

## APPENDIX No.1

# Compilation of Recommendations by the UN Human Rights Bodies on the "Comfort Women" Issue

### Contents

- 1. Concluding Observations by Treaty Bodies.....p1**
- Human Rights Committee (CCPR)  
Observation in 2014, Observation in 2008 (CCPR/C/JPN/CO/5)
  - Committee on Economic, Social and Cultural Rights (CESCR)  
Observation in 2013 (E/C.12/1/Add.67) and 2001 (E/C.12/JPN/CO/3)
  - Committee on the Elimination of Discrimination against Women (CEDAW)  
Observation in 2009 (CEDAW/C/JPN/CO/6), 2003 (A/58/38) and 1994 (A/50/38)
  - Committee against Torture (CAT)  
Observation in 2013 (CAT/C/JPN/CO/1) and 2007 (CAT/C/JPN/CO/2)
- 2. Reports of the Special Rapporteurs (excerpts from the recommendations) .....p5**
- The Special Rapporteur on violence against women, its causes and consequences,  
Ms. Radhika Coomaraswamy
  - The Special Rapporteur on Systematic rape, sexual slavery and slavery-like practices during armed  
conflict, Ms. Gay J. McDougall
  - The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related  
intolerance, Doudou Diène
- [Reference]**  
Comments from the government of Japan to the report of the Special Rapporteur, Doudou Diène.
- 3. Universal Periodic Review (UPR) of the Human Rights Council.....p12**
- Report of the Working Group on the UPR, Japan(A/HRC/8/44), 30 May 2008
  - Report of the Working Group on the UPR, Japan(A/HRC/22/14), 14 December, 2012
  - Report of the Working Group on the UPR, Japan, Addendum(A/HRC/22/14/Add.1), 8 March, 2013

---

## I. Concluding Observations by Treaty Bodies

---

The following table contains excerpts of relevant clauses pertaining to the “Comfort Women” issue from aforementioned UN human rights treaty bodies’ documents.

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

### 1. Human Rights Committee (CCPR)

2014		<p><b>Sexual slavery practices against “comfort women”</b></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. 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><b>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 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.</b></p>
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><b>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</b></p>

		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.
--	--	---

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

2013	E/C.12/JP N/CO/3	<p><b>C. Principal subjects of concern and recommendations</b></p> <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><b>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.</b></p>
2001	E/C.12/1/ Add.67	<p><b>C. Principal subjects of concern</b></p> <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><b>E. Suggestions and recommendations</b></p> <p><b>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.</b></p>

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

2009	CEDAW/ C/JPN/CO /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><b>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.</b></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><b>362. [abbr.]...The Committee recommends that the State party endeavour to find a lasting solution for the matter of “wartime comfort women”.</b></p>
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</p>

		<p>ensure the protection of the full human rights of all women, including foreign and immigrant women.</p> <p><b>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.</b></p>
--	--	--

#### 4. Committee against Torture (CAT)

2013	CAT/C/JPN/CO/2	<p><b>C. Principal subjects of concern and recommendations</b></p> <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><b>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:</b></p> <p>(a) <b>Publicly acknowledge legal responsibility for the crimes of sexual slavery, and prosecute and punish perpetrators with appropriate penalties;</b></p> <p>(b) <b>Refute attempts to deny the facts by the government authorities and public figures and to re-traumatize the victims through such repeated denials;</b></p> <p>(c) <b>Disclose related materials, and investigate the facts thoroughly;</b></p> <p>(d) <b>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;</b></p>
------	----------------	---

		<p>(e) <b>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.</b></p>
2007	CAT/C/JP N/CO/1	<p><b>Statute of limitations</b></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><b>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.</b></p> <p><b>Compensation and rehabilitation</b></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><b>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.</b></p>

## B. Reports of the Special Rapporteurs

The following table contains excerpts of relevant clauses pertaining to the “Comfort Women” issue from aforementioned Special Rapporteur reports. The reports by the Special Rapporteur on violence against women in 1996 (E/CN.4/1996/53/Add.1) and the Special Rapporteur on Systematic rape, sexual slavery and slavery-like practices during armed conflict (E/CN.4/Sub.2/1998/13) that are quoted below were both only parts of comprehensive studies concerning the “Comfort Women” issue. As such, the excerpts chosen represent only some of the recommendations made in the complete reports.

