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Пункт 9 а) предварительной повестки дня

ДАЛЬНЕЙШЕЕ РАЗВИТИЕ И ПООЩРЕНИЕ ПРАВ ЧЕЛОВЕКА
И ОСНОВНЫХ СВОБОД, ВКЛЮЧАЯ ВОПРОС О ПРОГРАММЕ
И МЕТОДАХ РАБОТЫ КОМИССИИ

АЛЬТЕРНАТИВНЫЕ ПОДХОДЫ, ПУТИ И СРЕДСТВА СОДЕЙСТВИЯ В РАМКАХ
СИСТЕМЫ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ ЭФФЕКТИВНОМУ
ОСУЩЕСТВЛЕНИЮ ПРАВ ЧЕЛОВЕКА И ОСНОВНЫХ СВОБОД

Вербальная нота Постоянного представительства Японии при Отделении
Организации Объединенных Наций в Женеве от 26 марта 1996 года,
адресованная Центру по правам человека

Постоянное представительство Японии при международных организациях в Женеве свидетельствует свое почтение Центру по правам человека Организации Объединенных Наций и имеет честь препроводить настоящим* документ, озаглавленный «Политика Японии по вопросам, касающимся насилия в отношении женщин и "женщин для утех"».

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JAPAN'S POLICY ON THE ISSUES OF VIOLENCE AGAINST WOMEN AND "COMFORT WOMEN"

CONTENTS

I. Japan's policy

- 1. Policies with Respect to the Issue of Violence against Women**
- 2. Result of the Study on the Issue of "Comfort Women" and the Disclosure of Documents**
- 3. Policy Statements: Expression of Apologies and Remorse on the Issue of "Comfort Women"**
- 4. Peace, Friendship and Exchange Initiative**
- 5. Efforts in the Field of Education**

II. Asian Women's Fund

- 1. Development toward the Inauguration of Asian Women's Fund**
- 2. The Activities of Asian Women's Fund**
- 3. The Government of Japan's Cooperation and Assistance to Asian Women's Fund**

III. Comments on the Legal Arguments in the Report of the Special Rapporteur on the mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan (E/CN.4/1996/53/Add.1)

JAPAN'S POLICY ON THE ISSUES OF VIOLENCE AGAINST WOMEN AND "COMFORT WOMEN"

I. Japan's policy

1. Policies with Respect to the Issue of Violence against Women

(1) Since the International Women's Year of 1975, the Government of Japan has promoted policies for women in accordance with those taken by the United Nations. It has especially been one of the Government's important policies to make efforts to eliminate all forms of violence against women, and the Government has so far taken measures as follows.

(2) First, as for measures taken at home, "the New National Plan of Action Toward the Year 2000 (first revision)," formulated by the Headquarters for the Promotion of Gender Equality in the Government of Japan, has taken up "the Elimination of Violence against Women" as one of its most important goals. Under the Plan, the Government has been exercising strict law-enforcement over such cases with women victims as assault and sex crimes, and promoting related policies.

(3) Second, since "the Violence against Women," including violence in the course of the armed conflicts as in the former Yugoslavia and Rwanda, and domestic violence, is a matter of great concern of the international community, the Government of Japan has been actively contributing to the undertakings by the international community in this area.

For instance, in the Fourth World Conference on Women, Japan contributed to the adoption of "the Platform for Action," which declares "the Respect for Human Rights of Women" and "the Elimination of Violence against Women." At the fiftieth session of the United Nations General Assembly in 1995, the Government of Japan, with 46 other cosponsor States, introduced a draft resolution to establish a trust fund on violence against women within the UNIFEM (United Nations Development Fund for Women). This resolution was adopted by consensus, and the Government of Japan will make an appropriate financial contribution to this fund.

(4) The Government of Japan, together with the rest of the international community, will continue to address vigorously the issue of Violence against Women.

2. Result of the Study on the Issue of "Comfort Women" and the Disclosure of Documents

(1) In December 1991, the Government of Japan started a fact-finding study on the issue of "comfort women."

