

[Report II : SEPT. 16 - PM, Moderator : Oh Yang-Soon]

The Activities of Taiwanese National Assembly for the settlement of the issue of Japanese Military Sexual Slavery

Hsieh, Chi-Ta(Taiwan, congressperson)

I am happy to join this seminar. I think it will bring more negotiations and new actions to solve women's problems. I'd like to explain women's human rights situation in Taiwan. Since 1989 when Taiwan revoked martial law, women social workers especially have done a lot, during the last 10 years. We have more than 100 human rights groups; we try to get the victims or their relatives to come to us, and file legal complaints, and get the government to help them--we have lobbied the government for this help. In Taipei we have three major parties, but they all support assistance to victims of human rights violations. Whenever I speak in parliament, over 90% of the legislators support me. We have had clauses in the law that contradict the Constitution. I worked for 10 years, and during the past four years we passed a law for children's welfare (including prevention of sexual violations), a victims' protection law, and a law to prevent violence. Recently we have succeeded in having sexual violations prosecuted as a public crime. We also have an equal opportunity law for men and women. This is our general achievement for the past 10 years.

As for the comfort women issue in Taiwan, in 1987 a prominent Taiwanese leader established a foundation for comfort women and a telephone line for victims or their relatives to contact the fund. We were in touch with 1,000 victims but now only 54 are alive. We tried to lobby the government through parliament; almost all the female MPs and 90% of the male

MPs supported this initiative, to raise funds to help the victims. One man raised almost 40 million NT dollars. Every comfort woman received 500,000 NT dollars. We help the victims to enter the judicial process with the Japanese court. We made a 90-minute video tape of some of the comfort women in Taiwan. I'd like to introduce Wang Ching-Feng, a prominent human rights lawyer in Taiwan who has worked hard on the comfort women issue.

I believe human rights must be restored through our working for them. Human rights leaders must try to protect the weak and victims in society. This May some Chinese women in Indonesia were raped and killed by the Indonesian army. This kind of violent crime must be prosecuted. The UN should send a team to investigate, and I hope this forum will take up this issue. What happened to the Chinese women in Indonesia could happen elsewhere in the world, even to you and me. I hope we can make a long-standing international court to deal with such atrocities and prevent them from happening again.

Career

- Interested in the matter of women and children, and improvement of legal system for social welfare
- a judge of Hsinchu local court and Jialien Supreme Court

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The Activities of Japanese National Assembly for the settlement of the issue of Japanese Military Sexual Slavery

Yoriko Madoka(Japan Seneta)

I am very pleased to be here in Seoul to participate in the symposium commemorating the 50th Anniversary of the Universal Declaration of Human Rights.

I am a member of the Democratic Party and have a seat in the House of the Councilors. For twenty years, I have been involved in such volunteer activities as divorce seminars for women, a hotline, and a mutual aid society of divorcees called "Hand-in-Hand." I also have written a lot of by-line stories in newspapers and magazine, published thirty-three books, and spoken out on family and women's issues as a commentator on television.

All these activities have been dedicated to the respect for women's human rights and dignity, improvement of women's status, revision of law and social systems that are disadvantageous for women, to form a society where men and women can equally participate.

As for the questions of contemporary women, I came to argue more about violence to women in wartime. To my regret and resentment, quite a few men do not recognize rape, prostitution, and other forms of sexual violence as serious violations of human rights. Under Japanese law, rape is not so felonious as robbery. The police and the court tend to blame women who were raped rather than the men who raped. The so-called "comfort women" issue is not different from these contemporary problems that I have tackled because it is an issue of the infringement of women's sex, human rights, and dignity, though it took place in the insane time of war. I, as a woman, an anti-violence against women activist, and a Diet member

responsible for preventing war, feel responsibility for solving this problem as soon as possible.

A growing number of Japanese people think it necessary for the Japanese government to acknowledge responsibility, to apologize, and to compensate for damages to each individual who suffered as a comfort woman in Korea, the Philippines, Taiwan, Indonesia, the Netherlands, and other countries. Why is this issue still, then, left unresolved?

First, let me tell you about what's happening inside and outside of Japan. As you know, the McDougal report for the August sub-commission on human rights was welcomed with supporting resolutions by many countries except Japan. The Japanese government is due to express its official attitude toward this report in the commission next March. Yet it has not announced anything about this. Domestically, more than forty cases concerning post-war compensation have been brought to court. Among them, five are so-called comfort women cases and the number is expected to grow. This April, the Shimonoseki Branch of the Yamaguchi District Court made an epoch-making ruling. The court acknowledged the fact, ordering the Japanese government and the Diet that they should quickly carry out compensation by enacting a special law and pay damages for the delayed compensation. Needless to say, the Japanese Federation of Bar Associations and other NGOs have repeatedly urged legislative solution.

As for the controversial Asian Women's Fund, it was inaugurated in July 1995 by the then Murayama cabinet. As you know, Morihiro Hosokawa was the first Japanese prime minister to apologize for the damage Japan had caused to other Asian countries. I was happy with his apology at that time since I had started out my political career as a member of the Japan New Party (Nippon Shinto), which Hosokawa and I had collaborated together to establish.

The following premiers, Hata, Murayama, and Hashimoto also made statements of apology. Their apology cannot avoid losing its significance, however, when a cabinet member, for

example, opposes reference towards "comfort women" in history textbooks. We must think seriously why Japan's apology has not been accepted by other Asian people. The Asian Women's Fund is a result of the tug of war between the goodwill citizens who wish to apologize and compensate the aged victims as early as possible and the government which is afraid that once a compensation policy is taken, it should be extended in one case after another. Consequently, though the Asian Women's Fund may convey the Japanese citizens' goodwill, it fails to satisfy the people who demand an official apology and compensation for the violation of their dignity and human rights.

It is no wonder that the Asian Women's Fund was rejected by Korea, and that it only led to a situation where even the nationalities of the eighty-five beneficiaries cannot be made public because such release would cause discrimination against the recipients. It requires extraordinary courage for victims of sex crimes to make it public by making accusations. A wrong and unjust society where courageous victims suffer discrimination should be done away with. For this purpose, I believe that the Asian Women's Fund should be suspended for the time being. It is nothing but a weak argument that since they already collected the money, they have to go on with it, otherwise they cannot reward the citizens for their goodwill. I believe that the donors are happy to suspend the Asian Women's Fund if it hurts the victims rather than helps them. What the government should do to reward people is to take an urgent measure that is acceptable to the victims. Of course we, the members of the Diet, are also responsible. We should not leave it to the government alone, but make every effort ourselves.

I have been working on a bill to set up a fact-finding commission both in the House of Representatives and Councilors because I believe it urgently necessary to carry out a thorough investigation to find out what really happened, to foster respect for human rights, dignity, and gender, and promote friendly relations between citizens in Asian countries. It is time for women

to join hands together to liquidate the unfortunate past and establish peace and friendship in Asia.

I once again make a resolution to do my best as a lawmaker to make a society without rape, without prostitution, without violence against women, without wars, without conflicts, without poverty, and without illness.

That wraps up my speech. Thank you.

Career

- Director of Research Institute of Modern Family Issues
- Leader of the Happy Divorce Seminar, Divorce Hotline, and Divorced women's network "Hand-in-Hand"
- Commentator
- Writer (more than 30 works, including "Housewife Syndrome," "Silent Rebellion by Wives," "Women Who Chose Divorce," "Turning Point" and Remarriage Era")

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The Activities of Korean National Assembly for the settlement of the issue of Japanese Military Sexual Slavery

Chun Jung-Bae(Korea Congressperson)

Respectable congresspersons from each countries and human rights activists! I'm Chun Jung-bae, a congressperson of the ruling party of Korea, New Politic People's Association. I think it significant to make a report on the activities of Korean National Assembly for the settlement of the issue of Japanese military sexual slavery on the occasion of the fiftieth UN human rights declaration.

The issue of Japanese military sexual slavery is an unprecedented crime in history committed by Japanese military during World War Two. Japan had forcibly drafted or kidnapped women in Asian countries the number of whom is estimated about 200 thousand to the maximum to make them their sexual slavery. Yet the wrongdoer Japanese government has not shown any serious effort to settle this issue so far. To restore the human rights of the victims of Japanese military sexual slavery, to realize justice and to promote the friendly relation between Japan and the victimized countries, there must be fact finding, punishment on the responsible and reparation of Japanese government. Korean National Assembly has developed full-scale and public activities up to these principles since 1996. Korean National Assembly brought up the issue of Japanese military sexual slavery officially by 9 female congresspersons for the first time in June, 1996.

These female congresspersons unfolded sign up campaign to all the congresspersons of which the main contents were demand to Japanese government that it should recall AWF and

carry out reparation, for which 270 congresspersons over 90 % of all signed. The sign up campaign leaders delivered the result to the Prime Minister and Diet of Japan and a representative of them visited the chairman of the House of Representatives, Japan, in person, conveying the opinion of Korean congresspersons. With this sign up campaign, the activities to settle the issue of Japanese military sexual slavery was making in earnest.

Korean government provided the victims of sexual slavery with five million won's lump sum payment, 250 thousand won's monthly living allowance and prior right for rental house. However with that 250 thousand won's monthly living allowance, living is hard to manage. So Korean Council submitted a plead of 'an extensive living allowance support policy for the victims of Japanese military sexual slavery' to the Assembly, which was accepted and 250 thousand won's living allowance increased to 500 thousand won. It is the least thing of the state that gives comfort to the women who're victimized without any reason due to the crisis of the country and the result of respecting the lofty will of the victims who have been urging legal solution of the issue not seduced by AWF.

From February 3rd to 5th, 1997, three congresspersons visited Japan together with people from Korean Council and interviewed authorities concerned in Japanese government and claimed fact finding by Japanese government, governmental reparation and withdrawal of AWF. Through these processes, among congresspersons of Korea National Assembly some sympathetic zone was formed in which they agree that more organized and specialized activities were necessary in solving this issue and a plan to organize an official "research center" was going on since the early 1997.

The launch members of the 'research center' held a seminar with the topic of 'the problems of the history text books of both Japan and Korea on the issue of Japanese military sexual slavery and desirable direction of statement' in May. In the seminar, they checked the current stated

contents on the issue in the history text books in both countries and concluded that the historical education concerned about the Japanese military sexual slavery 1) should state the facts as they were, 2) should make it clear that the issue is a sexual crime committed by a nation during the war, 3) should reflect on the wrong-doing of the past, 4) and should necessarily contain restoration of human rights. Accordingly we're exerting ourselves in various sides for the history text books for middle school and highschool in Korea to cover the above mentioned contents.

The fact that Culture and Education Ministry of Japan had deleted the forcible draft of Japanese military sexual slavery by Japanese military, the responsibility of the government and the scale of draft when they revised their text books that would be used from 1998 was disclosed in June, 1997, which triggered a national fury against Japan. Regarding this, Korean National Assembly clarified Korean people's determined will adopting at once a public statement that urged Japanese government to re-revise the text books, to find facts on the issue, to punish the involved and to perform governmental reparation.

In July, regardless whichever party they belong to, 29 congresspersons organized the 'National Assembly research center on the issue of Japanese military sexual slavery' formally.

This 'research center' concluded followings such as confirmation of the legal responsibility of Japanese government based upon international law, groping of systematical means of realization of the punishment on the involved in legislative aspect, trying to find out proper means to restore the honor of the victims of the Japanese military sexual slavery, grasping the standpoint of the victimized countries including Korea and Japan and current issue in international society on the issue of Japanese military sexual slavery, and trying to find out a way that can root out the continuous distortion of history conducted by Japanese government as current assignment and now is developing positive activities.

The 'research center' invited authorities concerned of Minister of Foreign Affairs and after briefing on the activities of Korean government to find out the facts of Japanese military sexual slavery, held a discussion regarding entry ban regulation against Japanese war criminal and adoption of resolution of National Assembly on September 9th.

