

Chapter 5.

B. Battle over Japanese Government's Response to UN Committee on The Elimination of Discrimination against Women

By Sugita Mio

An extraordinary opportunity

On February 15 and 16, 2016 in Geneva, during a session of the CEDAW (Committee on the Elimination of Discrimination Against Women), a milestone was achieved in connection with the dispute concerning comfort women (prostitutes who serviced Japanese military personnel during World War II).

As we outlined in Chapter 4, CEDAW submitted a questionnaire to the Japanese government in the summer of 2015. In it the Committee stated that it had learned (for the first time) that there was no evidence in documents examined by the Japanese government that military or government authorities had compelled anyone to serve as a comfort woman. Having been informed of that fact, CEDAW requested elucidation from the government.

CEDAW and other UN committees had been persistent in their criticism of the Japanese government, and had assaulted it with demand after demand. The criticism was rooted in the misconception that comfort women were sex slaves. However, Japan's Foreign Ministry had failed to repudiate that criticism by stating that no evidence has been found supporting the claim that military authorities or the government compelled anyone to serve as a comfort woman, which is the truth. Instead, the ministry fended off the attacks on it by emphasizing the fact that it had paid tribute to the memory of the comfort women, and had established the AWF (Asian Women's Fund), which had made financial contributions to former comfort women.

Most assuredly, the Foreign Ministry's stance (which served only to create the impression that it *concurred* with the unwarranted criticism) encouraged the dissemination of lies concocted by South Korea and anti-Japanese elements in Japan throughout the international community. It also helped pave the way for a profusion of comfort-woman statue installations.

It was the Coomaraswamy Report (submitted to the UN Commission on Human Rights in 1996) that caused the term "sex slaves" as a descriptor for the comfort women to circulate all over the world. Japan's Foreign Ministry submitted a rebuttal to the UN dismissing the report, calling its findings unacceptable, patently false, and a distortion of history, but later retracted the rebuttal.

In 2015 a group of private citizens led by Yamamoto Yumiko, chairwoman of Japanese Women for Justice and Peace, and including myself, decided that something had to be done to remedy this untenable situation. If the Foreign Ministry refused to act, we would

have to take the matter into our own hands. And that is exactly what we did. We traveled to Geneva, and there we refuted two of the false rumors: (1) that the Japanese abducted women and forced them to serve as comfort women, and (2) that the comfort women were sex slaves. The outcome of our appearance at the UN was the CEDAW's issuance of the aforementioned questionnaire. This was an extraordinary opportunity, one that would (depending upon the government's response) go a long way toward correcting the UN's perception of the comfort-women controversy.

One-minute speeches

At the 63rd Session of CEDAW on February 16, 2016, a meeting was held on the subject of Japan. It was preceded on February 15 by a gathering called a "working meeting."

That meeting was an opportunity for Japanese NGOs (non-governmental organizations) to suggest questions for CEDAW members to pose to the Japanese government, to clarify responses previously submitted. Then, on the following day, CEDAW members would hold a dialogue with Japanese government representatives based on opinions expressed by the NGOs.

Ms. Yamamoto and I were each given one minute to speak at that working meeting. We decided to speak in English. Representatives of eight Japanese NGOs were present; speakers from larger organizations were allotted four- to five-minute time slots to state their positions. The meeting room was filled to capacity with Japanese.

Sugita Miyo's remarks

I was the first to speak.

"The Japanese government responded (to the CEDAW questionnaire) by stating that '[t]he forceful taking away' of comfort women by the military and government authorities could not be confirmed.' However, the Coomaraswamy Report maintains that 200,000 Korean women were drafted as military sexual slaves in a 'systematic and forcible' manner. Accordingly, we request that you ask the Japanese government to elucidate this obvious inconsistency."

Yamamoto Yumiko's remarks

Then Ms. Yamamoto spoke.

