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Theme : Japan's military sexual slavery issue

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Submitted by:

Women's Active Museum on War and Peace (WAM)

AVACO Bldg. 2F, 2-3-18, Nishi-Waseda, Shinjuku, Tokyo 169-0051 Japan

tel +81-(0)3-3202-4633 wam@wam-peace.org

About Organization:

- The Women's Active Museum on War and Peace (WAM), established in August 2005, focuses on violence against women in war and conflict situations, particularly the issue of Japan's military sexual slavery, or the so-called "comfort women" issue. WAM holds exhibitions and educational events, conducts fact-finding projects, and archives testimonies in order to prevent recurrence of these atrocities.
- WAM has submitted alternative reports on Japan's military sexual slavery system to various UN human rights bodies, including ICCPR, CESCR, CEDAW, CAT, CERD, CED, CRC, and UPR of the Human Rights Council, over 15 years.
- WAM is the main project of the Women's Fund for Peace and Human Rights (WFPHR), a non-profit organization authorized by the Tokyo Metropolitan Government in 2003. WFPHR holds the ECOSOC Special Consultative Status since August 2019.

I. Introduction

1. The Women's Active Museum on War and Peace (WAM) submits information on the issue of Japan's military sexual slavery, of euphemistically called "comfort women."
2. Japan's military sexual slavery system was a grave violation of human rights exercised against women and girls throughout the Asia-Pacific region during World War II. Tens of thousands of women and girls were illicitly recruited, often by deception or sometimes by the outright use of force, and forced to serve as sex slaves to the Japanese military.
3. The victims/survivors who have testified come from many different countries and regions, including the Republic of Korea (ROK), the Democratic People's Republic of Korea (DPRK), China, Taiwan, the Philippines, Malaysia, Indonesia, the Netherlands, East Timor, Papua New Guinea and Japan. In addition to the above areas, where "comfort station" sites have been identified from witnesses or documents include Myanmar, Thailand, Vietnam, Cambodia, Singapore, India, Guam, Palau, and other Southern Islands.
4. Japan remains in violation of the rights of victims/survivors of Japan's military sexual slavery system in the Asia-Pacific region, due to its failure to provide remedial measures in accordance with international human rights standards as well as recommendations adopted by numerous treaty bodies since 1994, including ICCPR, CESCR, CEDAW, CAT, CERD, and CED¹.
5. In July 2017, WAM submitted a comprehensive report for the LoIPR ICCPR as a civil society organization, including alternative information to the State party's reply to the questions of the Special Rapporteur on December 27, 2016 (MT/UN 598)². Therefore, this report focuses on the events that took place after the submission of our previous report.

II. Additional information on the Korea-Japan Bilateral "Announcement" of December 2015 on Japan's Military Sexual Slavery Issue

6. The Reconciliation and Healing Foundation, established in July 2016 by the government of the ROK following the announcement in 2015, was officially dissolved on July 3, 2019, based on the principles of victim-centered approach.

III. Additional information concerning the Committee's previous recommendation: "(a) investigate all cases and prosecute and punish perpetrators"

7. No progress.

IV. Additional information concerning the Committee's previous recommendation: "(b) provide full reparation to victims and their families"

8. The government of Japan keeps ignoring the right of "comfort women" survivors to reparations and has provided nothing to them, including the compensation granted to some of the survivors by the ROK court.
9. In August 2013, twelve "comfort women" survivors filed a petition for civil mediation with the

ROK's Seoul Central District Court for consolation money of a hundred thousand won (approx.\$90,000) each from the government of Japan. However, as the Japanese government did not appear on the date of proceedings specified by the Korean court and simply sent back the court's inquiry without reply, the court found the mediation unsuccessful in January 2016. After this, these survivors took their case to the court seeking damage of the same amount (Case 1). In December 2016, a different group of 16 plaintiffs including "comfort women" survivors and bereaved families filed a different lawsuit demanding damage of two hundred thousand won each (Case 2).