(2) The Government of Japan investigated whether or not the materials on this issue are kept in ministries and government offices of Japan, the National Diet Library, and the U.S. National Archives, and made thorough examination of more than 230 relevant materials found through the investigation. At the same time, the Government of Japan, dispatching missions at home and abroad, conducted a wide range of hearing investigation from former "comfort women," former military personnel, ex-officials of the Government-General of Korea, former operators of "comfort stations," residents of the areas where "comfort stations" were located, historians, etc. Furthermore, the Government studied not only the study report compiled by the Government of the

Republic of Korea. collections of testimonies by former "comfort women," which were compiled by the related organizations including the Association of Pacific War Victims and Bereaved Families and the Korean Council for the Women Drafted for Sexual Slavery by Japan. but also numerous publications related to this issue.

(3) The Government of Japan examined and analyzed the materials and testimonies collected through this study, and announced the result on August 4, 1993 (See ANNEX I). The main points of the result are as follows.

* "Comfort stations" were established and operated at the request of the Japanese military authorities of the day.

* The then Japanese military was, directly or indirectly, involved in the establishment and management of the "comfort stations" as well as the transfer of "comfort women."

* The recruitment of "comfort women" was conducted mainly by private recruiters who acted at the request of the military. However, in many cases they were recruited against their own will, through such means as coaxing and coercion, and at times administrative / military personnel directly took part in the recruitment.

(4) This finding are based on the study which the Government conducted with utmost and wholehearted efforts. However, there still is a possibility of new materials to be found, and the Government of Japan has paid a close attention to the possibility, following private studies on this issue as well.

(5) Public documents found as the result of the investigation conducted so far on this issue are kept in related ministries and government offices respectively, and are open to the public with appropriate measures to protect the privacy of the people concerned. Copies of the documents, arranged in order, are also open to the public at the Cabinet Secretariat with appropriate measures to protect the privacy as well.

(6) The situation varied for "comfort women" in different places and at different times, and the facts are difficult to ascertain. It would not be possible to have definitive factual analysis with the short mission of less than two weeks to the countries concerned. The Special Rapporteur was expected to base her analysis on a broader range of information, instead of depending too much on limited sources of information. After careful and extensive study of historical documents, the Government of Japan has substantial reservation on her factual description.

3. Policy Statements: Expression of Apologies and Remorse on the Issue of "Comfort Women"

(1) As it became clear that the then Japanese military had been involved in the issue of "comfort women," the highest authorities of the Government of Japan have expressed their sincere apologies and remorse in many opportunities.

(2) First, in January 1992, at the Japan-Korean summit meeting held in the Republic of Korea, the incumbent Prime Minister Kiichi Miyazawa expressed his profound apologies and remorse on the issue of "comfort women."

(3) In August 1993, upon announcing the result of the study described above, the incumbent Chief Cabinet Secretary Yohei Kohno announced his statement on this issue (See ANNEX I). The main points of the statement are as follows.

* The Government of Japan recognizes that this was an act, with the involvement of the

military authorities of the day, that severely injured the honor and dignity of many women.

* The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as "comfort women."

* The Government will continue to consider seriously how Japanese people and Government can demonstrate this sentiment best.

(4) In August 1994, anticipating the fiftieth anniversary of the end of the war, the incumbent Prime Minister Tomiichi Murayama announced his statement. In this statement, the Prime Minister said: "On the issue of 'comfort women,' which seriously injured the honor and dignity of many women, I would like to take this opportunity once again to express my profound and sincere remorse and apologies."

(5) Furthermore, at the inauguration of "Asian Women's Fund" (See Chapter II) in July 1995, the Prime Minister Murayama delivered the following address, which appeared in most of the Japanese major newspapers.

* The issue of "comfort women," with the involvement of the Japanese military forces of the time, seriously injured the honor and dignity of many women. This is entirely inexcusable. I offer my profound apology to all those who suffered incurable physical and psychological wounds as "comfort women."

(6) As regards the further demonstration of apologies and remorse as a nation, which is to be done together with implementation of the projects by "Asian Women's Fund," the Fund has requested the Government of Japan to send letters by the Prime Minister to former "comfort women." The Government is now seriously considering the request.

