

## **I. Background**

1. From the early 1930s till 1945, the Japanese military planned and established a military sexual slavery system called the “comfort women” system with the following purposes: 1) to decrease sexually transmitted diseases among Japanese soldiers, 2) to decrease rape cases against civilians in occupied territories and thus decrease anti-Japanese sentiment in the region, 3) to decrease the risk of espionage by mobilizing women who do not understand Japanese. As a result, women from various countries in the Asia Pacific region, including Korea, China, Taiwan, the Philippines, Indonesia, East Timor, Malaysia, Thailand, Netherlands and Japan, were taken to comfort stations and suffered from sexual slavery, rape, sexual abuse, beatings, and other crimes.<sup>i</sup> However, since victim Kim Hak-soon’s courageous public testimony on August 14, 1991, hundreds of survivors around the world have come forward. They demanded an official apology and legal reparations from the Japanese government.
  
2. **Third-Cycle of UPR recommended the State of Japan to<sup>ii</sup>:**
  - **161.88 Face up to and reflect on history, sincerely apologize on the issue of “comfort women”, make compensations to the victims, and ensure the right of the public to information in this regard (China)**
  
  - **161.89 Make efforts to ensure that the future generations learn the truth of history, including the issue of so-called “comfort women” (Republic of Korea)**
  
  - **Thoroughly accept legal State responsibility for past crimes and take concrete measures to address them, including with respect to the issue of "comfort women", while ensuring the right of the public to information in this regard. Take immediate and effective legislative and administrative measures to find a victim-centred resolution for "comfort women", in particular, by acknowledging legal responsibility, and prosecuting and punishing perpetrators, as well as providing victims with full and effective redress and reparation.<sup>iii</sup>**

3. This report focuses on the issue of reparations for the victims of the Japanese military sexual slavery, in particular, on the question of memorialization. After the Abe administration, the Japanese government expressed that it would comport with the 1993 Kono statement that partially admitted the involvement of the Japanese government and promised history education. However, the Japanese government continues denying the facts and its attendant responsibility.

## **II. Memorialization: Interference with the Statue of Peace**

4. The Statue of Peace is a commemorative artwork dedicated to victims of Japanese military sexual slavery, established on the 1,000th Wednesday Demonstration in 2011. Citizens and NGOs around the world have held exhibitions of or established the Statue of Peace to remember the courage of victims and to disseminate the issue.
5. The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has emphasized importance of memorialization as the fifth pillar of transitional justice and recommended public authorities to refrain from whitewashing violations:

“109. The voices of victims of human rights violations must play a key role in the construction of memory. This will also help to counteract attempts at denialism, revisionism and manipulation by the perpetrators of violations and by political groups or interests that seek to rekindle violence. The public authorities must refrain from making denialist statements that whitewash violations and revictimize victims.”<sup>iv</sup>

6. After the 2015 “comfort women” agreement, however, the Japanese government unabashedly exerts pressure against Statue of Peace and any commemorative statues for Japanese military “comfort women” victims, even successfully removing two commemorative statues in the Philippines.<sup>v</sup>

1) Germany: Japanese government pressures for removal of Berlin Statue of Peace and exhibitions in Dresden and München

7. In Berlin, the Statue of Peace was established on September 28, 2020 by civil society working for women's human rights and peace with an approval and agreement from the Berlin Urban Culture Commission. The unveiling ceremony was attended by 300 citizens, activists, scholars, and survivors of sexual violence in conflict, who rejoiced the messages of human rights and peace that the Statue of Peace was sharing with the Berlin community, which also had experienced imperialist violence and division. However, the Japanese government and right-wing groups' pressures and attacks led to the Mitte district government's abrupt order to remove the statue by October 14. After the ceremony, the Japanese Chief Cabinet Secretary Katsunobu Kato said that the statue "is not in line with the Japanese Government's stance" and that "the Japanese Government will approach various parties involved and explain its stance to work towards getting the statue removed." The Japanese Foreign Minister Toshimitsu Motegi said in the Japanese Ministry of Foreign Affairs' press conference on October 6 that "a unified Berlin was born out of East-West division, and it is not appropriate that a Statue of Peace is established in Berlin, a city of coexistence."<sup>vi</sup> Right-wing groups in Japan organized spam emails to the curators and respective local government officials.<sup>vii</sup> In April 2022, Japanese Prime Minister Kishida requested the removal of the Statue of Peace in Berlin to German chancellor Scholz in person.<sup>viii</sup> One revisionist group that holds counter-protest against the Wednesday Demonstration travelled to Germany in June 2022 to demand removal of the Berlin Statue of Peace.<sup>ix</sup> In response to continued backlash, victim-survivor Lee Yong-soo's letter in support of Berlin Statue of Peace and International Petition for Berlin Statue of Peace was signed by 31,317 individuals and 559 organizations were delivered to the Berlin Mitte district government in July 2022 (See Annex 1 and 2). Despite multiple district council resolutions to permanently preserve the Statue of Peace, it is still unclear whether Berlin Statue of Peace will be allowed to stay.
8. In Dresden and München, exhibitions introducing Statue of Peace faced backlash from the demands of the Japanese government and right-wing to remove the statue. In 2021, Dresden Museum exhibition "Wordless — Falling

