

Paragraph 14: Sexual slavery practices against “comfort women” - “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 women in comfort stations was done in many cases 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. The Committee is also concerned about revictimization of the former “comfort women” by attacks on their reputations, including by public officials, and some that are encouraged by the State party’s equivocal position. The Committee 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)” ...

NGO Assessment and grades of the follow-up action of the State party

Criteria for NGO Grades¹:

A: Reply/action largely satisfactory;

B1: Substantive action taken, but additional information required; **B2:** Initial action taken, but additional information and measures required;

C: Actions taken do not implement the recommendation OR No action taken; **D1 and D2:** NOT APPLICABLE for NGOs;

E: The measures taken are contrary to the Committee’s recommendations

<p>Recommendation by the Committee</p>	<p><i>The State party should take immediate and effective legislative and administrative measures to ensure: (a) that all allegations of sexual slavery or other human rights violations perpetrated by the Japanese military during wartime against the “comfort women” are effectively, independently and impartially investigated and that perpetrators are prosecuted and, if found guilty, punished;</i></p>		
<p>Actions taken by the State party (if any) and current situation</p>	<p><i>(Has the State taken any actions to implement the recommendation? If so, what kind of measures? When, who, where, how, for what?) (Are there any actions taken by the State party that are rather contrary to the recommendation? If so, what kind of action?) (How is the current situation of the issue look like? Are there any changes since the review of the country by the Committee? If so, what?) (If the State has taken some actions, did they have any particular impact on the situation?)</i></p> <p>The state party has taken no actions to implement the recommendation.</p>		
<p>Other Comments</p>	<p><i>(Is there any other comments or information you would like to add?) (What kind of concrete actions, if any, can / should the State take, further or immediately, in order to fully implement the recommendation or improve current situation?)</i></p> <p>Prosecution of the perpetrators: Remembering the time when he was stationed as a navy officer (accounting and general affairs bureau) in Indonesia during the war time, Yasuhiro NAKASONE, the former prime minister (PM) of Japan, described, “We were the troop of 3,000 soldiers. As time</p>	<p>NGO Grades</p>	<p>C</p>

¹ The NGO Grades are made in accordance with the assessment grades of the HR Committee (see the page 1) so that both grades can be directly compared

	<p>went, some assaulted native women while others indulged in gambling. For these guys, I took the trouble of setting up comfort stations.” (cited from: “Never-Ending Navy” by Takanori MATSUURA, Publishing Div. of Nippon Cultural Broadcasting Development Center, 1978). Records of the second construction group of the Navy Air Station (collection of the Library of Defence Institution of the Ministry of Defence) contain the following descriptions; “At the discretion of the chief officer, we opened comfort stations recruiting native women. It works very well in easing soldiers’ frustration,” with the name of writer as “Sub-lieutenant Yasuhiro NAKASONE, Chief Officer.” This description matches the fore-mentioned remembrance of NAKASONE. The state party is urged to question the former PM NAKASONE who was one of officers responsible to the setting-up of comfort stations, and take legal steps as appropriate.</p>		
<p>Recommendation by the Committee</p>	<p><i>(The State party should take immediate and effective legislative and administrative measures to ensure) (b) Access to justice and full reparation to victims and their families;</i></p>		
<p>Actions taken by the State party (if any) and current situation</p>	<p><i>(Has the State taken any actions to implement the recommendation? If so, what kind of measures? When, who, where, how, for what?)</i> <i>(Are there any actions taken by the State party that are rather contrary to the recommendation? If so, what kind of action?)</i> <i>(How is the current situation of the issue look like? Are there any changes since the review of the country by the Committee? If so, what?)</i> <i>(If the State has taken some actions, did they have any particular impact on the situation?)</i></p> <p>The state party has taken no actions to implement the recommendation.</p>		
<p>Other Comments</p>	<p><i>(Is there any other comments or information you would like to add?)</i> <i>(What kind of concrete actions, if any, can / should the State take, further or immediately, in order to fully implement the recommendation or improve current situation?)</i></p> <p>As all the lawsuits brought to Japanese courts by victims against the state have been dismissed, two victims from ROK have filed a damage suit against the current PM Abe, the late Showa Emperor and Japanese corporations to a US district court in July 2015. Since the issuance of the recommendations by the Committee in July 2014, one Filipino victim and seven Korean victims have passed away.</p>	<p>NGO Grades</p>	<p>C</p>
<p>Recommendation by the Committee</p>	<p><i>(The State party should take immediate and effective legislative and administrative measures to ensure) (c) the disclosure of all available evidence;</i></p>		
<p>Actions taken by the State party (if any) and current situation</p>	<p><i>(Has the State taken any actions to implement the recommendation? If so, what kind of measures? When, who, where, how, for what?)</i> <i>(Are there any actions taken by the State party that are rather contrary to the recommendation? If so, what kind of action?)</i> <i>(How is the current situation of the issue look like? Are there any changes since the review of the country by the Committee? If so, what?)</i> <i>(If the State has taken some actions, did they have any particular impact on the situation?)</i></p> <p>The state party has taken no actions to implement the recommendation.</p>		