On September 11th, the center invited a lawyer Totska Etsrow, a guest researcher of Seoul National University Law Research Center to hear and discuss on the trend of international organizations and standpoint of Japanese government on the issue of Japanese military sexual slavery.

With these accomplishments, the 'research center' presented an amendment of Immigration Control Law and 'Resolution urging the proper solution of the issue of Japanese military sexual slavery' in October, 1997 during the regular session of the National Assembly. The key point of the amendment of Immigration Control Law is 'to ban those foreigners involved in the massacre or abuse on account of racial, ethnic, religious, national and political view point with directed by and connect with Japanese government, governments allied with Japanese government and government dominated by Japanese government from August 29th, 1910 to August 15th, 1945' from entry. By this amendment's passing, the entry of those Japanese war criminals who had massacred and abused Korean people during 36 years' of Imperial Japan's occupation to Korea was completely prohibited.

The main contents of 'Resolution urging the proper solution of the issue of Japanese military sexual slavery' are urging Japanese government to withdraw AWF, and to execute fact finding, punishment on the involved and governmental reparation up to 1996's recommendation of UN Human Rights Committee to the country, which is still pending in the concerned standing committee. I'll do my best for this resolution to be adopted formally in the National Assembly as soon as possible. Adopting this resolution will work as great diplomatic pressure on

Japanese government which is avoiding its legal responsibility.

Here I will close my report on the activities of Korean National Assembly and want to present you a briefing on future plans of the 'research center'.

First, we will more strongly reinforce international solidarity so that it may press Japanese government and we'll devote diplomatic effort to the establishment of International Justice Court which is now on discussion in UN. If the Court is opened, massacre and anti-human crime will be more effectively punished.

Second, we're going to research on international treaty which enables to punish the assaulter directly.

Third, we'll carry on our research into the policies that will provide ways to enable to punish those involved in the anti-human crimes committed by Japan including military sexual slavery, to ensure the Japanese war criminal list and to enforce the entry ban against them. Also we'll give impetus to the research into the problems and alternative in the education related to Japanese military sexual slavery in the text books of both Japan and Korea so that the issue may be righteously taught.

Fourth, we're spurring our government to establish a policy for Korean government to pay compensation money to the victims first, and then to receive reparation from Japanese government. This means official urge of Korean government to Japanese government, and with the enforcement of the policy will make Japanese government completely lose its cause of forcible distribution of AWF.

The Korean National Assembly will do its utmost to justly and rapidly settle the issue of Japanese military sexual slavery with more strengthened solidarity with UN and Asian victimized countries. Your support and cooperation are expected let alone the co-effort of us all.

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Questions, Answers Discussion

Q: (Kim Yun-Ok): I wonder how the lawmakers in Japan feel about the verdict in the Shimonoseki court case; how you will proceed in the Diet. President Kim Dae-Jung will visit Japan in October and meet the Japanese prime minister. Will there be any pressure from the Diet on the government to solve this comfort women problem? Any suggestions by the Diet or you to the Korean president on this?

A: The verdict was made on April 7 and the new Democratic Party was established that day, so my media person interviewed me. I said, "It was an extraordinary judgment." The Diet members who are concerned with this issue are not so many, but for example, one leader stated, "This judgment is very important and the Diet should do something to accept it." But the majority of the members are not very interested, so we are still in the stage of organizing. The Diet members' group on this issue now includes Yukio Hatayama and the former vice-chair of the Diet. Key members of the new Diet members' group are moving to draft a law for investigation of the victims of war. So I'm appealing for official apology and compensation immediately. But right-wing people say, "Is there any evidence of Japanese government wrongdoings?" Therefore it is important to make the facts clear. So we are organizing a team in the Diet, but it will take several years to pass anything. Thus it is important also to appeal from outside for Japan to pass a law as soon as possible; and even if it can't pass a law, it can form a private committee for investigation first. Now opposition members exceed the number of LDP

members in the House, so outside support is very influential for members inside the Diet.

Chun Jung-Bae (Korea MP): The government has been passive on this issue, since the 1965 Normalization Treaty between Korea and Japan. But President Kim Dae-Jung's position is more active. On his state visit to Japan I think this issue will be acknowledged clearly, and the Japanese government is expected to acknowledge the issue. Then we will move forward to define the issue. The problem is that sexual slavery was committed by the Japanese government in a systematic way during the war, and this must be acknowledged, the people responsible punished, and steps taken not to allow a repeat.

Q ("comfort woman"): We heard from the secretary general of the Asia Women's Fund that 85 persons in 3 countries had already received money from the fund, but we don't know how many received it in each country. We expect much from conscientious groups in Japan; they support us and work to solve the comfort women issue. But Japanese organizations have not pressured their government as we pressure the Korean government. What I mean is, while we pursue the comfort women issue in Korea, the Japanese government has not listened to our plea and has never responded to us. Now there is a conscientious group of intellectual representatives saying, "We will do our best," but it is difficult to understand because we have not seen the results.

A (Yorika Madoka): I can understand your feeling toward the Japanese government and people. Not only for this issue but for domestic issues, for example, the Japanese law on divorce, it always takes a long time—10 or 20 years. I have no intention that this case should

take that long, but...I was born after World War II, and most Japanese students are not taught modern history so they don't know how Japan invaded and colonized Asian countries. Therefore I, as a Japanese person, feel we have lost many important things from history and this is a tragedy for the Japanese people. In society, individuals are not respected, even in our society.

I can tell you about Unit 17 in China: several Japanese doctors engaged in terrible experiments on people, and after the war they became doctors at big hospitals and universities. Some of them have the responsibility to research and find a cure for AIDS. We cannot solve our historical problems without presenting facts and evidence. This is quite a serious problem in our society. First we Japanese must learn our history, recognize and accept it, and furthermore we should accept personal accountability as human beings. We should not hand out money before society is changed. We may be wasting time but it is necessary for us. Before I became a senator, I felt, "Why does it take so long to change anything?" Now I understand much more deeply. I can become a senator, but I have no answer for your question. I don't want to repeat, "I will do my best." It is very difficult.

Oh Yang-Soon: Is it possible to create a consensus by many countries on our theme?

Q (to Hsieh Chi-Ta): What is the cause of this crime against women, why is it so pervasive during war, and how effective were measures by the Taiwanese government to resolve the comfort women problem? What is the position of your government on compensation?

A: Regarding your first question, there should be laws to prevent violence against women in armed conflicts. There has been a move to ban war criminals from entry, but this could prevent former criminals from coming to confess their crimes, so Taiwan hesitates to legislate a ban on

war criminals. We have not decided this yet.

On your second question, the civilian movement is more active than the Taiwan government on the comfort women issue. For example, citizens' organizations demand prosecution of war criminals and Japan's official apology. The Asian Women's Fund is irrelevant to us because the Taiwanese government has already paid out double the amount offered by the Fund. Also, Taiwan is working to make a cooperative movement with persons in Japan. We have changed from passive to active movement--a big achievement for us.

As for the third question, when human rights movement people start any movement, we always notice that the government is one step behind us. So in the comfort women movement also, it was only after we had opened a big movement that the government was pushed by public opinion to participate in the compensation movement. As for compensation from the Japanese government, we will pursue a legal course, as the Taiwan government is doing, pressing them to make an official apology and compensation.

On your fourth question of why such crimes as the comfort women system arise, women use sex as an expression of love, but for men it is a window to express desire. So in armed conflicts, men are pressured, they lose human instinct and become closer to animals in instinct, forgetting sex as an expression of love; and sex turns to self-satisfaction and even violence. In the Nanjing massacre, 100,000 women and children were killed. I believe the comfort women issue should be considered together with the Nanjing massacre. In this case, some participants have asked questions to Ms. Madoko of Japan; I also would like to express my feeling toward Japan on this issue:

During World War II, Korea and Taiwan were all victims. For Korea the war lasted four years, but the war on the Chinese lasted eight years, and tens of millions were victimized during that time. This is still a big burden to us now. We heard from Ms. Madoka, but I think if the

younger generation does not write textbooks based on the truth, it will be dangerous--the same mistakes may be repeated in future. In the morning session, we heard from Mr. Mayer of Ebert-Stiftung, that he is a member of the post-war generation and asked his father, "Why didn't you do anything?" In the same way, all of us must ask the older generation to take responsibility.

Since we have Ms. Madoka and Mr. Arnitsu, we praise their courage to be here; their attendance should be respected. In the past, regarding the comfort women issue, many court cases were held, and many Japanese women supported our cause. When a Taiwanese comfort woman went to Japan, Japanese teachers and students accompanied her back to Taiwan. We should cooperate with good people in Japan and solve these problems together. I pay my respects to all participants here, especially to the two participants from Japan. I hope that the International Criminal Court will be established and that the Indonesian victims will be supported by those here.

I have two questions for Ms. Madoka: 1) Japanese comfort women were also drafted. What compensation was given them by the Japanese government? 2) Is the Japanese government's reluctance to apologize because of their belief in the Emperor as God?

A: Up to now there is no research or information on Japanese comfort women. The government announced that Japanese comfort women can apply and receive AWF money, but so far there is no public account of Japanese comfort women. One friend told me before he died, that he knew that when the US forces occupied Japan after WWII, the Japanese set up comfort stations for the US military, and at that time Japanese women served as sexual slaves to the US occupation forces. He felt guilty over having been involved in setting up that program. But there has been no investigation of this case.

In response to your second question, on the Emperor: My personal feeling is that if the Japanese government makes an official apology, they should pursue the responsibility of the Emperor, and that is why they do not want to make apology. So if the government decides it is possible to make compensation, if it admits its mistake and accepts responsibility, it will extend to the responsibility of the Emperor, and they are quite worried about that, I suppose.

Q: When we talk about the Japanese Emperor, he is only a symbol, so that cannot be an excuse for not making apology. I think the Japanese people and government have no intention of making an apology. Shinto worship continues. It is very difficult for the fact-finding commission to find documents; they may be destroyed. When the prime minister changes, there is a zigzag on the issue. Unlike Japan, Germany made an apology and solved the issue. We should not be shy in pressing Japan to solve the issue.

A: This is a joke, but when I left Japan I was told, "You should make your own decision because writers will attack you, and if you talk about Japanese apology and compensation the AWF may be suspended." So this is a sensitive issue in our society. Some of my friends asked why I joined this symposium and was going to Seoul. The Japanese right wing is noisy but not so big. For example, the North Korean firing of a missile over Japan: the right wing spoke out with a big voice. But the majority do not want to be re-militarized and the young generation is not so conservative or influenced by the right wing.

On investigation laws: we have found that documents were already destroyed. The existence of victims may be enough. But the right-wing members of the Diet emphasize, "That is not evidence."

I visited Yasukuni Shrine to see our wrong history. Many supporters of such religions are influential in society. I hope they will disappear from the leading stage in Japanese society as soon as possible.

Q (Taiwan lawyer Wang Ching-Feng): Thanks to the Japanese parliament members for your endeavors on this issue. 85 survivors accepted the Asian Women's Fund. But in Taiwan the government already gave the victims that much. If the victims receive AWF money, they have to return the money they received from the government. I wonder if the AWF money is really given to those who are victims. We need to make things clear. I am sorry to tell you that AWF members are not so honest.

Q (Shin Hei-Soo): "50-plus received the fund," according to AWF recently. We challenged the Japanese government to tell us how many received money in each country. But they made no response. If this is not clarified, the movement will be under suspicion.

A (Madoka): I completely agree with you. I also have questions to the Diet committee. We think the AWF lacks accountability to the public.

Moderator (Oh Yang-Soon): Thanks to the Japanese speaker for her efforts to answer many difficult questions.. I express thanks to all our speakers today.

