

Violence against Women Sexual Violence Around Foreign Military Bases

Asia-Japan Women's Resource Center (AJWRC)

[Concern/Problem] Sexual assaults against women and girls around foreign military bases remain a serious problem. Facilitated by an ineffective Japanese criminal justice system and the bilateral military agreement that limit jurisdiction of Japanese authorities, many perpetrating soldiers escape punishments. Most of the victims do not receive any legal support or sufficient compensation.

[Proposed Recommendation] The Japanese government should take effective measures to prevent, prosecute and punish sexual abuses against women and children by foreign military members. It has to ensure that perpetrators are duly investigated, prosecuted and punished according to the Japanese laws, and that victims are fully compensated.

Sexual assaults around the bases as continued threats: Sexual assaults by US soldiers have remained as a serious threat to women and girls living in communities hosting military bases, despite the repeated promise of prevention made by Japanese and US governments. Some recent cases include: gang rape by four soldiers against a 19-year-old Japanese woman in Hiroshima in October 2007; sexual assault of a 14-year-old girl in Okinawa in February 2008; and sexual assault and injury of a 22-year-old Filipino migrant woman in Okinawa in February 2008. Although some of those perpetrating soldiers were convicted in the US court martial, none of them were prosecuted and tried in the Japanese court.

Problems with conviction of perpetrators: Under the Status of Forces Agreement, Japan has only limited jurisdiction over sexual crimes committed in Japan, as the US has primary jurisdiction over cases involving on-duty soldiers. While Japanese authorities could exercise jurisdiction over cases involving off-duty soldiers, its powers to investigate and arrest perpetrators become limited when perpetrators are in US custody. Furthermore, there is evidences that Japanese authorities are not actually exercising jurisdiction fully even in cases where it could do so. According to a recently discovered official document of 1953, the Ministry of Justice had virtually ordered relevant authorities to abandon jurisdiction over crimes and accidents by US military personnel except for very serious cases, following a secret negotiation between the Japanese and American governments. Although Japanese Government officially denies the secret agreement and argues that all the sexual crimes are dully prosecuted regardless of the status of perpetrators, 83% of all the crimes committed by off-duty US soldiers between 2001 and 2008 were not prosecuted. Among them, only 25.8% of rape and rape resulting in death and injury and 10.5% of cases of forcible indecency as well as forcible indecency resulting in death and injury were prosecuted, while 73.5% and 56.1% of the same crimes committed by Japanese perpetrators were prosecuted.

Redress for Victims: While it is the Japanese government that is responsible for compensation in cases involving on-duty soldiers, cases involving off-duty soldiers are to be solved through negotiations between the parties involved. In reality, it is extremely difficult for victims to receive satisfactory compensation, as perpetrators have the privilege of escaping from Japan without notification, protected by the Agreement, while Japanese government does not provide any legal support for victims. While the US Military may make consolation payments, its application depends on the decision by the US authority and amounts are usually very low. Because of difficulty of achieving conviction in the court, most victims have ended up without redress or forced to be silent for a small amount of token money.