10. The government of Japan kept refusing the service of complaint from the Korean court. As the complaints came into force under the service by publication in May 2019, Japan's Ministry of Foreign Affairs notified to the ROK government that these complaints must be dismissed. Subsequently, the first court hearings were held in November 2019 (Case 2) and April 2020 (Case 1).
11. On January 8, 2021, the Seoul Central District Court Civil Division 34 found that the mobilization of "comfort women" were "criminal acts against humanity,"³ as such rejected Japan's sovereign immunity in the case concerned, and accepted the plaintiffs' claims in Case 1. Then Prime Minister of Japan, Yoshihide SUGA, noted that the judgment was "absolutely unacceptable" on the very same day.⁴ As the government of Japan did not appeal, this court decision was finalized. To date, however, the government of Japan has been ignoring the right of the plaintiff survivors to the compensation rendered by this finalized court decision.
12. On April 21, 2021, the Civil Division 15 of the same court accepted Japan's sovereign immunity this time and rejected the plaintiffs' claims in Case 2. The plaintiffs appealed, and this case is still pending at court.

**V. Additional information concerning the Committee's previous recommendation:
“(c) disclose all available evidence”**

13. No progress.

**VI. Additional information concerning the Committee's previous recommendation:
“(d) condemn attempts to defame victims or to deny the events”**

Denials of the events by the Japanese government

14. Of special note in these five years is the strengthened denials by the Japanese government itself of the historical facts of Japan's military sexual slavery system, added to its constant rejection of its legal responsibility regarding the wrongdoing.
15. Japan keeps asserting that "the 'forcible taking away' of comfort women by the Japanese military and government authorities could not be confirmed in any way" in the military or administrative documents found by the Japanese governments in 1993, or simply denying, without providing reasons, that what was done to the women amounts to sexual slavery on its official website and in diplomatic settings.⁵

16. The paragraphs 149 and 150 of the state party report under LoIPR (CCPR/C/JPN/7) are the clear evidence of these denials⁶.

Objection to the “Comfort women” memorials and statues

17. Japan has repeatedly stated that “comfort women” memorials are “inconsistent with Japan’s position,” without explaining the reason why erecting them is inconsistent with the “position” of the Japanese government. Japan has requested through diplomatic channels that the statues and memorials erected overseas be removed.

18. While not all the memorials were removed, thanks to the efforts of the local residents and activists, each of these denials itself re-victimizes and defames the victims/survivors who suffered as Japan’s military sexual slaves, including many of whom have courageously testified about their ordeal.

19. At least nine cases are reported concerning the erection of, or erection plans of, “comfort women” memorials in five different countries and regions, against which the Japanese government has objected since November 2017 (as of September 1, 2022).⁷ Some of these cases are described below.

[The Philippines]

20. On December 8, 2017, a statue was erected on Roxas Boulevard in Metro Manila, the Philippines, in memory of the suffering of the women sexually abused by the Japanese military during WWII. The statue had been proposed by a local citizen organization, authorized by the National Historical Commission of the Philippines, and was handed over to Manila City that day.⁸

21. On December 12, then Chief Cabinet Secretary SUGA said in a press conference that “erecting a comfort women statue abroad is inconsistent with the position of the Japanese government and extremely disappointing”.⁹ In February 2018, when Japan’s then Minister for Internal Affairs and Communication, Seiko NODA, visited Manila, she again expressed disappointment about the erection of the “comfort women” statue.¹⁰

22. Although then Philippines president, Rodrigo DUTERTE, at first stated that the statue was a symbol of “freedom of expression”,¹¹ during the night of April 27, 2018, the statue was demolished by the government of the Philippines.¹² Estelita Dy, a victim/survivor who was sexually enslaved by Japan’s military at the age of 13 in 1945, stated to the media that “it’s a personal insult to us comfort women,” “the world needs to know that here in the Philippines, there are comfort women, too...it’s like they want to erase our existence and for the world to forget about the crimes that the Japanese soldiers committed.”¹³

23. The Japanese embassy in the Philippines has protested to at least two other “comfort women” memorials erected in the country. One of the statues erected in San Pedro, Province of Laguna, on December 28, 2019, was removed within two days from the erection.¹⁴

[The USA]

24. On September 22, 2017, “comfort women” memorial statues were erected in San Francisco by local civil society initiatives, and approved by the San Francisco city council.¹⁵ On November

21, then Prime Minister Shinzo ABE stated in the Diet session that “[I/we] believe that [the erection of the memorial] is inconsistent with our government’s position and find the matter extremely regrettable. The government has made a request to the Mayor of San Francisco that he exercise his veto by the 24th [of this month]”.¹⁶ Thanks to the efforts of the local residents and human rights activists, however, the statues still remain on the same site.

