



## Economic and Social Council

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### Commission on the Status of Women

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**Follow-up to the Fourth World Conference on Women  
and to the special session of the General Assembly entitled  
“Women 2000: gender equality, development and peace  
for the twenty-first century”**

### **Statement submitted by Human Rights Now, a non-governmental organization in consultative status with the Economic and Social Council\***

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.

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\* The present statement is issued without formal editing.



## Statement

In terms of violence against women, countless incidents of all forms of sexual violence, particularly those happening in conflicts, have been reported globally and a significant number of victims are suffering at this moment. At the same time, effective remedy for the victims of the past atrocities during the war time have yet to be made.

Although eradicating violence against women, especially sexual violence during armed conflict, has been one of the primary goals of the Beijing Platform for Action, violations of women's rights, including sexual violence during conflict, remain serious concerns. In the Democratic Republic of the Congo, for instance, the United Nations Organization Stabilization Mission in the Democratic Republic of Congo stated in its recent report that an "unprecedented scale of rape...was a consequence of the war". Statistically, from January 2010 to December 2013 more than 3,600 victims of sexual violence were recorded, of which 73 per cent were women. It also points out the increasing number of cases of impunity for such sexual violence. Additionally, recent Gaza conflict has also witnessed a significant number of female victims. According to a Palestinian human rights organization and the United Nations office for the Coordination of Humanitarian Affairs, over 250 Palestine women have been killed in attacks since July 2014 alone in the Gaza Strip. These casualties reportedly comprise 15 per cent of the total civilian casualties of the conflict.

Yet another example is Iraq, where the human rights situation regarding women is also devastating. In August 2014, the Special Representative of the Secretary-General on Sexual Violence in Conflict, Zainab Hawa Bangura, and the Special Representative of the Secretary-General for Iraq, Nickolay Mladenov, issued a statement that the United Nations "condemns in the strongest terms, the explicit targeting of women and children and the barbaric acts the 'Islamic State of Iraq and the Levant' has perpetrated on minorities in areas under its control". At the end of June 2014, the Executive Director of the United Nations Population Fund, Babatunde Osotimehin, also discussed the urgency of protecting women and girls, as an estimated 20,000 of them are now at an increased risk of violence due to the mounting crisis in the country.

It is our great concern that women's fundamental human rights, including rights to life and rights to security, have been exposed to significant risks in our current global situation.

We must note the negative impact and influence of global "war on terror" led by leading Western states into current security situations in the world. We must note that they committed themselves to armed interventions that violate the Charter of the United Nations such as the Iraq War (2003) — and induce armed conflicts and civil wars worldwide.

This security environment causes a disproportionately negative impact on women and increases their vulnerability to grave violations of human rights, including sexual violence. Member States must seriously review the entire policy and make sustainable efforts to re-establish a just and peaceful world order based on international laws, international human rights, and humanitarian laws.

In the discussion of Beijing+20, all Member States must seriously discuss and agree on standalone strategic goals regarding women, peace and security, including disarmament, that serve as a basic premise of women's rights.

Secondly, the Rome Statute of the International Criminal Court includes sexual violence in conflicts such as “rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity” as both a war crime and a crime against humanity and could be a constituent act of genocide.

Nonetheless, rape and all other forms of sexual violence during conflict continue to occur today and the impunity of perpetrators is rampant. In order to ensure the accountability of those responsible for sexual violence during conflict, it is necessary to reinforce the international and domestic justice systems and have gender-sensitive legal education.

All states must condemn absolutely all forms of violence against women, including sexual violence during conflict, sexual slavery, and forced prostitution.

At the same time, Member States must ensure accountability, establishing truth, justice, reparation, and guarantees of non-recurrence for victims. Those states in which the grave violations have occurred must ensure accountability, in other words, investigate the truth of wrongdoing in effective prompt, thorough and impartial manner, and fully and publicly disclose all relevant sources, identify perpetrators to prosecute them, provide reparation to the victims, implement institutional reforms, and promote mechanisms for redressing.

Victims must be entitled to effective remedy including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition. Also, states must take a clear stance on providing victims equal and effective access to justice, preventing any harassment, re-traumatization, second rapes, and ensure their safety from intimidation and retaliation during legal procedures.

This principle must be firmly agreed to once again in the Beijing+20 discussion.

Considering the state's obligation, Human Rights Now is concerned with the situation in Japan regarding the issue of Japan's military sexual slavery. In August 2014, the former United Nations High Commissioner for Human Rights, Navi Pillay, pointed out with profound regret that Japan has been failing to adhere to the aforementioned Basic Principles and Guidelines: “it pains me to see that these courageous women, who have been fighting for their rights, are passing away one by one, without their rights restored and without receiving the reparation to which they are entitled.” The victims of the so-called “comfort women” system continued to face increasing denials and degrading remarks by some public figures, politicians — including cabinet members, and the mainstream media in Japan.

The Japanese government has never acknowledged its legal responsibility for this grave violation of human rights. Nor has it recognized the victims' rights to effective redress and reparation. In spite of the recommendations iterated and reiterated on this issue by United Nations human rights bodies, including the Human Rights Council, the Japanese government has yet to take any legislative or administrative measures to provide victims with full and effective compensation or other reparations. No documents have been publicly disclosed and no action has

been taken to investigate and prosecute those perpetrators who are still alive. All claims for reparation brought by victims before Japanese courts have been dismissed and complaints to seek criminal investigation and prosecution against perpetrators have been rejected.

In particular, the administration of Prime Minister Shinzo Abe since its inception in December 2012 — has tried to evade its obligations by denying the forcible nature of the military sexual slavery. For instance, a report issued by a Government-appointed study team on 20 June 2014 stated that “it was not possible to confirm that women were forcefully recruited.” Following the release of this report, a group in Tokyo publicly declared that “comfort women were not sex slaves but wartime prostitutes.” In fact, the position of government which insists that it “found no statements which directly suggest the forcible recruit made by the army or authority” contradicts to the so-called Kono statement 1993 that was released by the then Chief Cabinet Secretary Yohei Kono, admitting the “involvement” of the Japanese military and expressing “apologies and remorse”. The statement clearly admitted that “[t]he recruitment of the ‘comfort women’ was conducted mainly by private recruiters who acted in response to the request of the military. The government study has revealed that in many cases they were recruited against their will, through coercion, etc., and that, at times, administrative/military personnel directly took part in the recruitment”.

As the Human Rights Committee clearly states, it should be stressed that whether the victims were “forcibly deported” by Japanese military during wartime or “recruited, transported and managed in comfort stations” by entities on behalf of the military, any such acts carried out against the will of the victims are sufficient to consider them as human rights violations involving the direct legal responsibility of Japan. The Japanese government must implement all relevant recommendations made by United Nations human rights treaty bodies and other United Nations independent experts, and ensure justice, truth finding, accountability, reparation and guarantee of non-recurrence in accordance with the international law.

### **Recommendations to the international community**

- Re-establish stand-alone goals with respect to women, peace and security with appropriate indicators to measure progress
- Conduct periodic monitoring and assessment to report progress to ensure states’ accountability and commitment
- Set up gender disaggregated data of victimization of armed conflict
- Strengthen international mechanisms to eradicate violence against women as well as ensure accountability