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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Human Rights Now, a non-governmental organization 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.

[22 August 2013]

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

Civil society calls for truth, justice, reparation and guarantees of non-repetition towards Japan's military sexual slavery during WWII

Human Rights Now (HRN), a Tokyo based international human rights NGO would like to state its utmost concern with apparent attempts by the Japanese government to evade its obligations to victims of forced sexual slavery during World War II.

Through continued denial of the facts, the recent comments and remarks of senior politicians, along with both ignoring and rejecting recommendations proposed by various UN human rights mechanisms, the government of Japan has demonstrated an attitude of continual refusal to accept its responsibility and administer acceptable victim centred resolutions to these issues.

The Japanese military established and operated the so-called 'comfort women' system during the Second World War, in which it's estimated that up to 200,000 young women and girls from countries and territories under Japanese control or occupation were coerced into institutionalized sexual slavery. Although the Rome Statute of the International Criminal Court does not retroactively apply to this case, it should be noted that it does stipulate that sexual slavery in armed conflict constitutes a crime against humanity (Article 7, paragraph 1 (g)).

There is worldwide recognition based on the fact-finding endeavours and extensive research of scholars, citizens and governments concerned that the government of Japan is obliged (1) to publicly acknowledge legal responsibility for the crime of sexual slavery and to offer an official apology; (2) to provide the victims and survivors full and effective redress and reparation, including compensation, satisfaction and the means for as full a rehabilitation as possible; (3) to disclose related materials, and investigate the facts thoroughly; and (4) to prosecute and punish perpetrators with appropriate penalties.

The same views were reflected in reports filed by the UN Special Rapporteurs on Violence against Women, Ms. Radhika Coomaraswamy and her successor Ms. Gay J. McDougall in 1996 and 1998 respectively. The Special Rapporteurs' views, analysis and recommendations have been endorsed by many other UN human rights mechanisms such as the Human Rights Council and its predecessor the Commission on Human Rights, the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee on Economic, Social and Cultural Rights (CESCR), the Committee against Torture (CAT) and several special procedures' mandate-holders of the Human Rights Council.

For instance, in May this year in their concluding observations on the periodic reports of Japan, the Committee on the Economic, Social and Cultural Rights (CESCR) and the Committee against Torture (CAT) expressed their concern 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" (CESCR), and Japan's failure to meet its obligations under the treaty (the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment), and made recommendations accordingly. The CAT, in particular, urged Japan to take immediate and effective legislative and administrative measures to find a victim-centered resolution for these issues.

However, Japan has either ignored or rejected most of the recommendations made by the UN human rights mechanisms. Instead of making efforts to take actions as recommended, the Abe cabinet announced its decision on July 1st that there was no obligation to follow the recommendations “because the treaty bodies’ concluding observations are not legally binding.” This kind of action represents not only unacceptable arrogance of a state party but is also damaging to the monitoring mechanisms of human rights treaties.

As the Committee against Torture points out, official denial of the facts and re-traumatization of the victims by high-level national and local officials and politicians, including Prime Ministers and diet members, continues and has in fact escalated over the last few years. Prime Minister Abe, along with Mr. Tohru Hashimoto, Mayor of Osaka City and co-founder of the nationalist Japanese Restoration Party, has claimed that there is ‘no evidence’ of forced conscription of women by the Japanese authorities. Mr. Hashimoto also stated that ‘comfort women’ were “necessary” to maintain discipline of Japan's wartime troops and provide relief for soldiers. By saying so, he apparently tried to justify the Japanese military’s sexual slavery practices and defended serious violations of human rights as a necessity. He added that it was unfair to single out Japan because other countries engaged in similar practices. Prime Minister Abe has not hesitated to suggest that he would no longer stand by Japan's apology for its war-time aggression, saying there is no established definition of “aggression”. The censorship of history textbooks has been strengthened. These attempts at flagrantly challenging undeniable facts of the past and rewriting history are an indication of the worsening attitude of the government of Japan in addressing the issues of war crimes committed by Japan.

HRN recommends that the Human Rights Council urge the government of Japan to act in compliance with the recommendations made by UN human rights bodies.

In light of UN General Assembly Resolution 60/147 adopted in 2005 on the “Basic Principles and Guidelines in the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Human Rights Law” that clarifies that victims of gross violations of international human rights law should be provided with full and effective reparation, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition, HRN welcomes the appointment of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

HRN hopes that Mr. Pablo de Greiff will make a visit to Japan in the near future to investigate the situation. At the same time, HRN strongly feels the need to create an additional mechanism that will enable the Human Rights Council to effectively prevent UN member states, particularly the members of the Human Rights Council, from concealing or denying the facts relating to sexual violence under armed conflict, justifying the atrocities, neglecting to provide remedies to victims, and insulting and re-traumatizing victims through such acts.