【Presentation : SEPT. 17 - AM, Moderator : Chi Eun-Hee】

The Role of the Nation(National Assembly) for the Promotion of Women's Human Rights in Asia

Lee Mi-Kyung(Representative of the National Assembly Research Association
for Military Sexual Slavery by Japan)

1. Introduction

It has been 50 years since the issue of human rights - in particular, the issue of human rights for women - began to gain worldwide attention as an important subject of discussion in the international arena, most notably in the United Nations. Nevertheless, women's human rights in Asia have been ruthlessly violated. In particular, hundreds of thousands of women were suppressed as sex slaves for the Japanese Imperial Army under its invasion aimed at making the various nations in Asia its colonies. Furthermore, violence against women was committed in the Vietnam War, the Korean War, and in the civil wars in Indonesia and Cambodia.

Yet, sexual violence against women was never treated as an important issue on the domestic front, nor did it develop into a political or diplomatic issue among nations. Often, it was brushed under the carpet. In this context, Asia has become the most underdeveloped region in terms of women's human rights, and Asian women continue to suffer as victims of sexual violence, excluded from the reaches of human rights protection.

The first response to the sufferings of Asian women came from the women's rights groups in Asia. These organizations started to raise the issue of sexual violence against women by forming a solidarity not only with the women in Asia, but in all parts of the world. In contrast, the role of the government or National Assembly of each nation in Asia remains minimal. While the private organizations are engaged in active solidarity movements, there are virtually

no solidarity activities or exchanges among Assembly members. It is high time that efforts were made not only by the private organizations but also on a state level to promote women's human rights, and in particular, to put an end to the crimes against humanity committed in armed conflict situations.

2. The Role of the National Assembly for the Establishment of a Foundation for the Promotion of Women's Human Rights in Asia.

In talking about the issue of sexual slavery by the Japanese Imperial Army, the following question is often asked: "Why is such an important issue being raised now, after over 50 years?" This is testimony to the very fact that human rights have been neglected in Asia for the past 50 years, and that new forms of human rights violation continued to be committed.

Yet, it is important to pay attention to where the strength to raise this issue, though belatedly, came from, and to provide these favorable conditions - an effort that should be spearheaded by Asian nations and their National Assemblies, the representative body for the citizens.

First, efforts should be made in solidarity to promote democracy in each nation in Asia. Even though many Asian nations were liberalized from colonial rule following World War II, in most cases, people faced new forms of suppression under an authoritarian or military government. The military government suppressed the basic rights, and those resisting against this were subject to severe oppression of human rights. There were many cases of doubtful death, missing people, torture and rape - crimes committed in the name of state authorities. Therefore, the primary task of Asia's human rights movement is to improve the situation in which the state itself commits crimes against human rights. The Assembly members and private groups of countries whose democracy has reached a mature level, need to show interest

and support for the people - especially women - whose human rights are still oppressed by the state.

Second, the Japanese government and Diet should take appropriate measures in line with the international customary norms and agreements for the crimes against humanity and the war crimes committed by Japan during its invasion of Asian countries.

Regrettably, the neither the government nor the Diet of Japan have shown sincere and honest acknowledgement of its past war crimes including the military sexual slavery. Quite to the contrary, the Japanese government is bent on covering up this issue using its international status as a superpower. If Japan admits frankly to its past crimes and observes the international rules and regulations, the human rights situation in Asia will be rapidly enhanced. In addition, it will be empowered to respond jointly with other nations of the world to any future violations of human rights in Asia. Fortunately, there is a recent movement led by members of the Japanese Diet to pass the "bill on the establishment of a fact-finding mission for the issue of sexual victims in war", a move which is greatly welcomed on our part.

Third, the National Assembly should take the leading role to enhance the status of women, and in particular, to enact a law on the prevention of violence against women and on the punishment of such crimes.

The reason for the spreading of violence against women is that women's status in Asia is low. An area that calls for particular improvement is the ethics of double standard, which lays excessive stress on the chastity of women, and yet, is generous to prostitution and sexual violence by men. Recently in Korea, a law on the prevent and punishment of sexual and domestic violence has been legislated.

Fourth, the National Assembly should take the key role in preventing the threat of armed conflicts and creating conditions for peace.

In Asia, there is still a lingering threat of armed conflicts even in this post Cold War era. Various Asian nations are armed with large scale military bases as well as the military bases of U.S. forces. In the military base areas, there is a much higher percentage of crimes involving sexual violence such as rape and prostitution.

The National Assembly should step up education for the soldiers to make them aware of the fact that violence against women is a major crime subject to punishment. Recently, the Korean Ministry of Defence has decided to push ahead with education for the soldiers by drawing up a concrete education plan that bans sexual harrassment within the barracks. The Assembly of each nation should pay closer attention to this issue.

Fifth, the National Assembly welcomes the establishment of the International Criminal Court, and resolves to push for its ratification and justifiable operation.

In July, the United Nations decided to establish the International Criminal Court, and this decision is currently awaiting ratification by each nation. This was the fruit of the efforts made by all those who took part in the development of discussions on the international law for the punishment of war crimes and criminals against humanity and for the payment of reparations to the victims, ever since the end of World War II. In particular, we wish to see no repetition of the experience of Asian nations, whose victims were not given the chance to see due criminal punishment of their aggressors due to the relationship of power politics among nations.

Sixth, the National Assembly should push for the establishment of a permanent human rights organization such as the National Human Rights Committee, and facilitate and support its activities to promote human rights, including education and legislation activities with regard to human rights.

Special effort should be made to enhance education on the international and domestic law for the prevention of crimes against humanity and violence against women.

3. Conclusion

It is certainly still too much to expect many of the Asian nations to take an active role on a state level regarding women's human rights, and in particular, regarding the issue of violence against women in armed conflict situations related to political or diplomatic matters. This is because the governments of these nations do not want to be on uncomfortable terms with their neighboring nations, especially when those neighbors happen to be powerful nations. This is the position held by Korea and other victim nations regarding the issue of military sexual slavery by the Japanese army. Therefore, the issue of violence against women was always a fight between the individual victims and private organizations against the aggressor nation. This is the major difference between Europe and Asia.

To lead this arduous fight to successful conclusion, the role of the National Assembly is critical. Of course, there may not be many National Assembly members who are willing to become involved in such problems the solution of which takes a long time.

However, the involvement of the National Assembly can influence the government and public opinion more effectively. In some cases, it will be a useful tool for differentiation among the political parties.

We tend to experience an excessively long period for the solution of the problem of sexual violence in armed conflict situations. This is especially true for Asia. Thus, we are sometimes tempted to give up our efforts. However, to solve this problem, it is important to form a solidarity and relate present events with past incidents, and to recognize the fact that as significant as the results is the due process in itself, which provides human rights education and contributes to new legislations on human rights.

In conclusion, I would like to emphasize that the mutual support and exchanges between Asia's private organizations and National Assembly members are giving great strength to each other.

[Presentation : SEPT. 17 - AM, Moderator : Chi Eun-Hee]

Supplemental Information*: Fundamental Rights and Moral Leadership

Claire Marienfeld (Parliamentary Commissioner, Germany)

The face of security policy has undergone profound change since the dawning of a new era at the beginning of the 1990s. Geopolitical change and the process of upheaval in Germany continue today to have a direct impact on the countries armed forces: thus, the dissolution of the GDR's National Peoples Army, a military instrument wielded by a totalitarian ideology, the reduction in the size of the Federal Armed Forces (Bundeswehr) from just under 500,000 servicemen and women to a current level of 340,000, Germany's joint role in shaping the new architecture of the Western defense alliance, not to mention its assuming of new responsibility as part of the peacemaking and peace-breaking campaigns undertaken by the UN, NATO and WEU, are just some of the key developments that can be used to illustrate the challenges facing Germany's Federal Armed Forces on the threshold of the new millennium. The soldiers in our army have been faced with many changes over the past few years - not just professionally but also with regard to their personal plans for the future. And they are accompanied in this process by a parliamentary institution that builds on almost forty years of experience, namely the Bundestag Defense Commissioner.

The Basic Law of the Federal Republic of Germany - a constitution that builds on Western European and Anglo-American models - entered into force in May 1949. Following Germany's total political, economic and military collapse in 1945, nobody believed that our

* From : German Comment 1997, pp.782-796

country would ever have its own army again. Indeed, this was a view shared by the fathers of the constitution, who created a document that did not provide for the creation, never mind the existence of armed forces. All that was included in the resulting text (Article 4, 3 of the basic Law) was the right to refuse to compete military service and a ban on military aggression (Article 26)

Learning the Lessons of History

It was the intensification of the East-West conflict that prompted the demand from the United States and Great Britain that the federal Republic of Germany make a military contribution to the safeguarding of the peace in the Western world. The rearmament of the former enemy - now a new partner within the defense alliance - only ten years after the end of World War Two sparked off heated debate, both inside and outside Germany. Many German members of parliament could remember only too vividly the days of the Wehrmacht's entanglement in the totalitarian system of the National-Socialist regime. Moreover, there was a general awareness of the fact that the military constitutions of both the German Empire and the so-called Third Reich shared a particular maxim, namely the office of head of state was at the same time the commander in chief of the armed forces, and he was able to use this position of power to his own ends, free of any form of democratic control. Hence, any such abuse of power - the creation of a state within a state - had to be avoided in post-War Germany; the primacy of politics had to be guaranteed once and for all. In order to ensure that there was still a balance of power between the executive and the legislative following the creation of an army, air force and navy, a defense committee was set up in parliament and assigned the special powers of a committee of inquiry (Article 45a of the Basic Law). In addition, it was decided to strengthen

the means of control by appointing a parliamentary defense commissioner, a move that was based on a proposal put forward by the Social Democrat member of parliament, Ernst Paul, who was familiar with the institution of the military ombudsman in Sweden, having spent time in the country in political exile.

As part of the work to draw up the new constitution for the military, Article 45b was inserted into the Basic Law on March 16, 1956. The article reads: A Parliamentary Commissioner shall be appointed to safeguard the basic rights of members of the Armed Forces and to assist the Bundestag in exercising parliamentary control. Details shall be the subject of a federal law. This Law on the German Bundestag Defense Commissioner, which stipulates the status, tasks and powers of the constitutional organ entered into force in June of the following year. The first person to hold the position, former state secretary Helmut von Grolman, took up office in April 1959. For my part, I have held the position since 1995. At first, the fact that a woman had been entrusted with such a task met with surprise, but the novelty has now worn off.

The Legal Basis

The German constitution (Article 45b) and the Law on the German Bundestag Defense Commissioner assign the Commissioner - in his or her capacity as assistant to the Bundestag - to the legislature. This is also reflected in the fact that the Parliament and the Defense Committee have the right - albeit to a limited extent - to issue me with instructions. Correspondingly, I am not permitted to take action in any areas that the Defense Committee has itself chosen to pursue. In addition, I have a duty to report back to the Parliament on my work. And, finally, the Bundestag and the Defense Committee may demand my presence at any time. As a result of the separation of powers, however, I am not entitled to issue the Federal Minister

of Defense, the German Armed Forces most senior commander in peacetime, with orders. Similarly, he is not in a position to give me instructions. What the office of Defense Commissioner lacks in terms of executive power, is compensated in the form of the positions particular status. The Defense Commissioner is the holder of a public-law position and is elected by the Parliament without debate on the basis of the so-called chancellor majority, in other words the majority of the members of the German Bundestag. This broadly based legitimacy lends the voice of the Commissioner weight. Hence, the Defense commissioner actively avoids acting with legally binding authority, using instead his or her parliamentary backing and also moral clout. The five-year term of office, which exceeds the length of any parliament, is designed to provide the commissioner with the necessary measure of independence in the event of a new parliamentary majority. I am supported in my work by a senior official - who is also my legal representative - and by a staff of around seventy.

Legal Duties

The Law on the German Bundestag Defense Commissioner defines my duties and powers. I am bound to take action when notified of circumstances in which it would appear that the basic rights of servicemen and women have been violated or that the principles of moral leadership have been flouted. Allow me to take this opportunity to look at both these situations in brief: the constitution of the Federal Republic of Germany guarantees fundamental rights in its opening provisions, namely human dignity, the right to physical integrity, the free development of ones personality, the protection of ones private sphere from state intervention and equality before the law. As a citizen in uniform, every member of the Federal Armed Forces also enjoys these rights.

