



## **Justice for the survivors of Japan's military sexual slavery system: Amnesty International written statement to the 24<sup>th</sup> session of the UN Human Rights Council (9 – 27 September 2013)**

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### **Summary**

Women were trapped, deceived or otherwise forced into sexual slavery by the Japanese Imperial Army in the different occupied countries throughout the Asia Pacific region before and during World War II. To this day, the Japanese government has refused to adequately and unequivocally acknowledge its responsibility, including legal responsibility, for the crimes committed against the victims of its military sexual slavery system.

The survivors are now elderly and most have died without receiving justice, truth or reparation. The continued failure of the Japanese government to acknowledge and apologize for the crimes committed against these women and provide full reparation prolongs their suffering and denies them an effective remedy.

Earlier this year Japan joined with other member states of the G8 to support a United Kingdom government led initiative which aims to prevent and end impunity for crimes of sexual violence committed during armed conflict. However, Japan's support for this initiative is undermined by its failure to take concrete steps to provide justice, without further delay, to the survivors of Japan's military sexual slavery system. By meeting the call for justice the Government of Japan could show leadership in substantiating the commitments made in the Declaration.

### **Japan's military sexual slavery system**

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. Euphemistically known as "comfort women", these young women were repeatedly raped and brutalized for months or years on end. Many were killed. The Japanese Imperial Army preyed on 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. The vast majority of them were under the age of 20; some girls were as young as 12 when they left their homes or were taken away. 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.

One such woman is Gil Won Ok, who travelled to Europe in 2007 to call on the European and Dutch Parliaments to urge the Japanese government to resolve this issue. Gil was 13 when she was promised factory work, but eventually found herself in northeast China, where she was forced into sexual slavery. Like many of the women Gil Won Ok suffered from physical and mental health

problems. She was unable to bear children and never married. Gil broke her silence in 1998, 53 years after her traumatic experience, and has since travelled to Europe, Japan, Australia and America to call for justice for herself and all survivors of military sexual slavery and for an end to violence against women.

### **Still no justice**

Until this day, Japan has failed to acknowledge and accept responsibility and has opposed survivors' efforts to obtain justice, truth and reparation. The Japanese government has made a prolonged and determined effort to hide behind its legal position on the issue and continues to insist that any obligation to provide reparations was settled in the 1951 San Francisco Peace Treaty and other bilateral peace treaties and arrangements. Amnesty International believes the government's position is untenable, including because the named treaties and agreements did not cover acts of sexual slavery, and did not preclude individuals from seeking 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. Furthermore, the Japanese government continues to contradict earlier acknowledgements or expressions of remorse by denying or evading responsibility, including legal responsibility.

Amnesty International is particularly concerned by recent attempts of high profile Japanese politicians and officials to excuse or deny Japan's military sexual slavery system. Examples include comments made by the Mayor of Osaka, Toru Hashimoto, that Japan's military sexual slavery system was "necessary" and the statement by the Japanese government in their addendum to the Universal Periodic Review that the issue "should not be politicized or turned into a diplomatic issue".

As a 90-year-old survivor, Kim Bok Dong, has said, "I want to receive apologies from the Japanese government myself. I am not doing this for money. I just want the Japanese government to regret their actions, to take responsibility for what they did, apologize to all of us, and respect our human rights."

### **National and international pressure**

Criticism of Japan's denial of justice to the victims of sexual slavery before and during World War II is not limited to human rights groups. In July 2007, the US House of Representatives adopted a resolution calling on the Japanese government to ensure justice for the former "comfort women". This resolution described the system of forced military sexual slavery as "unprecedented in its cruelty and magnitude" and "one of the largest cases of human trafficking in the 20<sup>th</sup> century". Similar resolutions have since been passed by parliaments in the EU, the Netherlands, the UK, Canada, South Korea and Taiwan.

In Japan itself, many city and town councils have made statements calling on the central government to resolve the issue. On 26 March 2013, Kyoto Prefecture Assembly became the first Prefecture-level body to call on the central government to provide redress to the survivors of Japan's military sexual slavery system, including compensation.

## **Japan's commitment to preventing contemporary sexual violence in conflict must begin with justice for the survivors of Japan's military sexual slavery system**

In April this year, the G8 foreign ministers adopted the United Kingdom government led Declaration on Preventing Sexual Violence in Conflict.<sup>1</sup> As a member of the G8, Japan committed to this Declaration. In the Declaration, ministers recalled that “international humanitarian law maintains a long-standing prohibition of sexual violence in armed conflict”, that “rape and other forms of serious sexual violence also constitute grave breaches of the Geneva Conventions”, and that “states have an obligation to search for and prosecute (or hand over for trial) any individual alleged to have committed or ordered a grave breach”.

Amnesty International welcomes efforts to prevent and end impunity for crimes of sexual violence committed during armed conflict and the commitment made by Japan and other G8 states to address this serious human rights issue. However, Japan's commitment to the initiative is undermined by its failure to meet its obligations under international law to provide truth, justice and full reparation for the survivors of Japan's military sexual slavery system. Contrary to its commitments in the Declaration to raise awareness of crimes of sexual violence and remove barriers to justice, provide better support to victims and bring perpetrators to justice, Japan has refused to fully acknowledge and accept responsibility for its wartime system of military sexual slavery.

Amnesty International calls on the Japanese government to act consistently with the commitments it made when adhering to the G8 Declaration on Preventing Sexual Violence in Conflict by providing justice without further delay to the survivors of Japan's military sexual slavery system. In particular, Amnesty International calls on the Government of Japan to:

- Accept full responsibility, including legal responsibility, in a way that publicly acknowledges the harm suffered by these women and is acceptable to the majority of survivors;
- Apologize unequivocally for the crimes committed against the women and provide adequate and effective reparation directly from the government and in line with international standards;
- Ensure non-repetition by including an accurate account of Japan's military sexual slavery system in textbooks used in the Japanese educational system.

Until Japan adequately addresses its system of military sexual slavery, its support for the G8 Declaration will ring hollow. By meeting the call for justice for the survivors of the Japanese military sexual slavery system, the Government of Japan could show leadership in substantiating the commitments made in the Declaration.

Amnesty International urges the other G8 members and other states to call on the Japanese government to take concrete steps, without further delay, to fulfil Japan's obligations towards the survivors of Japan's military sexual slavery system and to prove its commitments in the G8 Declaration.

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<sup>1</sup> A copy of the Declaration is available online at <https://www.gov.uk/government/publications/g8-declaration-on-preventing-sexual-violence-in-conflict>.