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ALTERNATIVE REPORT

to the UN Committee on the Elimination of Racial Discrimination(CERD)  
in review of the 10th-11th periodic reports of **JAPAN**

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July 16, 2018

# Japan's Military Sexual Slavery Issue

## (The so-called 'comfort women' issue)

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## **Introduction**

1. The Women's Active Museum on War and Peace (WAM) was established in August 2005 with donations from people in Japan and abroad. WAM is the main project of the Women's Fund for Peace and Human Rights, a non-profit organization authorized by the Tokyo Metropolitan Government in 2003. WAM focuses on violence against women in war and conflict situations, particularly the issue of Japan's military sexual slavery, or the so-called "comfort women" issue. WAM holds exhibitions and other educational events, conducts fact-finding projects, archives data and testimonials, and acts as an advocate for victims of Japan's military sexual slavery. WAM has submitted alternative reports on Japan's military sexual slavery system to various UN human rights bodies, such as ICCPR, CESCRC, CEDAW, CAT and UPR of the Human Rights Council.
2. WAM welcomes the opportunity to submit this alternative report on Japan's compliance with the International Convention on all forms of Racial Discrimination (ICERD). On this occasion, WAM provides alternative information on Japan's military sexual slavery, focusing especially on the Committee's concerns stipulated in the concluding observation (CERD/C/JPN/CO/7-9, para. 18) and the List of Themes (CERD/C/JPN/Q/10-11, para. 14).
3. Although WAM is a member of the NGO Network for the Elimination of Racial Discrimination Japan (ERD-Net), we have prepared an alternative report separately from that network.

## **1. Investigation on the violations of rights**

4. The State party has never conducted investigations on violations of the rights of individual women who were sexually enslaved by the Japanese military prior to and during WWII, nor made efforts to bring those responsible for human rights violations to justice.

### **Complaints by the survivors rejected**

5. Due to the lack of efforts by the State party, on February 7th, 1994, twenty-seven Korean "comfort woman" survivors and the Korean Council for the Women Drafted for Military Sexual Slavery by Japan tried to submit criminal complaints to the Tokyo District Public Prosecutors Office in order to seek a criminal investigation into and prosecution for the "comfort women" system. The Prosecutors office did not accept these complaints on the following legal technical grounds: 1. the statute of limitation had expired; 2. the names of the perpetrators were not identified; 3. the facts of the damage incurred were not identified; and 4. the penalty articles were inadequate<sup>1</sup>.

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<sup>1</sup> TOTSUKA, Etsuro, "*Nihon ga shiranai sensō sekinin*" (*War responsibility that Japan does not know*), Hōgaku Seminar (Legal seminars), No. 472, 1994, pp 104-105

### **Testimonies are not treated as evidence**

6. In July, 1993, prior to the release of its position on this matter, the State party officially conducted interviews with 16 victims/survivors living in The Republic of Korea (hereafter, ROK). However, the State party never cites these testimonies as evidence, and the results of these interviews have never been disclosed, even anonymously. In June 20, 2014, the State party released a report on the diplomatic exchanges between Japan and ROK about the “comfort women” issue. That report stated that “regarding the status of the hearings, rather than a clarification of the facts, the intention was to show the sincere attitude of the Government of Japan.”<sup>2</sup>
7. Civil society groups have repeatedly requested the Japanese government and national Diet to hold public hearings or conduct interviews of victims/survivors not only from the ROK, but also other places in which survivors have come forward, including China, Taiwan, the Philippines, Malaysia, Indonesia, the Netherlands, East Timor and the Democratic People's Republic of Korea (DPRK). However, the State party has never conducted official interviews of those women. Many victims/survivors have passed away without being interviewed or recognized as victims by the Japanese government.
8. The current position of the Japanese government, which has denied the “forcible taking away of women by military or government personnel”, is based solely on its findings from military and government records. There are a number of testimonies by the victims/survivors who were taken away by military personnel against their will or by force, especially in territories occupied during the war by the Japanese Imperial Army such as the Philippines, China, and then Dutch East Indies. The State party, however, does not accept these testimonies as evidence.

### **Fact-finding efforts by civil society**

9. As to fact-finding efforts on the systematic involvement of the Japanese government and military at the time in its sexual slavery system, scholars, journalists, and citizens in Japan have continued researching official documents in accessible archives and libraries. The research conducted by the State party in the early 1990’s was very partial and insufficient. For example, the only foreign archives that the State party researched were the National Archives and Records Administration (NARA) of the USA. Scholars, however, have researched the Imperial Army Museum in the UK, in addition to the National Archives of the Netherlands, Australia, U.K., China, the Republic of Korea and Taiwan. In doing so, they have found a number of official documents which refer to the involvement of the Japanese military to the “comfort women” system and the women sexually abused by the Japanese military. In recent years, scholars in China have researched local archives in China, while ROK scholars conducted extensive research of the NARA records and found new documents related to “comfort women”.

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<sup>2</sup> “Details of Exchanges Between Japan and the Republic of Korea (ROK) Regarding the Comfort Women Issue: From the Drafting of the Kono Statement to the Asian Women’s Fund” For full paper: <https://www.mofa.go.jp/mofaj/files/000042167.pdf>

### **State party's apathy to the "thorough fact-finding"**

10. In early 2014, with the help of historians, civil society groups in Japan collected and consolidated the documents related to "comfort women" that have been found since the government research conducted in 1993. There are more than 500 additional documents identified that the Japanese government overlooked. In June 2014, the civil society groups submitted these newly identified documents to the Cabinet Secretariat with a call for thorough investigation. Almost two years later, in March 31, 2016, the Cabinet Secretariat returned all documentation to the groups with the claim that these newly discovered documents needed to be reported officially by the relevant ministries themselves, not by private citizens.<sup>3</sup> By returning all submitted material to the citizen's group in March, 2016, the State party demonstrated that it had no interest in "through fact-finding" efforts.
11. The State party's apathy towards fact-finding research is also evident from the fact that it denies the total numbers of victims estimated by scholars. In calculating these estimations, scholars have used figures such as the total numbers of soldiers stationed overseas during the relevant period and various official military records which indicate the ratio, for example, of the numbers of "comfort women" required for certain numbers of soldiers. The government attitude is completely irresponsible in that it makes no effort to refer to documents in its hands to determine actual numbers or even produce estimates.
12. The State party is still presumed to hold voluminous related records. Independent scholars have identified these to include: police records; colonial records of the Department of Overseas Affairs and the Home Ministry; a huge collection of diaries, held by the Defense Ministry, kept by the officials and personnel who accompanied the military; materials relating to the war crimes trials held by the Justice Ministry; and Welfare Ministry documents relating to repatriation and war victims' relief. Although the Japanese government and military officials were ordered to destroy all incriminating official documents at the end of the WWII, scholars assume that the State party still holds many documents housed by the ministries referred to above.

## **2. Prosecution of the perpetrators**

### **No prosecution by the State party in the post-war period**

13. Unlike post-war Germany and other European countries that prosecuted those individuals who committed crimes against humanity during WWII, the State party to date has never itself attempted to bring to justice anyone who committed atrocities in its war of aggression. The State party has never tried anyone for any war crimes, and crimes related to Japan's military sexual slavery are no exception. This is in spite of the State party's repeated pledges to contribute to the international community's efforts to end the cycle of impunity for violence against women.

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<sup>3</sup> Stated by Naoko TANAKA, a staff for Assistant Chief Cabinet Secretary, on March 31, 2016.

14. The post-war trials, including the International Military Tribunal for the Far East (IMTFE) held in Tokyo, did not adequately prosecute sexual crimes by the Japanese Imperial Army. This was possibly due to a lack of gender sensitivity among legal professionals at the time. No high-ranking commander was tried for planning or setting up Japan's military sexual slavery system.

