

MILITARY SEXUAL SLAVERY AND DISCRIMINATION AGAINST ASIAN WOMEN
By Etsuro Totsuka, Attorney at law (Japan)

Workshop on Military Sexual Slavery in Asia
Four international workshop on women as part of
The NGO Fringe Activities for
The UN World Conference on Human Rights
Organized by

Asian Women Human Rights Council
In coordination with
Korean Council for Women Drafted for Sexual Services by
Japan (ROK); the Task Force on Filipina Victims of Military
Sexual Slavery by Japan (Philippines); and Committee of
Measures for Compensations to "Comfort Girls for the Army"
and Victims to the Pacific War (DPRK)

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I would like to express my deep respect for the effort made by the organizers and coordinators who prepared this important workshop.

(1) THE UN WORKING GROUP OF CONTEMPORARY FORMS OF SLAVERY

Let me report to you about the recent development in the United Nations.

In May 1993, the UN Working Group on Contemporary Forms of Slavery (WGCFS), which consists of five experts from the UN Sub-Commission on Human Rights was held in Geneva. I attended the WG and represented the International Fellowship of Reconciliation (IFOR). More than 20 interventions were made by 18 representatives representing 6 UN NGOs as regards SLAVERY BY JAPAN including military sexual slavery. And massive written documents were submitted. The observers from Japan, the DPRK and the ROK intervened. This was regarded as unprecedented. The issue such as 200,000 women victims of military sexual slavery and 6 million Korean men and women victims of forced labour during World War II was never heard by any competent international body including the International Military Tribunal for the Far East (IMTFE).

As for military sexual slavery, the International Commission of Jurists (ICJ) submitted the Preliminary Report of a Mission on "COMFORT WOMEN - The Unfinished Ordeal" to the WGCFS. The ICJ, one of the most respected UN NGOs, said to the WG "We cannot conceive any reason why these actions on the part of the Japanese were not brought before the Military Tribunal for the Far East as crimes against humanity." The ICJ also said "Monetary compensation should be paid to the individual victims." and "The establishment of a permanent International Court would go a long way to prevent the commission of such crimes."

Prof SHIN Hei Soo representing the World Council of Churches (WCC) pointed out the following important facts on the basis of the research made by the Korean Council for Women Drafted for Sexual Slavery by Japan. First, all Korean "comfort women"

became sexual slaves through forced conscription, which was understood as mobilization through "fraud, violence, abuse of power and all other means of coercion." They were not prostitutes. Second, most of the sexual slavery victims were children. Third, once they were taken, all of them were raped, either on their way to or after they arrived at the "comfort station", where they were under detention and ordered to do whatever the soldiers wanted them to do under the threat of sword. Fourth, the "comfort women" were transported by military trucks, trains, or ships and the rooms, food and other supplies were provided by soldiers. The "comfort station" was controlled and operated either directly or indirectly by the Japanese Imperial Forces.

Other representatives of the NGOs such as Ms KWANG Duk Kyung of the WCC from the ROK; Ms CHONG Song Myong and Ms WON Jong Suk of the International Association of Democratic Lawyers (IADL) from the DPRK; and Ms Jane CORPUS-BROCK of the Third World Movement Against the Exploitation of Women (TWMAEW) from the Philippines reinforced the findings mentioned above.

Having heard all the evidence, the Working Group adopted some important recommendations for its parent body as regards the issues such as military sexual slavery. Unfortunately, these recommendations were not made public yet because of some technical reasons, although the NGOs which participated the WGCFS could informally obtain the information on them. The article entitled "War issue to get U.N. probe - Group to refer 'comfort women' cases to rights panel" published by the Japan Times on 30 May 1993, however, is considered to be correct by the NGOs.

The WGCFS adopted a resolution to transmit all information received on "comfort women" to the Sub-Commission on Human Rights.

The WGCFS decided to transmit the information received to Prof Theo van Boven, the Special Rapporteur of the Sub-Commission on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms as well.

The WGCFS decided to continue its discussion of the issue at its next session.

It should be noted that, although the Japanese government argued that the U.N. is not an organ to discuss past issues of particular countries, especially issues occurring before its establishment, the recommendations adopted by the WGCFS clearly show that the U.N. feels it can handle issues predating its establishment in 1945.

At the next session of the Sub-Commission on Human Rights in Geneva in next August, all of the 26 experts of the panel will receive the information from the WGCFS as well as its report and recommendations mentioned above for their formal consideration. Last year's Sub-Commission heard some interventions made by NGOs on the issue of "comfort women", but the experts kept silence. For the first time in the history, however, the issue will be formally debated by the experts. This

will be a very important occasion for all of us. I hope that the Sub-Commission will request Prof van Boven to prepare an in-depth study on this matter.

(2) RECENT ATTITUDE OF THE JAPANESE GOVERNMENT

Under the pressure from NGOs and governments concerned, it is widely reported that the Japanese Government is going to admit the existence of "coercion" in recruitment of "comfort women" in near future by publishing its second report as regards "comfort women". If it is admitted by the Japanese Government as reported by press, will it be the drastic change for the final settlement? From the NGO's points of view, I do not think that this will be the case. There are two basic sets of questions.