Year	Document Number	Title and Excerpt
------	-----------------	-------------------

### 1, Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy

2003	E/CN.4/2003/75/Add.1	<p><b>Integration of the Human Rights of Women and the Gender Perspective, Addendum 1</b></p> <p><b>International, regional and national developments in the area of violence against women 1994-2003</b></p> <p><b>JAPAN Issues of concern</b></p> <p>1043. At the invitation of the Governments of the Republic of Korea and Japan, the Special Rapporteur on violence against women, its causes and consequences, visited Seoul from 18 to 22 July 1995 and Tokyo from 22 to 27 July 1995 to study in depth the issue of military sexual slavery in wartime, within the wider framework of violence against women (E/CN.4/1996/53/Add.1). Japan has still not accepted legal responsibility for the “comfort women” who were kept in military sexual slavery during the Second World War. It has also not punished many of the perpetrators responsible for such crimes.</p>
2001	E/CN.4/2001/73	<p><b>Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms</b></p> <p><b>Violence against women perpetrated and/or condoned by the State during times of armed conflict (1997-2000)</b></p> <p><b>Executive summary</b></p> <p>The ongoing impunity of those who perpetrated Japan’s system of military slavery during the Second World War is only one of many examples of an ongoing failure by Member States to investigate, prosecute and punish those found responsible for past acts of rape and sexual violence. This failure has contributed to an environment of impunity that perpetuates violence against women today. Whether the violence described in this report is investigated and punished, and whether such acts are prevented in the future depends ultimately on the firm commitment of the States Members of the United Nations.</p> <p><b>I. Japan: developments with regard to justice for comfort women</b></p> <p>92. Although the Government of Japan has acknowledged moral responsibility for the system of organizing sexual slaves euphemistically called “comfort women” during the Second World War, it has refused to accept legal liability or to pay compensation to the victims. There has been no attempt to implement the set of recommendations the Special Rapporteur made in her 1996 report, or those outlined by the Special Rapporteur of the Sub-Commission on the Promotion and Protection of Human Rights in the appendix to her final report on systematic rape, sexual slavery</p>

		<p>and slavery-like practices during armed conflict.</p> <p>93. According to the December 2000 report of The Asian Women’s Fund, the private fund set up to compensate the victims and to carry out projects to assist them, the project of atonement from the Japanese people involves recipients receiving a letter from the Prime Minister of Japan expressing apology and remorse and compensation of 2 million yen. To date 170 former comfort women have received atonement money. In addition, the Fund conducts many other laudable activities to assist women and elderly people affected by the Second World War and violence against women.</p> <p>94. In recent years, several of the victims of sexual slavery have brought lawsuits in Japanese courts; a number of these cases are still pending. Of those that have been decided, the results are decidedly mixed. Three “comfort women” were each awarded 300,000 yen (US\$ 2,300) by the Shimonoseki Branch of the Yamaguchi District Court on 27 April 1998, after the court found that the women had been held in sexual slavery and that their human rights had been violated. The court essentially held that there was a legal obligation for the Government of Japan to compensate the women, holding that the failure of the Diet to pass legislation compensating the women for their suffering “constituted a violation of Japanese constitutional and statutory law”. Both the plaintiffs and the Government filed an appeal at the Hiroshima Higher Court, which is currently pending.</p> <p>95. By contrast, the Tokyo District Court rejected the lawsuit of 46 former “comfort women” from the Philippines on 9 October 1998, as well as the claim of a Dutch former “comfort woman” on 30 November 1998. An appeal filed by the plaintiffs in the Filipino women’s case was rejected by the Tokyo Higher Court on 6 December 2000. An appeal in the case of the Dutch woman is pending before the Tokyo Higher Court. Similarly, the Japanese High Court of Justice rejected the appeal of a former Korean “comfort woman” on 30 November 2000, acknowledging her suffering but ruling that she - as an individual - did not have the right under international law to bring an action against a State for compensation. The Court also held that the statute of limitations for Koreans living in Japan to claim compensation for war damages ended in 1985. In September 2000, a group of 15 former “comfort women” filed a class action suit in the Washington District Court demanding compensation for the crimes committed against them.</p> <p>96. In December 2000, women’s groups held a Women’s International War Crimes Tribunal on Japan’s Military Sexual Slavery (Tokyo Tribunal 2000), to highlight the ongoing denial of compensation to the victims of Japan’s system of “comfort women” by the Government and the impunity that continues for its perpetrators. Evidence from “comfort women” living in the two Koreas, the Philippines, Indonesia, East Timor, China and the Netherlands were gathered in detail and were now finally available as a matter of record. The evidence was presented by an international prosecutor before an eminent panel of international judges. The findings of the judges to the Tribunal reiterated the legal liability of the Government of Japan and the need to set up a process to punish the perpetrators of the crimes. The Government was, however, not represented at the Tribunal.</p>
1998	E/CN.4/1998/54	<p><b>Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms</b></p>