Silent Loudly” were targeted by the Japanese Embassy and continued email and phone attacks from the right-wing. In München, the exhibition of Statue of Peace by German, Japanese, and Korean artist organization Art 5 which started in July, 2021, also faced demands from the Consulate General of Japan and more than 300 emails from the right-wing. Some of the emails forged the sender information as German citizens, as emails containing the same content but with different German names were sent. Parts of the letter protested, “What would German people feel if there were statues commemorating Holocaust victims were established in Poland and other countries?”<sup>x</sup>

## 2) Japan: Threats to freedom of expression

9. In 2019, the Aichi Triennale exhibition “After ‘Freedom of Expression’?” was closed and reopened with restrictions due to severe right-wing threats against the installation of the Statue of Peace.<sup>xi</sup> Citizens re-opened the exhibition in Tokyo, Osaka, and Nagoya, yet still faced terrorizing threats against freedom of expression.
10. In Osaka, the exhibition committee had to file a lawsuit against the venue that cancelled the reservation of the exhibit for “difficulty to ensure safety” after right-wing threats, and won at the Osaka District Court, High Court, and Supreme Court. While the exhibition was held, right-wing threats continued in emails and loud disturbances near the venue.<sup>xii</sup>
11. In Nagoya, a package that seemed to contain fireworks was delivered to the venue. The venue was closed temporarily, which practically led to closing of the exhibition only two days after its opening.<sup>xiii</sup>
12. In Tokyo, right-wing threats led to the cancellation of the venue, which in turn led to the delay of the exhibition.<sup>xiv</sup> Its reopening in 2022 was organized by 200 volunteers and citizens, despite right-wing counter protestors.<sup>xv</sup>

### III. Memorialization: Denialism and history textbooks

#### 1) Ministry of Foreign Affairs of Japan promotes denial and misinformation

13. In its Diplomatic Bluebook and document titled “Japan's Efforts on the Issue of Comfort Women”<sup>xvi</sup> available in English, Japanese, Korean, and German on the Japanese Ministry of Foreign Affairs website, the Japanese government denies 1) forced mobilization and 2) nature of the “comfort women” system as “sexual slavery.” Such denial of historical facts contrasts to the decades of research, historical documents, victims’ testimonies, and reports on the issue that clarified that the Japanese military sexual slavery system “should be considered a clear case of sexual slavery and a slavery-like practice in accordance with the approach adopted by relevant international human rights bodies and mechanisms.”<sup>xvii</sup> These revisionist claims by the Japanese government are in turn quoted by history revisionists to defame victims and undermine the ongoing fight for justice in both academia and revisionist campaigns around the world.<sup>xviii</sup>

#### 2) Japan’s censorship of history textbooks

14. As recommended in the numerous United Nations reports since the early 1990s and as detailed in the reports of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression,<sup>xix</sup> the state of Japan has responsibilities to educate the issue in history textbooks to ensure the future generations’ rights to education and to restore dignity of victim-survivors.

15. However, censorship of history textbooks in Japan to diminish the state of Japan’s role in the Japanese military sexual slavery issue continues. In April 2021, the National Diet of Japan passed a resolution to erase “Japanese military” from the term “Japanese military ‘comfort women’” to diminish and deny the involvement of the Japanese military in the sexual slavery system. In March 2022, the Ministry released the evaluation result of textbooks. The term “comfort women for the Japanese military” has disappeared from all seven of the Japanese history textbooks that cleared the government’s review, and “forced mobilization” was replaced with “mobilization.”<sup>xx</sup>

#### **IV. Legal Reparations: Attempts to reinstate the 2015 “comfort women” agreement deters victims’ rights to access justice**

16. The 2015 Korea-Japan agreement, which excluded victims and civil society organizations that have advocated justice for around 30 years, included humiliating non-disclosed elements of 1) confirm final and irreversible resolution, 2) make efforts to appropriately address concerns regarding the Statue of Peace in front of the Japanese Embassy in Seoul, 3) refrain from reprobation and criticism in international forums. United Nations human rights bodies expressed concerns about the 2015 Korea-Japan agreement and urged guarantees of victims’ rights to truth, justice, and reparations and stated that the 2015 “comfort women” agreement cannot be a resolution to the issue.<sup>xxi</sup> The Korean Ministry of Foreign Affairs Task Force Report in 2017 and Supreme Court Ruling in 2019 further confirmed that the agreement was merely “political” and does not have legal bindings.

