

Recommendations by the UN Human Rights Bodies on Japan's military sexual slavery issue

Updated: October 2020

Contents

I. Concluding Observations by Treaty Bodies [on Japan].....p14

1. Human Rights Committee (CCPR)
Observation in **2008** and **2014**
2. Committee on Economic, Social and Cultural Rights (CESCR)
Observation in **2001** and **2013**
3. Committee on the Elimination of Discrimination against Women (CEDAW)
Observation in **1994, 2003, 2009, and 2016**
4. Committee against Torture (CAT)
Observation in **2007** and **2013**
5. Committee on the Elimination of Racial Discrimination (CERD)
Observation in **2014** and **2018**
6. Committee on Enforced Disappearances (CED)
Observation in **2018**

II. Concluding Observations by Treaty Bodies [on Republic of Korea].....p22

1. Committee on the Elimination of Discrimination against Women (CEDAW)
Observation in **2018**
2. Committee against Torture (CAT)
Observation in **2017**

III. Statement/comment by the UN High Commissioner for Human Rights.....p23

- Navi Pillay, the UN High Commissioner for Human Rights, 6 August, 2014
- Mr. Zaid Ra'ad Al Hussein, the UN High Commissioner for Human Rights, 10 March, 2016

Prepared by: **Women's Active Museum on War and Peace (WAM)**
2-3-18, Nishi-Waseda, Shinjuku, Tokyo 169-0051 Japan
t +81-(0)3-3202-4633 f +81-(0)3-3202-4634
wam@wam-peace.org URL:www.wam-peace.org



I. Concluding Observations by Treaty Bodies [on Japan]

The following table contains excerpts of relevant clauses pertaining to Japan’s military sexual slavery issue from aforementioned UN human rights treaty bodies’ documents.

Year	Document Number	Excerpt
------	-----------------	---------

1. Human Rights Committee (CCPR)

2008	CCPR/C/JPN/CO/5	<p>22. The Committee notes with concern that the State party has still not accepted its responsibility for the “comfort women” system during World War II, that perpetrators have not been prosecuted, that the compensation provided to victims is financed by private donations rather than public funds and is insufficient, that few history textbooks contain references to the “comfort women” issue, and that some politicians and mass media continue to defame victims or to deny the events. (arts. 7 and 8)</p> <p>The State party should accept legal responsibility and apologize unreservedly for the “comfort women” system in a way that is acceptable to the majority of victims and restores their dignity, prosecute perpetrators who are still alive, take immediate and effective legislative and administrative measures to adequately compensate all survivors as a matter of right, educate students and the general public about the issue, and to refute and sanction any attempts to defame victims or to deny the events.</p>
2014	CCPR/C/JPN/CO/6	<p>Sexual slavery practices against “comfort women”</p> <p>14. 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 these women in comfort stations was done in many cases generally 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.</p> <p>The Committee is also concerned about re-victimization of the former comfort women by attacks on their reputations, including some by public officials and some that are encouraged by the State party’s equivocal position. The Committee further 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).</p> <p>The State party should take immediate and effective legislative and administrative measures to ensure: (i) that all allegations of sexual slavery or other human rights violations perpetrated by Japanese military during wartime against the “comfort women”, are effectively, independently and impartially investigated and that</p>

		<p>perpetrators are prosecuted and, if found guilty, punished; (ii) access to justice and full reparation to victims and their families; (iii) the disclosure of all evidence available; (iv) education of students and the general public about the issue, including adequate references in textbooks; (v) the expression of a public apology and official recognition of the responsibility of the State party; (vi) condemnation of any attempts to defame victims or to deny the events.</p>
--	--	--

2. Committee on Economic, Social and Cultural Rights (CESCR)

2001	E/C.12/1/Add.67	<p>26. The Committee expresses 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.</p> <p>E. Suggestions and recommendations</p> <p>53. The Committee 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.</p>
2013	E/C.12/JPN/CO/3	<p>26. The Committee is concerned 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. (art. 11, 3)</p> <p>The Committee recommends that the State party take all necessary measures to address the lasting effects of the exploitation and to guarantee the enjoyment of economic, social and cultural rights by ‘comfort women’. The Committee also recommends that the State party educate the public on the exploitation of ‘comfort women’ so as to prevent hate speech and other manifestations that stigmatize them.</p>