		<p><b>Violence perpetrated and/or condoned by the State</b></p> <p>Japan: the case of Chong, a former "comfort woman" during the Second World War</p> <p>1. "One day in June, at the age of 13, I had to prepare lunch for my parents who were working in the field and so I went to the village well to fetch water. A Japanese soldier surprised me there and took me away ... . I was taken to the police station in a truck where I was raped by several policemen. When I shouted, they put socks in my mouth and continued to rape me. The head of the police station hit me on the left eye because I was crying. I lost eyesight in the left eye. After ten days or so I was taken to the Japanese army garrison. There were around 400 other Korean young girls with me and we had to serve over 5,000 Japanese soldiers as sex slaves every day. Each time I protested, they hit me or stuffed rags in my mouth. One held a matchstick to my private part until I obeyed him. My private parts were oozing with blood."</p> <p>2. The Government of Japan has made some welcome efforts at dealing with the problems of past violence to "comfort women". The Government of Japan and successive Japanese prime ministers have expressed remorse and have apologized to former "comfort women". A private fund called the Asian Women's Fund has been set up to assist individual victims with a grant of 2 million yen each. As of this writing, over 100 victims have applied to receive funds and about 50 would have actually received atonement money. The Fund also attempts to help elderly women in countries in which there exist former "comfort women", but where cultural restraints prevent women from coming forward. The Government has set aside 700 million yen from the national budget for medical and welfare projects of the Asian Women's Fund. It has also made a commitment to raise awareness and to include reference to these tragedies in textbooks so that such practices do not emerge in the future. However, the Government of Japan has not accepted legal responsibility. Perhaps it is waiting for decisions of the six court cases filed with Japanese courts.</p>
1996	E/CN.4/ 1996/53/ Add.1	<p><b>Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms Addendum</b></p> <p><b>Report on the mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime</b></p> <p>137. The Government of Japan should:</p> <p>(a) Acknowledge that the system of comfort stations set up by the Japanese Imperial Army during the Second World War was a violation of its obligations under international law and accept legal responsibility for that violation;</p> <p>(b) Pay compensation to individual victims of Japanese military sexual slavery according to principles outlined by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. A special administrative tribunal for this purpose should be set up with a limited time-frame since many of the victims are of a very advanced age;</p> <p>(c) Make a full disclosure of documents and materials in its possession with regard to comfort stations and other related activities of the Japanese Imperial Army during the Second World War;</p> <p>(d) Make a public apology in writing to individual women who have come forward and can be substantiated as women victims of Japanese military sexual slavery;</p> <p>(e) Raise awareness of these issues by amending educational curricula to reflect historical</p>



		realities; (f) Identify and punish, as far as possible, perpetrators involved in the recruitment and institutionalization of comfort stations during the Second World War.
1995	E/CN.4/ 1995/42	<p><b>Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission Alternative Approaches and Ways and Means Within the United Nations System for Improving the Effective Enjoyment of Human Rights and Fundamental Freedoms Preliminary report</b></p> <p>291. Nearly 50 years have passed since the end of the Second World War. And yet this issue should not be considered a matter of the past but of today. It is a crucial question that would set a legal precedent at the international level for the prosecution of perpetrators of systematic rape and sexual slavery in times of armed conflict. A symbolic gesture of compensation would introduce a remedy of "compensation" for women victims of violence perpetrated during times of armed conflict.</p>

**2. Special Rapporteur on Systematic rape, sexual slavery and slavery-like practices during armed conflict, Ms. Gay J. McDougall**