In accordance with Article 17a of the constitution, restrictions are only permitted on the basis of legislation. This state guarantee of freedom would appear to exist uneasily alongside the principle of order and obedience in principle without which no army can survive, yet this situation is facilitated by means of the following principle: restrictions are only permitted to the extent that these are required by the particular characteristics of military service. Ensuring that this principle is adhered to is one half of my work.

The other half of my work involves upholding the principles of moral leadership in the armed forces. The concept of moral leadership is not one that is defined in law, and, from my point of view, this is no disadvantage, since moral leadership is a dynamic concept that has to be experienced in real life for its positive effect to be able to develop. From the point of view of the armed forces, moral leadership is the guiding principle of human contact with and amongst those individuals who are doing their duty in the Federal Armed Forces. Seen in a wider context, moral leadership is an instrument for incorporating the army into the state and into society.

1. The basis of any contemporary form of leadership is human dignity. This is the basis of forms and of approaches to military leadership in the Federal Armed Forces, characterized by the respective political, societal and social developments experienced in the Federal Republic of Germany. As the man behind the concept - General Graf von Baudissin - explained, the aim of moral leadership is to ensure that the soldier is respected as an independent, responsible individual, with regard to leadership and training, disciplinary powers, the armies political education and information work, care and welfare and communal living during off-duty hours.

A concept which, forty years ago, was simply an idea on the drawing board of a military and

political leadership that was receptive to reform has, in the meantime, developed into a sophisticated body of rules and regulations: these cover, for example, the soldiers shared life within the military community, disciplinary measures and legal protection against these, the ability of servicemen and women to influence the form of their service and the right of every individual to petition me in my capacity as Defense Commissioner.

2. The aim of moral leadership is also to define the role and place of the armed forces as an institution and of soldiers as individuals in the superstructure of the state and society, hence avoiding the latent danger of a state within a state. The instruments used include civic studies and political education for the servicemen and women, a two-way flow of information into and out of the Federal Armed Forces, public relations work and many links with associations, political parties and social groups.

Practical Work

My parliamentary monitoring activities are based on information - which must be unfiltered, precise and direct. Generally, I rely on two main sources - petitions from servicemen and women and findings from visiting the troops on the ground.

1. Section 7 of the Law on the German Bundestag Defense Commissioner stipulates, "Every member of the armed forces has the right to approach the Defense Commissioner directly and on an individual basis without going through the official channels. The action of petitioning the Commissioner may not lead to official disciplinary action being taken against the individual concerned, nor may they suffer disadvantage as a result". Hence, servicemen and women are

entitled to contact me directly without first going through the official channels with the issue concerned. The range of subjects covered in the more than 6,000 petitions that I receive every year is practically unlimited. Issues include relations between superiors and their inferiors, the content and type of orders issued, shared life with the military community between those of the same rank, personnel issues, aspects of compulsory military service, and the welfare and health provisions of the Federal Armed Forces' own medical corps.

Joint petitions - bearing a collection of signatures - are not allowed, given that the law only allows servicemen and women to contact me on an individual basis. Similarly, anonymous petitions are ignored.

Section 7 (2) of the Law on the German Bundestag Defense Commissioner protects the petitioner, who may not suffer disadvantages as a result of having exercised this legal right. This ban does not, however, give servicemen and women carte blanche. Petitions may not contain any insulting or slanderous remarks to the detriment of superiors or comrades or knowingly contain false claims of a factual nature. The right to petition has a purifying effect - the petitioner can, and indeed ought to get whatever is bothering him off his chest.

The shortcomings and complaints are examined one-by-one in detail. The form taken by this process is not stipulated in law, with the result that I am entitled to listen to witnesses and experts' evidence for myself and to carry out independent investigations. Generally, however, given the sheer quantity of petitions, I go about my job by acquiring information from the petitioner's superiors and the section concerned, and, on some occasions, from the Defense Ministry itself. I have the right to demand that the Federal Defense Minister and all the divisions and staff beneath him provide me with information and access to records. Every petitioner receives notification of the outcome of their petition.

2. The parliamentary right to inspection, which I am accorded by law, also proves an efficient tool. As Defense Commissioner I am entitled to visit any of the Federal Armed Forces' facilities at any time and without prior warning. These troop visits determine my working week. I regularly spend two days a week with the servicemen and women, wherever they happen to be - in their barracks, on military training areas, in the middle of maneuvers. This procedure has proved its worth. The soldiers have the advantage that they do not have to prepare anything. The situation on the ground is a real-life one, portraying a realistic picture of everyday life in the forces. And once the initial surprise has worn off and the incredulous looks have faded, the majority of the servicemen and women are communicative and speak their mind.

The Annual Report

My findings and experiences throughout the year are published in an annual report, which I am required by law to submit to Parliament. This report is then debated in the Defense Committee and in a plenary session of the Bundestag. The Federal Defense Minister issues a statement on any criticism leveled in the report and provides information on any measures designed to remedy the situation.

The Defense Commissioner's annual report has long since ceased to be regarded as a mere activity report. At the same time, however, it is not an analysis of the state of Germany's armed forces, as I continually have to remind people every year in order to avoid misunderstandings. The annual report is a report on shortcomings and generates a great deal of public interest, sometimes promoting reactions that have a tangible effect on either the armed forces themselves or on Parliament.

If need be, I also submit special reports to Parliament, as I did twice last year. The right wing extremist incidents, which were also picked up on in the foreign media, required investigation so that light could be shed on their background. It is not my desire to go into what has become an intensive debate here in Germany. Suffice to say - these incidents cannot be allowed to create the impression that history is repeating itself in Germany and in the German army. This impression would be misled. It would be an injustice to those soldiers who - with a few exceptions - are citizens in uniform; soldiers who are making their contribution to European security in a responsible manner and with a sense of duty. Political extremism always represents an attack on the values of a democratic order. It has no chance of gaining a foothold in German society. Meanwhile, Parliament and the Federal Government will ensure it has no place in the Federal Armed Forces. And as Defense Commissioner, I too will make my contribution to keeping extremism at bay.

* Axel Woelk / Friedrich-Ebert-Stiftung:

Short Speech for the Symposium Violation of Womens Rights in Armed Conflict

Ladies and Gentlemen,

I appreciate the opportunity to contribute to this debate this morning. My part is just to add to the discussion on appropriate mechanisms to prevent violence against women in armed conflict situation.

In Germany, after having gone through two world wars and after being responsible for so

much suffering and pain, we clearly wanted to establish mechanisms to ensure that soldiers of our army are driven by respect for human rights and consider themselves as integral parts of democratic society.

Two mechanisms are noteworthy in this respect: First of all a defense commissioner was established. Secondly, parliament set up a defense committee consisting of around 40 Members of Parliament who regularly developments in the army. Please allow me to give you a brief description of the work of the German defense commissioner.

In the brochure which had been distributed you find a paper written by Claire Marienfeld, the defense commissioner, in which she spells out in detail the history of the institution of defense commissioner. Incidentally, at the moment the defense commissioner is a woman.

Following the creation of today's German army in 1955, the institution was modeled with reference to the military ombudsman of Sweden. In actual fact the position of parliamentary defense commissioner was established in 1959. The German constitution assigns the commission the role of assistant to the parliament. The commission is bound to take action when notified of circumstances in which it would appear that the basic rights of service-men and women have been violated or that the principles of moral leadership have been flouted.

What is of relevance here is the issue of upholding the principles of moral leadership in the armed forces. The concept of moral leadership is not one that is defined in law, and, from my point of view, this is no disadvantage, since moral leadership is a dynamic concept that has to be experienced in real life for its positive effect to be able to develop.

From the point of view of the armed forces, moral leadership is the guiding principle of human contact with and amongst those individuals who are doing their duty in the Federal Armed Forces. Seen in a wider context, moral leadership is an instrument for incorporating the army into the state and into society.

In approaching these objectives, the Commissioner receives about 6000 petitions every year, ranging from issues such as relations between superiors and their inferiors to welfare and health services of the army. Shortcomings and complaints are examined one by one in detail. Independent investigations might be conducted by the Commissioner. Usually at the beginning of investigation superiors of petitioners are approached and asked to give a statement.

The commissioner furthermore has the right to inspection. This tool is used intensively by her. She spends two days a week visiting troops on the ground. These visits always come by surprise. Thus no preparations for the visit are made and she has the chance of getting a real-life impression of soldiers' life.

Findings and experience derived from petitions and visits on the ground are published in an annual report. The report is debated in a plenary session of the German parliament. Afterwards the Ministry of Defense issues a statement about measures taken to remedy the situation.

That way effective democratic control of the situation is guaranteed. Anti-democratic and sexist tendencies in the armed forces can be tackled at an early stage. The army is not to be left at the outskirts of society.

Ladies and Gentlemen, I would like to end here with repeating the call for both looking at measures to address crimes already committed as well as measures to prevent crimes. While general sensitization programs are important, they are of special relevance in the armed forces. Furthermore, it is extremely important to watch the development of democratic spirit within the army, the appreciation of soldiers for human rights and their respect for women's human rights. We believe that the defense commissioner or ombudsman can play a meaningful role in this respect. We think it is an interesting instrument to assist parliament to guide the armed forces.

[Presentation : SEPT. 17 - AM, Moderator : Chi Eun-Hee]

Role of NGOs for Women's Human Rights

Shin, Hei-soo (Korea, Representative, Korea Women's Hot Line)

I. Trends in the International Civil Societies in the 1990s

The trends of the international movement of the civil societies in the 1990s can be summarized in two streams. One is the increasing influence of the non-governmental organizations (NGOs), and the other is, among the activities of the NGOs, the rapid expansion of the women's human rights movement.

A. Increasing influence of the NGOs

The NGOs have traditionally been weaker than the GOs, which represent the states. Since the 1990s, however, the NGOs began to exercise a stronger influence. This is due in part to the growth of the civil society as well as the globalization which provides a more favorable environment for building solidarity among the NGOs in different countries. More directly, however, the expansion of the NGOs' influence can be attributed to a series of international conferences held almost every year since the 1990s by the United Nations. Starting with the International Conference on Education held in Thailand in March 1990, there was the Rio Conference on Environment and Development in 1992, followed by the Vienna World Conference on Human Rights in 1993, and in 1994, two conferences, the Stockholm World Summit on Social Development and the Cairo International Conference on Population and

Development. The World Conference on Women in Beijing in 1995 drew the largest NGO participants--more than 30,000 women and men from around the world. The 1996 did not pass without a UN conference, either, and the Habitat II was held in Istanbul. This year, there was the five-week long Diplomatic Conference on the International Criminal Court in Rome.

Along with the official UN conferences, the NGO Forums were held in parallel, which provided a venue for the representatives of the civil society to gather together to share and discuss issues, problems, tasks and visions for the future. Of course there were UN Conferences before the 1990s, in which the NGO representatives had also participated. In the number or the goal-orientedness of the participants, however, there is a big difference before and after the 1990s. For example, the number of NGO participants in the 3rd World Conference on Women in Nairobi in 1985 was only a few thousands, while that of the 4th one in Beijing in 1995 and its NGO Forum was more than thirty thousands. The participants of the NGO Forum expressed the positions of the civil society through conferences, panels, workshops, skits, and in many other creative ways, which were channelled to the official UN conference through lobbying activities and interventions, and were reflected many times successfully in the changed languages of the official documents of the conferences. As a result, the UN now respects the NGO's opinions and requires the governments of the member states to invite the NGOs and to incorporate their opinions in the policy planning and implementation.