3. Committee on the Elimination of Discrimination against Women (CEDAW)

1994	A/50/38	<p>633. The Committee 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 World War II. It noted that Japan’s commitment to the Convention required it to ensure the protection of the full human rights of all women, including foreign and immigrant women.</p> <p>635. [abbr.]...The committee also encourages the Government to take specific and effective measures to address these current issues as well as war-related crimes and to inform the Committee about such measures in the next report.</p>
2003	A/58/38	<p>361. [abbr.]...While appreciative of the comprehensive information provided by the State party with respect to the measures it has taken before and after the Committee’s consideration of the second and third periodic reports of the State party with respect to the issue of wartime “comfort women,” the Committee notes the ongoing concerns about the issue.</p> <p>362. [abbr.]...The Committee recommends that the State party endeavour to find a lasting solution for the matter of “wartime comfort women”.</p>

2009	CEDAW/ C/JPN/C O/6	<p>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.</p> <p>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.</p>
2016	CEDAW/ C/JPN/C O/7-8	<p>“Comfort women”</p> <p>28. The Committee recalls its previous concluding observations (CEDAW/C/JPN/CO/6, paras. 37 and 38) and also refers to numerous recommendations on the unresolved issue of “comfort women” made by other United Nations human rights mechanisms such as the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9), the Human Rights Committee (CCPR/C/JPN/CO/6), the Committee Against Torture (CAT/C/JPN/CO/2), the Committee on Economic, Social and Cultural Rights (E/C.12/JPN/CO/3), several United Nations special procedures mandate holders of the Human Rights Council and the universal periodic review (A/HRC/22/14/Add.1, for example, paras. 147-145). While noting the efforts by the State party to attempt to resolve the issue of “comfort women”, most recently through the bilateral agreement between the State party and the Republic of Korea announced on 28 December 2015, the Committee regrets that the State party has not implemented the aforementioned recommendations and that its position on the issue of “comfort women” does not fall within the mandate of the Committee since the alleged violations occurred prior to the entry into force of the Convention by the State party in 1985. The Committee further regrets:</p> <ul style="list-style-type: none"> (a) That, recently, there has been an increase in the number of statements from public officials and leaders regarding the State party’s responsibility for violations committed against “comfort women”; and the announcement of the bilateral agreement with the Republic of Korea, which asserts that the “comfort women” issue “is resolved finally and irreversibly” and did not fully adopt a victim-centred approach; (b) That some “comfort women” have died without obtaining an official unequivocal recognition of responsibility by the State party for the serious human rights violations that they suffered; (c) That the State party has not addressed its obligations under international human rights law towards “comfort women” victims in other concerned countries; (d) That the State party deleted references to the issue of “comfort women” in textbooks. <p>29. The Committee reiterates its previous recommendations (CEDAW/C/JPN/CO/6, paras. 37 and 38) and observes that the issue of “comfort women” gives rise to serious violations that have a continuing effect on the rights of victims/survivors of those violations that were perpetrated by the State party’s military during the Second World War, given the continued lack of effective remedies for those victims. The Committee,</p>

		<p>therefore, considers that it is not precluded <i>ratione temporis</i> from addressing such violations and urges the State party:</p> <p>(a) To ensure that its leaders and public officials desist from making disparaging statements regarding responsibility, which have the effect of retraumatizing victims;</p> <p>(b) To recognize the right of victims to a remedy, and accordingly provide full and effective redress and reparation, including compensation, satisfaction, official apologies and rehabilitative services;</p> <p>(c) To ensure that, in the implementation of the bilateral agreement announced jointly with the Republic of Korea in December 2015, the State party takes due account of the views of the victims/survivors and ensures their rights to truth, justice and reparations;</p> <p>(d) To adequately integrate the issue of “comfort women” in textbooks and ensure that historical facts are objectively presented to students and the general public;</p> <p>(e) To provide information in its next periodic report on the extent of consultations and other measures taken to ensure the rights of victims/survivors to truth, justice and reparations.</p>
--	--	--

4. Committee against Torture (CAT)

2007	CAT/C/J PN/CO/1	<p>Statute of limitations</p> <p>12. The Committee notes with concern that acts amounting to torture and ill-treatment are subject to a statute of limitations. The Committee is concerned that the statute of limitations for acts amounting to torture and ill-treatment may prevent investigation, prosecution and punishment of these grave crimes. In particular, the Committee regrets the dismissal of cases filed by victims of military sexual slavery during the Second World War, the so-called “comfort women”, for reasons related to statutory limitations.</p> <p>The State Party should review its rules and provisions on the statute of limitations and bring them fully in line with its obligations under the Convention, so that acts amounting to torture and ill-treatment, including attempts to commit torture and acts by any person which constitute complicity or participation in torture, can be investigated, prosecuted and punished without time limitations.</p> <p>Compensation and rehabilitation</p> <p>23. The Committee is concerned at the inadequate remedies for the victims of sexual violence, including in particular survivors of Japan’s military sexual slavery practices during World War II and the failure to carry out effective educational and other measures to prevent sexual violence- and gender-based breaches of the Convention. The survivors of the wartime abuses, acknowledged by the State party representative as having suffered ‘incurable wounds’, experience continuing abuse and re-traumatization as a result of the State party’s official denial of the facts, concealment or failure to disclose other facts, failure to prosecute those criminally responsible for acts of torture, and failure to provide adequate rehabilitation to the victims and survivors.</p>
------	--------------------	---