4. Peace, Friendship and Exchange Initiative

(1) The Government of Japan considers that it would be an expression of the sentiment of apologies and remorse to the issue of "comfort women" to face squarely the facts of history, including the issue of "comfort women," to convey them to the future generation correctly, and to make efforts to promote better mutual understanding with related countries. The Government of Japan, therefore, based on the "Statement by the Prime Minister" (August 1994) mentioned above, inaugurated "Peace, Friendship and Exchange Initiative" which consists of the following two pillars.

* One pillar consists of the collection of historical documents and materials, and the support for historical researchers, to enable everyone to face squarely the facts of history.

* The other consists of international exchange projects to promote dialogue and mutual understanding in all walks of life through the exchange of intellectuals, youth and so on.

(2) This Initiative will develop new projects which call for the Government's disbursement of approximately 100 billion yen (approximately US\$ 1 billion) over a period of ten years. In the first fiscal year (from April 1995 to March 1996), the Government of Japan has operated a broad range of projects to support for historical research and to promote international exchanges, at the total budget of 8.2 billion yen. In the second fiscal year (from April 1996 to March 1997), 8.6 billion yen is appropriated in the budget for these projects.

(3) In addition, the Government of Japan is considering the establishment of an "Center

for Modern Japan-Asian Relations" (tentatively called). The fundamental goals of the Center shall be to collect, in an unbiased manner, diverse historical materials, and information about materials, regarding the modern history of relations between Japan, its Asian neighbors, and others, and to make these materials and this information widely available to researchers and the general public.

5. Efforts in the Field of Education

Hoping to play an more active role in the international community, the Government of Japan attaches great importance to the school education and is intensifying the efforts in that field, through which the youth who will lead the Japan's future correctly understand the facts of modern and contemporary history. In the current official guidelines for school education, the Government takes such measures as introducing to the senior high school curriculums the courses of "Japanese History A" and "World History A" which lays stress on modern and contemporary history. In the above courses, for example, teachers are expected to give students understanding of the facts of history based on objective and impartial materials, under the item of "Transformation of Asian Countries and Japan" (World History A) or "Circumstances of the World during the periods of the World War I & II and Japan" (Japanese History A).

As a result, about 70% of high school textbooks carry descriptions on the issue of "comfort women."

II. Asian Women's Fund (See ANNEX II)

1. Development toward the Inauguration of Asian Women's Fund

(1) In the Statement by the Prime Minister (August 1994) mentioned above, the Government expressed the idea that in order for the Japanese people to share the feelings of apology and remorse for the issue of "comfort women," the Government, together with the people, seeks for ways of their wide participation.

(2) Following this statement, Japan's Ruling Parties seriously considered how Japan should address the issue of "comfort women," and made the following report.

* An expression of the Japanese people's atonement toward former "comfort women," based on the people's sentiment of apology and remorse, will be a significant act not only in restoring the stained dignity of former "comfort women," but also in demonstrating at home and abroad the strong resolution of Japan to respect women;

* Problems concerning the dignity and honor of women still exist throughout the modern world. It is important that we, the Japanese people, take a strong interest in these problems and make efforts to eliminate them from the entire world;

* Establishment of a "fund" with the participation of the Japanese people should be studied from the above consideration;

* The "fund" will take appropriate measures for former "comfort women," who suffered unbearable hardship;

* In addition, the "fund" will conduct such projects as support for activities to address contemporary issues related to the dignity and honor of women.

* The Government should provide all possible assistance, including financial contributions, to the "fund."

(3) Receiving the above report by the Ruling Parties, the Government of Japan intensified its study for the materialization of the proposal concerning the "fund," including consultations with those groups interested in the issue. In June 1995, the incumbent Chief Cabinet Secretary Kozo Igarashi made the result of the study public announcing that, in the remorse for the past, on the occasion of the fiftieth anniversary of the end of the War, the "Asian Women's Fund" would conduct the following projects.

* The projects below will be conducted for former "comfort women," through the cooperation of the Japanese people and the Government:

(i) The Fund will raise funds from the private sector as a means to enact the Japanese people's atonement for former "comfort women."

(ii) The Fund will support those who conduct medical and/or welfare projects and other similar projects which are of service to former "comfort women," through the use of government funds and others.

(iii) When these projects are implemented, the Government will express once again the nation's sentiment of sincere remorse and apology to the former "comfort women."