B. Rapid Expansion of the Women's Human Rights Movement

With the increased NGO influence, the most active movement has been in the area of women's human rights. From the end of the 1980s, the women's movement found the existing

concept of human rights problematic. In fact, the human rights movement, with its basis on major international human rights instruments such as the International Covenant on Civil & Political Rights and the International Covenant on Economic, Social and Cultural Rights, did not reflect the experiences of women. For example, rape, battery and other forms of violence against women are torture, detention or slavery. The traditional human rights movement, however, did not include these human rights violations in their agenda. The issue of violence against women has been the core of the women's human rights movement, but the general issue of gender discrimination is also defined as a human rights issue. The main slogan of the women's movement, "Women's Rights are Human Rights," reflects the widened concept of women's human rights. The issues of the human rights of women were raised in the Vienna Conference in a highly organized format, i.e., through the International Tribunal on Women's Human Rights, which successfully drew the attention of the media, the UN officials and the delegations of the governments. The success can be found in the Vienna Declaration and Programme of Action, which defined women's human rights as "an inalienable, integral and indivisible part of universal human rights" and the gender discrimination and violence to be eliminated.

The heightened voices of the women's human rights movement was culminated in the Beijing Conference, with countless replicas of the Vienna Tribunal. The Beijing Declaration and Platform for Action contains concrete and detailed responsibilities of the governments, international community and the NGOs in 12 areas of particular concern. In the sections on Women's Human Rights and on Violence Against Women, it was emphasized that the human rights of women need to be protected and promoted both in public and private spheres. Recognition was given to the problems of violence against women, such as rape, battery, forced prostitution, sexual slavery, trafficking and sexual harassment, especially for the vulnerable

women from the racial, ethnic or religious minorities, disabled, low class, indigenous, migrant, or refugee women. Also, rapes in war and conflict situations were defined as war crimes, with the necessity to provide assistance to the victims as well as punishment and reparation.

The successful women's human rights movement has resulted in new visible measures for gender mainstreaming and introduction of gender perspectives within the United Nations. The first measure was the appointment of the Special Rapporteur on Violence Against Women, Its Causes and Consequences by the 50th Session of the Commission on Human Rights in 1994. The Special Rapporteur Radhika Coomaraswamy, a Sri Lankan lawyer, has submitted a report each year, along with separate reports of her field trips to particular countries. At the end of her 3-year term, her mandate was extended until the year 2000.

The second important measure for gender mainstreaming within the United Nations was the appointment in 1997 of Ms. Mary Robinson, former president of Ireland, to the important position of High Commissioner for Human Rights. Since her inauguration in September 1997, the efforts to incorporate gender perspectives in the activities of the United Nations have been visibly increased. For example, the Commission on Human Rights has prepared a special panel on women's human rights at its 54th session in 1998, in which the chairperson of the Commission on Human Rights discussed various issues of women's human rights side by side with the chairperson of the Commission on the Status of Women, the High Commissioner for Human Rights and the Special Rapporteur on Violence against Women. As a result of this panel, a new agenda item, 'human rights of women,' will be added to the provisional agenda of the 55th session in 1999. The gender-mainstreaming measure is to achieve a gender balance within the UN, with the target ratio of male/female set to 50/50 until the year 2000.

II. Strategic Objectives for Women's Human Rights

The strategic objectives for the protection and promotion of women's human rights are listed in concrete terms in the Beijing Platform for Action. In addition, the Diplomatic Conference on the International Criminal Court held in June/July in Rome has discussed issues directly related to women's human rights—how crimes against women during wartime, such as rape, should be dealt with.

A. Beijing Platform for Action

The Beijing Platform for Action adopted at the Beijing World Conference on Women contains strategic objectives and actions in 12 areas of concern, along with institutional and financial arrangements to achieve these objectives. The 12 areas of concern are: women and poverty, education and training of women, women and health, violence against women, women and armed conflict, women and the economy, women in power and decision-making, institutional mechanisms for the advancement of women, human rights of women, women and the media, women and the environment and the girl child.

All forms of gender-based discrimination and violence, as defined in the Vienna World Conference on Human Rights, are women's human rights issues. Regarding the theme of this symposium, Violence against Women and War in Asia, though, three areas in particular, out of the 12 areas of concern, are more closely linked to the issue of women's human rights. Those are human rights of women, women and armed conflict and violence against women. The strategic objectives in these three particular areas are as follows.

(1) Human Rights of Women

Strategic objectives for human rights of women are threefolds. First of all, it is necessary to promote and protect the human rights of women, through the full implementation of all human rights instruments, especially the Convention on the Elimination of All Forms of Discrimination against Women. The second objective is to ensure equality and non-discrimination under the law and in practice. The third objective is to achieve legal literacy, i.e., women understand the law and use the law for the protection and promotion of their own rights.

(2) Women and Armed Conflict

In order to protect women's human rights during armed conflict, war or armed conflict itself should cease. Women's role in times of war or in peace negotiations was minimal. The strategic objectives for women and armed conflict were set as follows: First, increase the participation of women in conflict resolution at decision-making levels and protect women living in situations of armed and other conflicts or under foreign occupation. Second, reduce excessive military expenditures and control the availability of armaments. Third, promote non-violent forms of conflict resolution and reduce the incidence of human rights abuses in conflict situations. Fourth, promote women's contribution to fostering a culture of peace. Fifth, provide protection, assistance and training to refugee women, other displaced women in need of international protection and internally displaced women. And lastly, provide assistance to the women of the colonies and non-self-governing territories.

(3) Violence against Women

In the area of violence against women, three important objectives are: to take integrated measures to prevent and eliminate violence against women; to study the causes and consequences of violence against women and the effectiveness of preventive measures; and to eliminate trafficking in women and assist victims of violence due to prostitution and trafficking.

B. Statute of the International Criminal Court

Bitter experiences of the 'ethnic cleansing' in Bosnia-Hertzevovina in 1991 and the eruption of internal armed conflicts in Rwanda in 1994 and in many other parts of the world have prompted the discussion on the establishment of the International Criminal Court (ICC) to deal with the war crimes. The Diplomatic Conference on the ICC was held in Rome for five weeks from June 15 to July 17 of this year. The statute of the ICC will take effect when 60 states ratify it by the end of 2000.

In order to push gender perspectives in the statute of the ICC, women's human rights movement actively participated in the Rome Conference. As a result of active lobbying, rape was included as a war crime. Also gender-sensitivity to deal with the women's human rights issues such as inclusion of a certain number of women prosecutors and women judges as well as experts in rape was secured in the structure of the ICC.

III. Role of NGOs for Women's Human Rights

Based on the discussions and successes of the women's human rights movement, roles of the civil organizations, especially of the women's organizations, can be listed as follows. Of course, this is not an exhaustive list. First of all, to demand and monitor the government to meet the international standards by carrying out the required policies and measures for the protection and promotion of women's human rights. Second, to carry out a wide range of educational programmes for the public to enhance the understanding of and respect for the human rights of women. Third, to encourage other human rights organizations and civil organizations to create programmes on women's human rights so that their members can expand their understanding of the human rights of women. And lastly, to expand various activities to support and assist the women victims whose human rights are violated.

A. Monitoring the Government

For the protection and promotion of women's human rights, it is mostly important to monitor whether the government is implementing various international human rights instruments, declarations and resolutions. More concretely, the monitoring activities can be carried out through collaboration among many organizations by forming a body, such as 'CEDAW Implementation Monitoring Committee', 'Beijing Platform Implementation Monitoring Committee', etc., which will systematically check the government's policies and put pressure to implement its responsibilities. At the same time, it is required to demand the government to provide education and training programmes for the public force on women's

human rights, such as the police, judiciary, army, correctional officers, and the National Security Board personnel. Education and training on women's human rights are also necessary for the government officials as well as professionals such as teachers, social workers, doctors, lawyers, etc.

B. Advocacy

Together with the monitoring, wide advocacy is need to change the consciousness of the public. For women themselves, education and training women on their rights, as well as education and training of people on women's human rights are necessary. For effective mass education, popular means should be developed such as puppet shows, performance, exhibition, circus, etc.

C. Gender-sensitivity training to the NGOs, including human rights NGOs

Influential human rights organizations and civil organizations should develop gender perspectives. For this, women's organizations are required to make various efforts to continuously raise women's human rights issues as the tasks of civil movement, invite movement organizations to their events, make collaborated efforts and ask to include women's human rights issues in the programs of the civil organizations.

D. Assistance to the Victims

Activities for the women victims have been carried out in many ways by women's NGOs. These activities are needed to be more actively and systematically carried out.

(1) Documentation

To assist the victims properly, correct documentation of the human rights violations is the start. Investigation into the situations of human rights violations and accurate recording should be secured. Skills in collection of testimonies through interviews with the victims and in documenting, for example, protection of the victim's identity, should be trained.

(2) Direct assistance to the victims

Direct assistance to the victims is two-folds. One is counselling and treatment and assistance for rehabilitation of the victims, and the other is legal aid and financial, medical and other necessary social assistance. Direct assistance to the victims can be more effectively carried out by the NGOs, which are more committed, voluntary and passionate than the government, which are often bureaucratic and authoritarian. Toward the government, the NGOs should demand institutional and financial arrangements for the victims.

(3) Punishment and reparation

To protect the victims, justice system is important. Punishment of the perpetrators as well as reparation for the victims are required. Also, preventive measures should be secured.

E. Need to Protect Human Rights Defenders

Finally, human rights defenders themselves need to be protected. In many cases, the human rights workers face verbal threats and physical assaults, and in some cases, even killed. Proper protection is required for human rights defenders so that they can work with peace of mind in a safe working environment.

【Presentation : SEPT. 17 - AM, Moderator : Chi Eun-Hee】

ROLE OF EDUCATION AND MEDIA IN WOMEN'S HUMAN RIGHTS

Luz Martinez(Philippine, Isis International Research and Advocacy Manager)

Media is one of the most powerful forms of popular education in this century. It is a tool that can exert a tremendous amount of influence on society both in a positive and/or destructive way. The media whether radio, print, television, cable and films is a shaper of our thoughts, ideas, images and visions of our current and future world. That is why Isis International-Manila, as a feminist information-communication organization, has taken an urgent interest in looking at how the media contributes to the ongoing violence against women internationally but with a specific focus on the Asia-Pacific region.

Isis has been involved in conducting research, compiling information on women and the media, and holding women and media conferences since the 1980's. In 1996 we published a book, *Women's Experiences in Media* and this year we published *State of Women and Media: Focus on Violence Against Women Preliminary Report*, a study of media and violence against women in Cambodia, China, Fiji, India, Japan, Malaysia, Philippines, South Korea, and Thailand.

In our current reports we have found that:

1. For many women around the world, the role media plays in portraying women, covering of women's issues and the reportage of violence against women is of major concern.
2. There is no direct correlation between the economics of the country and the portrayal of women. For instance, Japan, Cambodia and Thailand are plagued by pornography and the reporting of the media handles women's issues very poorly. In China, Malaysia and the

Philippines the image and reporting of women's issues are better.

3. Women rely heavily on getting their information through radio and television. For example, in South Korea, television is the most powerful medium. Almost all households own one television set with 30% of the population owning more than one. Women were found to rely the most on television broadcasts information. On the other hand, in the Philippines and the Pacific, women rely on radio as their main source of information.

4. There are now more young women entering and graduating from mass communications courses in the region. There are more women entering the media field as a profession. But women still find themselves outside the helm of the operations. "The glass ceiling" phenomena is strong for women in the media within the Asian region. Because of this, despite the fact that there are more women in media and advertisement, women's portrayal in the media has not changed much. There is no automatic correlation between the number of women in the media and an improvement of women's issues or portrayal.

5. The most effective changes in media are coming from countries where women are active in monitoring the media and holding them accountable to women's interests.

6. Women have and can use mainstream and alternative media effectively to create changes for women within their societies.

WHO CONTROLS THE MEDIA?