		<p>The Committee considers that both education (article 10 of the Convention) and remedial measures (article 14 of the Convention) are themselves a means of preventing further violations of the State party’s obligations in this respect under the Convention. Continuing official denial, failure to prosecute, and failure to provide adequate rehabilitation all contribute to a failure of the State party to meet its obligations under the Convention to prevent torture and ill-treatment, including through educational and rehabilitation measures. The Committee recommends that the State party take measures to provide education to address the discriminatory roots of sexual and gender-based violations, and provide rehabilitation measures to the victims, including steps to prevent impunity.</p>
2013	CAT/C/JPN/CO/2	<p>Victims of military sexual slavery</p> <p>19. Notwithstanding the information provided by the State party concerning some steps taken to acknowledge the abuses against victims of Japan’s military sexual slavery practices during the Second World War, the so-called “comfort women”, the Committee remains deeply concerned at the State party’s failure to meet its obligations under the Convention while addressing this matter, in particular in relation to: (arts. 1, 2, 4, 10, 14 and 16)</p> <p>(a) Failure to provide adequate redress and rehabilitation to the victims. The Committee regrets that the compensation, financed by private donations rather than public funds, was insufficient and inadequate;</p> <p>(b) Failure to prosecute perpetrators of such acts of torture and bring them to justice. The Committee recalls that on account of the continuous nature of the effects of torture, statutes of limitations should not be applicable as these deprive victims of the redress, compensation, and rehabilitation due to them;</p> <p>(c) Concealment or failure to disclose related facts and materials;</p> <p>(d) Continuing official denial of the facts and re-traumatization of the victims by high-level national and local officials and politicians, including several diet members;</p> <p>(e) The failure to carry out effective educational measures to prevent gender-based breaches of the Convention, as illustrated, inter alia, by a decrease in references to this issue in school history textbooks;</p> <p>(f) The State party’s rejection of several recommendations relevant to this issue, made in the context of the universal periodic review (A/HRC/22/14/Add.1, paras.147.145 et seq.), which are akin to recommendations made by the Committee (para.24) and many other UN human rights mechanisms, inter alia, the Human Rights Committee (CCPR/C/JPN/CO/5, para.22), the Committee on the Elimination of Discrimination against Women (CEDAW/C/JPN/CO/6, para.38), the Committee on Economic, Social and Cultural Rights (E/C.12/JPN/CO/3, para.26) and several special procedures’ mandate-holders of the Human Rights Council.</p> <p>Recalling its general comment No. 3, the Committee urges the State party to take immediate and effective legislative and administrative measures to find victim-centered resolution for the issues of “comfort women”, in particular, by:</p> <p>(a) Publicly acknowledge legal responsibility for the crimes of sexual slavery, and prosecute and punish perpetrators with appropriate penalties;</p> <p>(b) Refute attempts to deny the facts by the government authorities and public</p>

		<p>figures and to re-traumatize the victims through such repeated denials;</p> <p>(c) Disclose related materials, and investigate the facts thoroughly;</p> <p>(d) Recognise the victim’s right to redress, and accordingly provide them full and effective redress and reparation, including compensation, satisfaction and the means for as full rehabilitation as possible;</p> <p>(e) Educate the general public about the issue and include the events in all history textbooks, as a means of preventing further violations of the State party’s obligations under the Convention.</p>
--	--	---