[Taiwan]

25. On August 14, 2018, a “comfort women” statue was erected by civil society initiatives in Tainan city. Next day, on August 15, then Chief Cabinet Secretary SUGA stated that “the erection [of comfort women memorials] is inconsistent with our government’s position and its activities so far, and it is extremely disappointing”. He also disclosed the fact that the government had made a request [concerning the statue] through the Japan-Taiwan Exchange Association, the contact organization for Japan regarding Taiwan.¹⁷

[Germany]

26. On September 28, 2020, a “comfort women” statue was erected in a public space in Mitte District, Berlin, by civil society initiatives. In the following October, then Foreign Minister Toshimitsu MOTEGI asked Germany’s Minister of Foreign Affairs Heiko MAAS through remote conference that the statue be removed.¹⁸ Although the statue remains in the same place due to the decision made by the Mitte District assembly, it has been under constant pressure for removal. On April 28, 2022, Prime Minister Fumio KISHIDA renewed Japan’s request for removal to Germany’s Prime Minister.¹⁹

27. At the *Japanisches Palais*, a part of the Dresden State Art Collections, the exhibition entitled “Wordlessness. Falling Silent Loudly” was held from April 15 to August 1, 2021, which included two pieces of “comfort women” statues as exhibits. On April 16, then Chief Cabinet Secretary KATO stated at a press conference that “exhibiting ‘comfort women’ statues is inconsistent with our government’s position and its activities so far and is extremely disappointing. The government is in the process of making efforts toward the removal [of the statue], including approaching a variety of persons involved, and providing governmental explanations.”²⁰

VII. Additional information concerning the Committee’s previous recommendation: “(e) educate students through references in textbooks”

28. Japan does not admit that it has “censored” textbook contents. However, it has pressured textbook publishers and writers to change references concerning the “comfort women” issue in textbooks through its screening system.

29. In January 2014, the Government of Japan amended the Guidelines for the Screening of Textbook Examination Standards and added the following new clause concerning social studies subjects in middle schools, and geography, history, and civics in high schools.

That references are made based on the unified understanding of the government expressed through Cabinet Decisions or other such means, or the precedents of the Supreme Court, in cases where they exist²¹.

30. In April 2021, the Japanese government made a Cabinet Decision that it is appropriate to use the

term *ianfu* (comfort women), but not the term *jugun-ianfu* (military comfort women, or military-accompanying/attached comfort women),²² with no reference to the results of academic research by historians and scholars.

31. This Cabinet Decision is “effectively” used to control the reference to the “comfort women” issue even in the textbooks already used in schools. On May 12, 2021, Koichi HAGIUDA, then Minister of Education, Culture, Sports, Science and Technology (MEXT) stated in the concerning Diet committee that “such terms [including *jugun-ianfu*] will be found inappropriate from now on [in the screening process]”²³. The government further explained in the same session that the Minister of MEXT has a capacity to make a recommendation to a publisher regarding a correction of erroneous references in a textbook when the publisher has failed to apply for the correction according to the regulations for the implementation of textbooks screenings.²⁴
32. On May 18, 2021, the Japanese government held an “extraordinary online meeting” with textbook publishers to explain how to apply for corrections. “I took it as an instruction to correct [the terms],” said a publisher, for a meeting by the Ministry solely to explain the correction application processes was so unusual.²⁵ About 20 publishers and editors attended the online meeting, one of whom specifically noted as feeling from it “the pressure to apply for corrections.”²⁶
33. Through this “correction” procedure, the word “*jugun*” (military-accompanying/attached) was deleted from almost all the history textbooks used in high schools.²⁷ There are a few exceptions, including the textbook published by *Shimizu Shoin* for the new mandatory curricula “Modern and Contemporary History.” The textbook sites excerpts from the Kono statement of 1993 (that acknowledged Japanese authorities’ involvement in “comfort stations”) and one of the “comfort women” trials in Japan, with notes in margin that say “the names of lawsuits and cases are based on the common names, or names used at the time” and “the Japanese government says it is appropriate to use the term *ianfu* (comfort women).”²⁸