#### **Dutch case as evidence for discrimination against local women**

15. The case in the Dutch East Indies to which the State party refers is known as the "Semarang case" and was prosecuted by the Batavia Temporary Court Martial. The case concerns young Dutch women in civilian detention centres who were forced into sexual slavery for Japanese troops. Certain Japanese military officials stationed locally, including a Major General, planned comfort stations and eventually took young women detainees from the detention centres and placed them into "comfort stations." While it is true that the "comfort stations" in Semarang were shut down after two months, none of the military officials was disciplined by the Imperial Army prior to Japan's defeat. Instead, the Major General was promoted to Lieutenant General in March 1945<sup>4</sup>.
16. Throughout the Dutch East Indies, none of the "comfort stations" where local Indonesian women confined were shut down. The closure of the facilities in the Semarang case is a rare exception and may well be due to the fact that the victims were of European origin from civilian detention centres. This example provides no support for the State party's contention that it was acting lawfully at the time. Further, the State party maintains that those officials were acting "against their superior's orders" and "in violation of military rules". This implies that other "comfort stations" were operated lawfully. Such an implication cannot stand in light of the testimony of the many women survivors who courageously came forward across Asia in the 1990s to testify about their ordeals.

#### **Possible cases for investigation and prosecution**

17. It is still possible to investigate and prosecute perpetrators of Japan's military sexual slavery system as a grave violation of human rights and crimes against humanity. The reply by the State party does not provide any concrete reason regarding why this would be difficult. It would, of course, have had much more time had it started investigations in 1994 when Korean survivors and their supporters tried to file an official complaint with the Tokyo Public Prosecutor's Office (see para. 4) and when the Dutch government reported eight such cases and sixty-five Dutch victims<sup>5</sup>. The State party has shown itself unwilling to prosecute even when the identity and whereabouts of surviving responsible former officers is well known.

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<sup>4</sup> TOYAMA Misao (ed.), *Riku-Kaigun Shoukan Jinji Soran (Rikugun-hen)* [Comprehensive list of personnel affairs of officers of the Army and the Navy (Part: Army)], Fuyo Shobo Shuppan, 1981, p.36.

<sup>5</sup> "Report of a study of Dutch government documents on the forced prostitution of Dutch women in Dutch East Indies during the Japanese occupation", a study commissioned by the Minister of Foreign Affairs and the Minister of Welfare, Health and Cultural Affairs in August 1993, and submitted to the chair of the House of Representatives in the Netherlands in January 1994. A copy was also sent to the Japanese government. For a copy of the report, please see: [http://wam-peace.org/ianfu-koubunsho/pdf/M-PDF/FG\\_001.pdf](http://wam-peace.org/ianfu-koubunsho/pdf/M-PDF/FG_001.pdf)

18. A typical case is that of former Prime Minister Yasuhiro NAKASONE. In his 1978 memoir, Nakasone wrote about his days as a Navy officer in present-day Indonesia: “It was a big troop with about three thousand men or more. After a while some of them started to assault native women or give themselves over to gambling. I went to great efforts to set up (a) comfort station”.<sup>6</sup> On March 23, 2007, when questioned about this matter at a press conference, NAKASONE replied that this “comfort station” was not a brothel but a place to play games like Japanese checkers and other recreational activities.<sup>7</sup> However, in October 2011, a civil society group found official documents in the Library of the Ministry of Defense, stating that, “*with the paymaster’s arrangements, women natives were collected and (a) comfort station opened*” on March 11, 1942. The name of the paymaster was Yasuhiro NAKASONE, and the documents included a map that indicated the location of the comfort station in Balikpapan, Borneo Island, Indonesia.<sup>8</sup> Despite the discovery of such evidence, the State party has done nothing to hold the former Prime Minister accountable either through judicial proceedings or parliamentary process. Ms. Suharti, an Indonesian victim/survivor of Japan’s military sexual slavery who was confined in the “comfort station” in Balikpapan, visited Japan in 2009 and tried to meet NAKASONE, however, the meeting was refused. Yasuhiro NAKASONE is still alive, at the age of 100.
19. Another example of the State party’s failure to investigate and prosecute perpetrators is found in an official document located by scholars in 2014. It is a report of an interview with a former Naval Chief Petty Officer stationed in Bali conducted by Ministry of Justice personnel in 1962. The interviewee was the defendant of Case No. 25, a case from the Class-B and -C Batavia trials known as the *Sankei* Incident. In the interview this ex-officer testified that:

The thing I feared most of all was the issue of comfort stations. Among the comfort women were the wives of five Dutch Army officials as well as about 70 local residents taken from Surabaya to Bali Island. [abbr.] Further, during the four years of the war, we took about 200 women to Bali as comfort women under the order of Okuyama Unit. After the war I made strong requests to the Ordnance Division and the Facilities Division to give me 700,000 yen as a cover-up fee to sweeten the residents [to be distributed] through each village head. This seemed to have had a perfect effect and none of the comfort station cases I worried most was sued<sup>9</sup>.

The State party should have recognized as early as the time of this interview in 1962 that

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<sup>6</sup> “*Owarinaki Kaigun*”[Endless Navy], Bunkahousou Kaihatsu Sentaa, 1978.

<sup>7</sup> Mainichi Shimbun, March 23, 2007.

<sup>8</sup> *Kaigun koku-kichi dai-ni setsuei shiryō* [Naval air base second construction party materials] copied in April 1962 by Yonezo Miyaji, the former chief engineer of naval air base second construction party.

<sup>9</sup> Found by the Prof. Hirofumi HAYASHI from the National Archives of Japan. The document can be seen at [http://wam-peace.org/ianfu-koubunsho/pdf/M-PDF/J\\_J\\_012.pdf](http://wam-peace.org/ianfu-koubunsho/pdf/M-PDF/J_J_012.pdf) For reference, Hayashi, Hirofumi: *Nihongun Ianfu Mondai no Honshitsu (the Essence of the Japanese Military “Comfort Women” Issue)*, Kaden-sha, Tokyo, 2015.

there must have been many similar cases of the victimization of women and started investigation immediately. The many memoirs published from the 1960s onwards in which the authors refer to their own encounters with “comfort women” also highlight the State party’s negligence in failing to investigate these matters.

### **Women’s International War Crimes Tribunal” held in Tokyo in 2000**

20. The “Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery” was held in Tokyo in 2000 by international civil society organizations. From the testimony of survivors and witnesses, the Tribunal identified the military units responsible for certain sites, collected evidence accordingly and indicted the individual military officers in charge of those units. Due to limited time and resources, the Women’s Tribunal was able to proceed with cases against only the ten highest ranking officials among those accused. The bench, consisting of law experts including former judges from Europe, North and South America and Africa, and led by Judge Gabrielle Kirk McDonald, former President of the International Criminal Tribunal for the former Yugoslavia, considered that the evidence submitted was sufficient to declare each of those ten individuals guilty of crimes against humanity.<sup>10</sup> This Tribunal was particularly significant in that it made clear the party responsible for setting up Japan’s military sexual slavery system. An official invitation to participate was sent to the State party, which also received a copy of the Tribunal’s Judgment. Not only did the State party completely ignore these overtures, the ruling bloc put pressure on the media to curtail coverage of the event.

### **3. Defamation or Denials of Events**

21. The State party has not accepted the fact that the “comfort women” system was a system of military sexual slavery. It has yet to acknowledge that the system was a grave human rights violation. The State party still refuses to face up to the crimes it committed and had never admitted its responsibility under international law either at the time or in the present.

#### **Denials of events by the Cabinet members and government officials**

22. Official denials of the events have continued, even after the December, 2015, bilateral “announcement” made by the Ministers of Foreign Affairs in Japan and the ROK. In January 2016, when both Prime Minister ABE and then Foreign Minister KISHIDA were asked about the meaning of the “announcement” during a Diet session in Japan, they made the following statements:

Foreign Minister KISHIDA: “Expressions such as sex slaves are against the facts and should not be used; such is the understanding of the Japanese government.”<sup>11</sup>”

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<sup>10</sup> The judgment of the Women’s Tribunal was largely quoted in the Observation of the Committee of Experts on the Application of Conventions and Recommendations (CEACR) of the ILO in the Observation adopted 2002, published 91st ILC session (2003) on Forced Labour Convention, 1930 (No. 29) which Japan ratified in 1932.

