



Japan Network in Support of Forced Labor Litigations

Tokyo , Japan 101-0072
Tel: 080-5050-8904
wydny745il@ybb.ne.jp

Her Excellency Navanethem Pillay
High Commissioner Human Rights

April 23, 2012

Dear Mme. Navanethem Pillay

We are honored to submit a joint report for the Universal Periodic Review of Japan by the following parties.

Japan Network in Support of Forced Labor Litigations is founded in 1997 comprised of citizens , groups and trade unions throughout Japan who seek the responsibilities of the Government and industries for the forced labor of Korean and Chinese civilians during WWII and finally to have the Government and industries settle the past . We have supported fact-finding researches, victims' legal actions and reporting the issue to the ILO Committee of Experts on Application of Conventions and Recommendations since 1998.

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Address:c/o Special Ward Partial Affairs Association Union
3-5-1 Iidabashi, Chiyoda-ku, Tokyo 102-0072 JAPAN
E-mail: wydny745@ybb.ne.jp

East Timor Japan Coalition (formerly the Free East Timor! Japan Coalition [1988-2002]) is comprised of a number of citizen groups throughout Japan and the Japan Catholic Commission for Justice and Peace that are committed, among other issues, to working in solidarity with the people of Timor-Leste to realize justice for past human rights abuses in that country. These abuses include the enslavement of East Timorese women by the Japanese military during World War II as “comfort women.”¹

East Timor Japan Coalition
Address: c/o Osaka East Timor Association
Kokubunji Bldg 6F, 1-7-14 Kokubunji, Kita-ku. Osaka-shi, 531-0064 JAPAN
E-mail: akimatsuno@osaka.email.ne.jp

Very truly yours,

Keiko Yasuhara on behalf of Japan Network in Support of Forced Labor Litigations
Kiyoko Furusawa, Professor, Tokyo Woman's Christian University, on behalf of East Timor Japan
Coalition

Joint Report Submitted by

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Recommendations accepted by Japan	Follow-up by state	NGO comments and recommendations
<p>- the First Optional Protocol to the International Covenant on Civil and Political Rights</p> <p>- the Optional Protocol to the Convention against Torture</p> <p>- the Optional Protocol to the Convention on the Elimination of Discrimination against Women</p>	<p>Establishment of a Division for Implementation of Human Rights Treaties in April 2010,</p>	<p>With the participation of NGOs and citizens, the Japan Federation of Bar Associations sponsored a meeting with officials from the Ministry of Foreign Affairs and the Ministry of Justice on February 7, 2012. One of the official stated that more than 40 meetings were held to coordinate policies among ministries toward ratifications of optional protocols, but no agreement was reached yet.</p> <p>An NGO member said that, the Optional Protocols of the ICCP and CEDAW must be ratified with the approval of the diet but some treaties such as CAT does not seem to require such formalities. The act of withdrawing suspension can be done by the decision of the cabinet without consulting the diet. The NGO urged the officials to let the cabinet members be aware of this possibility. The government should take initiative in achieving positive consensus among the ministries and should investigate the fastest way to the realization of individual communication to the UN human rights bodies. As to the division referred to, we have not yet heard that it achieved anything or that it has been helpful or useful in dealing with human rights issues.</p>
<p>- the International Convention on the Protection of the Rights of All Migrant Workers and</p>	<p>Japan recognizes that the content of the Convention is such that it</p>	<p>a. Japan has resisted the ratification of ILO No. 97 and a No. 143 treaty (migrant workers) arguing that Japan in principle does not accept</p>

<p>Members of Their Families •</p>	<p>guarantees migrant workers stronger rights than the rights guaranteed to other individuals.</p>	<p>foreigners as labor force. But the follow-up comment seems to show a new approach for not ratifying such conventions. NGO would like to have more detailed explanation on the Governmental statement "that the content of the Convention is such that it guarantees migrant workers stronger rights than the rights guaranteed to other individuals."</p> <p>b. According to 2011 statistics of the Ministry of Health, Labour and Welfare, the number of foreign workers, not including overstaying foreign workers, is 686,246. Furthermore, the Ministry is taking measures to help foreign students get decent jobs in Japan, which of course will result in increased number of foreign workers. Every year, the foreign workers in excess of 40,000 come to Japan under the government sponsored Technical Intern Training Program, under which foreigners are allowed to work in Japan for the maximum of three years. But many employers use the Program to exploit cheap labor, which caught the attention of CCPR, CEDAW, CERD, ILO CEACR as well as US State Department. CERD Special Rapporteur stated that the program can be used for trafficking.</p> <p>c. The discrimination against foreign worker is deeply rooted in the history of Japan. During the WWII, the Imperial Government decided to import Koreans and Chinese civilians in excess of 700,000 including men and women to fill the labor shortage. They were abducted, or taken to Japan by false promise, and were forced to work extremely hard under the</p>
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		<p>violent surveillance of private enterprises. When the war ended, they were sent back by boat to their home country, without receiving any money. We hear a story that some had to walk back home while they had to beg food on the way. The serious violation of human rights surfaced in the late 1990s when victims decided to take legal actions as the anger of survivors and bereaved families could not be settled so easily. The case was taken to ILO CEACR which declared it as violation of ILO Convention 29 and recommended the compensation more than ten times in the individual observations but the Government of Japan ignored them all. After all the law suits resulted in the defeat of the survivors in Japan, they began to focus on the perpetrator companies for negotiation. Some worked. But most of the negotiations are moving slowly while those companies looked for any sign of the Governmental initiative. NGO recommendation: The Government should accept the past and present responsibilities for the rights of foreign workers.</p>
<p>. (5) Abolish all the legal provisions which discriminate against women.</p>	<p>Various measures in the 3rd Framework for Gender Equality</p>	<p>Civil Law provision which discrimination against children out of wedlock a. The Supreme Court ruled the provision of discrimination is not in violation of the Japanese constitution in 1995. But on August 24, 2011, Osaka High Court ruled that the provision which stipulates that children out of wedlock receive only half of what the children in the wedlock receive as inheritance is in violation of Japanese Constitution, which declares the equality before the law. As the defendant did not appeal to another court, judgment became final .Then, the Nagoya High Court ruled</p>

