

Donald Tusk
President of the European Council
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**AMNESTY
INTERNATIONAL**



European Institutions Office

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Dear President Tusk,

HUMAN RIGHTS MUST BE PRIORITISED AT EU-JAPAN SUMMIT

Ahead of the European Union (EU)-Japan Summit on 29 May 2015, Amnesty International calls on you to use this exchange to raise human rights concerns based on common values and ongoing cooperation between the two sides. Over the past few years, Amnesty International has called on the EU to ensure that human rights remain at the centre of its exchanges with the Japanese government.¹ Key concerns today still centre on Japan's responsibility for the military sexual slavery system during World War II and its continued use of the death penalty.

As the world commemorates the 70th anniversary of the end of World War II this year, **the Japanese government must apologise to survivors of Japan's military sexual slavery system.** From 1932 until the end of the war, an estimated 200,000 women and girls—euphemistically known as “comfort women”—were trapped, deceived or otherwise forced into sexual slavery by the Japanese Imperial Army in the different occupied countries throughout the Asia Pacific region. They were kept in custody of Japanese military where they were repeatedly raped and brutalised for months or years. During their lifetime, survivors have suffered physical and mental ill-health, isolation and shame, and often extreme poverty. Yet the Japanese government has continuously failed to accept full responsibility for these crimes. Amnesty International is particularly concerned by the government's recent attempts to reopen assessment of the military sexual slavery system by correcting what they regard as “incorrect” information circulating worldwide.² Several national and regional parliaments across the world, including the European Parliament, have adopted resolutions³ calling on the Japanese government to formally accept historical and legal responsibility for the subjugation and enslavement of comfort women. The President of the United States Barack Obama also described Japan's military sexual slavery system as a “terrible, egregious violation of human rights.”⁴

In line with the EU's commitment to “place human rights at the centre of its relations with all third countries, including its strategic partners”, the EU and its member states must add their voice to the call on Japan to:

- Accept full responsibility and apologise unreservedly to survivors of Japan's sexual slavery system in a way that is acceptable to the majority of the affected women, and which publicly acknowledges the harm that these women have suffered and restores the dignity of the survivors
- Ensure that measures are taken to provide survivors with full and effective reparation to address the harm they have suffered.

In addition to these past human rights violations, **serious concerns remain over the use of the death penalty in today's Japan.** Although no execution has been carried out in 2015 so far, Japan's criminal justice system is still deeply flawed and conditions on death row remain inhumane. Amnesty International is particularly concerned by the lack of adequate legal safeguards for people facing the

¹ See e.g. http://www.amnesty.eu/static/documents/2008/B770EU_Japan_summit2008.pdf

² See e.g. The Japan Times, “Abe tells Asahi Shinbun to help in ‘recovering Japan's honor’”, 6 October 2014.

<http://www.japantimes.co.jp/news/2014/10/06/national/politics-diplomacy/abe-tells-asahi-shimbun-to-help-in-recovering-japans-honor/#.VWWTRkY8oQJ>

³ See the European Parliament Resolution on Justice for the 'Comfort Women', 13 December 2007.

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P6-TA-2007-0632&language=EN&ring=P6-RC-2007-0525>

⁴ Press Conference with President Obama and President Park of the Republic of Korea, 25 April 2014.

<https://www.whitehouse.gov/the-press-office/2014/04/25/press-conference-president-obama-and-president-park-republic-korea>

death penalty, including defendants being denied adequate legal counsel from the time of arrest, a lack of a mandatory appeal process for capital cases, and detention in prolonged solitary confinement. Furthermore, executions in Japan are still shrouded in secrecy, with prisoners typically being given only a few hours' notice, and families usually not being notified about the execution until after it has taken place. Prisoners suffering from mental illness are also known to have been executed or remain on death row, which is clearly against international law and standards.

In line with the EU Guidelines on the Death Penalty, the EU and its member states must urge Japan to:

- Introduce an official moratorium on executions with a view to abolishing the death penalty, commute all death sentences to terms of imprisonment, and ratify the second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty
- End the lack of transparency surrounding the use of the death penalty by making available all information regarding its use and any scheduled execution
- Ensure that a sentence of death is not carried out if the prisoner has a mental disorder or disability that significantly impairs his or her capacity
- Ensure that conditions of detention comply with international standards, such as the United Nations (UN) Standards Minimum Rules for the Treatment of Prisoners and the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

Today, Japan and the EU are key partners in many areas. This strong and reliable relationship requires solid foundations, starting with a frank exchange on human rights and full acknowledgement of past and present human rights issues. We welcome your engagement on human rights in Japan, which will only strengthen an EU-Japan partnership based on shared interest and values, and stand ready to provide any further information you may require.

Yours sincerely,



Ivona McGowan
Director of Programmes
Acting Director

Cc:

Zuzana Michalcová Šutiaková, Member of Cabinet of the President of the European Council
Leila Brahimi, Member of Cabinet of the President of the European Council