<sup>11</sup> At House of Councilors Budget Committee, 15 January 2016

Prime Minister ABE: “This agreement does not mean that [we/the Japanese government] have admitted to, for instance, things that constitute war crimes.” “There is no such fact as sex slaves or 200,000 [victims]; it is a fact that [the western media/the world] has showered [us/Japan] with this criticism. In response [i.e. to this criticism] the government would like to firmly make clear that there is no factual basis to these claims. In 2007, at the time of the first Abe Cabinet, the government made the Cabinet Decision as the official reply to the parliamentary enquiry submitted in writing by MP Kiyomi Tsujimoto. This reply adopted the position that no reference was found then, among the materials discovered by the government, that directly suggested the so-called forcible taking away by military or government personnel. I would like to state anew that there has been no change whatsoever with this position [on the part of the Japanese government].”<sup>12</sup>

23. On February 16, 2016 at the consideration of the 7th and 8th periodic reports of Japan at CEDAW, Shinsuke SUGIYAMA, Deputy Minister for Foreign Affairs stated the following:

"[F]orceful taking away" of comfort women by the military and government authorities could not be confirmed in any of the documents that the government of Japan was able to identify in this study.

I would also like to point out that the expression "sex slaves" contradicts the facts.

The truth is that the figure "200,000 persons" as the number of comfort women also lacks concrete evidence.<sup>13</sup>

By making these claims, the Japanese government denies the facts, including how the women were entrapped by the system, conditions in comfort stations, and the magnitude of the system.

24. At a meeting of the House of Representatives Committee on Foreign Affairs held on March 28, 2018, a government official confirmed that the above statement made at the CEDAW on February 2016 by Shinsuke SUGIYAMA is the official position of the Japanese government. The statement was translated into English, Korean and Chinese and uploaded onto the website of the Ministry of Foreign Affairs.
25. Denying and obscuring these events causes tremendous suffering and agony to the survivors. The reason why for over 25 years any so-called “apology” by the State party has not been accepted by the survivors as a genuine apology is precisely because the State party has never made clear the specific nature of the acts for which it is offering an “apology.”

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<sup>12</sup> At House of Councilors Budget Committee, 18 January 2016

<sup>13</sup> See the website of Ministry of Foreign Affairs: <https://www.mofa.go.jp/mofaj/files/000140100.pdf>



## **4, Violation of the Right to Remember**

26. The State party has repeatedly stated that any memorials, including the “comfort women” statues erected overseas, are “not in line with Japan’s position”. The “position” of the Japanese government is, as far as we have seen from its remarks and actions, to erase the memory and history of Japan’s military sexual slavery in Japan as well as in overseas. This attitude itself is a defamation against the victims/survivors who courageously testified in public about their horrific experiences as Japan’s military sexual slaves.

### **Memorials:**

#### **[ROK]**

27. The Japanese government demands the removal of the “girl statue for peace” that stands in front of the Embassy of Japan in Seoul. This statue was put in place on December 14, 2011, by citizens including “comfort women” survivors themselves. The memorial was erected on the day of the 1000th demonstration of protest that has been held there by survivors every Wednesday since 1992.<sup>14</sup> In response to the erection of this statue, the Japanese government made official requests to the ROK for its removal, claiming that the monument negatively affects the “dignity of diplomatic establishments abroad” and that it is in violation of the Vienna Treaties concerning consulatory relations. When another girl statue was built by citizens on December 30, 2016, in front of the Consulate-General of Japan in Busan, ROK, the Japanese government also demanded the removal of this second statue and, in protest, summoned back Japan’s ambassador to the ROK.<sup>15</sup>

#### **[USA]**

28. On February 22, 2017, the Japanese government filed an *amicus curiae* brief to the U.S. Supreme Court (in *Gingery et al. v. City of Glendale*) in support of the revisionist plaintiffs who sued the city of Glendale to have the removal of the “comfort women” memorial which the city erected in July 2013. In this document the Japanese government argues that the girl statue “presents a significant impediment to Japan’s diplomatic efforts” as it is “not in line” with the “spirit” of the bilateral agreement of 2015. The Japanese government also “strongly disagrees that the inscription on the Glendale monument accurately describes the historical record, which Japan has studied at length.”<sup>16</sup> When the U.S. Supreme Court dismissed the case on March 27, 2017, Chief Cabinet Secretary Yoshihiro SUGA again stated that setting up comfort women statues is “irreconcilable” with Japan’s stance and “extremely regrettable”. SUGA also claimed that the Japanese government continues to promote an “accurate

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

<sup>15</sup> At the press conference held by Foreign Minister Kishida, on February 17, 2017, he stated that he made the request again to the Foreign Minister of the ROK “in a strong manner,” reported on the website of Ministry of Foreign Affairs.

[http://www.mofa.go.jp/mofaj/press/kaiken/kaiken4\\_000458.html#topic1](http://www.mofa.go.jp/mofaj/press/kaiken/kaiken4_000458.html#topic1)

<sup>16</sup> The website of Ministry of Foreign affairs, <http://www.mofa.go.jp/mofaj/files/000231732.pdf>

understanding” of its basic stance and projects with regard to this issue.<sup>17</sup>

29. On June 30, 2017, a girl statue was erected in a Brookhaven park in Atlanta, USA. Prior to the installation, Takashi SHINOZUKA, the consul general of Japan in Atlanta, stated the following on June 16, 2017, in an attempt to block this installation:

No evidence has been found about [this issue]. So first of all, this is fact of history. Not 200,000, not sex slaves and not taken by force. Maybe you know that in Asian culture, in some countries, we have girls who decide to take this job to help their family. [abbr.] The memorial which the city of Brookhaven would like to have is not a simple art object but a political tool which has many controversial implications. As you can see, this has been [a] symbol of hatred and resentment against Japanese.<sup>18</sup>

This remark has not been condemned, refuted or rescinded by the State party.

### **[Germany]**

30. On March 8, 2017, a “girl statue” was erected by a private entity on private premises in Bavaria, Germany. The State party again showed resentment and demanded its removal. At a press conference on March 10, 2016, Foreign Minister KISHIDA noted that “the recent developments centering round comfort women statues are extremely regrettable. We will continue to make every effort to explain the position of our country.”<sup>19</sup> At the end of April, due to persistent meddling by the Japanese government, the owner removed the plaque from the statue base which had provided an historical explanation of the “comfort women” issue.

### **[The Philippines]**

31. 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 was proposed by the civil society organization in the Philippines, authorized by the National Historical Commission of the Philippines, and handed over to the Manila city on December 8, 2017.<sup>20</sup> On December 12, Chief Cabinet Secretary SUGA said in the press conference that “erecting the comfort women statue abroad is not consistent with the position of Japanese government and extremely regrettable”.<sup>21</sup> In February 2018, when Japan’s Minister for Internal Affairs and Communication, Seiko NODA, visited Manila, she again expressed regret about the erection of the “comfort women” statue.<sup>22</sup> Although at first, the Philippines president, Rodrigo Duterte, stated that the statue was a symbol of “freedom of expression”,<sup>23</sup> in the night of April 27, 2018, the statue was

<sup>17</sup> “US comfort woman statue: CCS calls for understanding of Japanese government’s position”, NHK, 28 March 2017. <http://www3.nhk.or.jp/news/html/20170328/k10010927181000.html>

<sup>18</sup> Website of Reporter Newspapers on June 20, 2017

<http://www.reporternewspapers.net/2017/06/27/japan-consul-generals-comfort-women-comments-trigger-international-criticism/>

<sup>19</sup> The website of Ministry of Foreign affairs, [http://www.mofa.go.jp/mofaj/press/kaiken/kaiken4\\_000467.html#topic2](http://www.mofa.go.jp/mofaj/press/kaiken/kaiken4_000467.html#topic2)

<sup>20</sup> The Daily Manila Shimbun, December 11, 2017

<sup>21</sup> Asahi Shimbun, December 12, 2107

<sup>22</sup> The Daily Manila Shimbun, January 10, 2018

<sup>23</sup> The Daily Manila Shimbun, January 18, 2018

demolished by the government of the Philippines. 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 the Japanese soldiers committed."<sup>24</sup>

### **Textbooks**

32. Most victims hope that history will be told accurately to succeeding generations to ensure that the same mistakes will not be repeated. However, although all history textbooks used in compulsory education between 1997 and 2001 in Japan included some reference to the "comfort women" issue, the number of such textbooks decreased in 2002 and 2006. In 2012, the term "comfort women" was erased from all compulsory education textbooks. In 2016, a reference to "comfort women" appeared in one history textbook only among books produced by 8 publishers. This reference, however, was largely modified under the scrutiny of a committee set up by the government to approve textbooks for use in compulsory schooling. (See Appendix B )

### **Museums**

33. As the "comfort women" issue did not appear in textbooks in mandatory education until 1997, most adults have not had a chance to learn about this issue. Thus, it is important to provide other means of educating people about "comfort women". However, neither the National Museum of Japanese History nor any other national museum related to the history of WWII explains the facts regarding Japan's military sexual slavery.