2000	E/CN.4/S ub.2/2000 /21	<p><b>Contemporary Forms of Slavery, Update to the final report</b></p> <p>VI. DEVELOPMENTS CONCERNING JAPAN'S SYSTEM OF MILITARY SEXUAL SLAVERY DURING THE SECOND WORLD WAR</p> <p>71. One of the most egregious documented cases of sexual slavery was the system of rape camps associated with the Japanese Imperial Army during the Second World War. A significant impetus for the creation of the mandate of the Special Rapporteur was the increasing international recognition of the true scope and character of the harms perpetrated against the more than 200,000 women and girls enslaved in so-called .comfort stations. throughout Asia. The Special Rapporteur, in an appendix to the final report, included a case study on the continuing legal liability of the Government of Japan for the .comfort women. system, which in its totality constitutes crimes against humanity.</p> <p>72. The atrocities committed against the so-called .comfort women. remain largely unremedied. There has been no reparation to the victims: no official compensation, no official acknowledgement of legal liability, and no prosecutions. While the Government of Japan has taken some steps to apologize for its system of military sexual slavery during the Second World War, it has not admitted or accepted legal liability and has failed to pay legal compensation to the victims. Thus, the Government of Japan has not discharged fully its obligations under international law.</p>
1998	E/CN.4/S ub.2/1998 /13	<p><b>Contemporary Forms of Slavery Final report, Appendix</b></p> <p><b>C. Recommendations</b></p> <p><b>1. The need for mechanisms to ensure criminal prosecutions</b></p> <p>63. The United Nations High Commissioner for Human Rights should work for the prosecution in Japan, and in other jurisdictions, of those responsible for the atrocities that have now been clearly linked to the actions of the Japanese military in establishing the Japanese rape camps. It is incumbent upon the United Nations to ensure that Japan fully satisfies its obligation to seek out and prosecute all those responsible for the "comfort stations" who remain alive today and that other States similarly do all they can to assist in the capture and prosecution of offenders in</p>

other jurisdictions. Accordingly, the High Commissioner, together with Japanese officials, should work to: (a) gather evidence on individual military and civilian personnel who may have established, supported or frequented Japanese rape centres during the Second World War; (b) interview victims; (c) forward the preparation of cases for trial to Japanese prosecutors; (d) work with other States and survivors' organizations to identify, arrest and prosecute offenders within their jurisdictions; and (e) assist States in any way in the development of legislation to allow such prosecutions in their jurisdictions.

## **2. The need for mechanisms to provide legal compensation**

64. The Sub-Commission has joined other United Nations bodies in "welcoming" the creation in 1995 of the Asian Women's Fund. The Asian Women's Fund was established by the Japanese Government in July 1995 out of a sense of moral responsibility to the "comfort women" and is intended to function as a mechanism to support the work of NGOs that address the needs of the "comfort women" and to collect from private sources "atonement" money for surviving "comfort women". The Asian Women's Fund does not, however, satisfy the responsibility of the Government of Japan to provide official, legal compensation to individual women who were victims of the "comfort women" tragedy, since "atonement" money from the Asian Women's Fund is not intended to acknowledge legal responsibility on the part of the Japanese Government for the crimes that occurred during the Second World War.

65. Because the Asian Women's Fund does not in any sense provide legal compensation, a new administrative fund for providing such compensation should be established with appropriate international representation. To accomplish this, the United Nations High Commissioner for Human Rights should also appoint, together with the Government of Japan, a panel of national and international leaders with decision-making authority to set up a swift and adequate compensation scheme to provide official, monetary compensation to the "comfort women". Accordingly, the role of this new panel would be to:

- (a) determine an adequate level of compensation, looking to compensation that may have been provided in comparable settings as guidance;
- (b) establish an effective system for publicizing the fund and identifying victims; and
- (c) establish an administrative forum in Japan to expeditiously hear all claims of "comfort women".

Such steps, moreover, should be taken as quickly as possible in light of the advancing age of the comfort women.

## **3. Adequacy of compensation**

66. An appropriate level of compensation should be based on considerations such as the gravity, scope and repetition of the violations, the intentional nature of the crimes committed, the degree of culpability of public officials who violated the public trust, and the extensive time that has passed (and thus the loss of the present value of the money, as well as the psychological harm caused by the extensive delay in relief). In general, applies to any economically assessable damage, such as physical or mental harm; pain, suffering and emotional distress; lost opportunities, including education; loss of earnings and earning capacity; reasonable medical and other expenses of rehabilitation; harm to reputation or dignity and reasonable costs and fees of legal or expert assistance to obtain a remedy. Based on these factors, an adequate level of compensation should be provided without further delay. Some consideration should also be given to the level of compensation that may be required to act as a deterrent to ensure that such abuses will not occur in the future.