"At the 111th session of the Human Rights Committee in 2014, the Japanese government contended that the term "sex slaves" was an inappropriate term to use to describe comfort women. Therefore I request that the Committee ask the Japanese government whether the Japanese military authorities or the Japanese government compelled young women to

become sex slaves in wartime. Furthermore, in 2015 the Japanese and South Korean governments reached an agreement with regard to the comfort-women controversy. The Japanese government's announcement states that the Prime Minister expresses 'his most sincere apologies' to the comfort women. I request that the Committee ask the Japanese government to explain what 'apologies' means, as well as 'involvement of the Japanese military authorities at that time.'"

I wondered whether the Japanese government would respond to our questions and reveal the truth, once and for all.

Queries from a Committee member from Austria

February 16 marked the official commencement of the session.

Bureaucrats from six Japanese government ministries and agencies (Ministry of Foreign Affairs, Cabinet Office, Ministry of Justice, Ministry of Health, Labour and Welfare; Ministry of Education, Culture, Sports, Science and Technology; and the National Police Agency) were present.

The session opened with a 20-minute speech delivered by Sugiyama Shinsuke, deputy minister for foreign affairs and head of the Japanese government delegation, in which he outlined Japan's basic position. He touched upon the comfort-women controversy only briefly.

"As this Convention does not apply to any issues that occurred prior to Japan's conclusion thereof (1985), the Government of Japan considers that it is not appropriate for this report to take up the comfort women issue in terms of the implementation of State Party's duties regarding the Convention."¹

I must admit that I felt uneasy when I heard him say that. I was afraid there would be no further mention of the comfort-women controversy. Worse, I feared that we would lose what seemed like our only opportunity to speak out about the controversy in an international forum.

But my worries were allayed when Ms. Lilian Hofmeister, a Committee member from Austria, asked some questions.

"The comfort-women controversy concerns the violation of human rights. The victims are still not satisfied. An agreement between the two nations was concluded last December, but exactly what action do you intend to take? And what does the Japanese government intend to do for victims in other nations, such as China and the Philippines? What about reparations to the victims, prosecution of the wrongdoers, and investigation into the responsibility of Japanese military authorities? Do you intend to revise Japan's

¹ www.mofa.go.jp/files/000051250.pdf.

history textbooks? Are you prepared to compensate the victims and provide them with psychological rehabilitation?

Deputy Minister Sugiyama reveals the truth

Deputy Minister Sugiyama then proceeded to provide coherent answers to the questions asked.

Statement delivered by Deputy Minister Sugiyama (February 16, 2016)

“As stated in the written answer to the questions posed by the Committee, the Government of Japan conducted a full-scale fact-finding study on the comfort women issue in the early 1990s. That was when the issue started to be taken up as a political and diplomatic issue between Japan and the Republic of Korea. However, ‘forceful taking away’ of comfort women by the military and government authorities could not be confirmed in any of the documents that the Government of Japan was able to identify in this study.

“The reason behind the widespread belief that comfort women were ‘forcefully taken away’ is a fabricated story by the late Seiji Yoshida in his book entitled ‘My War Crime’ published in 1983. In this book, Yoshida illustrates himself hunting many women by order of the Japanese military in Jeju Island of the Republic of Korea. At the time, the content of his book was widely reported as if it were a true story by the *Asahi Shimbun*, a major Japanese newspaper. It eventually made a tremendous impact not only on public opinion in Japan and the Republic of Korea, but also in the entire international community. The reality is, Yoshida's story has later been proven to be entirely a product of imagination by scholars.

“In fact, the *Asahi Shimbun* later published articles several times including on August 5 and 6, and later in September, 2014, admitted having published erroneous articles, and officially apologized for it to their readers.

“The truth is that the figure ‘200,000 persons’ as the number of comfort women also lacks concrete evidence. The *Asahi Shimbun* clarified in its article dated on August 5, 2014 that ‘Women volunteer corps’ refer to the ‘women volunteer labor corps’ that were organized to mobilize women as a work force during the war in Japan proper as well as in the former colonies on the Korean Peninsula and Taiwan’ and that ‘With the objective of using the women as a work force, the corps were different from comfort women who were made to serve as sexual partners for military personnel.’ The *Asahi Shimbun* admitted that the figure ‘200,000’ which it had reported was originated from its confusion with comfort women of the Women Volunteer Corps who were mobilized as a war-time labor force.