34. Furthermore, the State party objected to and harshly criticized the establishment of museums focusing on the "comfort women" issue in ROK, China and Taiwan. For example, when then President Ma of Taiwan expressed interest in setting up a memorial museum on "comfort women," Chief Cabinet Secretary SUGA said: "This is of course in conflict with Japan's position"; "If such efforts seem likely to be formalized, then we intend to explain our position [to the government of Taiwan] through a variety of channels and thrash it out [with them] so that the plan is cancelled."<sup>25</sup>

### **UNESCO Memory of the World (MoW)**

35. The State party is openly against the civil society's initiative to register documents related to Japan's military sexual slavery with the UNESCO Memory of the World (hereafter, MoW). On May 15, 2015, Prime Minister ABE noted "with emphasis" to members of his Liberal Democratic Party, including the head of the party's Foreign Affairs Division: "It is important to start making all-out efforts now so as not to have [the materials concerning "comfort women"] registered [with MoW]"<sup>26</sup>

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<sup>24</sup> Philippine Star, May 20, 2018

<sup>25</sup> At the Cabinet Secretary's press conference on June 5, 2015

<sup>26</sup> "PM Abe: Memory of the World 'requires close examination'; efforts for 'comfort women' non-registration", Jiji Wire Service, 15 May 2015. Archived at:<http://archive.fo/nArGp>

36. In May 2016, civil society groups from 8 countries and regions, namely, the Republic of Korea, China, Taiwan, the Philippines, Indonesia, East Timor, the Netherlands, and Japan, together with the Imperial War Museum in the UK, nominated the series of more than 2000 documents on Japan's military sexual slavery to the MoW under the name "the Voices of Comfort Women." For this nomination, national archives in places such as the US, Australia, China, Taiwan, the Republic of Korea and the Netherlands, gave permission for their documents related to the "comfort women" issue to be lodged with the MoW.
37. The State party has made all-out efforts to pressure UNESCO not to register "comfort women" documents in the MoW, even suspending its fiscal contribution of US\$34 million to UNESCO.<sup>27</sup> The Register Sub-committee of the MoW notified the nominators by letter that the "Voices of Comfort Women" documents are "unique and irreversible". In October, 2017, however, the International Advisory Committee of the MoW made a recommendation to the Director General, Irina Bokova, to leave the registration of these documents pending for "dialogue."<sup>28</sup> The Director General accepted this recommendation. Presently, the government of Japan is making another all-out effort to change the rules of the MoW to give relevant governments the right to intervene in decision making processes.<sup>29</sup> This is a threat to the international human rights community which to date has safeguarded documents related to human rights violation by state actors through the UNESCO Memory of the World.

## **5. 2015 Japan-ROK "announcement"**

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38. On December 28, 2015, the Foreign Ministers of the ROK and Japan appeared on TV for a press conference and announced that the "comfort women" issue was "finally and irreversibly" resolved. However, because the Japanese Imperial Army's system of sexual slavery was not confined to Korea, but rather spread over large areas of the Asia-Pacific region, the ROK-Japan bilateral "announcement" neither discharges the Japanese government's responsibility, nor resolves the "comfort women" issue. (See Appendix A )
39. The "announcement" has major flaws, both in process and content. The most significant flaw is that the agreed "announcement" was reached with no consultation with any of the survivors of the "comfort women" system. Further, no written documents exist. It was simply an "announcement" for the media as well as a reported 15-minute telephone conversation between Prime Minister ABE and President PARK of the ROK. No documents concerning the agreement were presented to the survivors for their approval or signatures. In the absence of documentation, exactly what the two governments agreed on remains unclear. In terms of money provided by the Japanese government, Foreign Minister KISHIDA made it clear at a press conference that the 1 billion yen (\$9.8 million) was not compensation based on legal

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<sup>27</sup> Sankei Newspaper, May7, 2017.

<sup>28</sup> <https://en.unesco.org/news/international-advisory-committee-recommends-78-new-nominations-unesco-memory-world>

<sup>29</sup> Sankei Newspaper, January 3, 2018

responsibility for the harm done to the survivors.<sup>30</sup>

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

Last year I highlighted the unresolved suffering, and search for justice, of the women who survived sexual slavery by Japanese military forces during World War II. Since then, in December 2015, the Governments of Japan and the Republic of Korea have announced a bilateral agreement to address the issue. Its terms have been questioned by various UN human rights mechanisms, and most importantly by the survivors themselves. It is fundamentally important that the relevant authorities reach out to these courageous and dignified women; ultimately only they can judge whether they have received genuine redress.<sup>31</sup>

42. Three UN special rapporteurs, namely, Ms. Eleonora Zielinska, Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice; Mr. Pablo de Greiff, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; and Mr. Juan E. Méndez, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, have expressed their concerns on this political “announcement”. They urged the government of Japan to implement CEDAW's new recommendations, take a victim-centered approach and to follow international human rights standards.<sup>32</sup>

## **Recommendations**

WAM respectfully request the Committee on the Elimination of Racial Discrimination:

- To urge the State party to fully implement all the recommendations by the relevant UN human rights bodies on Japan’s military sexual slavery.
- To urge the State party to stop re-traumatizing surviving victims by denying events and opposing any efforts to remember, including the installation of memorials.
- To urge the State party to provide full and effective reparation to all the victims/survivors and their families. For that purpose, to recommend the State party to accept the visit of UN human rights experts, such as a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, to seek advice on how to provide reparation to the victims living in different countries and regions of Asia-pacific after 73 years from the initial violation.

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<sup>30</sup> At the press conference with Japanese reporters pursuant to the “announcement”, December 28, 2015.

<sup>31</sup> URL:<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E>

<sup>32</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17209&LangID=E>

# “COMFORT STATIONS” OF THE JAPANESE MILITARY

Binglin, North Korea. This building was used as a “comfort station” during the Japanese colonial period. It remains today as a historical site. The building was used to be a reception at the right hand side of the entrance, and the building was destroyed on the wall across the reception.

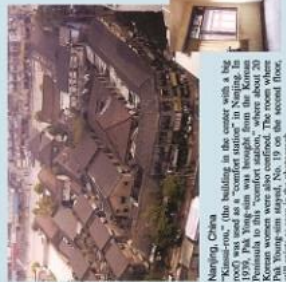


Shuang Province, China. This building in Shuang Province is a former military headquarters after the invasion of Yu Prefecture in Shuang Province, where members of the Japanese military were stationed and tortured. For women, the “comfort stations” were used to be a reception at the right hand side of the entrance, and the building was destroyed on the wall across the reception.

During the period that began with the Manchurian Incident in 1931, which was followed by the outbreak of war with China in 1937 and the Asian-Pacific War in 1941, and continued until Japan's defeat in 1945, the Japanese Military invaded and occupied many areas in Asia. The Japanese Military set up “comfort stations” throughout Asia wherever it invaded, including Korea and Taiwan, which were then Japanese colonies, and in Japan itself. Women from all over Asia were confined there, and continually raped by Japanese officers and soldiers. Women enslaved by the Japanese Military not only Koreans, Taiwanese and Japanese, but also local women from wherever the Japanese military was stationed: China, the Philippines, Indonesia, the Netherlands, East Timor, Malaysia, Thailand, Guam, Burma and Vietnam.