**3. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Doudou Diène**

2006	E/CN.4/ 2006/16/ Add.2	<p><b>Racism, Racial Discrimination, Xenophobia and All Forms of Discrimination Addendum, Mission to Japan</b></p> <p><b>III. PRESENTATION OF THEIR SITUATION BY THE COMMUNITIES CONCERNED</b></p> <p>D. The Koreans</p> <p>59. Finally, concerning the most shameful form of discrimination endured by the Koreans --the system of sexual slavery whereby Korean women were put at the disposal of the Japanese military during World War II-- only in 1993 did the Government of Japan recognize its responsibility in the establishment of this system. However, issues such as official apology, compensation and proper education about this tragic historical episode known as “comfort women” have still not been settled. The Special Rapporteur was even informed that, starting from next year, school textbooks will not include any reference to the “comfort women”.</p> <p><b>V. RECOMMENDATIONS</b></p> <p>82. [abbr.]...Textbooks should also include explanations of the crimes linked to the colonial era and wartime committed by Japan including a recognition of its responsibility for the establishment of the “comfort women” system. The Special Rapporteur is concerned that decisions on the content of the school textbooks can be taken locally without any capacity of control at the national level. He therefore recommends the adoption of a legal provision at the national level which guarantees that the above-mentioned minimum content requirements be included in school textbooks. Moreover, given the fundamental impact of the drafting and teaching of history in the actual and future relations between the countries of the region, the Special Rapporteur recommends that, in the spirit and the scientific methodology of the drafting by UNESCO of the regional histories of Africa, Latin America, the Caribbean countries and Central Asia, Japan in consultation and with the agreement of all the countries of the region invite UNESCO to start the process of drafting the general history of the region.</p>
------	------------------------------	---

**[REFERENCE]**

The Comments of the government of Japan to the report of the Special Rapporteur, Doudou Diène.

**IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251  
OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

Note verbale dated 30 May 2006 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights

2006	A/HRC/ 1/G/3	<p>First, there are many statements in the report which are beyond the Special Rapporteur’s mandate. The mandate of the Special Rapporteur is “to examine ... incidents of contemporary forms of racism, racial discrimination, any form of discrimination against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism, and related intolerance, as well as governmental measures to overcome them”(E/CN.4/RES/1994/164).</p> <p>However, for example, the Special Rapporteur reports on the issue of the military bases in Okinawa (paragraphs 6, 51, 52, 88), which has no relation to the issue of racial discrimination.</p> <p>Also he reports on past issues which have no relation to the issue of “contemporary forms of” discrimination: “forced labor” (paragraph 8) and “comfort women” (paragraph 59, 82) during World War II. The Special Rapporteur’s mandate given by the Commission on Human Rights was carefully decided in order to resolve the various human rights issues confronted all over the world. Japan believes that the Special Rapporteur should follow his mandate and act within it.</p>
------	-----------------	--

	<p>Japan considers his comments beyond his mandate to be inappropriate.</p> <p><b>8. Paragraph 59</b></p> <p>The remarks in this paragraph have no relation to the Special Rapporteur’s mandate. Therefore it is not necessary to comment on the report’s content in this paragraph, but commenting for reference, it is inappropriate to regard “comfort women” as “the system of sexual slavery.” In addition, other remarks contain factual errors and they are also inappropriate. The Government of Japan has extended its sincere apologies and remorse to all those who suffered immeasurable pain and incurable physical and psychological wounds as “comfort women” on many occasions, such as the Statement by the Chief Cabinet Secretary Yohei Kono on August 4, 1993.</p> <p>The Government of Japan addressed in good faith the issues of reparations, property and claims arising from the Second World War, according to the provisions of the San Francisco Peace Treaty and other related treaties, agreements and instruments. The issues, including the so-called “comfort women” issue, have been legally settled by these treaties, agreements and instruments.</p> <p>However, to fulfill its moral responsibility, the Government of Japan, together with the people of Japan, seriously discussed what could be done for expressing their sincere apologies and remorse to the former “wartime comfort women,” and the Asian Women's Fund(AWF) was established in 1995 to extend atonement from Japanese people to the former “wartime comfort women.”</p> <p>The AWF has provided 2 million yen(atonement money) from contributions of the people of Japan to over 285 former “wartime comfort women” and also carried out medical and welfare support projects with the financial support of the Government of Japan. At the time when the atonement money was provided and medical and welfare support projects were being implemented, the Prime Minister, on behalf of the Government of Japan, sent a letter expressing apologies and remorse directly to each former “wartime comfort woman.”</p> <p>The report says “Starting from next year, school textbooks will not include any reference to the comfort women.” But this is a misunderstanding of the facts, as some of the history textbooks to be used in middle schools and high schools in 2006 mention “comfort women.”</p>
--	--