5. Committee on the Elimination of Racial Discrimination (CERD)

2014	CERD/C/ JPN/CO/ 7-9	<p>Comfort women</p> <p>18. The Committee notes information provided by the delegation of the State party about efforts made to solve the issue of foreign “comfort women” who were sexually exploited by the Japanese military during the World War II. The Committee also notes information on compensation provided through the Asian Women Fund, established by the State party in 1995, and government expressions of apology, including the apology of the Prime Minister of Japan in 2001. Bearing in mind that human rights violations against surviving “comfort women” persist as long as their rights to justice and reparation are not fully realized, the Committee is concerned at reports that most of the “comfort women” have never received recognition, apologies or any kind of compensation (art. 2, 5).</p> <p>The Committee urges that the State party take immediate action to:</p> <p>(a) Conclude investigations on violations of the rights of comfort women by the Japanese military, and bring to justice those responsible for human rights violations;</p> <p>(b) Pursue a comprehensive, impartial and lasting resolution of the issue of comfort women, including expressions of sincere apology and the provision of adequate reparation to all surviving comfort women or to their families;</p> <p>(c) Condemn any attempts at defamation or denial of such events.</p>
2018	CERD/C/ JPN/CO/ 10-11	<p>Comfort women</p> <p>27. While noting information provided by the State party on the efforts to resolve the issue of “comfort women”, including the recent agreement with the Republic of Korea in 2015, the Committee is concerned at reports that these efforts do not take a fully victim-centred approach, that the surviving comfort women were not adequately consulted and that this solution did not acknowledge unequivocal responsibility for the human rights violations committed against these women by the Japanese military before and during the Second World War. The Committee is also concerned by statements of some public officials, minimizing the responsibility of the Government with respect to comfort women, and their potential negative impact on survivors.</p> <p>28. The Committee recommends that the State party ensure a lasting solution to the issue of comfort women with a victim-centred approach, inclusive of comfort women of all nationalities, accepting responsibility for its role in the violation of the human rights of these women. The Committee requests detailed information in its next periodic report on efforts to resolve the issue of comfort women, including adequate measures</p>

		addressing surviving comfort women and their families.
--	--	--

6. Committee on Enforced Disappearances (CED)

2018	CED/C/J PN/CO/ 1	<p>The situation of the so-called “comfort women” victims of enforced disappearance</p> <p>25. Recalling articles 8, 12 and 24 of the Convention, the Committee wishes to emphasize the continuous nature of the crime of enforced disappearance and to reaffirm the rights of victims to justice, reparation and to know the truth about the circumstances of an enforced disappearance, the progress and results of the investigation and the fate of the disappeared person, regardless of when the enforced disappearance was committed. In this respect, the Committee is concerned about the lack of statistical information on the number of so-called “comfort women” who may have been subjected to enforced disappearance, and about the absence of investigations, prosecutions and convictions of perpetrators of these cases. It is further concerned at reports of the removal of children born to these women and the refusal of the State to investigate such cases. The Committee remains concerned at reports of the concealment or failure by the State party to disclose related facts and materials on the issue of the so-called “comfort women”. It is further concerned at the lack of adequate reparations to the victims in accordance with article 24 (5) of the Convention and regrets the State party’s position that the issue “is resolved finally and irreversibly”. This perpetuates impunity and denies victims their right to know the truth and to obtain justice, reparation and guarantees of non-repetition (art. 1, 8, 12, 24 and 25).</p> <p>26. The Committee recalls the continuous nature of the offence of enforced disappearance and recommends the State party to:</p> <p>(a) Generate accurate statistics on the number of the so-called “comfort women” who may have been subjected to enforced disappearance to conduct investigations and guarantee the rights to the truth and reparation;</p> <p>(b) Ensure that all cases of so-called “comfort women” who may have been subjected to enforced disappearance, including the removal of children born to these women, are investigated thoroughly and impartially without delay, regardless of the time that has elapsed since they took place and even if there has been no formal complaint;</p> <p>(c) Ensure that the alleged perpetrators are prosecuted and, if found guilty, punished in accordance with the gravity of their acts;</p> <p>(d) Take the necessary measures to search for and identify any children born to “comfort women” who may have been victims of wrongful removal, enforced disappearance and/or identity substitution and that they are returned to their families of origin, in conformity with article 25, paragraph 2, of the Convention;</p> <p>(e) Ensure the disclosure of any information related to facts and materials;</p> <p>(f) Ensure that all victims receive adequate reparation in accordance with article 24 (4) and (5) of the Convention and that it takes account of gender issues;</p> <p>(g) Guarantee the right to truth.</p>
------	------------------------	---

II. Concluding Observations by Treaty Bodies [on Republic of Korea]

1. Committee on the Elimination of Discrimination against Women (CEDAW)

2018	CEDAW/ C/KOR/C O/8	<p>“Comfort women”</p> <p>26. The Committee recalls its concluding observations concerning Japan (CEDAW/C/JPN/CO/6, paras. 37 and 38, and CEDAW/C/JPN/CO/7-8, paras. 28 and 29) and welcomes the additional steps taken by the State party since the publication, on 27 December 2017, of the results of the review of the bilateral agreement between the State party and Japan of 28 December 2015. It further notes the State party’s intention to implement follow-up measures based on a victim-centred approach, and the opposition of victims/survivors and their families to the Reconciliation and Healing Foundation established under the bilateral agreement to distribute 1 billion yen received from Japan.</p> <p>27. The Committee recommends that the State party:</p> <p>(a) Ensure that, in the implementation of the bilateral agreement announced jointly with Japan in December 2015, the State party takes due account of the views of the victims/survivors and their families;</p> <p>(b) Ensure that the rights to truth, justice and redress of the victims/survivors and their families are fully upheld, including rehabilitation and fair and adequate compensation to be afforded without delay.</p>
------	--------------------------	---