This map shows the locations of “comfort stations” established by the Japanese Military, including places where combat troops abducted, confined and raped women on their own. Various sources are used to prepare this map: testimonies and documents of the victimized women and former Japanese soldiers, and local residents; official documents and military related documents including evidence from military trials, soldiers' diaries, records of battles, and memoirs.

Women's Active Museum on War and Peace



Nanjing, China. “Kamome-ryu” (this building in the center with a big roof) was used as a “comfort station” in Nanjing. In 1937, it was used as a “comfort station” for Japanese military personnel in this “comfort station,” where about 20 Korean women were also confined. The room where still exists as seen in the photograph.



Marbo, East Timor. As a young girl, Maria Abo Irem was brought to a room with four other women. They did construction work during the day, and were raped by soldiers at night. The building was used as a “comfort station” for Japanese soldiers.



The photo shows the current status of the Japanese military. In 2000, the building was used as a “comfort station” for Japanese military personnel in this “comfort station,” where about 20 Korean women were also confined. The room where still exists as seen in the photograph.

- Red circle: Substation of “comfort station”
- Blue circle: Substation of “comfort station”
- Yellow circle: Substation of “comfort station”
- Green circle: Substation of “comfort station”
- Orange circle: Substation of “comfort station”
- Grey circle: Substation of “comfort station”



Perang Malaya. A former Japanese military “comfort station” now the Ring Lock Hotel. In 1942, the Japanese military brought women from all over Asia to this “comfort station” and brought them to this hotel. Most of the women were soldiers. Most of the women were from the Philippines, Indonesia, and the Netherlands. The hotel was not freed until Japan lost the war.

Women's Active Museum on War and Peace (wam) AVACD Bldg 2F, 2-3-18, Nishi-Waseda Shinjuku, Tokyo 169-0001, Japan The Web Map of “Comfort Station”: <http://www.wam-paseo.org/wjip-map/>



受理番号 26-65		学校 中学校		教科 社会	種目 社会 (歴史的分野)	学年 1-3
番号	指摘箇所		指摘事項	指摘事由	検定基準	
	ページ	行				
234	273	囲み	【忘れなかったマルタの歌声】 ソ連は軍隊を送り、この民主化の動きを鎮圧しようとした。	生徒が誤解するおそれのある表現である。 (「民主化の動き」の鎮圧にいたる経緯)	3-(3)	
235	278	1 - 14	林亜金は、海南島(中国)の小さな村で暮らしていました。…多くの女性が入られていました。	話題の選択が、具体の事項に偏っており、全体として調和がとれていない。 (辞典類、通史的概説書にもほとんど取り上げられていない個別事例であり、生徒が理解・追究できない。)	2-(5)	
236	278	4 - 9	1943年の夏、19歳の林亜金が稲刈りを手伝っていたとき、突然、日本兵が現れて、いっしょにいた3人とともに、軍の駐屯地に連行されました。かやぶきの小屋に別々に入れられ、日本兵たちの	健全な情操の育成について必要な配慮を欠いている。 (「暴行」についての具体的な記述)	1-(5)	
			暴行を受けました。少しでも抵抗すると、なぐられたり蹴られたり、たばこの火を押しつけられたりしました。その後も、島内各地の駐屯地で、大勢の兵士の相手をさせられました。			
237	278	13 - 14	海南島には、4方所以上の軍の「慰安所」がつくられ、多くの女性が入られていました。	生徒が誤解するおそれのある表現である。 (同ページ1~12行目及び279ページ図4との関係)	3-(3)	
238	278 - 279	15 - 12	金学順の証言(全体) (237ページ囲み【朝鮮・台湾の人びとと日本の戦争】の「一方、朝鮮・台湾の若い女性たちのなかには、「慰安婦」として戦地に送り込まれた人たちがいた。女性たちは、日本軍とともに移動させられて、自分の意思で行動できなかった。」も同様)	政府の統一的な見解に基づいた記述がされていない。 (「慰安婦」に関する政府見解)	固有 2-(4)	

**Explanation from WAM:**

← This document, dated November 2014, is a reply from the government-appointed screening committee to the writer of the “Manabisha” history textbook publisher, indicating paragraphs considered to contain “deficiencies” with accompanying reasons.

\*English translations are in gray.

Flagged Items	Explanation
LIN Yajin was living in a small village in Hainan(China)... many women were kept inside them.	The choice of subject matter is slanted to one concrete incident and lacks overall balance. (This is a single example that can be found in almost no encyclopedia or historical overview. Students can neither understand it nor pursue research about it.)
In the summer of 1943 at the age of 19, she was helping with the rice harvest when a group of Japanese soldiers suddenly appeared and abducted her and three others girls. They were taken to an army barracks and placed separately in small rooms with thatched roofs where they were violated by the soldiers. If they showed the least resistance, they were beaten, kicked and burned with cigarettes. In the period that followed, they were forced to lie with countless soldiers in outposts scattered about the island.	<b>Lacks necessary consideration of healthy emotional development.</b>  (concrete description with regard to “violent acts”)
At least four military “comfort stations” were built on Hainan Island with numerous women kept inside them.	An expression liable to be misunderstood by students. (Relationship to lines 1-12 on the same page and to Illustration No. 4 on page 279)
The Testimony of Kim Hak-Sun (whole) Same for the column on page 237, [Japan’s War and the People of Korea and Taiwan] “In addition, some young women from Korea and Taiwan were sent to the battlefield as “comfort women.” The women were transported with Japanese troops and were unable to act of their own will.”	<b>Lacking description of unified government viewpoint.</b> (Government view on “comfort women”)

# BEFORE

**Explanation from WAM:**  
The treatment of the “comfort women” issue in the Manabisha textbook BEFORE government screening.



**8. Japanese Military in Southeast Asia**

東アジアから東南アジアへと進軍がはじまり、苦ししい労働環境の改善が求められました。インドネシアで日本軍が建設した、苦しい労働環境の改善が求められました。

日本は、東南アジアの国々を戦車の輪郭から解放して、人々を自由にするのを宣言していましたが、実際には、むしろその地域の支配を強めたため、各地で抗日・暴動が起きました。

長引く日中戦争

## 9. Reconsidering the Postwar Born and Raised on Hainan Island

LIN Yajin was living in a small village in Hainan (China) when Japanese troops occupied the island in 1939 and began developing mines and constructing airfields. LIN Yajin had a dream that one day she would meet the right man, have children and continue her life farming in the village. In the summer of 1943 at the age of 19, she was helping with the rice harvest when a group of Japanese soldiers suddenly appeared and abducted her and three other girls. They were taken to an army barracks and placed separately in small rooms with thatched roofs where they were violated by the soldiers. If they showed the least resistance, they were beaten, kicked and burned with cigarettes. In the period that followed, they were forced to lie with countless soldiers in outposts scattered about the island.

The war ended two years later and LIN Yajin returned home to her village. It had been burned to the ground, and her brother and mother and father were dead. LIN Yajin, now disabled, was taken in by her sister, but she never stopped cursing her fate. “Everything in my life,” she said, “has been torn to shreds.”

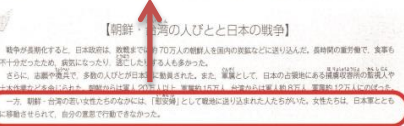
At least four military “comfort stations” were built on Hainan Island with many women kept inside them.

“He’s taking me away,” a painting by Korean former “comfort woman” Kim Soon-duk

**Locations where “Comfort Stations” were established.** Shows only places confirmed through existing public documents. Produced with cooperation from WAM.

### [Japan’s War and the People of Korea and Taiwan]

In addition, some young women from Korea and Taiwan were sent to the battlefield as “comfort women.” The women were transported with Japanese troops and were unable to act of their own will.



### The Testimony of Kim Hak-Sun

When questioned about “comfort women” in the Diet in 1990, the Japanese government responded that private brokers had taken the women from one place to another, a reply that was also broadcast in Korea. (Aged 67 at the time) Kim Hak-sun, on hearing this, decided to come out publicly as “living proof,” revealing that she had been forced to become a “comfort woman” of the military.