<p>Other Comments</p>	<p><i>(Is there any other comments or information you would like to add?)</i> <i>(What kind of concrete actions, if any, can / should the State take, further or immediately, in order to fully implement the recommendation or improve current situation?)</i></p> <p>Since 1993, the state party has conducted no investigation into the truth of the Japanese military sexual slavery. Meanwhile, since the same year individual researchers and civil groups in Japan have made their own investigations and found a huge amount of data and information that demonstrate the responsibilities to the planning, creation, maintenance and management of the military sexual slavery rest with the Japanese military authorities and the Japanese government.</p>	<p>NGO Grades</p>	<p>C</p>
<p>Recommendation by the Committee</p>	<p><i>(The State party should take immediate and effective legislative and administrative measures to ensure) (d) Education of students and the general public about the issue, including adequate references in textbooks;</i></p>		
<p>Actions taken by the State party (if any) and current situation</p>	<p><i>(Has the State taken any actions to implement the recommendation? If so, what kind of measures? When, who, where, how, for what?)</i> <i>(Are there any actions taken by the State party that are rather contrary to the recommendation? If so, what kind of action?)</i> <i>(How is the current situation of the issue look like? Are there any changes since the review of the country by the Committee? If so, what?)</i> <i>(If the State has taken some actions, did they have any particular impact on the situation?)</i></p> <p>The state party has taken those measures that are contrary to the Committee' recommendations:</p> <p>1) To the standards of textbook screening of the state party, the following new condition has been added since January 2014; "For the description of modern or contemporary historical events, if there exists any relevant unified view of the government or a relevant precedent of the supreme court, it has to be followed." In January 2015, a Tokyo based textbook company has deleted the description of "comfort women" contained in three different history textbooks for high schools. Also, from the textbook for junior high schools, testimonies of victims and the map of "comfort stations" were deleted in the process of screening, and instead, supplemented the government view that states, "No information has been found that directly demonstrate the forcible <u>deportation</u> by the military personnel or authorities of Japan."</p> <p>2) December 2014, the Ministry of Foreign Affairs met executive officers of an American textbook company to request modification of some descriptions including the one stating "women were forcibly recruited to work at comfort stations by the Japanese military." (The Hangyoreh electronic version of Jan. 12, 2015). The American company rejected the request for modification explaining, "Descriptions are based on historical facts." (The Yomiuri Shimbun, electronic version of Jan. 17, 2015).</p> <p>As these actions taken by the government show, the state party has urged to include the government's view in the textbook to deny its legal responsibilities, and tried to change the descriptions of textbooks of other country, instead of taking measures to educate about the issue of the Japanese military sexual slavery.</p> <p>National history museums do not have any exhibits that contain descriptions regarding the Japanese military sexual slavery. Public history museums located in Osaka city, Saitama prefecture and others have removed descriptions regarding "comfort women" at the time of its respective renovation.</p>		

