



JAPAN- SUBMISSION TO THE COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

63TH SESSION, 15 FEBRUARY – 4 MARCH 2016

INTRODUCTION

Amnesty International would like to submit the following information for consideration of the United Nations (UN) Committee on the Elimination of Discrimination against Women in advance of the review of Japan's combined seventh and eighth periodic reports. This briefing does not reflect the full range of concerns of the organization in terms of respect, protection and fulfilment of women's rights in Japan, but looks solely at the recent developments on the issue of Japan's military sexual slavery system before and during World War II including the recent bilateral agreement between Japan and Republic of Korea (South Korea).

JAPAN'S MILITARY SEXUAL SLAVERY SYSTEM BEFORE AND DURING WORLD WAR II¹

Women from throughout the Asia-Pacific region were forced into sexual slavery by the Japanese Imperial Army from 1932 through the duration of World War II. The Japanese Imperial Army targeted women and girls who, because of age, poverty, class, family status, education, nationality or ethnicity, were susceptible to being deceived and trapped into the sexual slavery system. Others were abducted by force. All were detained and forced into slavery. Those who survived suffered, and continue to suffer, from physical and mental ill-health, isolation, shame and often extreme poverty as a result of their enslavement.

The Japanese government has made a prolonged and determined effort to hide behind its legal position on the issue and continued to insist that any obligation to provide reparation was settled in the 1951 San Francisco Peace Treaty and other bilateral peace treaties and arrangements. Amnesty International believed the government's position was untenable, including because the named treaties and agreements did not cover acts of sexual slavery, and did not preclude individuals from seeking full reparation. The Asian Women's Fund (AWF), a private fund established by the Japanese government, failed to meet international standards on reparation and was perceived by the survivors as a way of buying their silence.

¹ For more information, see Amnesty International, *Japan: Still waiting for justice after 60 years – justice for survivors of Japan's military sexual slavery system*, ASA 22/012/2005, <https://www.amnesty.org/en/documents/ASA22/012/2005/ja/>.

In May 2013, the UN Committee against Torture urged Japan “to take immediate and effective legislative and administrative measures to find a “victim-centred” resolution for the issues of “comfort women””.² This recommendation urged the State to publicly acknowledge legal responsibility, refute attempts to deny the facts by government authorities and public figures, disclose related materials, investigate the facts thoroughly, recognize the survivors’ right to redress, and educate the public about the system.

Amnesty International has repeatedly called on the government of Japan to provide justice for the survivors of Japan’s World War II military sexual slavery system and noted that Japan has an obligation under international law to provide full and effective reparation for these crimes, which may constitute war crimes and crimes against humanity. As recently as November 2015, Amnesty urged the Japanese government in an open letter to adopt a “victim-centred” approach to the issue that took into account the views and needs of the survivors themselves.³

On 28 December 2015, Japan and South Korea reached an agreement to resolve the issue of Japan’s military sexual slavery system before and during World War II. However, this agreement has not been welcomed by majority of survivors (euphemistically referred to as “comfort women”) and the organizations that support of them. Survivors were missing from the negotiation table and were not able to contribute their views concerning the agreement. Some survivors have since expressed the opinion that the deal is “humiliating” because the will of survivors is not reflected.⁴

Amnesty International had noted previously that senior Japanese government officials and public figures continued to deny the existence of a military sexual slavery system from 1932 until the end of World War II, or justified the existence of this system and this has continued even after the agreement was reached at the end of 2015.

Contrary to the agreement, which acknowledges Japan’s responsibility, high-profile public figures in Japan continue to make remarks implying that military sexual slavery before and during WW II was acceptable. On 14 January 2016, a senior member of the leading party Liberal Democratic Party (LDP), Yoshitaka Sakurada, a former state minister of education, made remarks that “comfort women” were “professional prostitutes”.⁵ Though he later retracted his remarks, the continued attempt to undermine systematic war crimes against “comfort women” prolongs the humiliation and suffering of the survivors and fails to restore their dignity.

Acknowledging these crimes under international law, and factually recording them in histories for future generations is an important step to ensure non-repetition and end impunity for crimes of sexual violence committed during armed conflicts. The new agreement, which includes a provision that the South Korean government never again raise the issue and that a Peace Monument in Seoul commemorating the survivors of the military sexual slavery system be removed, seems to run counter to efforts of transparency, truth and reconciliation.

² CAT/C/JPN/CO/2, UN Committee against Torture, Concluding observations on the second periodic report of Japan, adopted by the Committee at its fiftieth session (6-31 May 2013), para 19.

³ Amnesty International, *Japan: Open letter: Reparation for survivors of Japan's military sexual slavery system*, ASA 22/2967/2015, <https://www.amnesty.org/en/documents/asa22/2967/2015/en/>; Amnesty International, *South Korea: Open letter: Reparation for survivors of Japan's military sexual slavery system*, ASA 25/2966/2015, <https://www.amnesty.org/en/documents/asa25/2966/2015/en/>.

⁴ The Japan Times “Park calls on S. Korea to support ‘comfort women’ deal with Japan” (30 December 2015) <http://www.japantimes.co.jp/news/2015/12/31/national/south-korean-group-pledges-to-erect-more-comfort-women-statues/#.VpxZBiQLShd> (Date accessed: 18 January 2016).

⁵ The Asahi Shimbun “Senior LDP lawmaker retracts comments that ‘comfort women’ were prostitutes, not victims” (January 15, 2016) http://ajw.asahi.com/article/behind_news/politics/AJ201601150051 (Date accessed: 18 January, 2016).

While women from across the Asia-Pacific region, including in China, the Philippines, Singapore, Malaya and Indonesia, were also forced into sexual slavery by the Japanese Imperial Army, the Cabinet Secretariat Chief Yoshihide Suga indicated that Japan does not intend to launch new negotiations on the “comfort women” issue with other countries after reaching a deal with South Korea.⁶ All survivors should have the same access to redress and should not be treated differently based on their nationality.

RECOMMENDATIONS

Amnesty International calls on the Japanese authorities to:

- Seek to provide full and effective reparation to any individual who has suffered harm as the direct result of the military sexual slavery system, including survivors, non-surviving victims and their families regardless of their nationality;
- Offer, in addition to compensation, other forms of reparation identified by survivors including measures of restitution, rehabilitation, satisfaction and guarantees of non-repetition;
- Reject measures, which may undermine the right of survivors, including their ability to seek reparation and access to justice before courts;
- Work with the government of South Korea to ensure that effective systems are put in place to implement reparation measures;
- Ensure non-repetition by including an accurate account of Japan’s military sexual slavery system including in histories, public documents and textbooks used in the Japanese educational system.
- Refute statements made by government authorities and public figures attempting to deny or justify the military sexual slavery system.

⁶ The Japan Times “Suga rules out Taiwan talks, says Japan’s ‘comfort women’ deal applies only to South Korea” (January 5 2016) <http://www.japantimes.co.jp/news/2016/01/05/national/politics-diplomacy/japans-comfort-women-deal-applies-south-korea-suga-says-official-rules-taiwan-talks/> (Date accessed: 18 January 2016).