

**Comments by the Government of Japan regarding the Concluding Observations of
the Committee on the Elimination of Racial Discrimination
(CERD/C/JPN/CO/7-9)**

Paragraph 18

The Committee urges that the State party take immediate action to:

- (a) Conclude investigations on violations of the rights of comfort women by the Japanese military, and bring to justice those responsible for human rights violations;
- (b) Pursue a comprehensive, impartial and lasting resolution of the issue of comfort women, including expressions of sincere apology and the provision of adequate reparation to all surviving comfort women or to their families;
- (c) Condemn any attempts at defamation or denial of such events.

1. The Government of Japan considers that it is not appropriate for this report to take up the comfort women issue in terms of the implementation of State Party's undertakings under the International Convention on the Elimination of All Forms of Racial Discrimination as this Convention does not apply to any issues that occurred prior to Japan's conclusion thereof (1995).

2. Also, with the recognition that the comfort women issue continued to impact the development of Japan-ROK relations, the Governments of Japan and the ROK agreed at the Japan-ROK Summit Meeting held on November 2, 2015, to continue and accelerate consultations on the issue toward its conclusion as promptly as possible. Subsequently, intensive bilateral consultations, including the Director-General consultations between the diplomatic authorities of the two countries, were carried out. On December 28, 2015, the Foreign Ministers of Japan and the ROK met and made an announcement (see Attachment) at a joint press occasion. Later on the same day, the leaders of Japan and the ROK spoke over the telephone and confirmed the content of the announcement. Following the announcement, the Government of ROK established a foundation for the purpose of providing support for the former comfort women on July 28th this year. On August 31st, the Government of Japan contributed 1 billion yen to the foundation. The Governments of Japan and the ROK will cooperate and continue to faithfully implement the announcement particularly for the former comfort women who are now advanced in

years.

3. With these in mind, the Government of Japan presents its comments on the committee' recommendations:

4. Regarding “(a) Conclude investigations on violations of the rights of comfort women by the Japanese military, and bring to justice those responsible for human rights violations,” the Government of Japan has conducted a full-scale fact-finding study on the comfort women issue since the early 1990s when the issue started to be taken up as a political issue between Japan and the ROK. The fact-finding study included 1) research and investigation on related documents owned by relevant ministries and agencies of the Government of Japan, 2) document searches at the U.S. National Archives and Records Administration, as well as 3) hearings of relevant individuals including former military parties and managers of comfort stations and analysis of testimonies collected by the Korean Council. With regards to the war crimes committed by Japanese citizens during the Second World War, we are aware that there have been (1) the International Military Tribunal for the Far East, held in Tokyo, (2) GHQ Military Tribunals in Tokyo, and (3) tribunals held by the Allied countries. For example, in Dutch East Indies, some former military officials coerced foreign women into prostitution, against their superior's orders and in violation of military rules that require the woman's consent. In this case, after the military found out about the situation, the military shut down the comfort station, and the officials involved in the case were tried in a BC-level court martial after the war. One was sentenced to death, and 8 were sentenced to imprisonment. That said, it is extremely difficult for the Government of Japan to investigate the facts of individual cases retrospectively, and therefore the Government of Japan does not consider “prosecuting and punishing perpetrators.”

5. Regarding “(b) Pursue a comprehensive, impartial and lasting resolution of the issue of comfort women,” the Government of Japan has sincerely dealt with issues of reparations, property and claims pertaining to the Second World War under the San Francisco Peace Treaty, which the Government of Japan concluded with 45 countries, including the United States, the United Kingdom and France, and through bilateral treaties, agreements and instruments. The issues of claims of individuals, including those of the former comfort women, have been legally settled with the parties to these treaties, agreements and instruments.

6. In particular with the ROK, the Article II, paragraph 1 of the *Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Co-operation between Japan and the Republic of Korea* stipulates that “problem concerning property, rights and interests of the two Contracting Parties and their nationals (including juridical persons) and concerning claims between the Contracting Parties and their nationals, including those provided for in Article IV, paragraph(a) of the Treaty of Peace with Japan signed at the city of San Francisco on September 8, 1951, is settled completely and finally”.