(iv) The Government will collate historical documents on "comfort women," a source of the lesson of history.

* In addition to the support for the projects mentioned in (ii) above, the Fund will, using government funds and others, support those who undertake projects that address such contemporary problems as violence against women, as part of its projects addressing issues concerning the honor and dignity of women.

2. The Activities of Asian Women's Fund

(1) "Asian Women's Fund" was formally inaugurated in response to an appeal drafted by proponents in July 1995. These proponents consist of men and women representing academic circles, lawyers, labor unions, the press and other groups in Japanese society. The appeal addressed by the proponents to the Japanese people received nation-wide reverberation.

(2) Currently, Asian Women's Fund is inviting donations for enacting the people's atonement for "comfort women." As of March 14, 1996, 211 million yen (increasing daily) has been contributed to the Fund by a wide range of people who support this initiative. This spread of people's participation is now promoting contributions from private companies, trade unions and other various private groups which agree with the purpose of the Fund.

(3) Further, the Asian Women's Fund, with the active assistance of the Government of Japan, is working hard to raise public awareness on the issue of "comfort women" through such means as advertisement on all major and local newspapers, magazines and TV programs, seminars held around the country, and distribution of brochures and pamphlets to the young and the elderly. Many people around the country have responded by sending heart-warming messages to the Asian Women's Fund with their personal contribution.

(4) In addition, Asian Women's Fund is engaged in dialogues with former "comfort women" and those at home and abroad who will be involved in the Fund's projects, so that they will accept the Japanese people's atonement money and other related projects

which are to be undertaken through the Fund. In January 1996, the Fund dispatched dialogue teams for following purposes to the Philippines and Chinese Taipei. The Fund sent a preliminary mission for the same purposes to the Republic of Korea as well:

- * To explain aims of the Asian Women's Fund to the former "comfort women" and the related organizations for their better understanding of the Fund.
- * To obtain support for the Fund and cooperation with the Fund by related organizations.
- * To share information with former "comfort women" on their past experiences and current living conditions.

(5) The "Asian Women's Fund," through such dialogues, is making efforts so that the views and opinions of former "comfort women" and related organizations be reflected in its projects as far as possible. The Fund intends to continue the dialogues .

(6) In addition, "Asian Women's Fund" is currently preparing for the initiation in April 1996 of the projects addressing such contemporary women issues as violence against women, which are another pillar of the Fund's projects. Specifically, the Fund plans to hold an international conference this Autumn in cooperation with ESCAP on such issues as violence against women and to conduct researches on them, as "preventive projects," and to assist the activities of rescue institutions for women who face the urgent problems such as violence and prostitution, as "rescue-victims projects."

3. The Government of Japan's Cooperation and Assistance to Asian Women's Fund

(1) Following the inauguration of the Asian Women's Fund, the Government of Japan, at the Cabinet meeting in August 1995, confirmed its policy to provide needed cooperation for the activities of the Fund, and has been making its utmost efforts for the Fund to attain its aims.

(2) For instance, based on the resolution of the Diet, the Government contributed 480 million yen (approximately US\$4.8 million) to the Fund for its administrative expense in the fiscal year of 1995. Furthermore, to FY 1996 budget, the Government appropriated the same amount as a subsidy for the Fund's administrative expense and the expense to address the issues such as violence against women, and, in addition to it, US\$1.5 million to support medical and welfare projects which will be of service to former "comfort women."

(3) Further, the Government has provided various forms of cooperation to the Fund, such as authorizing it as a non-profit foundation and exempting the contribution to it from taxation, to facilitate its activities.

(4) In December 1995, 40 (currently 46) members of the National Diet who belong to the Ruling Parties, have organized "Diet Members' Association for Asian Women," the purpose of which is to support the overall projects of "Asian Women's Fund" including enlightenment activities. The association is to provide cooperation to the Fund from the standpoint of lawmakers.

(5) The above cooperation and assistance by the Government of Japan, which the Special Rapporteur's document does not describe, deserves proper attention.

III. Comments on the Legal Arguments in the Report of the Special Rapporteur on the mission to the Democratic People's Republic of Korea, the Republic of Korea and

Japan (E/CN.4/1996/53/Add.1)

The Special Rapporteur's legal arguments, which the Government of Japan carefully studied, are not well founded in international law. The Government of Japan has serious reservation on major parts of her legal arguments.

