

**Committee on the Elimination of Discrimination against Women (CEDAW)
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Japan

Issue of Comfort Women

**(Commercially Recruited Women for selling sex to
Japanese Soldiers including Korean ethnic at the wartime)**

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Issue of “Comfort Women” (Commercially Recruited Women for selling sex to Japanese Soldiers including Korean ethnic at the wartime)

1, Concluding Observations on the sixth periodic report of Japan (CEDAW/C/JPN/6)

The Committee shows its concern in the paragraphs 37 and 38 as follows.

37. The Committee notes that some steps were taken by the State party to address the 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.

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.

2, Summary of the Relevant Information from the 7th and 8th Periodic Report of Japan (CADEW/C/JPN/7-8) including statements in CCPR of UN

(1)The Government holds that it is not appropriate for the so-called comfort women issue to be brought up in the review of the country report for the Treaty signed in 1985 long after the incidents took place. The Government has steadfastly maintained that “the Government of Japan has signed the San Francisco Peace Treaty and various bilateral agreements between Japan and other nations, and has been sincere about the issues of reparations for the damage caused by war accordingly. Thus, the Government has settled all post-war claims of compensation with the countries involved with which Japan has ratified the Treaties”.

(2)Nevertheless, recognizing that the comfort women issue was a grave affront to the honour and dignity of a large number of women, the Government of Japan, together with the people of Japan, seriously discussed what could be done to express their sincere apologies and remorse to the former comfort women. As a result, the people and the Government of Japan cooperated and together established the Asian Women’s Fund (AWF) on July 19, 1995 to extend atonement from the Japanese people to the former comfort women.

(3) At the same time, **the Government of Japan expresses that the comfort women issue has existed throughout history in the world** and that women’s dignity and basic human rights have often been infringed upon during the many wars and conflicts of the past. The Government of Japan places paramount importance on and is committed to doing its utmost to ensure that the 21st century is free from further violations of women’s dignity and basic human rights.

(4) On the other hand, the delegation of Japan stated it is not appropriate that comfort women depict sex slaves. The comfort women issue is not one which the Government of Japan recognizes as a slavery issue in 1926 slavery convention. The delegation stated that comfort women did not conform the definition of prevailing convention definition at that time. (at CCPR held at the Palais des Nations in Geneva, 16 July 2014)

3, Japanese Prime Ministers' position

(1) Prime Minister Mr. Shinzo Abe, as former successive prime ministers did, expressed in the Diet in May 2013 that his cabinet followed the Statement made by the Chief Cabinet Secretary Yohei Kono who expressed apologies and remorse on the issue of “comfort women”(1993), acknowledging moral responsibility based on current values of human rights (Kono Statement). He expresses that he is deeply pained to think of the comfort women whose pain and suffering is hard to be measured and described, which had been repeatedly expressed.

(2) Prime Minister Mr. Shinzo Abe made a similar statement above-mentioned in an interview of American media in March 2015 and in a lecture speech in Harvard Kennedy School in April 2015, adding that **comfort women were victims of human trafficking conducted by private recruiters.**

4, International Situation over these years

(1) The constitutional court of South Korea decided for the first time on August 30, 2011 regarding the former Japanese military “comfort women’s” individual rights to claim compensation from the Japanese Government that “it constitutes a violation of the human rights of the victims, and it is unconstitutional” for the Korean Government to make no tangible effort **to settle disputes with Japan.**

(2) Local government, Glendale City CA, USA which is the third party state on the Comfort Women Issue, has taken side with Korea and China. **The Comfort Women Statue erected in the public place in the City in July 2013 has caused unreasonable hardships (a kind of violations of human rights) to Japanese residents, especially to children.**

(3) The Japanese Council in France explained the Japanese position on the Comfort Women Issue in Feb. 2014 at the Festival of Comics in Angoulême in France which is the third party state on the Issue. The reason is that one day before the Festival, the organizer confiscated suddenly comics prepared by a Japanese civil group which tried to describe the details on the Issue from the very beginning (almost 20 years ago) while the organizer permitted Korea to expose their allegations. The Japanese civil group protested against the organizer that the liberty of expression was violated.