Of course, men control it. That is why the media in general is very patriarchal and a venue that perpetuates the subordination of women. Whether media is government or privately owned, programs for and by women are usually regarded low in the hierarchy structure of information access. In most countries surveyed, reports of violence against women were

limited to rape, love triangle murders and other sensational killings. Sensationalism for the most part is the standard operating procedure.

The majority of women's issues and programs in television, radio and print media are kept in the realm of traditional information such as cooking, beauty tips, child care and housekeeping.

The media depending on who controls it is used to perpetuate the agenda of the owner. If government owned as in Cambodia, Vietnam, Laos, the listeners and viewers are subject to what the government thinks they should know. If owned by the private sector, it is heavily used to promote commercialism as seen in Japan, South Korea, the Philippines and Thailand. Advertisers play a big role regardless of ownership.

MEDIA AS A HUMAN RIGHTS VIOLATOR

Because of the powerful influence media has on society, it has been used for severe destructiveness as witnessed in Bosnia and Rwanda.

In a detailed study by Article 19, an anti-censorship NGO, it was documented how the Serbian government used its nationally owned media venues to flame hatred against the Croats and Muslims. At a recent forum in New York, a Bosnian feminist journalist related her story on how the media used the rapes of the Bosnian women to whip up aggression against the Serbs. A Bosnian logo became "raping a Bosnian woman is like raping the nation". The focus was not the atrocity of what was done to these women nor to create an environment of support and acceptance for the brutalized women, but it was used as a get-even logo to continue the fighting.

In Rwanda, radio was the main source for calling on the Hutus to massacre the Tutsi's. A privately owned radio station supported by the government was established to inflame the ethno-hatred from one to the other.

These are examples of the extreme cases of media's manipulation of human emotions and ethnocentrism. Pornography, feminist argue falls into such category as it is an overt manipulation of images that degrade women so severely that harming women is seen as "normal".

On a less aggressive level we find everyday messages in the media on how women are less intelligent than men, insecure, vain, mere sex object, and as homemakers they are thrilled at having to cook, clean and care for all the needs of the family. The messages are the same everywhere- women are not smart, are there for men's choosing and as wives and mothers their only purpose is to reproduce and manage social reproductive chores.

Indeed, media constructs women's choices such that they are no longer choices, but prescriptions, or worse, impositions on women's thinking, feeling and being.

In a subtle form it perpetuates women's role as second class citizens and less equal to men. This attitude puts women in the vulnerable position making them more subject to violence. When women's issues are not given importance and when what happens to women is seen as trivial or serves as voyeurism, it is Isis's contention that this is a violation of women's rights.

It is because of this that we are calling on an international code of conduct. Where media in conjunction with government and women in their countries adopt codes of conduct that will support women's rights in the media through how women are represented, reflected and the reportage of women's issues.

CAN THE MEDIA SERVE WOMEN'S NEEDS?

Media's role in society is quite complex. It is neither an all evil nor a destructive medium. The media as an ally can promote tolerance and peace. It can bring needed information on a

widescale spread, it can help in holding public servants and businesses accountable to the public and can serve as a conveyance of information between the remote areas of a nation and the halls of power. As a powerful educational tool it can quickly reach and shape people's opinions.

Social movements have used the media as an ally in the past few decades with significant success. The environmental movement and the indigenous people's movements worldwide have been effective users of the media and in turn have generated an awareness to issues that would not have been possible through alternative forms of communication. The political and civil human rights movement has also been effective in creating a climate that makes societies less tolerant of such state abuse.

An up and coming force on the media is women. A most recent example is the rape of Chinese women in Indonesia. When the mainstream media initially reported the riots and violence in Indonesia there was no mention of the widespread rapes, killings and harassment of the Chinese-Indonesian population. The atrocities were not known until feminists from within Indonesia began circulating the stories via the internet. Within a short time mainstream media and international outfits were carrying the stories of the rapes. This has led to demonstrations around the world, where women's groups, human rights activists and Chinese communities are calling on Habibie, the Indonesian president to investigate the crimes, bring justice to the victims and eliminate anti-Chinese attitudes in Indonesia. The decades-old political and cultural repression in Indonesia is now exposed with human rights groups monitoring the process.

Another powerful movement that was propelled by the media into the mainstream consciousness of society is the comfort women. In the early stages of this human rights movement the term comfort women was understood by a few. Today the word 'comfort women' does not require an explanation. It is an issue that has transcended into the social

consciousness of people and has inspired younger human rights activists to prevent such exploitation of women in years to come. That is not to say that it is easy. It is only to say that once women use the media as an educational tool to promote issues, its coverage is wide and the impact is powerful.

In Latin America, women have achieved a high degree of conscious raising on the issue of domestic violence with the help of mainstream media. According to a feminist activist in Uruguay, this is the only women's issue that has reached such consciousness and the involvement of mainstream media has been valuable.

In Israel, the Israel Women's Network used the Israeli mainstream media to change centuries old legislation that stated that children born to an un-divorced woman would be dammed as a bastard for ten generations. The only way women could remarry after a marital break-up was by the husbands granting them divorce. But many men would move on into new relationships without granting their wives a divorce leaving the woman in a legal and religious limbo. The Israeli women with the help of the media exposed the many stories of where men had created new families but refused to give their ex-wife a legal divorce. The media played into the many heartwrenching tales and the Israel Women's Network provided the media the more sensational stories. The end result was public outcry forcing legislators to act on this long ignored legislation. Women in Israel can now appeal to the courts for a legal decision when a marriage has ended and the ex-husband is unwilling to grant a divorce.

Sibol, a women's coalition in the Philippines rallied the support of women in the media in pushing for a more progressive anti-rape law which views rape as a crime against humanity and not simply chastity.

The media has been instrumental in breaking the silence on many women's issues. As an older aunt of mine once said, "People are always saying that the world is worst off now then

when I was young, but I don't think so. People now talk about and hear things that are done to women, and women are no longer expected to stay quiet. As long as the younger generations continue to make public the crimes against women and not allow men to get away with it, the world is getting better".

WOMEN TAKING CONTROL OF THE MEDIA

We at Isis strongly support the idea that as long as women are involved at all levels of media and in all venues of public information, the media can serve as a powerful ally. For the Commission on the Status of Women Meeting in New York we displayed positive women's ads along with a videotape. The ads submitted by women's groups in China, Canada, US, Japan and Philippines, show women in positive roles. We want to show advertisers that it is possible to sell products without demeaning and/or exploiting women.

We also held a couple of forums where women from media monitoring and literacy groups in Cambodia, Indonesia, Japan, Thailand, US and the Philippines shared how they are changing the face of media. In countries where women are actively monitoring and holding the media accountable there are successful changes and/or prevention in further exploitation.

We heard how in Indonesia, Kalayanamitra a women's group was successful in pulling out an ad that made a direct correlation between the length of a women's skirt to her being raped. In Malaysia, women journalists were successful in pulling out the first Malaysian car ad for its sexist content. In Cambodia, women have initiated a public dialogue with media owners on the pornographic content of newspapers. In China, women journalist setup a hotline where the public can call in and make themselves heard on ads in the country.

We are currently in the process of initiating a region-wide network of women media-

monitoring groups in the region. This network is with the purpose of helping women share experiences, ideas, materials and initiate dialogue between the media, government and civil society in their countries. In addition, we are trying to create indices that will measure women's progress Vis a Vis women's portrayal and reportage of VAW in the media.

We have created an internet network Asian Women's Resource Exchange (AWORC) where women from different resource centers in the region share and disseminate information via the internet. The group is also in the process of designing a made-for-women search engine for the internet.

With the findings of a newly completed radio research project, Isis will create a radio dispatch network that will link high technology with low technology. It will provide women broadcasters access to feminist information and materials from the internet in broadcast format for easy dissemination among women's radio programs in the Asia-Pacific region.

At present we are conducting the second part to the State of Women and Media: Focus on Violence against Women Report where more countries are being added to the existing compilation of this Asia-Pacific report.

We at Isis International will continue to work towards making all forms of media a positive venue for women. We believe that it is in societies best interest for media to promote a fair and equal representation of women and become women's ally in promoting women rights. As an ally media can play a key role in educating all sectors of society. This partnership will inevitably bring us closer to the goal of eliminating discrimination and violence against women in the media and society as a whole.

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Career

July 1998 to Present ;

Isis International, Manila, Philippines Research and Advocacy Manager

February 1993 to June 1998 ;

Communications Officer Part of the communications team in Isis International-Manila.

February 1992 to October 1992 ;

Management Cornerstone, Chicago, Illinois Consultant

December 1982 ;

Psychiatry Clinic, Chicago, Illinois, Intern -Therapist

【Presentation : SEPT. 17 - AM, Moderator : Chi Eun-Hee】

Role of International Criminal Court in Women's Rights

Theo van Boven

I will talk about the role of the future International Criminal Court, focusing on three parts: 1) general introduction, 2) gender aspects related to the ICC, and 3) the work ahead: what we can do to promote the work of the Court.

Late at night in Rome, on July 17, 1998--after 5 weeks of intensive negotiations--there was a sense of euphoria that we could accept a package on establishment of the International Criminal Court. It was uncertain to the last moment, whether agreement could be achieved. 120 nations voted for, 7 voted against (including the US and India), and 21 abstained (including the People's Republic of China). The Korean delegation played a constructive role, introducing progressive and positive initiatives in the conference and the process leading up to it.

A development of major consequence for the decision was the two ad hoc tribunals for former Yugoslavia and Rwanda, held by the UN as an enforcement measure. But the International Criminal Court is different: it is not established by the Security Council but by treaty to be negotiated (already done), signed and ratified by many nations. It will only go into effect after ratification. You should also recall that the ICC only has jurisdiction over genocide, war crimes, aggression, and crimes against humanity, and can only act when national jurisdiction fails. It is based on the principle of complementarity. It is expected that the ICC will make nations take their responsibility related to the above crimes more seriously; and if not, the

ICC will take over. No reservations are allowed. There is one opting-out possibility (7 years) related to war crimes.

There are four gender aspects, related to: 1) crimes, 2) selection of judges, 3) role of prosecutors, and 4) victims and witnesses. This is the first time for crimes against women to be spelled out in such detail in an international document of law, as crimes against humanity and war crimes. It is hoped that ICC judges will include women. The provisions of the ICC Statute contain new elements related to selection of judges, activities by prosecutors, assistance to victims and witnesses, and an elaborate explanation of reparations.

For the work ahead, I want to mention two points: First, we should work in our countries for early ratification of the Statute. 60 ratifications are required before entry into operation. My country, the Netherlands, is committed to early ratification; the seat of the ICC will be The Hague, so it would be embarrassing not to be among the first to ratify. We also expect Korea to ratify early, as a leader in the process of ICC preparation. Second, we should prepare ourselves for the operation of the Court. Ms. McDougall's report suggested that the High Commissioner for Human Rights convene a meeting and develop principles, and ensure that investigations proceed with due regard for the need to implement the gender perspective in recruitment of personnel, gender training for all personnel, and guidelines for prosecution of gender-related crimes. Our task ahead is to see that Ms. McDougall's suggestions are implemented.

[Presentation : SEPT. 17 - AM, Moderator : Chi Eun-Hee]

Questions , Answers Discussion

Chee Choung-Il(Hanyang University - Professor of International Law): From the legal perspective, the claim toward the Japanese government has a wrong direction. According to the 1965 Normalization Agreement, 8 items are claimed: property, rights, international torts, etc. Since this is not a torts claim, neither government could think of it as such. When this agreement was made, Japan had already violated the convention on trafficking in women and children. There was also a court case in Indonesia: four Dutch women were detained in a concentration camp and raped, and when the international media reported it, they abolished this center. But in the Netherlands, after the war, soldiers responsible were investigated and sentenced to 13 years' imprisonment. I was trying to find the details but could not. Japan will accept a military judgment inside Japan, i.e., will accept gang rape. According to the 1928 James claims commission case, a wife whose husband died took the Mexican government to court for failure to compensate her grief and suffering. She asked for 250,000 dollars but got 2,000 dollars. Japanese compensation should be in proportion to the crime committed. 2 million won is the amount given for injuries in a fight, very small.