After Kim Hak-sun, other women also began coming forward one after another, demanding that the Japanese government apologize and offer compensation. The government, for its part, acknowledged the military’s involvement in the establishment and management of “comfort stations” and extended its apologies and remorse. It made clear, on the other hand, that it considered the matter of compensation to have been settled at the national level and would not compensate individuals. As a result, the government set up the “Asian Women’s Fund” in 1995 and offered “atonement money” donated by the people of Japan to former “comfort women.” It also implemented government programs to assist with the women’s health and welfare. Some women refused the offer on the grounds that it left ambiguous the question of national responsibility.

The question of responsibility for violence against women during wartime continues to be pursued, the issue of the “comfort women” system having been taken up by the United Nations Committee on Human Rights as well as the United States Congress.

**(9) 問い直される戦後**

**海南島に生まれ育つて**  
林金寧は、海南島(中国)の小さな村で暮らしていました。日本軍は、1939年に島を占領し、島の開発や飛行場の建設を始めました。  
林金寧は、好きな人と出会う子どもを産み、村で農夫を助けるという夢を持っていました。1943年の夏、19歳の林金寧が徴用を命じられたとき、突然、日本兵が現れて、いっしょにいた3人とともに、軍の駐屯地に連れて行かれました。かぶさる小艇に別々に入れられ、日本兵たちの暴力を受けました。少しでも抵抗すると、なぐられたり罵られたり、たばこの灰を押しつけられたりしました。その後も、島内各地の駐屯地で、大勢の兵士の相手させられました。  
2年後に戦争は終わりましたが、林金寧は村に帰りました。村は焼きつくされ、父も母も死んでいました。体を壊した林金寧は、姉の家を引き取られましたが、「人生のすべてが狂わされた」と嘆き続けました。  
海南島には、4か所以上の軍の「慰安所」がつけられ、多くの女性が入れられていました。

**◆金寧期の証言**  
1990年、日本の政府は、国会での質問に対して、「慰安所」は民間業者が設立したものだと言え、韓国でも報道されました。これを知った金寧(当時67歳)は、「生き証人がここにいる」と名乗り出て、軍の「慰安所」にいられたことを明らかにしました。  
金寧期に続いて名乗り出る女性たちが次々と現れ、日本政府に、謝罪と賠償を求めました。日本政府も「慰安所」の設置や運営に関与していたことを認め、お詫びと反省の意を示しました。一方で政府は、戦争についての賠償は国家間で解決済みであり、個人への賠償は行わないとしています。そのため、1995年、「女性のためのアジア平和国民基金」を設立させ、元「慰安所」に国民の募金による「償い金」をわたした。政府の出資による医療・福祉を支える事業を始めました。これに対して、国家の責任をいまいだしているとして、受け取りを拒否する女性も出ました。  
「慰安所」制度の問題は、国連の人権委員会やアメリカ議会などでも取り上げられ、戦争中の女性への暴力の責任が問われるようになっていきました。

**◆問い直される人権の侵害**  
1990年代、世界では、戦時下や植民地支配下で人権侵害を問い直す動きがすすみました。2001年に南アフリカで開催された、国連主催の会議で、奴隷貿易や強制労働、植民地支配の責任が問われました。アメリカ政府とカナダ政府は、第二次世界大戦中に日系アメリカ人を強制収容所に入れたことを謝罪し、被害者への補償を行いました。イギリス政府は、植民地だったアフリカで、独立を求める人びとを収容所に入れ拷問などの虐待をした問題で、2013年、被害者へ補償を行うことを発表しました。

**◆戦時被害への個人賠償**  
日本と中国は、1972年の日中共同声明を発表し、国交を正常化した。この声明では、過去において日本国が戦争を遂げたことによる多大な被害を蒙ったことについての責任を認め、深く反省すると述べた。このとき、中国政府は、日本国が戦争中に中国に犯した人権侵害を謝罪し、被害者への補償を行うべきだと主張した。日本国は、個人賠償や謝罪、慰問などの補償を日本政府に求めるのを、1995年以降、決断しなかった。

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**◆慰安所をめぐって**  
慰安所は、戦時下の日本軍が、兵士たちの慰安を名目に、各地に設置した施設のことです。慰安所には、多くの女性が入れられていました。慰安所には、多くの女性が入れられていました。慰安所には、多くの女性が入れられていました。

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### Kono Statement

2002年、首相官邸で記者会見をする小泉純一郎首相

2002年、首相官邸で記者会見をする小泉純一郎首相

2002年、首相官邸で記者会見をする小泉純一郎首相



# AFTER

**WAM:** The sentences below highlighted in red by WAM were inserted after the government screening. The first sentence suggests that the "comfort women" issue applies only to Korea. The second summarizes the current cabinet position.



**[Kono Statement of 1993]**

- As a result of the study which indicates that comfort stations were operated in extensive areas for long periods, it is apparent that there existed a great number of comfort women.
- The recruitment, transfer, etc. from Korean Peninsula were conducted generally against their will.
- [This was an act] with the involvement of the military authorities of the day, that severely injured the honor and dignity of many women. The Government of Japan would like to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds [as comfort women].
- We shall face squarely the historical facts, and reiterate our firm determination never to repeat the same mistake by forever engraving such issues in our memories through the study and teaching of history. [excerpt]
- Presently, the government of Japan expresses the view that no documents have been found that directly indicate any so-called forcible abduction by the military or government authority.

In addition, some young women from Korea and Taiwan were sent to the battlefield as "comfort women." The women were transported with Japanese troops and were unable to act of their own will.

【朝鮮・台湾の人びとと日本の戦争】

戦争が長期化すると、日本政府は、戦場までに約70万人の朝鮮人も国内の徴用などにより送られた。長時間の留守で、食事も十分でなかったため、餓死にいたり、凍死にしたりする人も多かった。婦人として、日本の占領地に来た朝鮮人の数は約20万人に達し、多くは慰安所に入れられた。朝鮮人の徴用(20万人以上)と、強制労働(約10万人)を合わせると、約30万人に達した。一方、朝鮮・台湾の若い女性のなかには、戦場に連れられた人もいた。この女性たちは、日本軍ともはつきりせず、自分の意思で行動することはできなかった。

**WAM:** The phrase "comfort women" was erased after the screening.

**Explanation from WAM:** Survivor testimonies as well as their actions demanding the right to reparations have completely disappeared. As for visuals, paintings by "comfort women" survivors and a map of "comfort stations" have been replaced with other war-related pictures such as the annual death rates of Japanese soldiers and civilians during the war.

**WAM:** Although the paragraph mentions Kim Hak-sun, the first "comfort women" victim come forward, the phrase "comfort women" is omitted. The responsibility of the Japanese government has been rendered so vague as to be almost impossible to understand.

(12) 問い直される戦後 日中関係正常化と東アジア

私はだれなのか

1981年3月、浜島邦子の写真が報じられ、「私は誰なのか」として、新聞やテレビで報道されました。中国関係が再開されたのは1978年でした。アジア太平洋戦争が終わって38年、日中関係正常化から9年がたっていました。戦後光景とは、戦争被害に因り、家族で別れて中国東北部(満洲)へ入り、敗戦後、日本に帰国せず、地元の中国人に命を救われ養われた人たちが、日中関係回復したことを許さない中国人から「日本兵」と呼ばれることもありました。戦後30年が経ったのは1981年から1990年まで、日中関係が再開されたのが1978年に入りました。そのうち身元が確認されたのは約10万人、帰国した人たちの日本の生活は、一層多岐にわたります。また、戦後30年、満洲国出身を一番多く送り出した長春市のある学校では、開校以来、戦時中の歴史を伝える歴史資料を、帰国者の手紙や写真などから「生かされてきた祖父母に代る」として、歴史資料として残す取り組みを行っています。

【問い直される人種の境目】

1990年代、世界では、戦後下で戦時中に起きた人権侵害問題、戦争責任が問われ、軍事責任が問われ、2001年に南アフリカで開かれた、南アフリカでの種族浄化政策、南アフリカでの責任の問われること。2003年、イギリス政府は、第二次世界大戦中に日本軍が慰安所に入れた、朝鮮、満洲国出身の慰安婦を、慰安所に入れたことについて、謝罪し、賠償を行うことになりました。

1991年、韓国政府は、慰安所問題について、日本政府に、戦時中の慰安所問題について、謝罪を行うこと、1993年に韓国と日本の両国が合意し、慰安所問題について、謝罪を行うこと、アメリカ、オランダなど各国の国会が、この問題を提起し、日本政府に謝罪を求めました。

**[Reconsidering Human Rights Violations]**

Spurred by the testimony of Kim Hak-sun in 1991, the Japanese government undertook an investigation of violence against women and violations of human rights during wartime. In 1993, the government issued its opinion, extending apologies and feelings of remorse. The movement to readdress human rights violations during wartime also advanced in this manner in East Asia. Legislative bodies in the United States, the Netherlands and many other nations have also taken up the question.