As regards the issues of reparations and/or settlement of claims for the damage and suffering caused during the war, including the issue of "comfort women," Japan has sincerely fulfilled its obligations according to the San Francisco Peace Treaty, bilateral treaties and other relevant international agreements, and therefore, the issues have been finally and completely settled between Japan and the Parties to the above mentioned agreements. As for the obligation to pay compensation to individuals, it is the established rule that an individual cannot be a subject of rights or duties in international law unless his or her right is expressly provided in a treaty and the procedure for exercising the right is guaranteed under international law as well. Despite the Special Rapporteur's quotations, instruments such as the Universal Declaration of Human Rights, and the International Covenants on Human Rights have nothing to do with an individual's right to claim compensation under international law.

[UNOFFICIAL TRANSLATION]

Statement by the Chief Cabinet Secretary
(August 4, 1993)

The Government of Japan has been conducting a study on the issue of wartime "comfort women" since December 1991. I wish to announce the findings as a result of that study.

As a result of the study which indicates that comfort stations were operated in extensive areas for long periods, it is apparent that there existed a great number of comfort women. Comfort stations were operated in response to the request of the military authorities of the day. The then Japanese military was, directly or indirectly, involved in the establishment and management of the comfort stations and the transfer of comfort women. The recruitment of the comfort women was conducted mainly by private recruiters who acted in response to the request of the military. The Government study has revealed that in many cases they were recruited against their own will, through coaxing, coercion, etc., and that, at times, administrative/military personnel directly took part in the recruitments. They lived in misery at comfort stations under a coercive atmosphere.

As to the origin of those comfort women who were transferred to the war areas, excluding those from Japan, those from the Korean Peninsula accounted for a large part. The Korean Peninsula was under Japanese rule in those days,

and their recruitment, transfer, control, etc., were conducted generally against their will, through coaxing, coercion, etc.

Undeniably, this was an act, with the involvement of the military authorities of the day, that severely injured the honor and dignity of many women. The Government of Japan would like to take this opportunity once again to extend its sincere apologies and remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable physical and psychological wounds as comfort women. It is incumbent upon us, the Government of Japan, to continue to consider seriously, while listening to the views of learned circles, how best we can express this sentiment.

We shall face squarely the historical facts as described above instead of evading them, and take them to heart as lessons of history. We hereby reiterate our firm determination never to repeat the same mistake by forever engraving such issues in our memories through the study and teaching of history.

As actions have been brought to court in Japan and interests have been shown in this issue outside Japan, the Government of Japan shall continue to pay full attention to this matter, including private researches related thereto.

[UNOFFICIAL TRANSLATION]

On the Issue of Wartime "Comfort Women"

August 4, 1993
Cabinet Councillors' Office
on External Affairs

1. Study background

The issue of wartime "comfort women" has been attracting attention from both within and outside Japan, as actions have been brought to court in Japan by those concerned and the issue has been debated in the Diet. During Prime Minister Miyazawa's visit to the Republic of Korea in January 1992, the issue was brought up in the meeting between the Prime Minister and then President, Mr. Roh Tae Woo, in which the Korean side requested strongly that relevant facts be brought to light. Other countries and areas concerned also have shown strong interest in this issue.

Under these circumstances, the Government of Japan, since December 1991, has been conducting a study by means of individual hearings of former military personnel and others concerned in parallel with a search for relevant documents. In addition, for five days from July 26 to 30, the Government of Japan conducted detailed hearings of former comfort women, with the cooperation of the Association of Pacific War Victims and Bereaved Families, in Seoul, the Republic of Korea, regarding the circumstances at the time. Furthermore, in the course of

the study, government officials were sent to the United States to search for official U.S. documents and a field study was conducted in Okinawa as well. The following gives the details of the study, and a list of the documents discovered by the study is attached.

Institutions covered by the study: the National Police Agency; the Defense Agency; the Ministry of Justice; the Ministry of Foreign Affairs; the Ministry of Education; the Ministry of Health and Welfare; the Ministry of Labor; the National Archives; the National Diet Library; and the U.S. National Archives.