(4) Japanese civil group in USA started a lawsuit against Glendale City in Feb. 2014, protesting that local government must not intervene international disputable issues of which the competence belongs to only the federal government according to the Constitution of USA.

(5) Australian Department of foreign affairs, which is the third party state on the Issue, decided in May 2014 not to help the intervention of local governments on the Issue. **Some cases that Japanese asked Anti-Discrimination Board to help them against unreasonable harassments due to the Issue were already reported.**

(6) In September 2014, Canadian Museum of Human Rights in Winnipeg, Canada started to put

on display relating to comfort women. There are many displays accusing the atrocity of Japanese Army mentioning to 200,000 sex slaves for example.

(7) The mayor of Burnaby City, BC, Canada made a decision in April 2015 to suspend deliberation about the erection of statue of comfort women applied by Korean and Chinese ethnic Canadian civil groups, due to massive and strong protest of Japanese ethnic community. **The mayor understands the statue would cause division of communities in Canada as Japanese community warned.**

(8)-(1) A famous American school textbook company, McGraw-Hill Education, set paragraphs relating to comfort women issue in their school textbook for high school.

(8)-(2) In December 2014, The Ministry of Foreign Affairs of Japan demanded McGraw-Hill Education to reexamine some descriptions which might be groundless, such as “The army presented the women to the troops as a gift from the emperor” or “as many as two hundred thousand women”.

(8)-(3) McGraw-Hill Education rejected reexamination in January 2015 and 19 American scholars belonging to American Historical Association made a statement that the description was based on academic facts, blaming the Ministry of Foreign Affairs of Japan for interference of freedom of expression.

(8)-(4) The prime minister of Japan, Mr. Abe, in a committee of the Diet in January 2015, expressed that he was shocked by knowing the description of the textbook and that it's necessary to intensify to give correct information to the world.

(8)-(5) 19 Japanese scholars submitted a questionnaire to McGraw-Hill Education, indicating illogical and groundless points of the description. As of May 2015, no answer has been received from McGraw-Hill Education.

(9) 187 western scholars and researchers sent their view on the comfort women issue to Japanese Prime Minister, Mr. Abe, who will make Abe Statement in August 2015. **In their statement there is no more the term of “sex slaves”. It doesn't mention exact number of comfort women such as 200,000 which they recognize is quite disputable and groundless. Furthermore it blames Korean and Chinese excessive ethnicism for twisting the issue.**

5, Domestic Situation in Japan over these years

(1) Through the release of internal government documents sequestered for a long time, the sloppiness of the investigation to the former Korean comfort women, based for the Kono Statement 1993, became apparent in Oct. 2013.

(2) **The petition to the White House to remove the Comfort Women Statue in Glendale City,** protesting that the statue is masquerading as a peace statue while in essence after reading the inscription it is promoting hate towards the people and nation of Japan, was accepted with almost **130,000 signatures** in Dec. 2013.

(3) Prime Minister Shinzo Abe expressed in the Diet in Mar. 2014 that his cabinet would not

revise “Kono Statement” while the Chief Cabinet Secretary Suga expressed in public that the clarification of the process of “Kono Statement” including testimonies would be started.

(4) The petition started by one conservative political party, **demanding to revise “Kono Statement”** with more than **140,000 signatures** was submitted to the Japanese government in Apr 2014.

At the same time another petition demanding to repeal “Kono Statement”, started by another political party, with more than **100,000 signatures** was submitted to the government.

The petitions say that “Kono Statement” has given the world serious misunderstandings.

(5) A counterargument built up in 1996 by the Ministry of foreign affairs of Japan against so-called “UN Coomaraswamy Report” (Addendum) appeared in public. This counterargument was submitted to the UN but withdrawn soon and sequestered due to internal political reason.

(6) **The petition to the White House to repeal the House of Representatives Resolution 121** to stop aggravating int'l harassment by Korean propaganda & lies has been accepted with about **46,000 signatures** as of June 2014.