“What should be recognized is that the Government of Japan has been sincerely dealing with this issue through measures such as the Asian Women's Fund even before the most recent agreement. Building on such experience and under the most recent agreement, the following has been decided: first, the Government of the Republic of Korea establish a foundation for the purpose of providing support for the former comfort women; second, its funds of approximately 1 billion yen be contributed by the Government of Japan as a one-time contribution through its budget; and third, projects for recovering the honor and dignity and healing the psychological wounds of all former comfort women be carried out under the cooperation between the two Governments.

“Each government is currently making efforts to faithfully implement the content of the agreement, and there is no change at all on this point. The understanding of the international community regarding such efforts by the two Governments would be very much appreciated. In this regard, I would like to draw your attention to the fact that the international community is now welcoming the agreement, as expressed by, for instance, Mr. Ban Ki-moon, Secretary-General of the United Nations.

“I would like to add one more point. Ms. Hofmeister pointed out examples of other countries’ situations. Regarding issues of reparations, property, and claims pertaining to the Second World War, including the point that Ms. Hofmeister pointed out, the Government of Japan dealt with such issues through the San Francisco Peace Treaty concluded with 45 countries, including the US, the UK, and France, and through bilateral treaties, agreements and instruments, which include the Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Co-operation between Japan and the Republic of Korea and settlement between Japan and China. Based on these agreements, I will not go into the legal details, but, the Government of Japan’s consistent position has been that we have dealt with these issues sincerely and that these issues had already been legally settled with the relevant parties to those agreements including issues of claims by individuals.”²

The content of Mr. Sugiyama’s remarks is virtually the same as that of documents submitted by the Foreign Ministry to the UN in November 2015.

However, Mr. Sugiyama did not refute the Coomaraswamy Report on that occasion.

Nevertheless, the Japanese government’s refutation of the accusation of forcible recruitment, the number of comfort women (200,000), and the use of the term “sex slaves” to describe the comfort women represents a giant step in the right direction.

Chinese committee member’s question

The committee members seemed surprised by Mr. Sugiyama’s remarks.

² www.mofa.go.jp/a_o/rp/page24e_000163.html.

Ms. Zou Xiaoqiao from China posed the next question.

“The arguments in the Japanese government’s response are inconsistent. They contradict historical fact. The Japanese government rejects accusations made against Japan in the comfort-women controversy, but has entered into an agreement with South Korea. If there is no basis for a comfort-women controversy, why was it necessary to conclude an agreement?”

It did not surprise me that the Committee members had doubts. The Japanese government has issued apologies any number of times without ever denying the accusations against Japan. But now its representative had categorically denied the accusations.

Mr. Sugiyama responded resolutely to Ms. Zou’s questions.

“Therefore, I have to say that criticism such as comments that the Government of Japan denies historical fact or has not taken any measures related to this issue contradicts the facts.

“I have explained that ‘forceful taking away’ of comfort women could not be confirmed in our study. ... As for the phrase ‘With an involvement of the Japanese military authorities at that time,’ the Government of Japan has admitted that comfort stations were established in response to the request of the military authorities at that time, that the then Japanese military had been involved in the establishment and management of the comfort stations and the transfer of comfort women, and that the recruitment of the comfort women had been conducted by private recruiters who acted in response to the request of the military. Based on the above-mentioned facts, I gave an explanation earlier in order to clarify that the newspaper that published the article admitted that the number of 200,000 was completely mistaken, for example.

“I also would like to reiterate that the expression ‘sex slave’ contradicts the facts. It is also the case that the expression ‘sex slave’ does not appear even once in the joint announcement by the Foreign Ministers of Japan and the Republic of Korea, which is attached with our written answer.

“Therefore, highly regrettably, I must make it clear that the Government of Japan can not only accept any of the points made by Ms. Zou, but I also have to say that her statement contradicts the facts.