##### **CED/C/JPN/CO/1 (5 December 2018)**

26. The Committee recalls the continuous nature of the offence of enforced disappearance and recommends that the State party:

(f) Ensure that all victims receive adequate reparation in accordance with article 24 (4) and (5) of the Convention and that this reparation takes account of gender issues;

(g) Guarantee the right to truth.

##### **CERD/C/JPN/CO/10-11 (26 September 2018)**

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 addressing surviving comfort women and their families.

**CEDAW/C/JPN/CO/7-8 (10 March 2016)**

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, therefore, considers that it is not precluded *ratione temporis* from addressing such violations and urges the State party:

(a) To ensure that its leaders and public officials desist from making disparaging statements regarding responsibility, which have the effect of retraumatizing victims;

(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;

(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;

(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;

(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.

17. However, State of Japan continues to argue that the 2015 “comfort women” agreement was the “final and irreversible” resolution to the issue and attempts to

reinstate the agreement with the new Korean administration. Park Jin, Korean Minister of Foreign Affairs, said on April 20 even before he assumed office that the 2015 Korea-Japan agreement was an “official one.” Japanese Chief Cabinet Secretary Matsuno responded by saying that the agreement reached a “final and irreversible” resolution.

18. In 2016, Korean victims and families of deceased victims filed two compensation lawsuits against the Japanese government in the Seoul Central District Court as a last resort. Nonetheless, justice was delayed as the lawsuits were targeted by the judicial branch under the Park Geun-hye administration, which announced the 2015 Korea-Japan agreement.<sup>xxii</sup> The court hearings were not held for over three years. A confidential document from the Planning and Coordination Office of the National Court Administration demanding that the district court reject or dismiss the cases filed by Japanese military “comfort women” was revealed in media reports in 2018. In 2021, the Seoul Central District Court ruled on the two lawsuits filed by the Japanese military sexual slavery victims against the State of Japan.
19. The January 8 ruling (Presiding Judge Kim Jeong-gon)<sup>xxiii</sup> ordered the Japanese government to pay compensation to the victims and guaranteed the rights of victims to claim legal reparations and access justice in the court of their nation. The ruling was welcomed by victims, civil societies, and experts on the issue, as a historic ruling that not only is consistent with the evolving customary international law but also “opens up the future of international law.”<sup>xxiv</sup>
20. Immediately after the ruling, however, the Japanese government argued that South Korea is “violating international law” and denied the ruling. On January 8, Vice Foreign Minister of Japan Takeo Akiba protested to Nam Gwan-pyo, the South Korean ambassador to Japan that “The ruling is extremely regrettable and the Japanese government absolutely cannot accept it.”<sup>xxv</sup> Japanese Foreign Minister Toshimitsu Motegi stated that “This ruling is extremely dismaying and unacceptable as a patent violation of international law and the agreement between Japan and South Korea,”<sup>xxvi</sup>
21. Till now, victims who were plaintiffs in the case are yet to receive any meaningful



reparations. Victim-survivor Lee Yong-soo recently said that the 2015 agreement is invalid and the 1 billion yen from Japan must be returned immediately, emphasizing that improvement in Korea-Japan relations is impossible without changes to the Japanese government's attitude.<sup>xxvii</sup>

## **V. Suggested Questions for State of Japan:**

- Is the Japanese government willing to admit its war crimes, officially apologize, and implement legal reparations to the victims based on the United Nations recommendations?
- The new administration commented that it will uphold the Kono statement, which promised education, yet attempts to whitewash the issue from history textbooks continue. Can the Japanese government clarify what it means to follow the legacy of the Kono Statement? What steps will the Japanese government take to ensure rights of access to information and to educate the history in school textbooks?
- The Japanese government's active denial of the history has fueled transnational history revisionism networks that promote misogynist perspectives on the Japanese military sexual slavery history and interfere with efforts to educate the history truthfully. In what specific ways will the Japanese government condemn history revisionism and government officials who defame the survivors and their fight for justice?