How far does the Japanese Government go in its fact-finding? This is the first question. Does the Japanese Government admit the fact that it was the Japanese Imperial Government, namely the Army Ministry and the Navy Ministry which made the whole plan of military sexual slavery? Do they admit that the plan was executed by the Japanese Imperial Forces and Government by ordering, authorizing and permitting the forced conscription of children and women and continuous rapes by soldiers? Do they make public all of the confidential documents in the Government offices and reveal the number of victims of military sexual slavery? Many NGOs do not think that the Japanese Government will admit these important facts.

Second, how far does the Japanese Government go in its admission of guilt under international law? Do they admit that the operation of military sexual slavery consists of international crimes? Do they admit its state responsibility because of the crimes? Do they admit the violations of international law committed by the Japanese Imperial Government of non-prevention as well as non-punishment of these crimes? Do they admit that even the current Japanese Government has been violating international obligations for punishment of culprit of the crimes and compensations for victims? Very few NGOs seem to believe that the Japanese Government will admit these legal responsibilities.

Then, I believe that what the Japanese Government's second report, which may be published soon will not be regarded by concerned NGOs as having a substantial value that can settle this issue.

Let me discuss this issue further focussing coercion and its legal consequences.

If there was no "coercion" and the "comfort women" volunteered to "prostitution" as implied by the Japanese Government in July last year, then they were not slaves under customary international law. If so, Article 25 of the 1930 Forced Labour Convention, which requires Japan to punish anybody who forced compulsory labour to women is not applied for this issue. There is no possibility to apply Article 2 of the 1910

Convention for the Suppression of the White Slave Traffic, which requires Japan to punish anybody who trafficked in adult women for prostitution by using deception or violence, abuse of powers or any other means of coercion for this matter.

It may be understood by many NGOs that the admission of coercion by the Japanese Government will be equivalent to its admission of the violation of the freedom from slavery and the victim's legal status as sexual slaves. Then, this is to result in its admission of guilt, which means war crimes and crimes against humanity. This is also to result in its admission of the violations of the 1930 Forced Labour Convention as well as the 1910 Convention for the Suppression of the White Slave Traffic and the current Japanese Government's obligations to investigate and punish culprit of the crimes.

Therefore, the Japanese Government is expected to admit those legal consequences, when it admits the existence of coercion. If it does not accept the legal consequences, while admitting coercion, then it means that it says "Black is white." I am afraid that this kind of inadequate admission will not be accepted by many NGOs as true admission of coercion.

(3) DISCRIMINATION AGAINST ASIAN WOMEN VICTIMS

Once the whole process of military sexual slavery by Japan mentioned above is well analyzed, one may understand that, against only one woman victim, countless number of serious crimes were committed by numerous men who can be punished by the most serious penal provisions under then criminal law of the Japanese Empire. We can easily find elements of slavery, torture and inhuman treatments, murder, genocide, trafficking in women and serious racial discrimination among others. As mentioned above, not only then Japanese Imperial Government but also the current Japanese Government is required by international law to punish culprit of those crimes.

To our regret, the IMTFE did not address any case of military sexual slavery issue. No other military tribunal or no domestic court of the relevant states punished any perpetrator of these crimes committed on the 200,000 Asian victims of military sexual slavery by Japan.

This makes sharp contrast with European practice.

There was one exception as regards the punishment of culprit. It was made by a Dutch Military Tribunal of the Japanese officers who committed these war crimes on the 35 European victims in Indonesia of military sexual slavery.

In February 1993, the UN Security Council decided to set up an International Tribunal which can punish war criminals including organized armed rapists in Former Yugoslavia. Despite the fact that many Asian victims of military sexual slavery by the Japanese Military Forces and Government are still surviving and crying for help in many parts of Asian and Pacific Region, no international tribunal for punishment of such war crimes and crimes against humanity has been set up for Asian victims.

In early 1950s, the UN relevant bodies such as Economic and Social Council formally appealed to the German competent authorities to consider to make the full possible reparation for the injuries suffered, under the Nazi regime, by persons subjected to human experiments (PLIGHT OF SURVIVORS OF CONCENTRATION CAMPS: UN Doc. E/1956 16 March 1951.). Germany fully cooperated the investigation made by the UN and accepted the suggestions that were made by the UN. For Asian victims of military sexual slavery, no such formal recommendation for reparation was made by the UN yet.

Why was this difference made? I cannot help thinking this was the result of the racial discrimination against Asian women. The UN must be employing the double standards in human rights. In other words, Asian women are treated as a second class citizen by the international community.

It was Japan which destroyed most of the vital evidence of its crimes of military sexual slavery and has hidden them for 48 years. No Japanese Government including current one has taken any measure to punish culprit of crimes of military sexual slavery. As already mentioned above, the Japanese Government argued that the United Nations is not an organ for discussing past issues of Japan such as military sexual slavery, especially which occurred before its establishment. Thus it has been vigorously obstructing the fact-finding and cooperation by the United Nations' relevant bodies in taking proper measures as regards these crimes. Knowing this uncooperative attitude, I cannot see any faith in Mr. Miyazawa's apology to the Korean people made in January 1992. The Japan's denial of the intervention by the UN in solving this issue may result in continuous denial of justice, which will aggravate the discrimination against the Asian women victims of military sexual slavery.

(4) CONCLUSION

I would like to express my firmest support of the demands against the Japanese Government made by the Korean Council of the ROK, the Committee of the DPRK and the Task Force of the Philippines. I believe that the Japanese Government should change its policy boldly and immediately and accept all of their demands.

I wish that the international community, in particular women organizations in the world also support their demands. If the half of the world, namely all of women can unite for the same cause, no government will be able to keep the unjust policy for a long time.