreign Affairs and Trade to claim that their property and other basic rights were infringed on because the government had not taken any actions on the issue.

Following the Constitutional Court of Korea’s ruling that the government violated the constitution by not exerting all efforts to protect the victims’ right to compensation, the Ministry of Foreign Affairs and Trade suggested bilateral talks on procedures to resolve dispute in the treaty. There is a provision under the treaty that a bilateral conflict be addressed through diplomatic channels and mediation committee.

In September and November, in 2011, the Ministry of Foreign Affairs and Trade, Republic of Korea, delivered note verbale to Japan.

So far, Japan reaffirms its stance: that Japan has no legal responsibility for “comfort women”, because the government of Japan believes that the right of claims for each individual victim has run out.

On December 18, 2011, during the summit in Kyoto, the President of Republic of Korea, Lee Myung-bak urged Prime Minister of Japan, Yoshihiko Noda, to resolve the issues of slavery.

Again we must stress on the importance of following the international customs and laws regarding the issue of “comfort women.” 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.

Since 1991 there were 10 legal suits against Japan filed by victims from Korea, China, the Philippines, Taiwan, and the Netherlands. With the last case lost in March 2010, legal remedies for the victims were blocked in Japan’s court.

We believe that Japan must establish means to resolve the issue in timely manner by removing all legal and political measures that block claims by the victims and by responding to a call for bilateral resolution by the government of South Korea.

### **The Endless, and yet Courageous Struggle by Survivors and They Are in Danger of Passing Away Rapidly**

On December 14<sup>th</sup>, 2011, the 1,000<sup>th</sup> Wednesday Protest was held: for the past twenty one years, aging survivors have been pleading with the government of Japan, in front of Japanese Embassy in Seoul, to meet their demands. Their cry has been met with deadly silence or worse further degradation through political channels of Japan. This is another assault, just

as bad as the systematic rape system under which these survivors suffered beyond our imagination.

On the same day over 70 locations in 10 different countries, there were protests asking Japan again to listen to the voice of the people around the world regarding the slavery.

In 2009, when the political power was shifted in Japan, after 54 years of control by the ruling lost, survivors raised their hope, because the current political party, the Democratic Party tried submit a bill to the National Diet of Japan, "Promotion of Resolution for the Issues Concerning Victims of Wartime Sexual Coercion," eight different times. However after the political party was changed, still the bill is on hold.

On November 25<sup>th</sup>, 2010, in celebration of International Day for the Elimination of Violence Against Women, the Amnesty International made this statement that supports the cause of "comfort women":

Amnesty International supports international petition for justice for "comfort women"

Amnesty International takes the opportunity of International Day for the Elimination of Violence Against Women to join with activists in Japan to call on the government of Japan to provide justice for the survivors of Japan's World War II military sexual slavery system. Today, a petition of around 620,000 signatures signed by people from Korea, Japan, the Philippines and other countries has been presented to the Prime Minister's Office. The petition calls on the government of Japan to draft and pass a bill without delay, seeking a comprehensive resolution to the "comfort women" issue. Amnesty International adds its voice to this call.<sup>19</sup>

However Japan keeps its stance: no legal responsibility.

In spite of Japan's attitude toward them, survivors keep pleading with the world not to repeat the same experience they have endured under Japan's Military Sexual Slavery. This is why they do not wish to receive money or sympathy from Japan; instead they want "an official apology" and "appropriate compensation according to law."

On March 8, 2012, in memory of International Women's Day, to reflect this sentiment, two survivors (Kim Bok-Dong and Gil Won-Ok) revealed their 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 the Amnesty International issued a statement again in support of "Comfort women."

Initially there were 234 women who were registered as former "comfort women" with the

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[http://en.womenandwar.net/contents/board/normal/normalView.asp?page\\_str\\_menu=0301&action\\_flag=&search\\_field=&search\\_word=&page\\_no=4&bbs\\_seq=2333&passwd=](http://en.womenandwar.net/contents/board/normal/normalView.asp?page_str_menu=0301&action_flag=&search_field=&search_word=&page_no=4&bbs_seq=2333&passwd=)

government of Republic of Korea (considering stigma attached to them, there are many more survivors who cannot afford to come out.) Their average age is 86 and most of them are spending their last moment of life fighting illness and in despair, and yet waiting for justice done for them. The government of Japan has a duty to restore their dignity and rights as humans.

## **Conclusion and Recommendation**

It has proven that the issue of the Japan's Military Sexual Slavery is a war crime and crime against humanity according to international human right laws. However, Japan has been evading its responsibility for a rigorous investigation, punishing those who are responsible, legal compensation and official apology, that are bound by international human and labor rights laws. Japan must stop avoiding its legal duty by citing status of limitation or limit of the international law, or questioning validity of legal case for compensation for victims. Japan must follow recommendation by global community and the U.N., in a manner that is prompt and timely.

Japan has been violating the International Covenant on Economic, Social and Cultural Rights by not complying and by continuing to neglect its legal duty and to violating victims' human rights.

In response to the point that Japan made in the annual report that the issue of the slavery occurred prior to ratifying the treaty, Japan must understand that status of limitation does not apply to crimes against humanity by the international human right laws.

We understand that the mission and purpose of CESCRC are focused not on the mechanical application of the treaty, and rather it is on realizing its values through monitoring. Although the act of crime was committed prior to ratification of the state, suffering of victims is continuing as a verb, on-going at present, at this very moment. Japan's denial of historical fact of its military sexual slavery and attitude that neglects, negates, and fails in meeting demands by victims, must be regarded as a form of aggression.

We remind again of the role of CESCRC that it is for working toward achieving dignity of humanity and equality for all, through monitoring and review. We expect the committee to contribute to restoring dignity and human rights for the victims by working with Japan through its sound judgment and recommendations.

Resolving the issue of the military sexual slavery by Japan is one of the tasks we, the global community, must achieve as soon as possible in order to prevent war crimes against women from being repeated and women's human rights being violated.

Therefore Japan implement following recommendations.

1. The government of Japan and the National Diet of Japan must re-examine Japan's domestic laws that prevent the victims of the Japan's Military Sex Slavery from filing legal suits, and accept its full responsibility as a nation and compensate victims

accordingly.

2. Japan must respond quickly to bilateral meeting that the government of Republic of Korea offered, and if it should not be resolved, fulfil its next procedure as stipulated in the Korea-Japan Treaty, 1965.
3. Japan must establish an administrative measure to insure recording accurately about the historical fact of “comfort women,” in the history books and educate its own citizens.
4. The government of Japan must actively engage with refuting claims made by political leaders and public figures about “comfort women” that are false or violent.
5. The government of Japan must swiftly implement measures that investigate war crimes thoroughly, committed against tens and thousands young girls and women in many countries in the Asia-Pacific region, including Korea. The government of Japan must legally punish those who are responsible for the crime, and must create legal measures that prevent the same kind of crimes from being committed by future generations of Japan and of the world.

//End.