The issue of the responsibility that nations around the world bear for violence and violations of human rights during wartime is at present undergoing renewed questioning.

# Recommendations by the UN Human Rights Bodies on Japan's military sexual slavery issue

Updated: July 2018

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● Navi Pillay, the UN High Commissioner for Human Rights, 6 August, 2014	

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## I. Concluding Observations by Treaty Bodies [on Japan]

The following table contains excerpts of relevant clauses pertaining to Japan’s military sexual slavery issue from aforementioned UN human rights treaty bodies’ documents.

Year	Document Number	Excerpt
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### 1. Human Rights Committee (CCPR)

2008	CCPR/C/JPN/CO/5	<p>22. The Committee notes with concern that the State party has still not accepted its responsibility for the “comfort women” system during World War II, that perpetrators have not been prosecuted, that the compensation provided to victims is financed by private donations rather than public funds and is insufficient, that few history textbooks contain references to the “comfort women” issue, and that some politicians and mass media continue to defame victims or to deny the events. (arts. 7 and 8)</p> <p><b>The State party should accept legal responsibility and apologize unreservedly for the “comfort women” system in a way that is acceptable to the majority of victims and restores their dignity, prosecute perpetrators who are still alive, take immediate and effective legislative and administrative measures to adequately compensate all survivors as a matter of right, educate students and the general public about the issue, and to refute and sanction any attempts to defame victims or to deny the events.</b></p>
2014	CCPR/C/JPN/CO/6	<p><b>Sexual slavery practices against “comfort women”</b></p> <p>14. The Committee is concerned by the State party’s contradictory position that the “comfort women” were not “forcibly deported» by Japanese military during wartime but that the “recruitment, transportation and management» of these women in comfort stations was done in many cases generally against their will through coercion and intimidation by the military or entities acting on behalf of the military. The Committee considers that any such acts carried out against the will of the victims are sufficient to consider them as human rights violations involving the direct legal responsibility of the State party.</p> <p>The Committee is also concerned about re-victimization of the former comfort women by attacks on their reputations, including some by public officials and some that are encouraged by the State party’s equivocal position. The Committee further takes into account, information that all claims for reparation brought by victims before Japanese courts have been dismissed, and all complaints to seek criminal investigation and prosecution against perpetrators have been rejected on the ground of the statute of limitations. The Committee considers that this situation reflects ongoing violations of the victims’ human rights, as well as a lack of effective remedies available to them as victims of past human rights violations (arts.2,7 and 8).</p> <p><b>The State party should take immediate and effective legislative and administrative measures to ensure: (i) that all allegations of sexual slavery or other human rights violations perpetrated by Japanese military during wartime against the “comfort women”, are effectively, independently and impartially investigated and that</b></p>

		<p>perpetrators are prosecuted and, if found guilty, punished; (ii) access to justice and full reparation to victims and their families; (iii) the disclosure of all evidence available; (iv) education of students and the general public about the issue, including adequate references in textbooks; (v) the expression of a public apology and official recognition of the responsibility of the State party; (vi) condemnation of any attempts to defame victims or to deny the events.</p>
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## 2. Committee on Economic, Social and Cultural Rights (CESCR)

2001	E/C.12/1/Add.67	<p>26. The Committee expresses its concern that the compensation offered to wartime “comfort women” by the Asian Women’s Fund, which is primarily financed through private funding, has not been deemed an acceptable measure by the women concerned.</p> <p><b>E. Suggestions and recommendations</b></p> <p><b>53. The Committee 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.</b></p>
2013	E/C.12/JPN/CO/3	<p>26. The Committee is concerned about the lasting negative effects of the exploitation to which ‘comfort women’ were subjected on their enjoyment of economic, social and cultural rights and their entitlement to reparation. (art. 11, 3)</p> <p><b>The Committee recommends that the State party take all necessary measures to address the lasting effects of the exploitation and to guarantee the enjoyment of economic, social and cultural rights by ‘comfort women’. The Committee also recommends that the State party educate the public on the exploitation of ‘comfort women’ so as to prevent hate speech and other manifestations that stigmatize them.</b></p>

## 3. Committee on the Elimination of Discrimination against Women (CEDAW)

1994	A/50/38	<p>633. The Committee expressed its disappointment that the Japanese report contained no serious reflection on issues concerning the sexual exploitation of women from other countries in Asia and during World War II. It noted that Japan’s commitment to the Convention required it to ensure the protection of the full human rights of all women, including foreign and immigrant women.</p> <p><b>635. [abbr.]...The committee also encourages the Government to take specific and effective measures to address these current issues as well as war-related crimes and to inform the Committee about such measures in the next report.</b></p>
2003	A/58/38	<p>361. [abbr.]...While appreciative of the comprehensive information provided by the State party with respect to the measures it has taken before and after the Committee’s consideration of the second and third periodic reports of the State party with respect to the issue of wartime “comfort women,” the Committee notes the ongoing concerns about the issue.</p> <p><b>362. [abbr.]...The Committee recommends that the State party endeavour to find a lasting solution for the matter of “wartime comfort women”.</b></p>
2009	CEDAW/	<p>37. The Committee notes that some steps were taken by the State party to address the</p>

	C/JPN/C O/6	<p>situation of “comfort women” but regrets the State party’s failure to find a lasting solution for the situation of “comfort women” victimized during the Second World War and expresses concern at the deletion of references to this issue in school textbooks.</p> <p><b>38. The Committee reiterates 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.</b></p>
2016	CEDAW/ C/JPN/C O/7-8	<p><b>“Comfort women”</b></p> <p>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, for example, paras. 147-145). 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 that the State party has not implemented the aforementioned recommendations and that its position on the issue of “comfort women” does not fall within the mandate of the Committee since the alleged violations occurred prior to the entry into force of the Convention by the State party in 1985. The Committee further regrets:</p> <ul style="list-style-type: none"> <li>(a) That, 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 the announcement of the bilateral agreement with the Republic of Korea, which asserts that the “comfort women” issue “is resolved finally and irreversibly” and did not fully adopt a victim-centred approach;</li> <li>(b) That 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;</li> <li>(c) That the State party has not addressed its obligations under international human rights law towards “comfort women” victims in other concerned countries;</li> <li>(d) That the State party deleted references to the issue of “comfort women” in textbooks.</li> </ul> <p><b>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 those victims. The Committee, therefore, considers that it is not precluded <i>ratione temporis</i> from addressing such violations and urges the State party:</b></p>

		<p>(a)To ensure that its leaders and public officials desist from making disparaging statements regarding responsibility, which have the effect of retraumatizing victims;</p> <p>(b)To 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;</p> <p>(c)To 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 ensures their rights to truth, justice and reparations;</p> <p>(d)To adequately integrate the issue of “comfort women” in textbooks and ensure that historical facts are objectively presented to students and the general public;</p> <p>(e)To 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.</p>
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#### 4. Committee against Torture (CAT)