People covered by individual hearings: former comfort women; former military personnel; former officials of the Government-General of Korea; former operators of comfort stations; residents in the areas where comfort stations were located; and history researchers, etc.

Domestic and foreign documents and publications used for reference: the study report compiled by the Government of the Republic of Korea; collections of testimonies by former comfort women, compiled by those concerned including the Association of Pacific War Victims and Bereaved Families and the Korean Council for the Women Drafted for Sexual Slavery by Japan; and also practically all of the numerous Japanese publications on the subject matter were perused.

On July 6, 1992, the Government of Japan announced the results of its study on this issue conducted up to that time. In view of the further progress of the study since then, the Government has decided to announce the findings reached as below.

2. Facts on the Issue of Wartime "Comfort Women"

The following has been brought to light as a result of the aforementioned search for documents and individual hearings as well as a comprehensive analysis and review of the various documents used as reference.

1) Background to the establishment of comfort stations:

The comfort stations were established in various locations in response to the request of the military authorities at the time. Internal government documents from those days cite as reasons for establishing comfort stations the need to prevent anti-Japanese sentiments from fermenting as a result of rapes and other unlawful acts by Japanese military personnel against local residents in the areas occupied by the then Japanese military, the need to prevent loss of troop strength by venereal and other diseases, and the need to prevent espionage.

2) Timing of the establishment of comfort stations

As some documents indicate that a comfort station was established in Shanghai at the time of the so-called Shanghai Incident in 1932 for the troops stationed there, it is assumed that comfort stations were in existence

since around that time to the end of World War II. The facilities expanded in scale and in geographical scope later on as the war spread.

3) Areas with comfort stations

The countries or areas where it has been possible as a result of the study to confirm that comfort stations existed are: Japan; China; the Philippines; Indonesia; the then Malaya; Thailand; the then Burma; the then New Guinea; Hong Kong; Macao; and the then French Indochina.

4) Number of comfort women

It is virtually impossible to determine the total number of comfort women, as no document has been found which either indicates their total number or gives sufficient ground to establish an estimate. However, in view of the fact, as described above, that comfort stations were operated in extensive areas for long periods, it is apparent that there existed a great number of comfort women.

5) Comfort women's place of origin

The countries or areas from which it has been possible as a result of the study to confirm that comfort women came are: Japan; the Korean Peninsula; China; Taiwan; the Philippines; Indonesia; and the Netherlands. Apart from Japanese, many of the comfort women transferred to the war areas were from the Korean Peninsula.

6) Operation and management of comfort stations

Many comfort stations were run by private operators, although in some areas there were cases in which the then Japanese military directly operated comfort stations. Even in those cases where the facilities were run by private operators, the then Japanese military was involved directly in the establishment and management of the comfort stations by such means as granting permissions to open the facilities, equipping the facilities, drawing up the regulations for the comfort stations that set the hours of operation and tariff and stipulated such matters as precautions for the use of the facilities.

With regard to the supervision of the comfort women, the then Japanese military imposed such measures as mandatory use of contraceptives as a part of the comfort station regulations and regular check-ups of comfort women for venereal and other diseases by military doctors, for the purpose of hygienic control of the comfort women and the comfort stations. Some stations controlled the comfort women by restricting their leave time as well as the destinations they could go to during the leave time under the comfort station regulations. It is evident, at any rate, that, in the war areas, these women were forced to move with the military under constant military control and that they were deprived of their freedom and had to endure misery.

7) Recruitment of comfort women

In many cases private recruiters, asked by the comfort station operators who represented the request of the military authorities, conducted the recruitment of comfort women. Pressed by the growing need for more comfort women stemming from the spread of the war, these recruiters resorted in many cases to coaxing and intimidating these women to be recruited against their own will, and there were even cases where administrative/military personnel directly took part in the recruitments.

8) Transportation of comfort women, etc.

When the recruiters had to transport comfort and other women by ship or other means of transportation, the then Japanese military approved requests for their travel by such means as regarding such women as having a special status similar to its civilian personnel serving in the military, and the Japanese Government issued certificates of identification. In quite a few cases the women were transported to the war areas by military ships and vehicles, and in some cases they were left behind in the confusion of the rout that ensued Japanese defeat.