VIII. Suggested Recommendations

34. The State party should:
 - (a) Publicly acknowledge legal responsibility for the crimes of sexual slavery, and prosecute and punish perpetrators with appropriate penalties;
 - (b) Refute and sanction any attempts to deny the facts by the government authorities and public figures and to re-traumatize the victims through such repeated denials;
 - (c) Disclose all related materials, and investigate the facts thoroughly;
 - (d) Recognize the victim’s right to redress, and accordingly provide them full and effective redress and reparation, including compensation, satisfaction and the means for as full rehabilitation as possible, to the victim/survivors throughout the Asia-Pacific region;
 - (e) Educate the general public about the issue and discontinue the control of contents in textbooks; and
 - (f) Respect the initiatives by the civil society organizations to erect memorials and statues in order to remember the victims of Japan’s military sexual slavery system and to prevent recurrence.

¹All the concluding observations are attached as appendix in the report WAM submitted in 2017, except the concluding observations in 2018 by Committee on Enforced Disappearances. Please see paras 25-26, CED/C/JPN/CO/1.

²https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fICS%2fJPN%2f28281&Lang=en

³The Tokyo Shimbun, January 9, 2021.

⁴Reuters, January 8, 2021.

⁵Please see official website of the Ministry of Foreign Affairs, Japan (https://www.mofa.go.jp/policy/postwar/page22e_000883.html)

⁶https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fJPN%2f7&Lang=en

⁷The cases not described in this report are found in the following media outlets: Colorado Times, June 8, 2021, referred to by PYON Jin-il, June 21, 2021, on <https://news.yahoo.co.jp/byline/pyonjiniru/20210617-00243445>; NHK (the national broadcaster of Japan), July 22, 2021; Yomiuri Shimbun, December 13, 2021; Sankei Shimbun, August 15, 2018.

⁸The Daily Manila Shimbun, December 11, 2017

⁹The Asahi Shimbun, December 12, 2017

¹⁰The Daily Manila Shimbun, January 10, 2018

¹¹The Daily Manila Shimbun, January 18, 2018

¹²The Daily Manila Shimbun, April 29, 2018

¹³The Philippine Star, May 20, 2018

¹⁴The Daily Manila Shimbun, January 19, 2019, and Manila Shimbun, February 7, 2019

¹⁵“San Francisco accepts ‘comfort women’ statue”, BBC, November 23, 2017.

(<https://www.bbc.com/news/world-asia-42092477>)

¹⁶At the plenary session, House of Representatives, November 21, 2017

¹⁷The Sankei Shimbun, August 15, 2018

¹⁸The Sankei Shimbun, October 1, 2020.

¹⁹The Mainichi Shimbun, May 11, 2022.

²⁰Official video recording of Chief Cabinet Secretary Kato’s press conference on April 16, 2021, at the *Kantei* (Prime Minister’s Office of Japan) website. (https://www.kantei.go.jp/jp/tyoukanpress/202104/16_p.html).

²¹Official website of the Minister of Education, Culture, Sports, Science and Technology, Japan (https://www.mext.go.jp/a_menu/shotou/kyoukasho/kentei/1411168.htm.)

²²The cabinet’s written response on April 27, 2021, to the parliamentary enquiry of April 16, 2021, submitted by MP Nobuyuki BABA

²³At the Committee on Education, Culture, Sports, Science and Technology, House of Representatives, May 12, 2021

²⁴Ibid.

²⁵The Asahi Shimbun, May 18, 2021

²⁶The Kanagawa Shimbun, June 20, 2021

²⁷The Asahi Shimbun, October 30, 2021

²⁸Shimizu Shoin, “*Watashitachi no Rekishisougou*” [Our Modern and Contemporary History], pp110-111