“The agreement that we provided to you is the agreement between Japan and the Republic of Korea and both governments of Japan and the Republic of Korea are currently making efforts to faithfully implement the content of the agreement. This has not changed at all. I would like to ask for your understanding on this point.”³

³ http://www.mofa.go.jp/a_o/rp/page24e_000163.html.

The part about Japanese military involvement was included in Prime Minister Abe's response to a question raised in the Upper House Budget Committee on January 18, 2016. Deputy Minister Sugiyama used similar language to rebuke the committee member.

Although a government response of this sort was long overdue, I found it almost completely satisfying.

Foreign Ministry responds to UN questionnaire

There were several changes and complications after the Japanese government received a questionnaire pertaining to its replies to questions asked at the CEDAW session.

In August 2015, when I learned that such a questionnaire had been issued by CEDAW, I made some inquiries at the Prime Minister's Office and the Foreign Ministry. In November I heard that guidelines had been prepared that incorporated the government's position, i.e., no evidence had been found that would corroborate claims that women had been abducted. I hoped that the government's responses to the questionnaire would repudiate those claims.

However, it seems that at that time there was considerable confusion within the Foreign Ministry about the questionnaire.

The deadline set for the submission of the government's responses to CEDAW was November 6. When I checked with the Ministry in the beginning of November, I was told that the responses would be submitted by November 13 (the second weekend in November). When I asked again during the third week of November, I was told that there were problems with coordination between the Foreign Ministry and the Prime Minister's Office. In fact, the Foreign Ministry had not even sent the questionnaire to the Prime Minister's Office. I got the impression that the work had been delayed.

I was uneasy, but later someone involved with the project told me that the gist of the responses was very close to what I had hoped for. I heard that the responses had been submitted to CEDAW at the end of November, and felt relieved.

Doubts about the Japan-Korea Agreement

As 2015 was drawing to a close, I learned that Japan and Korea had reached an agreement about the comfort-women controversy.

I listened to the record of the press conference in Seoul at which Foreign Minister Kishida Fumio announced the agreement. Immediately I had doubts about two aspects of the agreement.

- (1) Why include language like “with an involvement of the Japanese military authorities?”
- (2) What is the meaning of “In addition, together with the Government of the ROK, the Government of Japan will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations?”

Because the language in (1) was included (but without explanation), the reaction from the international community was more unfavorable than it had been in the past. As far as (2) is concerned, the United Nations is not a venue where governments make voluntary statements. The committees operating under the aegis of the UN Human Rights Council collect opinions from NGOs of the world’s nations and proceed to submit questions to the relevant governments. Since there are many nations whose citizens do not yet enjoy human rights, the UN appeals to governments on behalf of citizens whose voices would not be otherwise heard.

As difficult as it may be to believe, UN committee members operate under the philosophy that private citizens are good, and governments are bad. The governments’ only role is to respond to questions.

Why did the forgers of the Japan-Korea Agreement, an agreement between two governments, choose to mention “the United Nations” in the text of the pact?

One thing I noticed when I attended the Committee meeting was that all the NGOs voicing opinions there, such as the Japan Federation of Bar Associations and the Japan NGO Network for CEDAW, are left-wing organizations. Until we spoke out in Geneva, they had a monopoly at the UN.

Collapse of monopoly rattles Foreign Ministry and left-wing groups

When we spoke out at the UN in 2015, the left-wing organizations lost their monopoly; since then they have been champing at the bit. As has the Foreign Ministry, which has managed to wriggle out of each crisis that approaches without making waves. My feeling is that that impatience is at the root of the inclusion of “United Nations” in the text of the agreement.

Conservative groups of private citizens had taken action designed to discredit lies about the comfort women that had taken root in the international community. By restraining those groups, the Ministry could prevent contentious debates at the UN, and by establishing a defense line, it could avoid further involvement in the comfort-women controversy. That must be the reason for the agreement’s stating that Japan and Korea would “refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations.”

There is ample cause for concern over cooperation between the government and the Foreign Ministry, and the left-wing organizations that insulted Japan at the UN to gain control over the conservatives. After the government's answers to the CEDAW questionnaire were prepared, they were examined by the Cabinet Office's Specialist Committee on Monitoring.