<p>Other Comments</p>	<p><i>(Is there any other comments or information you would like to add?)</i> <i>(What kind of concrete actions, if any, can / should the State take, further or immediately, in order to fully implement the recommendation or improve current situation?)</i></p> <p>The state party should ensure the inclusion of description based on its official recognition of legal responsibilities in the textbooks for junior high and high schools, rather than those descriptions that attempt to deny the issue of the military sexual slavery. It should also not put its nose into descriptions of textbooks published and used in other countries.</p>	<p>NGO Grades</p>	<p>E</p>
<p>Recommendation by the Committee</p>	<p><i>(The State party should take immediate and effective legislative and administrative measures to ensure) (e) the expression of a public apology and official recognition of the responsibility of the State party;</i></p>		
<p>Actions taken by the State party (if any) and current situation</p>	<p><i>(Has the State taken any actions to implement the recommendation? If so, what kind of measures? When, who, where, how, for what?)</i> <i>(Are there any actions taken by the State party that are rather contrary to the recommendation? If so, what kind of action?)</i> <i>(How is the current situation of the issue look like? Are there any changes since the review of the country by the Committee? If so, what?)</i> <i>(If the State has taken some actions, did they have any particular impact on the situation?)</i></p> <p>The state party has taken those measures that are contrary to the Committee' recommendations:</p> <ol style="list-style-type: none"> 1) PM Abe gave the following account at the Budget Committee of the House of Representatives on Oct. 3, 2014, "Now the unjust slander is being circulated in the world saying, 'Japan as a nation forced them in sex slaves.'" It appears that the PM has reacted to the concerns or recommendations given by several UN human rights bodies including the CCPR articulating acts made by the Japanese military upon the victim women as sexual enslaving and calling for the state party to take measures for solution. 2) The Ministry of Foreign Affairs removed the statement from the website of the Asian Women's Funds that contained the description, "Many women were forced to follow the military as its 'comfort women'" in October 2014. 3) The delegation of the Japanese Government requested the Korean Government not to use the term "sex slaves" during the Japan-Korea director-general level talk of June 2015 on the issue of the Japanese military sexual slavery. 4) PM Abe made remarks about the Japanese military sexual slavery on the Washington Post dated March 27, 2015, phrasing "victims of trafficking in persons." While he recognizes the fact of trafficking in persons, he has to accept the state responsibility associated with it. But, PM Abe has not disclosed how he thinks about it. 		
<p>Other Comments</p>	<p><i>(Is there any other comments or information you would like to add?)</i> <i>(What kind of concrete actions, if any, can / should the State take, further or immediately, in order to fully implement the recommendation or improve current situation?)</i></p> <p>Those women victimized under the military sex slavery were coerced into sexual intercourse by violence, intimidation and abuse, while being placed under the surveillance. They were taken to the unknown place where they could not escape from and make free movement. Recruitment was made using violence, intimidation, cheating or trafficking. Victims were in the slavery conditions being strictly controlled and deprived of their freedom. Furthermore, they were in the sex slavery conditions being coerced into</p>	<p>NGO Grades</p>	<p>E</p>

	intercourses. The state party has to admit the fact and immediately take measures according to its legal responsibilities.		
Recommendation by the Committee	<i>(The State party should take immediate and effective legislative and administrative measures to ensure) (f) condemnation of any attempts to defame victims or to deny the events.</i>		
Actions taken by the State party (if any) and current situation	<p><i>(Has the State taken any actions to implement the recommendation? If so, what kind of measures? When, who, where, how, for what?)</i> <i>(Are there any actions taken by the State party that are rather contrary to the recommendation? If so, what kind of action?)</i> <i>(How is the current situation of the issue look like? Are there any changes since the review of the country by the Committee? If so, what?)</i> <i>(If the State has taken some actions, did they have any particular impact on the situation?)</i></p> <p>The state party has taken those measures that are contrary to the Committee' recommendations:</p> <p>1) In July 2015, the Extraordinary Committee for the Restoration of Japan's Honour and Trust of the LDP presented its proposal regarding the issue of the military sexual slavery to PM Abe. In the proposal, it stated that the recognition** made by Mr. Kono as the former Chief Cabinet Secretary has been the major cause that has helped the misunderstanding opposite to the fact. ** He recognized that recruitment, transportation and control of "comfort women" was generally done against their will and it constituted forcible deportation (The Asahi Shimbun electronic version dated July 30, 2015). Then, the Extraordinary Committee asked the PM "to make a counterargument against the factual error around the comfort women issue. PM Abe responded it by saying, "the factual error has to be corrected." (The Asahi Shimbun electronic version dated July 28, 2015).</p> <p>2) On the Internet, hate speech defaming the victims of the Japanese military sexual slavery has been rampant. Yet, the state party has taken any measures against it.</p>		
Other Comments	<p><i>(Is there any other comments or information you would like to add?)</i> <i>(What kind of concrete actions, if any, can / should the State take, further or immediately, in order to fully implement the recommendation or improve current situation?)</i></p> <p>The state party confines the scope of criminality of the military sexual slavery to the way of taking women away by "military personnel by breaking in to houses and taking them away home like kidnapping." It is urged to immediately rectify this position, recognize its legal responsibilities and immediately take actions for the eternal solution of the problem according to the recommendations made by the Committee.</p>	NGO Grades	E