2007	CAT/C/J PN/CO/1	<p><b>Statute of limitations</b></p> <p>12. The Committee notes with concern that acts amounting to torture and ill-treatment are subject to a statute of limitations. The Committee is concerned that the statute of limitations for acts amounting to torture and ill-treatment may prevent investigation, prosecution and punishment of these grave crimes. In particular, the Committee regrets the dismissal of cases filed by victims of military sexual slavery during the Second World War, the so-called “comfort women”, for reasons related to statutory limitations.</p> <p><b>The State Party should review its rules and provisions on the statute of limitations and bring them fully in line with its obligations under the Convention, so that acts amounting to torture and ill-treatment, including attempts to commit torture and acts by any person which constitute complicity or participation in torture, can be investigated, prosecuted and punished without time limitations.</b></p> <p><b>Compensation and rehabilitation</b></p> <p>23. The Committee is concerned at the inadequate remedies for the victims of sexual violence, including in particular survivors of Japan’s military sexual slavery practices during World War II and the failure to carry out effective educational and other measures to prevent sexual violence- and gender-based breaches of the Convention. 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.</p> <p><b>The Committee considers that both education (article 10 of the Convention) and remedial measures (article 14 of the Convention) are themselves a means of</b></p>
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		<p>preventing further violations of the State party's obligations in this respect under the Convention. Continuing official denial, failure to prosecute, and failure to provide adequate rehabilitation all contribute to a failure of the State party to meet its obligations under the Convention to prevent torture and ill-treatment, including through educational and rehabilitation measures. The Committee recommends that the State party take measures to provide education to address the discriminatory roots of sexual and gender-based violations, and provide rehabilitation measures to the victims, including steps to prevent impunity.</p>
2013	CAT/C/JPN/CO/2	<p><b>Victims of military sexual slavery</b></p> <p>19. Notwithstanding the information provided by the State party concerning some steps taken to acknowledge the abuses against victims of Japan's military sexual slavery practices during the Second World War, the so-called "comfort women", the Committee remains deeply concerned at the State party's failure to meet its obligations under the Convention while addressing this matter, in particular in relation to: (arts. 1, 2, 4, 10, 14 and 16)</p> <p>(a) Failure to provide adequate redress and rehabilitation to the victims. The Committee regrets that the compensation, financed by private donations rather than public funds, was insufficient and inadequate;</p> <p>(b) Failure to prosecute perpetrators of such acts of torture and bring them to justice. The Committee recalls that on account of the continuous nature of the effects of torture, statutes of limitations should not be applicable as these deprive victims of the redress, compensation, and rehabilitation due to them;</p> <p>(c) Concealment or failure to disclose related facts and materials;</p> <p>(d) Continuing official denial of the facts and re-traumatization of the victims by high-level national and local officials and politicians, including several diet members;</p> <p>(e) The failure to carry out effective educational measures to prevent gender-based breaches of the Convention, as illustrated, inter alia, by a decrease in references to this issue in school history textbooks;</p> <p>(f) The State party's rejection of several recommendations relevant to this issue, made in the context of the universal periodic review (A/HRC/22/14/Add.1, paras.147.145 et seq.), which are akin to recommendations made by the Committee (para.24) and many other UN human rights mechanisms, inter alia, the Human Rights Committee (CCPR/C/JPN/CO/5, para.22), the Committee on the Elimination of Discrimination against Women (CEDAW/C/JPN/CO/6, para.38), the Committee on Economic, Social and Cultural Rights (E/C.12/JPN/CO/3, para.26) and several special procedures' mandate-holders of the Human Rights Council.</p> <p><b>Recalling its general comment No. 3, the Committee urges the State party to take immediate and effective legislative and administrative measures to find victim-centered resolution for the issues of "comfort women", in particular, by:</b></p> <p>(a) <b>Publicly acknowledge legal responsibility for the crimes of sexual slavery, and prosecute and punish perpetrators with appropriate penalties;</b></p> <p>(b) <b>Refute attempts to deny the facts by the government authorities and public figures and to re-traumatize the victims through such repeated denials;</b></p> <p>(c) <b>Disclose related materials, and investigate the facts thoroughly;</b></p>

		<p>(d) <b>Recognise 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;</b></p> <p>(e) <b>Educate the general public about the issue and include the events in all history textbooks, as a means of preventing further violations of the State party’s obligations under the Convention.</b></p>
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**5. Committee on the Elimination of Racial Discrimination (CERD)**

2014	CERD/C/ JPN/CO/ 7-9	<p><b>Comfort women</b></p> <p>18. The Committee notes information provided by the delegation of the State party about efforts made to solve the issue of foreign “comfort women” who were sexually exploited by the Japanese military during the World War II. The Committee also notes information on compensation provided through the Asian Women Fund, established by the State party in 1995, and government expressions of apology, including the apology of the Prime Minister of Japan in 2001. Bearing in mind that human rights violations against surviving “comfort women” persist as long as their rights to justice and reparation are not fully realized, the Committee is concerned at reports that most of the “comfort women” have never received recognition, apologies or any kind of compensation (art. 2, 5).</p> <p><b>The Committee urges that the State party take immediate action to:</b></p> <p>(a) <b>Conclude investigations on violations of the rights of comfort women by the Japanese military, and bring to justice those responsible for human rights violations;</b></p> <p>(b) <b>Pursue a comprehensive, impartial and lasting resolution of the issue of comfort women, including expressions of sincere apology and the provision of adequate reparation to all surviving comfort women or to their families;</b></p> <p>(c) <b>Condemn any attempts at defamation or denial of such events.</b></p>
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## II. Concluding Observations by Treaty Bodies [on Republic of Korea]

### 1. Committee on the Elimination of Discrimination against Women (CEDAW)

2018	CEDAW/ C/KOR/C O/8	<p><b>“Comfort women”</b></p> <p>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-centred 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.</p> <p><b>27. The Committee recommends that the State party:</b></p> <p>(a) <b>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 victims/survivors and their families;</b></p> <p>(b) <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 compensation to be afforded without delay.</b></p>
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### 2. Committee against Torture (CAT)

2017	CAT/C/K OR/CO/3 -5	<p><b>Redress for victims of torture and ill-treatment</b></p> <p>47. The Committee:</p> <p>(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; [abbr.]</p> <p><b>48. The State party should: [abbr.]...</b></p> <p>(d) <b>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;</b></p>
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### III. Statement by then UN High Commissioner for Human Rights

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- **Japan’s approach to the issue of “comfort women” causing further violations of victims’ human rights<sup>1</sup>**

GENEVA (6 August 2014) – UN High Commissioner for Human Rights Navi Pillay on Wednesday expressed profound regret that Japan has failed to pursue a comprehensive, impartial and lasting resolution of the issue of wartime sexual slavery, warning that the human rights of the victims, known as “comfort women”, continue to be violated decades after the end of the Second World War.

“During my visit to Japan in 2010, I appealed to the Government to provide effective redress to the victims of wartime sexual slavery,” the High Commissioner said. “Now, as my tenure in office comes to an end, it pains me to see that these courageous women, who have been fighting for their rights, are passing away one by one, without their rights restored and without receiving the reparation to which they are entitled.”

“This is not an issue relegated to history. It is a current issue, as human rights violations against these women continue to occur as long as their rights to justice and reparation are not realised,” she stressed.

Instead of justice, the High Commissioner said, the women are facing increasing denials and degrading remarks by public figures in Japan. A report issued by a Government-appointed study team on 20 June 2014, stated that “it was not possible to confirm that women were forcefully recruited.” Following the release of this report, a group in Tokyo publicly declared that “comfort women were not sex slaves but wartime prostitutes.”

“Such statements must cause tremendous agony to the women, but we have not seen any public rebuttal by the Government,” Pillay said.

Over the years, Japan has received recommendations from a number of UN independent experts, human rights treaty bodies and from the Human Rights Council under its Universal Periodic Review for it to take concrete measures to tackle the issue. Most recently, the UN Human Rights Committee, which oversees implementation of the International Covenant on Civil and Political Rights, called on Japan to take “immediate and effective legislative and administrative measures” to ensure that all allegations of sexual slavery are investigated and perpetrators prosecuted. It also called for access to justice and reparations for victims and their families, the disclosure of all evidence available, and education in the country surrounding the issue.

Pillay noted that Japan had signed the UN Declaration on the Prevention of Sexual Violence in Conflict last year and that it had offered strong support to the UK summit on sexual violence in conflict earlier this year

“I encourage Japan to pursue a comprehensive, impartial and lasting resolution of the wartime sexual slavery issue with the same vigour,” she added, noting the Office’s readiness to offer any necessary assistance.

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<sup>1</sup> Source: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14920&LangID=E>