(7) The petition to UN Human Rights Council to revise “Coomaraswamy Report (Addendum) in 1996” has collected thousands signatures over three weeks. **The petition says that “Coomaraswamy Report (Addendum) in 1996” is erroneous and incredibly naïve. The Report accepts affirmatively, without searching any primary evidence other than verbal testimonies, the allegation of North-Korea, one of the worst countries violating human rights**

(8) The Government of Japan examined the process of Kono Statement due to nationwide demand above-mentioned (1) and (4). The result was publicized June 21 2014, saying that “Kono Statement” had been already completed before the investigation to the former Korean comfort women and that the words of several important points were changed by demand of Korean Government. **It became apparent that Kono Statement was just a kind of political entertainment. The validity of the Statement has become quite doubtful.**

(9) In August 2015, one of the nationwide subscriber’s newspapers, **Asahi Shinbun**, corrected **previous articles relating to comfort women issue**, which relied on almost over twenties years Mr. Yoshida Seiji’s fabricated comfort women violent abduction story, and **admitted that Asahi Shinbun gave readers confusion as if comfort women were forcibly recruited at the name of women’s voluntary corps**. This confusion was made by mistake according to explanation of Asahi Shinbun. But many Japanese suspect if the confusion had been made for any intension. Because the **protagonist journalist on this matter, Mr. Takashi Uemura who was the Asahi Shinbun reporter at that time and wrote the articles, is not a simple disinterested person but his family-in-law in South Korea was deeply involved in a lawsuit demanding reparation for comfort women. Anyway two systems, comfort women and women’s voluntary corps, are quite different, and confusion would be out of question.**

(10) Due to the correction and the admittance of Asahi Shinbun above-mentioned, forcible abduction of comfort women by the government authorities was totally denied. **Local assemblies**

and councils, including those which previously adopted resolutions to appreciate “Kono Statement” have begun to move towards repeal of Kono Statement. As of May 2015, 33 local assemblies and councils have adopted resolutions demanding to the Japanese Government repeal of Kono Statement and education of true history in schools.

6, Stance of Japanese Nation

(1) Japanese nation welcome the declarations of **moral responsibility based on current value from the point of view of the importance of women’s human rights**, made by successive Japanese Prime Ministers including the present Prime Minister Mr. Abe, and the reparation offered to former comfort women by Asian Women’s Fund.

(2) But Japanese nation has never accepted the argument that the Comfort Women were military sex slaves. The government also denies it. (The term “sex slaves” was produced about 20 years ago by a Japanese lawyer, Mr. Etsuro Totsuka whose argument totally relied on Mr. Seiji Yoshida’s fabricated story. Mr. Totsuka with Mr. Koken Tsuchiya, former president of JFBA (Japan Federation Bar Association) at that time, both were protagonists of the intense lobby to UN Human Rights Committee by means of Mr. Seiji Yoshida’s fabricated story. Furthermore the former president of JFBA, Mr. Tsuchiya was involved in problematic affaires related to North Korea so deeply that he was voluntarily investigated by the police. **Since the argument of sex slaves has relied on the fabricated story, it’s no more valid that the comfort women depict sex slaves.** The both protagonists of lobbying for the term “sex slaves” have never told the stance of Japanese nation.

(3) Considering the background of the argument above-mentioned, **Japanese nation wonders if “Kono Statement” gives to the world serious misunderstandings on the Comfort Women.** Tens of thousands of signatures demanding to revise or to withdraw “Kono Statement” was submitted to the Japanese government (see 5-(4)). Also, Many Japanese wonder if “UN Coomaraswamy Report (Addendum)” is unfair since the Report mentions neither a very primary source, the US Army Official Report in 1944 which denies sex slavery, nor testimonies of Japanese former military personnel. (see 5-(7)).

7, The Kono Statement is just a political gesture.

(1) Comfort women memorials in USA, the House of Representatives Resolution 121 of USA and local council resolutions of USA recognize that comfort women were victims of forcible abduction, mutilation, cannibalism and other abnormal atrocities of Japanese Army. Other than testimonies, these abnormalities rely on the Kono Statement.