---

### 3. Universal Periodic Review (UPR) of Human Rights Council

---

\*The following are excerpts on the “comfort women” issue from the reports.

<b>Report of the Working Group on the Universal Periodic Review, Japan</b> <b>A/HRC/8/44</b>	<b>30 May 2008</b>
---	--------------------

#### I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS

##### B. Interactive dialogue and responses by the State under review

15. The Democratic People’s Republic of Korea said that military sexual slavery represents crimes against humanity with no statutory limitations and referred to the resolutions of human rights mechanisms which called on Japan to acknowledge legal responsibility for the Japanese Military Sexual Slavery of 200,000 people, bring the perpetrators to justice and compensate the victims. Reference was also made to the serious concerns expressed and recommendations made by two human rights treaty bodies and to the resolutions adopted by parliaments of many countries and the European Parliament, which called on Japan to address this problem. The Delegation recommended that Japan take concrete measures to address, once and for all, the Japanese Military Sexual Slavery and other violations committed in the past in other countries, including Korea.

18. [abbr] **China** also referred to some historic issues mentioned in reports of the Special Rapporteur on violence against women, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and several NGOs. [abbr] China hoped that the Japanese Government will seriously address those concerns and adopt effective measures to implement the recommendations of those mechanisms.

26. [abbr] On the issue of “comfort women”, **France** indicated that in the light of the many recommendations put forward by several committees on this subject, it would like to encourage Japan to find a long-lasting solution to this problem of women who were forced into prostitution during the Second World War.

32. **The Netherlands** highlighted Japan’s accession to the International Criminal Court and asked how it will respond to the recommendations made by the international community and various human rights mechanisms with regard to Japan’s military sexual slavery practices during the Second World War.[abbr]

37. [abbr] It[**The Republic of Korea**] referred to concerns expressed by various human rights mechanisms about the issue of “comfort women”, which they considered had not been adequately addressed and their recommendations to Japan on this matter. The Republic of Korea called on the Government to respond sincerely to the recommendations of the United Nations mechanisms (Special Rapporteur on violence against women, the Committee on the Elimination of Discrimination against Women and the Committee against Torture) on the issue of “comfort women” during the Second World War.

45.[abbr] Japan referred to a statement released by the Government in August 1993, which recognized that the issue of “comfort women” had severely injured the honour and dignity of many women, and extended apologies and remorse. Japan stressed that the statement was its consistent basic position. Japan stated that it has been dealing with the issue of reparation, property and claims concerning the Second World War, including the issue of “comfort women”, in good faith, pursuant to the San Francisco peace treaty, bilateral peace treaties, and other relevant agreements. In this way, such issues, including that of “comfort women”, have been legally settled with the countries of the parties to these treaties. It also mentioned the activities of the Asian Women’s Fund (AWF), which was established in 1995 and dissolved in March 2007, and its efforts for the projects of the AWF to facilitate feasible remedies for former “comfort women” who had reached advanced ages by such means as contributing about 4.8 billion yen from its national budget. Japan stated that letters from the

Prime Minister were delivered to the former “comfort women” through the activities of the AWF. Japan stressed that it would continue its efforts to promote understanding of the sympathy of the Japanese people represented by the AWF and actively cooperate in the activities for caring the former “comfort women” succeeding the purpose of the AWF. The Government expressed its readiness to continue to have a dialogue with the treaty bodies on this issue.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

### **60. In the course of the discussion, the following recommendations were made to Japan:**

5. Respond sincerely to the recommendations of the United Nations mechanisms (Special Rapporteur on violence against women, the Committee on the Elimination of Discrimination against Women and the Committee against Torture) on the issue of “comfort women” during the Second World War (Republic of Korea);

