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SPECIFIC HUMAN RIGHTS ISSUES

Written statement* submitted by Asia-Japan Women's Resource Center (AJWRC),
non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[9 August 2004]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organisation(s).

“Comfort Women”: Systematic rape, sexual slavery and slavery-like practices

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The State Party’s Failure to Comply with UN’s and Other International Recommendations

Asia-Japan Women's Resource Center (AJWRC), in cooperation with Violence Against Women in War Network Japan (VAWW-NET Japan), wishes to draw the attention of the High Commissioner for Human Rights and of the Sub-Commission the Promotion and Protection of Human Rights (the Sub-Commission) to Japan’s serious failure for many years to comply with various UN and other international recommendations.

VAWW-NET Japan has been working on the issue of violence against women in war and conflict situations. One of our focuses is the issue of Japan's Military Sexual Slavery committed until 1945, or the so-called "comfort women" issue. We have been particularly trying to support the victimized women, and to help bring about remedy and justice, both of which are long overdue to them, in the way they want. The Japanese government, however, has been doing its best to stay away from accepting legal responsibility, while it has acknowledged its past involvement in the sexual slavery and accepted what they call “moral” responsibility.

As discussed below, various UN organs have made one recommendation after another to the Government of Japan regarding the issue of wartime "comfort women." Nevertheless the Government of Japan has taken no measures whatsoever to date in response to these recommendations. As an active member of the United Nations, Japan has a responsibility to follow UN counsel immediately and sincerely.

Several recommendations were made in 1996 by UN Special Rapporteur on Violence against Women, Radhika Coomaraswamy*1, and in 1998 by UN Sub-Commission’s Special Rapporteur on slavery – like practices during war-time, Gay J. MacDougall*2. They recommend that the Government of Japan acknowledge the fact that the system of sexual slavery in "comfort stations" was in violation of its obligations under international law, and "accept its legal responsibility for that violation," "pay compensation to individual victims of Japanese military sexual slavery ...," "make an official apology ... to individual women ...," [and] identify and punish perpetrators involved in the recruitment and institutionalization of comfort stations during Second World War” (1996) . In these reports various mechanisms to secure redress for these women were also recommended.

The UN Committee on Economic, Social and Cultural Rights expressed in 2001 "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"*3, and "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."*4

The International Labor Organization’s Committee of Experts on the Application of Conventions ruled in 1996 that Japan was in breach of the Forced Labor Convention of 1930 concerning its wartime "comfort stations." Since then, the Committee reiterated their call to the Japanese government for a resolution of the matter. It stated in 2000 that "in view of the fact that many of the claimants do not

consider the AWF compensation to be acceptable, the Committee hopes the Government [of Japan] will find an alternative way, in consultation with them and the organizations which represent them, to compensate the victims before it is too late to do so, in a manner that will meet their expectations.*5" In 2001, the Committee expressed its hope that the Government of Japan will supply particulars in 2002, regarding "action taken to respond to the claims of wartime 'comfort women'" as well as industrial forced labor. In the Observation released this year, the Committee requests the Government of Japan to "comment" on the communications received by the Committee from various Korean and Japanese trade unions*6, and on "any changes occurring in relation to further decisions, legislation or Government's action" on the issues of military sexual slavery and industrial forced labor during the Second World War.*7

The Committee for the Elimination of Discrimination against Women (CEDAW) in its final comment to the report of the Government of Japan in 1994 "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 the Second World War."*8 The Committee also encouraged Japan to take specific and effective measures to address war-related crimes in its next report to CEDAW. In 2003, after examining the Fourth and Fifth Periodic Reports submitted by the Japanese government, CEDAW again noted "the ongoing concerns about the issue"*9, and recommended that the State of Japan "endeavour to find a lasting solution for the matter of 'wartime comfort women'".*10

The women survivors were of youth when the original harm was done almost sixty years ago. Since then, they have been suffering the aftereffect and the "second rape" inflicted by Japan's continuous failure to abide by international law. Today, many of them have already passed away, and many others, now in their late seventies and eighties, still suffer. The UN Committee on Economic, Social and Cultural Rights and The ILO Committee of Experts on the Application of Conventions both stress the need to provide a solution "before it is too late to do so." The list of recommendations made by formal international organs, and the equally long list of Japan's failures to act according to each those recommendations, let alone those recommendations repeated by many NGOs representing global civil society, is as if to say that is what the Japanese government is doing: waiting until it is too late to do anything. Should we, or the international community, allow the government of Japan to keep act against the wishes of the victims wronged by it, and make it a precedent that a wrong done, a human rights abuse, on such a large scale will not be remedied because the world allows it pass unremedied? Should we not somehow find ways to work, as the international community as a whole, towards making Japan fulfill its international obligations?

NOTES

*1 Report of the Special Rapporteur on violence against women, its causes and consequences, 04/01/1996, UN Doc. E/CN.4/1996/53/Add.1

*2 Final Report of the Special Rapporteur on Systematic rape, sexual slavery and slavery-like practices during armed conflict, 22/06/ 1998, UN Doc. E/CN.4/Sub2/1998/13

*3 Concluding Observations of the Committee on Economic, Social and Cultural Rights: Japan 24/09/2001, UN Doc. E/CN12/1/Add.67, para. 26.

*4 Concluding Observations of the Committee on Economic, Social and Cultural Rights: Japan 24/09/2001, UN Doc. E/CN12/1/Add.67, para 53.

*5 Reports of the Committee of Experts on the Application of Conventions and Recommendations Forced Labor Convention 1930, Observation 2000, para.10.

*6 Individual Observations concerning Convention No.29, Forced Labour, 1930: Japan, published 2004, para.4.

*7 Individual Observations concerning Convention No.29, Forced Labour, 1930: Japan, published 2004, para.5.

*8 A/50/38, 1994,para.635.

*9 Consideration of reports of State parties: Japan, 18/07/2003, CEDAW/C/2003/II/CRP.3/Add.1/Rev.1, para.25.

*10 Consideration of reports of State parties: Japan, 18/07/2003, CEDAW/C/2003/II/CRP.3/Add.1/Rev.1, para.26.