(2) Sir Rodely, chairperson of CCPR, cited the Kono Statement for indicating contradiction of Japanese government whose delegation denied the term sex slaves at the committee in July 2014.

(3) Thus all arguments supporting allegations of former comfort women use the Kono Statement

as proof of coercion executed by Japanese authorities although no evidence of coercion was found by serious joint research of Japan and Korea on which the Kono Statement relies. Its factual bases were extremely flawed. It was totally based on testimony of 16 women only. So **the Kono statement and allegations of former comfort women rely on each other. It's absolutely non-sense.**

(4)The examination by Japanese government has disclosed that **the Kono Statement is a political gesture (see 5-(8)) for satisfy the both countries ,Japan and Korea, by means of ambiguous words and expressions, by means of which each country has a free hand to interpret the Kono Statement for its convenience.** For example, the Statement describes that the recruitment of the comfort women was conducted mainly by private recruiters and in many cases they were recruited against their own will. The statement clearly says that recruitment through coaxing, coercion, etc. was done not by Japanese authorities but private recruiters. But, it continues that, at times, administrative/military personnel directly took part in the recruitments. This particular part means it derives from a “war crimes” case in Indonesia where some Japanese Army units forced Dutch women in a prisoner-in-war camp to work brothel for some months. The Kono Statement shows clearly that the expression “administrative/military personnel directly took part in the recruitments” was never used to refer to the paragraph on recruitment of comfort women on the Korean peninsula. However, due to vague and ambiguous expressions, the erroneous interpretation of Kono Statement that Japanese authorities took part in forcible recruitments in Korean peninsula spreads.

(5) Anyway, **the most important point of the Kono Statement is that it takes a position, with regard to comfort women issue, to express strong sympathy for these women and sentiment of apology or remorse based on the current value of women's human rights.**

8, Either is lying with regard to the reality and the true state of Comfort Women.

(1) State-regulated prostitution was legal in Japan at that time like in many countries. Prostitution is accompanied almost always by human trafficking and/or debt bondage conducted by private brokers, due to poverty. Japan was a state-party of “the International Convention for the Suppression of the Traffic in Women and Children (The 1921 Convention)” ratified in 1925. Although implementation of the Treaty in Korea was reserved, the Japanese authorities tried to implement the Treaty at maximum in Korea also. Some documents (for example, United States Office of War Information, “Japanese Prisoner of War Interrogation Report No. 49 in 1944”) show that the age of most of the Korean comfort women was more than 20 years old. This age almost complies with the Treaty which banned prostitution of women of the age less than 21 years old whether women consent to prostitution or not. **The Japanese Army authorities took a measure to confirm the age of recruited comfort women. This is one of the direct or indirect involvements which the Kono Statement cites. This involvement was for complying with the Treaty and was an involvement of good will.**

(2) To know the reality and the true state of Comfort Women, there are two groups supplying

information on it.

(2)-1 Group A

One of the most reliable and very primary sources to supply information about reality of comfort women is “Japanese Prisoner of War Interrogation Report No. 49” made in 1944 by United States Office of War Information which interrogated 20 Korean comfort women prisoners. According to the Report, Comfort Women are nothing more than prostitutes, well paid and have free time to enjoy. The Report continues , “Because of the kind treatment, Korean comfort women feel that American soldiers are more emotional than Japanese soldiers”. According to testimonies of these women, it’s out of the question that Japanese soldiers were brutal.

As another reliable source to know the reality of the comfort women, there is a diary titled “Myself as a comfort woman for Tate Division deployed in the Burma Theater” published in 1996, written by Mun Oku-chu (文 玉珠), former Korean comfort woman.

Her diary describes a luxurious life as a comfort woman.

But the most impressive part is as follows.

“I killed a non-commissioned officer who had drunken and tried to put me to the sword. (Nips) I won acquittal as legitimate self-defense and many military men were pleased with the court decision of innocence.”

There are many testimonies of former Japanese military officers or personnel that it was absolutely unnecessary to coerce women since there were enough Korean women who wished to be comfort women for high remuneration.