18. Take concrete measures to address, once and for all, the Japanese Military Sexual Slavery and other violations committed in the past in other countries including Korea (Democratic People’s Republic of Korea);

**Report of the Working Group on the Universal Periodic Review, Japan**  
**A/HRC/22/14**

**14 December 2012**

## **I. SUMMARY OF THE PROCEEDINGS OF THE REVIEW PROCESS**

### **B. Interactive dialogue and responses by the State under review**

38. The Netherlands regretted that the issue of “comfort women” during the Second World War was no longer part of the school curriculum. This eliminated an instrument to raise awareness on past atrocities and a discussion of the relevant rights involved. It made recommendations.

46. The Republic of Korea commended Japan for its adoption of the Third Plan for Gender Equality. It noted treaty body and stakeholder concerns that Japan had not taken effective measures to address the issue of “comfort women” victims during the Second World War. It made recommendations.

58. Timor-Leste appreciated Japan’s commitment to United Nations human rights mechanisms. It encouraged Japan to pursue its dialogue with the international community to reach understanding, possibly entailing direct, genuine communication with survivors of past atrocities.

113. China noted Japan’s gender equality plan and campaign to eliminate violence against women, but expressed concern over inadequate measures implementing earlier UPR recommendations. It raised concerns over comfort women. China made recommendations.

## **II. CONCLUSIONS AND/OR RECOMMENDATIONS**

147.145. Recognize its legal responsibility for the issue of the so-called “comfort women” and take appropriate measures acceptable to the victims, as recommended by the relevant international community (Republic of Korea);

147.146. Face up to and reflect on its past and present a responsible interface to the international community by making apologies on the issue of comfort women and giving compensation to its victims (China);

147.147. Acknowledge its responsibility for the issue of “comfort women” used during World War II, and take steps to restore the dignity of victims and compensate them adequately (Costa Rica);

147.158. Ensure that future generations continue to be informed of all aspects of their history, by taking measures such as the introduction of the topic of comfort women in textbooks for school children (Netherlands);

147.148. Accept legal responsibility for and address, once and for all, the Japanese military sexual slavery and other violations committed in the past in other Asian countries including Korea (Democratic People's Republic of Korea);

**Report of the Working Group on the Universal Periodic Review\* Japan Addendum**

Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review

**A/HRC/22/14/Add.1**

**8 March 2013**

Japan has carefully reviewed the 174 recommendations received during its UPR on 31 October 2012 and is pleased to provide the following responses. Japan will continue to follow up the recommendations which Japan has accepted to follow up, including recommendations for which Japan has been already working.

147.145. Not accept

The Government of Japan acknowledges that during a certain period in the past, Japan caused tremendous damage and suffering to the people of many countries, particularly to those in Asian nations. The Government of Japan, squarely facing these historical facts, has expressed its feelings of deep remorse and heartfelt apology, and has also expressed feelings of sincere mourning for all World War II victims, both at home and abroad.

The Government of Japan is also deeply pained when thinking of the comfort women who experienced immeasurable pain and suffering.

The position of the Government of Japan regarding the comfort women issue is that it should not be politicized or be turned into a diplomatic issue.

With a view to offering realistic relief to former comfort women who are now advanced in years, the Government of Japan decided in 1995 to address the matter through the Asian Women's Fund (AWF) established in cooperation between the Japanese people and the Japanese Government. The Government thereafter has continued to extend maximum cooperation to the AWF in implementing medical and welfare support projects and providing atonement money for the former comfort women. The Government of Japan will continue to make maximal efforts and to implement follow-up activities of the AWF.

The issue of reparations, property and claims concerning the Second World War has been legally settled with the countries that are parties to the San Francisco Peace Treaty, bilateral treaties, agreements and instruments.

147.146. Not accept See 147.145.

147.147. Not accept See 147.145.

147.148. Not accept See 147.145.

147.158.

(a) Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the UPR (para.62).

(b) Our official Courses of Study, which sets standards for educational courses, stipulates "to foster an ability and attitude to consider from a multilateral and multifaceted perspective and judge fairly historical events by using of a wide range of materials and express them appropriately" Each school offers instruction based on this stipulation in order to enable students to consider historical events from various perspectives and judge them fairly rather than to apprehend them from a one-sided perspective.