

AJWRC's Position on Japan's Response to the Committee against Torture (2008)

News and AJWRC Activities

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AJWRC

In April of 2007, the United Nations Committee against Torture held its 38th session, examining Japan's compliance with the Convention against Torture and reviewing the Initial Report of Japan (prepared by the Government of Japan). The "Conclusions and Recommendations of the Committee against Torture: Japan," released in late May of 2007, documented severe human rights violations and included recommendations on issues including sexual and gender-based violence, trafficking in persons, education for law enforcement and prosecutors on the rights of women and children, redress for the so-called "comfort women," and cases of sexual violence involving US military. The response from the Government of Japan to these recommendations, however, showed complete disregard for the Committee against Torture's recommendations and a refusal to accept responsibility for Japan's violations of the Convention against Torture. The following is the AJWRC's reply to the Government of Japan.

AJWRC Replies to "Comments by the Government of Japan concerning the conclusions and recommendations of the Committee against Torture"

In late May, in response to issues referred to in paragraphs 14, 15, 16, and

24 of the "Conclusions and Recommendations of the Committee against Torture: Japan" (hereinafter the "Conclusions and Recommendations"), the Japanese Government released the "Comments by the Government of Japan concerning the conclusions and recommendations of the Committee against Torture" (hereinafter the "Comments"). The "Comments" have been provided by Japan as stipulated in the "Conclusions and Recommendations," in which the United Nations Committee against Torture (hereinafter the Committee) requested that the Japanese government provide, within one year, information on its response to specific recommendations identified by the Committee. The AJWRC would like to address our position on the "Comments," with a particular focus on paragraph 24, which concerns sexual and gender-based violence.

The AJWRC warmly welcomes the Committee's "Conclusions and Recommendations," as we focus on eliminating all forms of human rights abuses against women and have called on the Japanese government to sincerely follow-up on the recommendations made in this report. On October 4, 2007, we submitted a petition, signed by 112 individuals and 30 organizations, calling for the development of a follow-up plan developed through consultation with

interested parties and for a concrete response to the Committee's request for information to be provided within a year. We are, however, very disappointed by the "Comments" and by the government's reaction to the follow-up programs needed to realize the Committee's recommendations. As of yet, no NGOs have had the opportunity to either hear about the government's follow-up plan or to express their views on the plan.

Furthermore, we are deeply disappointed not only with the process of Japan's follow-up, but also with the content itself. In the "Conclusions and Recommendations," the Committee requested that the Government of Japan provide information about how the Convention against Torture has been implemented—including detailed data—rather than an explanation of Japan's domestic legal framework, which is essentially what was provided. In the "Comments," the government repeatedly responded to the Committee's recommendations with counterarguments expressing the same long-held positions. The government's attitude toward the Committee's recommendations may raise doubts about the sincerity of the Japanese government, which has promised to tackle human rights issues through discussions with civil societies and international organizations.

The Government of Japan's comments on the issue of sex and gender-based violence

(Paragraph 24 of the Committee's "Conclusions and Recommendations" and paragraphs 19–23 of "Comments by the Government of Japan")

In paragraph 24 of the "Conclusions and Recommendations," the

Committee pointed out the insufficiency of the redress and punitive measures taken by Japanese government for victims of sexual assault, considering in particular the victims of the Japanese Military Sexual Slavery (the so-called "Comfort Women") during the Second World War. To prevent further violations of law, the Committee recommended that the Japanese government provide education to address the discriminatory roots of sexual and gender-based violations, provide rehabilitative measures for the victims, and take steps to prevent impunity.

The Government of Japan, however, read a very narrow interpretation into the Committee's recommendations, simply taking them as a criticism of the Japanese Military Sexual Slavery problem. In paragraphs 19–22 of the "Comments," the government makes a long counterargument, only mentioning education in paragraph 23, and making no reference to either rehabilitative measures for victims of sexual and gender-based abuses or to effective measures to prevent impunity. This narrow understanding shows the Japanese government's lack of awareness on issues of sexual and gender-based abuses.

In paragraphs 19–22 of the "Comments," the Japanese government employed old arguments that "the Convention against Torture [adopted by the United Nations General Assembly in 1984 and accessioned by the Government of Japan in 1999] does not apply retroactively to issues that arose before 1999 when the Convention came into force" and that "the government has already solved this problem through Asian Women's Fund program." We strongly feel that the government intentionally misinterpreted the Committee's

recommendations, because the "Conclusions and Recommendations" were written after investigating the Japanese government's long-held positions on these issues.

In the "Conclusions and Recommendations," the Committee concluded that the statute of limitations for acts amounting to torture could prevent investigation, prosecution, and punishment, and that moreover, the Asian Women's Fund program was insufficient. The government's counterarguments show us that they are far from being constructive about improving the human rights situation through discussions. More information is also required in paragraph 23. In this paragraph, the government explains about general human rights education for public officials, despite having been requested to provide information specifically about whether they have provided education specifically to prevent sexual and gender-related violations. Furthermore, the explanation about the Asian Women's Fund, which was dissolved in 2007, was completely unrelated.

The purpose of the Comments was to ensure that the government provides redress for violations of law and takes effective measures to prevent sexual and gender-related violations; but the "Comments" from the Japanese government do not fulfill the request from the Committee for comprehensive information.

We are deeply disappointed that the Japanese government, a year after

the Committee's recommendations were released, once again attempted to refute the recommendations without any intention of either reviewing or improving the situation in Japan. It would have been a more fruitful year if the Japanese government had begun discussions with NGOs shortly after the "Conclusions and Recommendations" were released, in order to provide redress for violations of law along with the Committee's recommendations.

We would like to call on the government to pay particular attention to the Committee "General Comment No. 2: Implementation of article 2 by States Party" (CAT/C/GC/2/CPR.1/Rev.4), issued in November of 2007. In this general comment, the Committee focused clearly on violence against particularly vulnerable groups, and requested that state parties provide information based on gender analysis.

It is indispensable for the government to discuss these issues and work together with international organizations and interested parties in order to respond to these recommendations properly. We request that the Government of Japan accept the "Conclusions and Recommendations" from the Committee with sincerity, and once again request that the government immediately take the actions necessary to correct the violations of the Convention against Torture.

Translation by Akemi Marumo

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Voices from Japan

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Candlelight Demonstration against sexual assaults committed by US Allied Forces in Front of National Diet

SEXUAL VIOLENCE IN JAPAN: CHALLENGING THE CRIMINAL JUSTICE SYSTEM

Gender Discriminatory Criminal Justice System
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Rape as Discrimination
Report on the Japanese Federation of Bar Associations Symposium

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