Also, I believe if many women's NGOs worldwide unite and ask an expert opinion from legal experts from the UN and the International Court of Justice--once you get answers from the ICJ and the Economic and Social Council, then you can tell Japan that international legal opinion.

Theo van Boven: You are perfectly right. The 1965 Treaty between Japan and Korea refers only to property and claims related to economic cooperation, and has no mention of human rights and humanitarian laws and principles. In paragraphs 58 and 59 of McDougall's report, she says the 1965 Treaty extinguished only economic and property claims, and Japan must be held accountable for its actions. Your plea for seeking an advisory opinion from the ICJ should be explored. I suggest we pursue this further with your help.

Ahn Sung-Nae (Kwangju city councilor): We have had petitions from 800, and 40 received compensation in the Kwangju people's movement case. The Special Forces gang-raped a high school student and she died, insane, after the incident. The compensation was very small, and did not take into consideration that it was gang rape. Because we did not know how to document this kind of incident, the compensation was not made properly. It is a disgrace to the victim. When we deal with sexual violence, we should take into account the humiliation, with greater compensation.

Chung Sook-Ja: At an international conference like this, I always think of our Korean Christian Church. In Korea, one of the most influential sectors is the Christian Church. On my way home yesterday I listened to a sermon by a minister emphasizing obedience. "Woman made man violate God's order"--the Adam and Eve story. We want to put the feminist view into Christianity, but our opinion is ignored. The church and ministers in Korea have no ears to hear our voices speaking about women's human rights. They are reluctant to discuss the issue, and their basic philosophy is against human rights. We must raise this concern within the Korean church. The World Council of Churches also emphasizes women's participation in the church, but here women still have no place. This is a serious situation.

Lee Ho-Soon (Korea Association of Women Theologians): I learned a lot through this symposium. We talked about the comfort women, international NGOs, what is being done in other countries. But the purpose of all this is to find out the facts and increase women's human rights for a better life for all women. With regard to the incidents of violence against Chinese women in Indonesia, I attended a Christian conference and received a fax from Indonesia, an open letter which I will read to you. In spite of the suffering of the victims and their families, the Indonesian government has made no response. So national and international NGOs are requested to visit Indonesia. The government and army of Indonesia have not protected the rights of the victims. I request that you send a delegation to Indonesia to investigate, protest the situation, and demand action, as well as demanding an end to scapegoating of Chinese and Christians.

Wang Ching-Feng: In August I went to Indonesia on a fact-finding survey and will go again. Together with four human rights organizations, I visited Indonesia to inspect human rights violations there. A priest who leads a human rights organization has studied sexual crimes during the riots, and made a report on this. We visited the place. The victims were reluctant to come forward, so we visited in secret to find the facts. The priest is continuing his study, but his organization reported many such cases in Jakarta, and some of the victims died. It was very brutal—9 and 12-year-olds raped in front of their father, women in front of their family members. It is very difficult to report this publicly; we heard testimonies in secret. We were told by a government official, "There are no victims." One person protecting the victims told us that no doctor is willing to admit treating the victims. They are scared to admit helping them. President Habibie and some human rights organizations said, "Such things can happen." They want to get the matter settled quickly, but the human rights organization I visited has details of

malicious, anti-humanitarian crimes. The government said the police had no evidence or data. The Indonesian Information Minister made a public announcement in August, saying, "A delegation from Taiwan looked for victims but could find none." In fact, we did not meet him and never told such a story. And we know for a fact that many Chinese women were violated brutally. We officially protested the announcement of the Indonesian government. Indonesia offered some explanation to the US government. We plan action to correct this information.

Oh Hae-Young (writer for a broadcasting station): The Japanese government is not keen on the comfort women issue and even though international society has asked for responsibility, we are getting no results. Is superpower politics involved? Chinese women victims are not getting much help, though Taiwan is doing much. A small country is better than a big power. If China responds on this issue, maybe there will be better results. Can China participate in the international arena on this issue?

Shin Hei-soo: We agree that the Chinese government attitude is very important, and since 1992 Chinese have participated in the discussions, but they were weak. Since the 1996 Coomaraswamy report, however, they have become more active than before. The representative of the All-China Women's Federation spoke at the UNHRC, saying they regard this as a too partial and small issue; that it should include the broad violations of Nanjing, World War II, etc.; so the big problems should be considered, beyond the small problem of the comfort women. I think China's interest in economic cooperation with Japan is the actual motive for its weak efforts on this issue. But I see some progress.

[Presentation : SEPT. 17 - AM, Moderator : Chi Eun-Hee]

Discussion of Draft Resolution

The resolution was drafted by Theo van Boven, and the representatives of the groups met to discuss it. It is wished to have it adopted after brief discussion.

Reading of the draft resolution by Lee Mi-Kyung.

Chee Choung-II: I suggest including: "As Japan denies responsibility for its operation of concentration camps for mass rape, we should ask the ICJ whether Japan's action constitutes a crime against humanity, and whether compensation should be given."

Shin Hei-Soo: I think the draft resolution is sufficient.

Chee Choung-II: If you want a solution, you should do this, because Japan continues to insist that it committed no crime. But if the ICJ rules otherwise, it will have to comply due to the prestige of the court. Otherwise you will wind up with only 2 million won and no legal or proper solution.

Lee Mi-Kyung: We can get an expert opinion through the UN or the ICC (to be established).

Chee Choung-II: You can get a convincing judgment only through the international court.

Chi Eun-Hee: The UN ECOSOC can give an advisory opinion.

Van Boven: I favor the idea of Prof. Chee Choung-II. An advisory opinion has nothing to do with the ICC. The ICJ has two main functions: to deal with criminal cases, and to give advisory opinions. For this, we need a request from ECOSOC or the UN General Assembly. I think we should explore the possibility of seeking an advisory opinion from the ICJ on the legal issues involved. If we phrase it as "explore the possibility", that is, that we as NGOs will try in our lobbying activities to explore the idea, I think it is positive. I think it needs a separate paragraph, something like: "We will seek an advisory opinion from the ICJ on the obligation of the Japanese government under international law"—we have to draft it properly.

(Other discussion on smaller points)

(Acceptance of resolution by applause)

Moderator: Now we must work hard to have this resolution put into action throughout the world. Thanks to everyone for your participation in this session.

Resolution for the Promotion and Protection of Women's Human Rights During and After Armed Conflicts

Having taken part in the international seminar "Women's Human Rights in Asia : Armed Conflicts and Sexual Violence" held in Seoul September 16 - 17 1998, to commemorate the 50th anniversary of the Universal Declaration of Human Rights and to strengthen solidarity for the protection of women's human rights in armed conflicts,

We the participants:

Reaffirm that the Universal Declaration of Human Rights asserts the equality of all people in dignity and rights, declares their right to equal protection of the law without any discrimination, and recognizes the rights of every person, notably women and children, to special protection and assistance;

Deeply regret that despite the prescriptions of international law, including those enshrined in the Universal Declaration of Human Rights, the human rights of the civilian population, notably women and girls, are frequently and intentionally violated as a result of male-dominated ideologies and practices that support invasion, foreign occupation, and racial and ethnic conflicts as well as other forms of armed conflict and internal disturbance;

Declare in particular that the military "sexual slavery" by Japan was a crime against humanity, in particular in as much as this practice entailed a widespread and organized system of operation and maintenance of stations for the purpose of sexual enslavement by the Japanese

military army before and during World War II, and are therefore convinced that Japan must bear full responsibility for this heinous practice, with all consequences deriving from international law, irrespective of the passage of time ;

Express the common view that, as required by international humanitarian law, all necessary measures must be taken to mete out justice to the perpetrators of organized rape and violence against women, wherever these crimes are committed and in particular in Asia;

Recall that at the Fourth World Conference on Women in Beijing it was clearly stated that violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law and that a gender perspective should be integrated in the resolution of armed or other conflicts and foreign occupation;

Call for the early entry into force of the Statute of the International Criminal Court as a means to put an end to impunity for perpetrators of the most serious international crimes and to contribute to the prevention of such crimes,

Resolve to:

1. Exert unrelenting pressure on parties in armed conflicts and internal disturbances, such as recent events in Indonesia, so that acts of violence against women in such situations be fully investigated, perpetrators be punished as they deserve, and just reparation -- including adequate compensation and all necessary rehabilitation -- be offered to the victims, in accordance with the applicable rules of international law, in particular the international law of human rights and humanitarian law;

2. Exert all due influence on Asian nations to ratify as soon as possible the Statute for the International Criminal Court and to adhere to and implement all international instruments relating to the protection of women and children in armed conflicts;

3. Deploy all necessary efforts to include a gender perspective in the development of educational programs relating to international humanitarian law and the raising of human rights awareness, and to pursue all necessary educational activities and special programs, inter alia through all forms of media and communication, so as to enhance public awareness regarding the prevention of violence against women and the defense of the rights and interests of the victims;

4. Urge the Japanese government to comply without any further delay with its obligations under international law, to reveal the full truth of the practice of sexual enslavement by the Japanese military before and during World War II, to make a formal apology for this criminal practice, to offer adequate and just reparations to the victims and the members of their families, and to establish the criminal responsibility of those who devised and implemented the military "comfort women" system, taking into account the pertinent reports on the matter by the UN Special Rapporteurs Radhika Coomaraswamy and Gay McDougall;

5. Explore the possibility of seeking an advisory opinion from the International Court of Justice on the obligations of Japan under International Law, notably regarding reparations, for having established and operated before and during World War II a system of concentration camps for the sexual abuse and slavery of women.

6. Strengthen links of solidarity between the parliaments of all Asian nations and human rights and women's organizations that work for the prevention and resolution of armed conflicts and the enhancement of women's human rights;

7. Urge all states to establish appropriate mechanisms in the armed forces for training in gender sensitivity and respect for women's human rights, as well as mechanisms enabling parliaments to regularly review the armed forces respect for the principles of humanitarian law and in particular for the human rights of women.

[Evaluation Meeting : SEPT. 17 - PM, Moderator : Lee Mi-Kyung]

Concrete discussion of steps to be taken on comfort women issue

Moderator: President Kim Dae-Jung will visit Japan on Oct. 7. This is a good opportunity to realize some progress on the comfort women issue, through persons working in Japan. And on the bill to set up a fact-finding commission. We hope the Japan and Taiwan parliaments can help with this. And Dr. van Boven may contribute some more comments on this.

Yoriko Madoka: We are preparing two kinds of law in the two houses, Congress and Senate. In the Senate two years ago we tried to draft an investigation law on the comfort women but did not succeed. This year we are trying to draft the same law. Also in the lower house (Congress) we are trying to draft another investigation law related to all victims of the Japanese military forces. Mr. Tanaka Ko is very active on this issue, trying to establish a commission to promote this law. Now he is planning a draft for the improvement of the National Congressional Libraries, to set up a special section for investigation of war crimes. So there are two kinds of activities. I would like to draft a law to realize compensation and official apology, but the parliament is dominated by the LDP. There are two ways of proposing a law: 1) by the Japanese government, and 2) by Diet members. Of course the government has no intention of proposing such a law, so the Diet members are doing it by themselves.

Yun Chung-Ok: There is also more going on--the "Association to Find Facts for Korean Peace"--has five initiators already, and many parliament members are signing for it. Can Ms.

Madoka use this movement?

Yoriko Madoka: It is a good idea to encourage all Japanese lawmakers.

Lee Hyun-Sook: We heard about the internal situation of Japan, and now about another organization. The encouragement that Yun Chung-Ok wanted was from our symposium, to encourage Japanese lawmakers to sign. But now that the symposium is over, it's too late to ask for such encouragement. All we can say is that the Taiwan and Korean representatives will support such a movement. Since the symposium is over, perhaps we can receive signatures from individual members here, as representatives of our countries.