2. Committee against Torture (CAT)

2017	CAT/C/K OR/CO/3 -5	<p>Redress for victims of torture and ill-treatment</p> <p>47. The Committee:</p> <p>(a) While welcoming the agreement reached at the meeting of Ministers for Foreign Affairs of Japan and the Republic of Korea held on 28 December 2015 and taking note that 38 victims of sexual slavery during the Second World War are still alive, is concerned that the agreement does not comply fully with the scope and content of its general comment No. 3 and that it fails to provide redress and reparation (including compensation and the means for as full a rehabilitation as possible) or to ensure the right to truth and assurances of non-repetition; [abbr.]</p> <p>48. The State party should: [abbr.]...</p> <p>(d) Revise the agreement of 28 December 2015 between Japan and the Republic of Korea in order to ensure that the surviving victims of sexual slavery during the Second World War are provided with redress, including the right to compensation and rehabilitation, and that they are guaranteed the right to truth, reparation and assurances of non-repetition, in keeping with article 14 of the Convention;</p>
------	--------------------------	---

III. Statement by then UN High Commissioner for Human Rights

- **Japan’s approach to the issue of “comfort women” causing further violations of victims’ human rights¹**

GENEVA (6 August 2014) – UN High Commissioner for Human Rights Navi Pillay on Wednesday expressed profound regret that Japan has failed to pursue a comprehensive, impartial and lasting resolution of the issue of wartime sexual slavery, warning that the human rights of the victims, known as “comfort women”, continue to be violated decades after the end of the Second World War.

“During my visit to Japan in 2010, I appealed to the Government to provide effective redress to the victims of wartime sexual slavery,” the High Commissioner said. “Now, as my tenure in office comes to an end, it pains me to see that these courageous women, who have been fighting for their rights, are passing away one by one, without their rights restored and without receiving the reparation to which they are entitled.”

“This is not an issue relegated to history. It is a current issue, as human rights violations against these women continue to occur as long as their rights to justice and reparation are not realised,” she stressed.

Instead of justice, the High Commissioner said, the women are facing increasing denials and degrading remarks by public figures in Japan. A report issued by a Government-appointed study team on 20 June 2014, stated that “it was not possible to confirm that women were forcefully recruited.” Following the release of this report, a group in Tokyo publicly declared that “comfort women were not sex slaves but wartime prostitutes.”

“Such statements must cause tremendous agony to the women, but we have not seen any public rebuttal by the Government,” Pillay said.

Over the years, Japan has received recommendations from a number of UN independent experts, human rights treaty bodies and from the Human Rights Council under its Universal Periodic Review for it to take concrete measures to tackle the issue. Most recently, the UN Human Rights Committee, which oversees implementation of the International Covenant on Civil and Political Rights, called on Japan to take “immediate and effective legislative and administrative measures” to ensure that all allegations of sexual slavery are investigated and perpetrators prosecuted. It also called for access to justice and reparations for victims and their families, the disclosure of all evidence available, and education in the country surrounding the issue.

Pillay noted that Japan had signed the UN Declaration on the Prevention of Sexual Violence in Conflict last year and that it had offered strong support to the UK summit on sexual violence in conflict earlier this year

“I encourage Japan to pursue a comprehensive, impartial and lasting resolution of the wartime sexual slavery issue with the same vigour,” she added, noting the Office’s readiness to offer any necessary assistance.

¹ Source: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14920&LangID=E>

- **Mr. Zaid Ra'ad Al Hussein, the High Commissioner for Human Rights**

The following is the excerpt from the statement made on March 10, 2016, during the 31st session of Human Rights Council.

Last year I highlighted the unresolved suffering, and search for justice, of the women who survived sexual slavery by Japanese military forces during World War II. Since then, in December 2015, the Governments of Japan and the Republic of Korea have announced a bilateral agreement to address the issue. Its terms have been questioned by various UN human rights mechanisms, and most importantly by the survivors themselves. It is fundamentally important that the relevant authorities reach out to these courageous and dignified women; ultimately only they can judge whether they have received genuine redress.²

² URL:<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17200&LangID=E>