		<p>in the similar manner with some restrictions.</p> <p>NGO recommendation: Follow the UPR recommendation.</p>
<p>(8) Continuation of the measure for reducing the influence of the violence to women and children. (subparagraph 14)</p>	<p>Various measures</p> <p>Emergency telephone consultation service to victims of violence from their spouses (from February 2011 through March of the same year)</p>	<p>According to the statistics of the National Police Agency of March 22, 2012, the violence from a spouse amounts to the record high of 34329 cases during 2011 and it was the largest figure since the law against DV was enacted.</p> <p>According to the National Police Agency, the calls for help were 1,461,049, the increase of 4.4% compared to the last year. Among them, calls about their spouses were 33,745, the increase of 6.9%, and calls about "child abuse" were 3694, the increase of 6.8%. Both ranked the highest since the statistics taking started in 2003. Although the ratio of "violence from spouses" and "abuses of children" accounts for only 2.3% and 0.3% of the entire calls. But the number of calls has increased 1.5 times in the past five years.</p> <p>NGO Comment: Reported increase of violence does not mean that Japanese men are getting more and more violent. It just shows that women finally had someone to turn to when they were hit or beaten. Previously they could not do it because the Police would have said that martial quarrels are none of our business. Reality of violence against women and children are being revealed. We believe that establishment of the facts are the first step toward elimination. Thus, implementation of telephone consultation is really best practice that the Government has</p>

		<p>done. The following excerpt of an article of Nihon Keizai Shimbun dated April 20, 2012 confirms the rightness of our view.</p> <p>“Cabinet Office released the result of "research on the violence between men and women" on April 20th. One out of three married women experienced the violence from their spouses ranging from abusive language to physical violence and 40 percent of them did not consult with anybody. Based on the results, Cabinet Office plans to create the environment where victims feel comfortable reporting to or consulting with public institution. The poll was conducted on 5000 adult men and women on the national level from November to December, 2011. “</p>
<p>14 Continue to provide financial assistance for countries in need of socio-economic development and extend support for the global effort in the realization of the right to development as stipulated in Millennium Development Goal 8 (subparagraph 24)</p>	<p>Yes, Japan has many plans.</p>	<p>East Timor or Timor Leste</p> <p>At the UPR session in 2008, the Government of Japan received a recommendation from many countries that the issue of comfort-women should be resolved. But the Government refused to accept it arguing that the issue has been solved by official apologies and several measures taken including the Asian Women's Fund.</p> <p>However, many victims have never heard of apologies, the Asian Women's Fund or atonement money. Specifically, those are the women in Democratic People’s Republic of Korea, People’s Republic of China, Malaysia, Vietnam, and Timor Leste</p> <p>The Government would say that it is because Japan has no diplomatic relations with DPRK. As to the Chinese Government, we learned from an unofficial source that the Government of Japan sounded the</p>