Kim Yun-Ok: First let's hear about the contents of the movement.

Yoriko Madoka: The purpose of the Association is to make efforts to investigate Japanese war crimes, because the Shimonoseki judgment of April 27 clearly appointed us to start efforts on this, from the House--rather than from the government. This is the purpose of the Association.

Kim Yun-Ok: (explanation of the Association)

Hsieh Chi-Ta: Since the meeting is over, I'd like to express some lighter feeling. My philosophy of life is, if there is a rock that can be broken only with 100 strokes, we can't break it with 9 strokes, we must do 99. We must not be too hasty in doing anything. All of you are

working hard on the problem, and I don't know how many times we have struck the rock of the comfort women issue. If President Kim Dae-Jung does not mention the comfort women issue with his counterpart in Japan, if we have to worry about that, then maybe our coalition is not enough. My position as lawmaker may be a little different, but between Korea and Japan there is not much difference in solving the issue. Thus we commonly adopted the resolution today. We may have small differences; we heard that 5 famous lawmakers initiated and dozens of other lawmakers signed, and this is very important. But we may find differences between the opinions of Korean and Japanese lawmakers. We need more supporting forces--these lawmakers must win in the next election to be a supporting force.

Lee Mi-Kyung: Regarding our signatures for support of this Association for Peace, we need to get your agreement.

Yoriko Madoka: The members of the new Association are familiar with our activities and organizations. But they are still a minor group in the House. So I hope we can do something to get conservative LDP members involved, including influential persons such as the former prime minister. We need to make much more effort to approach them, through the Korea-Japan Parliamentarians League also.

Kim Yun-Ok: Maybe Lee Mi-Kyung should join the Korea-Japan Parliamentarians League so she can influence that organization.

Lee Mi-Kyung: I accept your opinion. Regarding structure, we consider it important. This is

requested by the Korea Council for Women Drafted into Military Sexual Slavery.

Nimalka Fernando: I need clarification. I had thought this would be a letter from parliamentarians to Japanese parliamentarians. I need to know the contents, in any event. If this is a letter from the Korea Council, this includes also selected persons from other areas, so I want to hear the substance of the letter.

Lee Mi-Kyung: I fully agree. I think the Korea Council proposed this at a stage when full preparations were not made, so it is not appropriate to proceed with it.

Nimalka Fernando: I agree with the proposal in principle, but maybe after receiving a fax of the letter I may sign it.

Theo van Boven: I was in Korea 6 years ago. Time is passing, and the problem of the comfort women still exists but fewer and fewer survivors are left. Maybe time is running out, from the perspective of the UN, during these 6 years. I want to stress that the role of the UN is not without meaning, because Japan is sensitive to external criticism and must respond to it. The response has had some effect but it is not yet satisfactory. We should be aware that the UN--also in the area of human rights--is dealing with hundreds of pressing problems. There is fatigue in the UN from dealing with an issue from so long ago. At the same time, I think we can count on the UN, but we must remember that it is dealing with so many current problems as well. That is the reality.

What has happened in six years on the level of the UN: 1) the Coomaraswamy report, 2) the

recent McDougall report, and 3) now in the final stage, principles and guidelines on the rights of victims with regard to reparations.

Two particular issues that have revived interest--also interest in World War II--are the issue of Jewish properties and the banks in Switzerland, which goes back to the war and the extermination of Jews by Nazi Germany, and the carelessness with which the financial world dealt with them, and the fate of many women who perished and were abused and of whom a few remain. We owe it to their integrity to keep the issue alive, just as we have to keep Jewish concentration camps alive.

The powerful report by Gay McDougall contains recommendations on the establishment of criminal responsibility and the right to reparation. We should base ourselves in the UN, and concerted action is needed by your organizations. Shin Hei-Soo knows this situation well and is continuing to work. We should work on the basis of the McDougall report. Japan is trying to buy time until the survivors are dead. We now have the momentum for a program of action. Bilateral relations between Korea and Japan can see progress as a result of the breakthrough in the Japanese judicial system, the new court decision, Kim Dae-Jung's visit to Japan, and this conference and others. All these actions are complementary. I am inspired by your actions and determination. We should continue to follow this course but time is passing.

Lee Mi-Kyung: Since we have Prof. van Boven, a rare resource now here in Korea, I would like to ask him more about strategies.

Lee Hyun-Sook: On Prof. Chee Choung-Il's comments on getting an advisory opinion, do you think this is appropriate?

Theo van Boven: Yes, it is possible. It should be taken up in the March Commission on Human Rights, which reports to ECOSOC, with the assistance of some lawyers, because this is a legal matter with political implications.

Another, different issue that can run parallel is the followup to be given to the McDougall report. She has been asked to continue her studies for another year, but I don't think this was wise because now those who want to buy time can say, "Wait another year till she finishes." The recommendations in her report should be followed up now. You should consult McDougall and see what plans she has. But the HRC in March should take action on the McDougall report and recommendations. I can do this, as she is a fellow member with me in the Committee on Racial Discrimination.

Nimalka Fernando: I think there is no need to wait another year. We should strategize how to campaign on this issue. I work at several national and international NGOs, like Shin Hei-Soo, so we can keep the pressure on the UN. Radhika Coomaraswamy is my close friend. We will keep the pressure on. It is important for the Korean and Japanese groups to come together to review where you are in this campaign.

Lee Mi-Kyung: We are also involved in Asia Solidarity with the Philippines, Indonesia, Taiwan, Japan and Korea. We had our fifth meeting in April 1998.

Wang Ching-Feng: Thank you for inviting us to this seminar and luncheon. I will express some my opinions regarding the comfort women issue. When Kim Dae-Jung is in Japan, the NGOs seem concerned about how the issue will be addressed. Regarding the AWF, Taiwan is

opposed to using it. I'm sure Korea has the same position. Regarding the Kim Dae-Jung visit, whether he will raise this issue, this was raised earlier. AWF published a big advertisement saying, "Even if the comfort women have received NGO money, they can still receive AWF money." Did Korea have this experience? My opinion is that the Korean National Assembly should adopt a resolution on the comfort women issue so President Kim can use it as a reference when talking to his Japanese counterpart, and dealing with this issue.

(End of evaluation, departure for "Sharing House")

Co-Organizers

Association of National Assembly Members Studying the 'Comfort Women' Issue

Launched in March, 1997 and registered to Korean National Assembly as Members' research organization in July, 1997.

Currently composed of 29 incumbent Members, regardless of the party they belong to, the Association aims to promote legislative activities for the right settlement of the issue of 'Comfort Women', grave violation of human rights, and to reinforce international solidarity with regard to the issue.

This organization has actively worked to revise "Immigration Control Law" in order to ban Japanese war criminals from entry; to lay the "Resolution urging the proper solution of the issue of Japanese military comfort women"; to urge the Japanese government to fully disclose real facts on the issue, punish perpetrators involved in and pay compensation to individual victims at the state level; to do research for history education based upon the correct understanding of historical realities; and to make recommendations to the Government.

The American Friends Service Committee:

The American Friends Service Committee, an independent Quaker organization, was founded in 1917. The AFSC and Quaker Peace and Service in Britain received the Nobel Peace Prize on behalf of Quakers for work on post-war relief and reconstruction in Europe. Today, the AFSC carries out programs of service, development, social justice, and peace education with local partners in 22 foreign countries and 43 places in the United States. The AFSC has been working in and around the Korean peninsula for nearly fifty years. Its East Asia

program works on fostering dialogue in the region and promoting peace and reconciliation.

Korea Women's Hot Line (KWHL)

Korea Women's Hot Line (KWHL) is one of the most active NGOs in Korea's women's human rights movement. Founded in 1983 with little more than a single office and phone lines, KWHL now has eighteen branches nationwide. KWHL aims to protect women's human rights, improve women's welfare, and create gender equality in the home, workplace, and society. At the same time, KWHL wants to empower women to participate actively in all spheres of their lives, including politics, the economy, society, and culture.

The Hot Line works towards these goals through a wide variety of projects, including counseling, education and training, legal reform and legislation, publicity, research, and publication, as well as national, regional and international networking and joint activities.

The Korean Council for Women Drafted into Military Sexual Slavery by Japan

In order to solve problems related to the 'Comfort Women mobilized by the Japanese Army, the Korea Council for Women Drafted into Military Sexual Slavery by Japan started on November 16, 1990, with the help of 37 women's organizations and individuals. These days 23 organizations are enrolled as members of this Council. The 'Comfort Women' case was not a simple, accidental violation, but a systematic crime committed by the Japanese government and army from 1932 to 1945.

This Council has demanded the clarification of the anti-human and immoral crime, the Japanese 'Comfort Women' system, and asked the punishment of concerned persons, by the carrying out of Japan's responsibilities according to international law.

Additionally, through four fund-raising events, this Council has publicized the situation of the victimized women's lives nationwide, supplied support for their livelihood, and prepared a law to guarantee their basic livelihood through a campaign against the concerned government.

Also, the UN Commission on Human Rights Committee and the International Labor Organization made these 'Comfort Women's problem a current issue of international human concern rights through various dynamic activities. Through our coalition with other Asian countries, this Council has carried out many activities to obtain atonement and apology from the Japanese government. Following are the seven demands by the Korea Council to the Japanese government: (1) Admit this war crime. (2) Apologize formally. (3) Clarify the whole truth. (4) Compensate to the victimized women. (5) Punish the concerned persons. (6) For the victims, there should be a commemorative monument with an institute showing all the evident data. (7) Include this crime children's school textbooks to let them know the truth.

The Korea Council will restore these victimized women's rights, trodden down by the Japanese Army, through realizing the punishment of the concerned persons, for the purpose of preventing this kind of anti-human crime from never happening again. Now the Korea Council is preparing for the establishment of the International Court in the year 2000, in expectation that it will punish the persons responsible for the Comfort Women system by December 2000, as a good way to close this 21st century.

Friedrich-Ebert-Stiftung

The Friedrich-Ebert-Stiftung (FES) was founded in 1925 as a political legacy of Germany's first democratically elected president, Friedrich Ebert. In its work in Germany the Foundation focuses on political education, future-orientated research work and support to students and

young post-graduates. The Friedrich-Ebert-Stiftung with its activities in over 100 countries around the world wants to contribute to the improvement of political and social framework conditions, the democratization of social structures, economic progress, the improvement of communication and media structures, regional and international media cooperation, regional cooperation between states and different interest groups, the resolution of the North-South conflict.

The collaboration between Korean organizations and the Friedrich-Ebert-Stiftung began in the late 1960s with the opening of an office in Seoul. FES wants to contribute to the debate on the most appropriate economic and social development and foster dialogue between Korean and German institutions towards identifying appropriate policies, and towards identifying the most appropriate relationship between Korea, Germany and Europe respectively.

The FES organizes workshops, conferences, research projects together with Korean trade union organizations and important research institutions in the field of industrial relations. An important program of the recent past has been the collaboration with the Ministry of Unification in organizing long-term study tours for Korean government officials to Germany to study issues concerning the German unification process. In addition, workshops about unification issues have been organized in collaboration with research-oriented institutions. Development and trade issues have been discussed in the past at numerous conferences with influential research organizations.

The Foundation has joined hands with a number of highly committed organizations of civil society: training program for women politicians, studies, workshops and seminars reflecting the role of women in society, in the economy, in trade unions etc. are some of the typical ways of joining Korean organizations in their valuable work. More recently environmental issues have been added to the list of issues which warrant joint conferences with civil society groups.

With the beginning of the international work of the Foundation, Koreans have benefited from the scholarship program the FES offers for talented foreign students who are interested in studying in Germany. More than 120 former recipients of scholarships are now back in Korean universities playing an important role in teaching and education.

International Symposium Commemorating the 50th
Anniversary of the Universal Declaration of Human Rights
Women's Human Rights in Asia : Violence against
Women in Armed Conflict

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