The Asian Women's Fund

The Fund will conduct the following activities.

○ADDRESSING WOMEN'S PROBLEMS TODAY

The Fund, through the use of Japanese Government funding, plans to address current issues such as the eradication of violence against women.

○ATONEMENT

The Fund intends to undertake disbursement to each victim, former wartime "comfort women" as an expressing of Japanese people's atonement. The resource for this activity is funded by the Japanese people's donation.

○MEDICAL and WELFARE ASSISTANCE

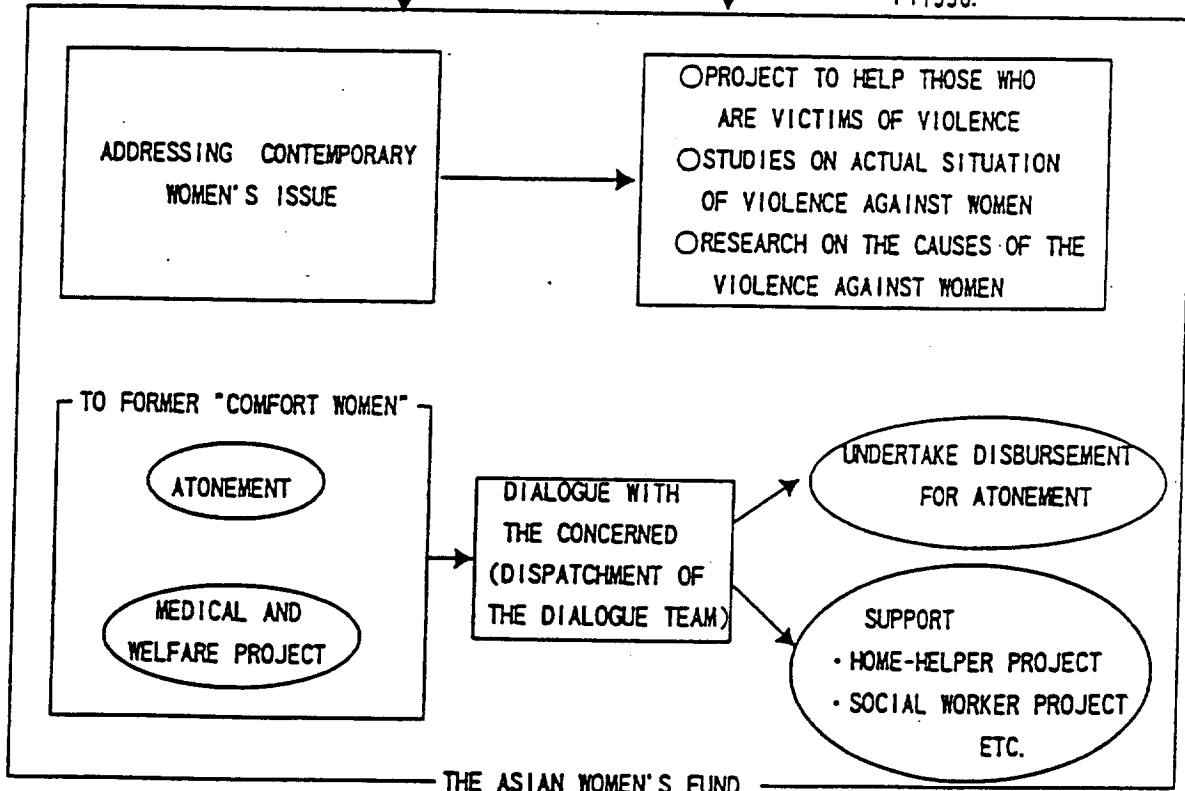
The Fund supports medical and welfare projects which are of service to former wartime "comfort women." The resource for this activity shall be funded by the Government of Japan.

about US \$2.1 million has been donated to the Fund as of March 1996.

JAPANESE PEOPLE'S CONTRIBUTIONS

JAPANESE GOVERNMENT'S SUBSIDY

The Government plans to appropriate about US \$ 6.3 million for FY1996.



JAPANESE PEOPLE'S CONTRIBUTIONS

10 THOUSAND YEN

