



The Japanese Government and Media Should Correctly Accept the Ruling on the Japanese Military "Comfort Women" Lawsuit

On January 8, South Korea's Seoul Central District Court upheld the claims of all plaintiffs in a lawsuit filed against the Japanese government by 12 survivors of Japanese military sexual slavery, and ordered the defendant, the Government of Japan, to pay 100 million won (approximately 9.5 million yen) to each victim. In the immediate aftermath of the verdict, both the government and media of Japan have been making comments and reports that undermine this verdict, and we demand the following correction.

Is it really a “verdict which is impossible under either international law or common sense”?

The Japanese government's rationale for calling the decision "impossible under international law and common sense" is based upon a customary international law called "sovereign immunity." However, the theory of relative sovereign immunity, which allows for exceptions, has been gaining ground since the 19th century, and has been constantly modified and expanded as the international order has changed. Japanese Prime Minister Suga's perception that "under international law, sovereign states are not subject to the jurisdiction of other states" is no longer "common sense" in the 21st century understanding of international law.

The verdict states that "even in cases where the accused state has destroyed the universal values of the international community and inflicted serious harm on the victims through inhumane acts, it would lead to unreasonable and unjust results to interpret the exemption of jurisdiction in civil lawsuits chosen as a last resort." Further, because "all civil lawsuits filed in courts in Japan, the U.S. etc have been dismissed or rejected, and the Claims Agreement and the 2015 Japan-Korea Agreement failed to encompass compensation for the affected individuals," the victims appealed to the Korean domestic courts as a last resort. When the survivors, who suffered grave human rights violations committed under Japanese military sexual slavery, appealed to the Japanese courts, they were rebuffed with responses of "no national responsibility" and an "exclusion period." Having exhausted all other means, when they appealed to the Korean domestic courts as a last resort, the Japanese government now calls "sovereign immunity." Unlike the Japanese government and judiciary, which continue to be non-human rights-oriented, the Korean judiciary should be commended for not turning a blind eye to the fact that the victims appealed as a last resort, and for making a decision that emphasizes human rights. Such a decision will surely contribute to the extension of international human rights, which will ultimately also benefit the citizens of Japan.

Was this an “Anti-Japanese Verdict”?

While some commentators in Japan are claiming that "the verdict was based on anti-Japanese sentiment" (Yomiuri Online, January 8), this ignores the fact that in recent years, the Korean

judiciary has been making judgments that emphasize human rights not only against the Japanese government but also against the Korean government.

One example of this is the Seoul High Court's decision (February 8, 2018) ordering the South Korean government to pay all 117 plaintiffs compensation for inhumane human rights violations in a lawsuit filed by women from U.S. military base "kichijon" camptowns* against the South Korean government in 2014. The ruling held that "the state violated its obligation to respect human rights by regarding the kichijon "comfort women"'s right to sexual self-determination, and thus the plaintiffs' characters themselves as represented by their sexuality, as a means to achieve national objectives." In addition, in response to the claim that the kichijon women were "voluntarily" engaged in prostitution, the court stated that "as long as the state used the kichijon "comfort women"'s sexuality and human dignity as a means to strengthen the military alliance or to obtain foreign currency, they should be regarded as having suffered psychological damage as a result." This clearly stated that the frame of "voluntary" or "forced" is meaningless in recognizing that a person is a victim of grave human rights violation by the state.

The fact must first be recognized that the Korean judiciary has been issuing advanced human rights-oriented rulings that are unimaginable in today's Japan.

** Women who were forced to engage in prostitution in "camptowns" (kichijon) around U.S. military bases. They were referred to as U.S. military "comfort women" in administrative documents at the time.*

Will this verdict "worsen Japan-South Korea relations"?

Once again, the Japanese press is overwhelmingly reporting the argument that the cause of the "worsening of Japan-Korea relations" on the side of South Korea. Despite the fact that the true cause of the "worsening Japan-Korea relations" is the fact that Japan, the perpetrator, has still failed to respond to the demands of the victims, there is almost no news coverage that points out this root cause and calls for a fundamental resolution of the issue.

The Japanese government and citizens must deeply accept the significance of the fact that one of the plaintiffs, Ms Lee Ok-sun, stated that she was "not happy" when informed of the successful verdict (JoongAng Ilbo, January 8). Ms Lee said, "Nothing has been resolved properly. Do we have to live as if we have committed some kind of crime?" Further, she stated that "The true resolution will be when we can feel positive." "Japan must apologize. Money is not enough."

What the survivors want is for Japan to openly admit its past mistakes and demonstrate sincere remorse and apology. Until the survivors can "feel positive," Japan, as the perpetrator, must continue to apologize and express its regret. Japan should keep in mind that the attitude of forcing concessions and resignation from the victim countries and victims themselves in order to improve Japan-Korea relations, as well as the attitude of not regretting the past, will in fact be what "worsens" Japan-Korea relations.

January 13, 2021

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