(2)-2 Group B

On the other hand, such as the testimonies of the 16 former comfort women (see 7-(3)), they allege they were victims coerced (as to by whom, they don’t mention or they often change), sexually, physically and mentally abused by Japanese soldiers, and they had a misery life like slave.

(3) Which tells the truth? The group B including the 16 comfort women? Or the Group A including “Japanese Prisoner of War Interrogation Report No. 4”? **There is no point on common in the two groups. These two groups are not compatible at all. This means either is lying.**

(4) “Coomaraswamy Report (Addendum) in 1996” took a position to admit Group B. UN Committees of human rights also take a position for Group B. **That means UN Committees recognize that a primary source, “Japanese Prisoner of War Interrogation Report No. 49” made in 1944 by United States Office of War Information is lying and all testimonies of Japanese soldiers are lies.**

9, Confusion individual war crimes related to comfort women with the true state of comfort women must be avoided.

As above-mentioned (8-(4)), Dutch case is a “war crimes” in Indonesia committed by military individuals who were sentenced to death by Japanese military tribunal on charge of violation of

prohibition of forced prostitution. Besides, after the War, some Japanese military officers and civilians were sentenced to death by the War Crimes Tribunal at Batavia conducted by the Netherlands. This incident was an individual “war crimes” and has nothing with Comfort Women System which was legal state-regulated prostitution for the Army. Allegations of former comfort women use this Batavia court case in Indonesia as a symbol of atrocity of Japanese Army. As written in the Coomaraswamy Report, the McGraw-Hill textbook and comfort women memorials in US, it is often believed the number of comfort women was 200,000. Then, were there 200,000 incidents of war crimes? If so, why would 200,000 incidents have not been submitted to War Crimes Tribunal? Individual war crimes must not be confused with the true state of comfort women.

10, Our Suggestions for the list of issue of CEDAW

(1)The statement of the Japanese delegation at CCPR in July 2014 that it is not appropriate that the comfort women depict sex slaves should be established as a formal government view with stronger arguments.

(2)As above-mentioned at 2-(3),

“The Government of Japan expresses that the comfort women issue has existed throughout history in the world and that women’s dignity and basic human rights have often been infringed upon during the many wars and conflicts of the past. The Government of Japan places paramount importance on and is committed to doing its utmost to ensure that the 21st century is free from further violations of women’s dignity and basic human rights.” should be strongly taken note at CEDAW.

(3)The key point of the Kono Statement that the Government of Japan expresses strong sympathy to comfort women, moral apology and sense of remorse on the current value of women’s human rights should be succeeded by future government.

However, due to vague and ambiguous expressions of the Statement, erroneous interpretations of the Kono Statement spread in the world. The Government of Japan should explain its right meaning to the world. And if necessary, a new statement replacing the Kono Statement will be made.

(4)As of May 2015, 33 local assemblies and councils of Japan submitted opinions related to comfort women issue to the government agencies, granted by the Article 99 of The Local Autonomy Law of Japan (see 5-(10)). The Japanese government should respect them and respond them.

Submitted opinions are as follows.

(4)-1, As to the facts related to comfort women issue confirmed by the examination of the Government, it is strongly demanded that the Government inform them in many languages to the world society, for prompt restoration of honor and dignity of Japan and of Japanese nation.

(4)-2, Considering the correction of previous articles related to comfort women issue of *Asahi*

Shinbun, it is strongly demanded that the government promote public information with regard to right recognition of history and to take measures for school textbook to be written on the base of historical truth, for response to the right of knowing of the Japanese nation.

(5) The comfort women issue has sometimes given serious problem of the human right to Japanese who reside abroad, especially in USA. The Comfort Women Statue erected in the public place in the City of Glendale CA. USA in July 2013 has caused unreasonable hardships (a kind of violations of human rights) to Japanese residents, especially to children. This hardship is quite unjust since Korean and Chinese allied civil group express that the Statue is erected for the peace. The Japanese Government should take some measures to protect Japanese residents abroad.

(6) “Coomaraswamy Report (Addendum) in 1996” was written on the base of two fabricated stories. And it is prejudicial. The Japanese Government should demand the revision or the repeal of the Report.

End