## **VI. Suggested Recommendations to State of Japan**

- **Stop attempts to reinstate the 2015 Korea-Japan agreement, which was a political agreement that violated victim-centered principles, and transparently disclose the negotiation process, procedures, and relevant documents.**

- Stop promoting revisionism of the historical facts and demanding removal of Statue of Peace and other commemorative statues for victims.
- Implement legal reparations for the victims, and provide redress including acknowledgment of the war crime, official apology, legal reparations, commemoration to all victims without discrimination.

### **Annex 1. Victim-survivor Lee Yong-soo's letter in support of Berlin Statue of Peace**

### **Annex 2. International Petition for Berlin Statue of Peace (signed by 31,317 individuals and 559 organizations)**

<sup>i</sup> <https://undocs.org/E/CN.4/1996/53/Add.1>

<https://undocs.org/E/CN.4/Sub.2/1998/13>

<sup>ii</sup> A/HRC/37/15/Add.1

<sup>iii</sup> <https://www.ohchr.org/sites/default/files/lib-docs/HRBodies/UPR/Documents/Session28/JP/JapanHCLetter.pdf>

<sup>iv</sup> A/HRC/45/45

<sup>v</sup> The report focuses on recent cases since 2020. For more information on Japanese Government's attempts to remove Statues of Peace around the world, see: The Korean Council, "[Statement] The Japanese Government should stop demanding removal of Statues of Peace abroad!," Oct 8, 2020, <https://womenandwar.net/kr/statement-the-japanese-government-should-stop-demanding-removal-of-statues-of-peace-abroad/>

For commemorative statues in the Philippines, see:

<https://cebudailynews.inquirer.net/397394/flowers-for-lolas-remembering-veteran-journalist-melo-acuna-and-the-comfort-women>

<https://www.scmp.com/week-asia/politics/article/3121702/comfort-women-statue-missing-philippines-japans-wartime-legacy>

<sup>vi</sup> [https://english.hani.co.kr/arti/english\\_edition/e\\_international/965167.html](https://english.hani.co.kr/arti/english_edition/e_international/965167.html)

<sup>vii</sup> <http://nadesiko-action.org/?p=14995>

<sup>viii</sup> The Mainichi, "Japan PM asked German leader to help remove 'comfort women' statue in Berlin," May 11, 2022 <https://mainichi.jp/english/articles/20220511/p2g/00m/0in/055000c>

<sup>ix</sup> [https://english.hani.co.kr/arti/english\\_edition/e\\_international/1048670.html](https://english.hani.co.kr/arti/english_edition/e_international/1048670.html)

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<sup>x</sup> <http://yna.kr/AKR20210723002700082>

<sup>xi</sup> <https://news.artnet.com/art-world/censorship-aichi-triennale-2019-1617214>

<sup>xii</sup> [https://www.asahi.com/articles/ASP7L61C2P7LPTIL025.html?iref=pc\\_ss\\_date\\_article](https://www.asahi.com/articles/ASP7L61C2P7LPTIL025.html?iref=pc_ss_date_article)

<sup>xiii</sup> [https://www.asahi.com/articles/ASP796TQ1P79OIPE00P.html?iref=pc\\_ss\\_date\\_article](https://www.asahi.com/articles/ASP796TQ1P79OIPE00P.html?iref=pc_ss_date_article)

[https://www.asahi.com/articles/ASP7C64RQP7COIPE01V.html?iref=pc\\_ss\\_date\\_article](https://www.asahi.com/articles/ASP7C64RQP7COIPE01V.html?iref=pc_ss_date_article)

<sup>xiv</sup> <https://www.kobe-np.co.jp/news/sougou/202107/0014508019.shtml>

<sup>xv</sup> <https://english.kyodonews.net/news/2022/04/ceb259c67593-art-event-featuring-comfort-woman-statue-opens-in-tokyo.html>

<sup>xvi</sup> Ministry of Foreign Affairs of Japan, “Japan’s Efforts on the Issue of Comfort Women,”

[https://www.mofa.go.jp/policy/postwar/page22e\\_000883.html](https://www.mofa.go.jp/policy/postwar/page22e_000883.html)