But most of the specialist monitors are members of private organizations represented at the UN Human Rights Committee session. Of course, Foreign Ministry staff members also serve on the Specialist Committee on Monitoring. This situation causes one to wonder about the cozy relationship between left-wing private organizations and the government and Foreign Ministry.

Collusion between government and left-wing NGOs ends

Then, when I learned about the Fourth Basic Plan for Equality and about the Discussion Group on Responses to Questions from the CEDAW in Connection with the Seventh and Eighth Periodic Reports on the Implementation of the Convention on the Elimination of All Forms of Discrimination Against Women, hosted by the Cabinet Office in Tokyo on February 4, 2016, I felt even more uneasy.

Apparently one of the officially sanctioned side events at the 2016 session of the UN CSW (Commission on the Status of Women), which will take place in New York City in March 2016, will be co-sponsored by the Japanese government and the Japan NGO Network for CEDAW. The theme of the event will be "Our Challenges for Eliminating Gender Gaps in Economy, but the comfort-women controversy will also be addressed. I was surprised that the Japanese government and left-wing NGOs were in such close collusion.

Incidentally, the aforementioned Discussion Group has met several times, but it is unusual for people who are not leftists to participate. Anyone is welcome, but since the meetings are not publicized, they tend to be monopolized by certain groups. This time was no exception, since the Cabinet Office made no real attempt to advertise the meeting. But when Japanese Women for Justice and Peace found out about it, they launched an online appeal for support, stating that there are groups committed to defending Japan's honor in connection with the comfort-women controversy.

Those who responded were fewer in numbers than the members of left-wing groups, but they were quite vocal and applauded enthusiastically when appropriate. Here are some of their comments.

- In Japan people call married women *kamisan*, which means "goddess." Is this male chauvinism?
- It's all very well to adopt the beneficial aspects of globalization, but every country has its own traditions and culture, which we should be careful not to destroy.

- There are workplaces that are not safe for women. It is unreasonable to expect gender equality at every workplace.
- In the past, it was always “women and children first” when a disaster struck. Will gender equality change that philosophy?

As you can see, toleration of the collaboration between the government and left-wing NGOs is crumbling.

Did Japan-Korea Agreement necessitate alteration of responses?

In January 2016, as the opening of the CEDAW session approached, some shocking information was revealed: the Japanese government’s responses to the CEDAW questionnaire about the comfort-women controversy, scheduled to be discussed at the session, and due at the end of November, had not yet been submitted.

Journalist Sakurai Yoshiko wrote about the delay in the February 1 edition of the *Sankei Shimbun*, in her column “Toward a Beautiful, Strong Nation.” The information she provides is virtually identical to what I was told.

The response from the government told of the false report printed by the *Asahi Shimbun*, explaining that Yoshida Seiji’s confession — tales of going on a comfort-women hunt was a lie, and that there is no evidence supporting the claim that anyone was compelled to serve as a comfort woman. It also stated that the rumor that there were 200,000 comfort women arose because someone confused the comfort women with members of the Women’s Volunteer Corps. It objected to the Coomaraswamy Report, maintaining that its claims are biased and groundless. It also categorically denied lies South Korea had spread all over the world about 200,000 women having been forced to become sex slaves.

However, at the end of 2015, after the Japan-Korea Agreement was concluded, an attempt was made to substitute “together with the Government of the ROK, the Government of Japan will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations” for the statements outlined in the preceding paragraph.

The Cabinet Office must have objected to the substitution, and appended a short sentence to it stating that no records had been discovered to support the accusation that women were abducted; the responses were then submitted to CEDAW.

Even now I don’t know how the substitution came to be made.

Did the government submit its original version of the responses on December 8, and then rewrite the response pertaining to Question 9 after the Japan-Korea Agreement was concluded? Or did it never submit the original version? And when was the version that

now appears on the website submitted? I have asked some Diet representatives to help me find the answers to these questions.