		<p>Government of China that China would conduct the research and distribute the atonement money on their behalf by presenting certain amount of money. But the Chinese flatly refused it.</p> <p>We do not know whether Malaysian victims were informed of the Asian Women's Fund. In Vietnam, people speak about comfort women, but no victims came out to cooperate with private researchers.</p> <p>Timor Leste is a very young country which won independence in 2002. But native people there had to go through very hard time during the World War Two when it was occupied by the Japanese military forces. Timor Leste was a colony of Portugal at that time.</p> <p>Portuguese rule was restored in Timor Leste after the war. But the war compensation talks between Japan and Portugal ceased halfway. So, when the war compensation issue was settled between Japan and Indonesia, Timor Leste was still the Portuguese Timor.</p> <p>In 1995 when "Asian Women's Fund" was launched, Timor Leste was under the control of Indonesia, which invaded struggling Timor Leste in 1975 and declared its annexation unilaterally in 1976. At that time, the Timor Leste branch of the Indonesia Heiho (Indonesian soldier assistant recruited locally) Association was formed and it looked that Timor Leste could benefit from the Asian Women's Fund. But the Fund switched from individual compensation to financing for the construction of homes for elderly in compliance with the wishes of the Indonesian Government.</p>
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		<p>at night they were forced to serve sex to Japanese soldiers. All the survivors said that they had not received any money or reward of any kind during the ordeal. Secondly, when the island was surrounded by the allied forces, Japanese could not have access to supplies. The military forced the local people to render live stocks and food. In the districts some comfort women were told to go home and fetch food like corns and potatoes and bring it to the comfort station or they ordered their parents to bring some food for their daughters in the comfort station. Thirdly, there were women who gave birth to babies fathered by Japanese. Among women who had been kept by high ranking officers, three women identified gave birth to babies. In some instances a baby was taken away when the Japanese troops left the island. None of the officers left any identification. Not a single Japanese man ever came back to East Timor to look for his child. When one of the children tried to look for her father in Japan through ET Japan Coalition and consulted the War Victims Relief Bureau of the Japanese Ministry of Health and Welfare, only reply she got was "With no evidence, there is nothing we can do about it."</p> <p>Present conditions of survivors are described in the following. They are the summary of the report that ET Japan Coalition investigated in cooperation with HAK Association, a local human rights organization.</p> <p>While the total number of victims is not known, 19 women came out</p>
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		<p>(*One of them is missing after the political crisis in 2006.) As of today, seven of them passed away. Many men testified what they saw when they were mobilized and forced to work for the Japanese military.</p> <p>Majority of women have got married after the war except one who refused to do so because she had trauma, abhorred sexual contact with men. She now lives with her elder brother's grandchildren.</p> <p>Four of them could not have babies in their marriage.</p> <p>One of them had her younger sister marry her husband for a short time and had her give birth to babies (daughters fathered by her husband) and she brought them up. She now lives with the daughters and grandchildren.</p> <p>All the victims suffered trauma and/or discrimination.</p> <p>When a woman was kept exclusively by an officer, relatives and neighbors called her "wife" in many cases. She was not considered a victim in some cases.</p> <p>Since the reality of being comfort women was not known, misunderstanding emerged that those women who were detained in comfort stations or "wives" of officers must have been treated well and received lots of good things.</p>
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		<p>this village is a group of small hamlets, it covers a quite large area. To some, the clinic is too far away. They want a doctor to visit their homes.</p> <p>The Government of Timor Leste established diplomatic relationship with Japan in May 2002, when Timor Leste finally became an independent state. But it has never taken up this issue with Japan to ask for compensation. Neither did it explain the reason why, nor did it consult the victims.</p> <p>That means, nothing has ever been done about the postwar compensation nor redress to East Timor (former Portuguese Timor), which remains a "blank zone" as far as the compensation or reparation issue is concerned.</p> <p>On the other hand, Government of Japan has been using the silence of Timor Leste as an excuse for doing nothing.</p> <p>Nevertheless, we have a light of hope coming through. HAK Association in cooperation with ICTJ (International Center for Transitional Justice) appeal to the Timor Leste Ministry of Social Solidarity and persuaded the Ministry to accept two families of former comfort women victims in the Pilot Project to Support the Family Enterprises of Victims of Indonesian Military Violence. So far this is the only happy news that we came across over many years.</p> <p>And we at East Timor Japan Coalition hope to have our own Government</p>
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		<p>take an initiative in resolving the issue after six years of supporting HAK Association by paying a regular visit to the victims taking with us whatever they need to sustain their lives. Japan needs to acknowledge its responsibility for the damages caused. Japan should apologize and compensate or redress to the people of Timor Leste.</p> <p>Japan grants billions of yen by ODA to Timor Leste every year, which must be a very valuable support for Timor Leste. However, we note that the big portion of the fund goes to maintenance of infrastructure (construction of road, irrigation, harbor, water supply plants, and bridges). If Japan wants to maintain future-oriented relations with Timor Leste, it should not forget the past when Japanese caused so much damage to native people. Shouldn't Japan turn some portion of ODA to people who have been severely hurt by the war and driven to poverty?</p> <p>Fortunately, Timor Leste victims have survived and lived through life under the Asian traditions of family protection.</p> <p>If the Government has the will, it could provide fund to the Pilot Project for the Support the Family Enterprises of Victims of Indonesian Military Violence so that it can help more victims of Japanese violence and their families or it could establish a similar project on its own in order to help the families who have supported former comfort women and the children of Japanese soldiers in poverty.</p> <p>Contrary to the word “sincerely” repeated in the Government’s speech in</p>
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		2008 UPR session, its attitude has been far from being sincere.
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