<sup>xvii</sup> <https://undocs.org/E/CN.4/1996/53/Add.1>

<sup>xviii</sup> For example, since late 2019, Korean historical denialists who are connected to Japanese historical denialists are defaming victims and threatening activists and participants in counter-protests to the Wednesday Demonstrations, mirroring the revisionist arguments of the Japanese government and officials. These groups interfere with the Wednesday demonstration systematically by holding the counter-protest in the location surrounding the Wednesday Demonstration: they hold pickets that disclose victims’ names who wished to remain anonymous; mock victims with a performance of a person wearing a mask made with victim’s photo and mimicking her words and actions; deny Japanese military sexual slavery issue and Japanese government’s responsibility; spread fake news against the activists and organizations working for the issue; run across the police line to initiate conflicts; broadcast participants on social media and insulting them with viewers; commit sexual and physical harassment; play sounds of women screaming and guns firing with loudspeakers in the direction of the Wednesday Demonstration. Amid denialists’ misogynist insults and distortions of victims’ testimonies, survivor Lee Ok-seon attended the Wednesday Demonstration despite difficulties due to her old age. She criticized the Japanese government’s denial of forced mobilization and said that receiving an apology is not just a monetary issue.

<sup>xix</sup> A/HRC/35/22/Add.1. 69. The Special Rapporteur calls upon the Government to refrain from interfering in the interpretation of historical events in educational materials and support efforts to inform the public on these serious crimes, paying particular attention to events related to Japan’s involvement in the Second World War. The Government should meaningfully contribute to the independence of public education by ensuring full transparency in the school curricula elaboration and reconsidering how the Textbook Council itself could be insulated from Government influence. A/75/261. In Japan, the authorities have influenced the preparation of school textbooks relating to historical events, in particular with regard to the participation of Japan in the Second World War and the issue of “comfort women”. Influence ranges from the inclusion of a disclaimer indicating the contrary view of the Government that there was no forcible taking of women to editing out references to “comfort women”.

A/68/296. (e) Approval and accreditation procedures and the criteria for textbook selection should be clear and rely on expertise in history and education, not on particular ideological and political requirements. Good practices in terms of approving and accrediting textbooks consist of open tenders in which all publishers are able to bid equally and independent expert committees reviewing and

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approving those meeting the required standards;

<sup>xx</sup> So-youn Kim and Je-hun Lee, “Japan deletes military’s role in “comfort women” system from textbooks, reneging on Kono Statement,” March 30, 2022,

[https://english.hani.co.kr/arti/english\\_edition/e\\_international/1036864.html](https://english.hani.co.kr/arti/english_edition/e_international/1036864.html)

<sup>xxi</sup> Concluding Observations issued by UN Committee on the Elimination of Discrimination against Women (CEDAW/C/JPN/CO/7-8) and UN Committee Against Torture (CAT/C/KOR/CO/3-5), among many others, calls for state parties to revise the 2015 agreement to provide full redress to victims that ensures their rights to truth, reparation and assurances of non-repetition.

<sup>xxii</sup> <https://www.hani.co.kr/arti/opinion/editorial/855537.html>

<sup>xxiii</sup> Full text of the judgment: The Korean Council for Justice and Remembrance for the Issues of Military Sexual Slavery by Japan, “2016 Ga-Hap 505092,” Feb 23, 2021,

[https://womenandwar.net/kr/wp-](https://womenandwar.net/kr/wp-content/uploads/2021/02/ENG-2016_Ga_Hap_505092_23Feb2021.pdf?ckattempt=2)

[content/uploads/2021/02/ENG-2016\\_Ga\\_Hap\\_505092\\_23Feb2021.pdf?ckattempt=2](https://womenandwar.net/kr/wp-content/uploads/2021/02/ENG-2016_Ga_Hap_505092_23Feb2021.pdf?ckattempt=2)

<sup>xxiv</sup> [https://english.hani.co.kr/arti/english\\_edition/e\\_international/990238.html](https://english.hani.co.kr/arti/english_edition/e_international/990238.html)

[http://english.hani.co.kr/arti/english\\_edition/e\\_international/988246.html](http://english.hani.co.kr/arti/english_edition/e_international/988246.html)

<https://womenandwar.net/kr/we-welcome-the-south-korean-courts-historic-ruling-for-resolution-of-the-japanese-military-comfort-women-issue/>

<sup>xxv</sup> <https://www.asahi.com/ajw/articles/14091183>

<sup>xxvi</sup> [https://www.hani.co.kr/arti/english\\_edition/e\\_international/980296.html](https://www.hani.co.kr/arti/english_edition/e_international/980296.html)

<sup>xxvii</sup> Yonhap News Agency, “Elderly victim calls for prompt, principled resolution of sexual slavery dispute with Japan,” May 17, 2022, <https://en.yna.co.kr/view/AEN20220517010200315>