7. Furthermore, since 1990’s when the comfort women issue started to be taken up as a political issue, the Government of Japan has been proactively taking measures to restore the honor and dignity of and to offer relief for the foreign former comfort women. On July 19, 1995, the people and the Government of Japan cooperated and together established the Asian Women’s Fund (AWF) with a view to conducting projects to provide atonement money and medical and welfare support for the former comfort women. For the AWF, the Government of Japan provided a total of 4.8 billion yen and approximately 600 million yen was donated by the people of Japan.

8. To be specific, the AWF provided “atonement money” (2 million yen per person) to former comfort women in the Republic of Korea, the Philippines and Taiwan who were identified by their governments/authority and other bodies and wished to receive it. As a result, 285 former comfort women (211 persons in the Philippines, 61 persons in the Republic of Korea, 13 persons in Taiwan) received funds. Moreover, in addition to the “atonement money,” the AWF provided funds for medical and welfare support in those countries/areas (3 million yen per person in the Republic of Korea and Taiwan, 1.2 million yen for the Philippines), financial support for building new elder care facilities in Indonesia, and financial support for a welfare project which helps to enhance the living conditions of the former comfort women in the Netherlands. In this way, the AWF made dedicated efforts for programs to offer medical care and welfare support (a total of 1.122 billion yen) and to provide “atonement money” from donations of the people of Japan.

9 When the atonement money as well as the medical and welfare support were provided, the then-Prime Ministers (namely, PM Ryutaro Hashimoto, PM Keizo Obuchi, PM Yoshiro Mori and PM Junichiro Koizumi), sent a signed letter expressing apologies and

remorse directly to each former comfort woman (see the attachment).

10. While the AWF was disbanded in March 2007, the Government of Japan has continued to implement follow-up activities of the Fund to this day. Once again, the Government of Japan wishes to emphasize the fact that the AWF was formed cooperatively by the Government and the people of Japan with the sincere desire to convey their goodwill and to reach out to assist former comfort women to the greatest extent possible, and as a result, our feelings were transmitted to many of them. The dedicated efforts by the AWF should not be lost in the annals of history.

11. On that basis, with the announcement at the end of the last year mentioned in paragraph 2, the Governments of Japan and the ROK confirmed that the issue of comfort women is resolved finally and irreversibly.

12. Regarding “(c) Condemn any attempts at defamation or denial of such events,” the Government of Japan has no intention of denying or trivializing the comfort women issue. On August 14th, 2015, Prime Minister Abe, in his statement commemorating the 70th Anniversary of the end of the WWII, resolutely expressed that “[w]e will engrave in our hearts the past, when the dignity and honor of many women were severely injured during wars in the 20th century...” and that “Japan will lead the world in making the 21st century an era in which women’s human rights are not infringed upon.”

[END]

Announcement by Foreign Ministers of Japan and the Republic of Korea at the Joint Press Occasion

1. Foreign Minister Kishida

The Government of Japan and the Government of the Republic of Korea (ROK) have intensively discussed the issue of comfort women between Japan and the ROK at bilateral meetings including the Director-General consultations. Based on the result of such discussions, I, on behalf of the Government of Japan, state the following:

(1) The issue of comfort women, with an involvement of the Japanese military authorities at that time, was a grave affront to the honor and dignity of large numbers of women, and the Government of Japan is painfully aware of responsibilities from this perspective.

As Prime Minister of Japan, Prime Minister Abe expresses anew his most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.

(2) The Government of Japan has been sincerely dealing with this issue. Building on such experience, the Government of Japan will now take measures to heal psychological wounds of all former comfort women through its budget. To be more specific, it has been decided that the Government of the ROK establish a foundation for the purpose of providing support for the former comfort women, that its funds be contributed by the Government of Japan as a one-time contribution through its budget, and that projects for recovering the honor and dignity and healing the psychological wounds of all former comfort women be carried out under the cooperation between the Government of Japan and the Government of the ROK.

(3) While stating the above, the Government of Japan confirms that this issue is resolved finally and irreversibly with this announcement, on the premise that the Government will steadily implement the measures specified in (2) above.

In addition, together with the Government of the ROK, the Government of Japan will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations.

2. Foreign Minister Yun

The Government of the Republic of Korea (ROK) and the Government of Japan have intensively discussed the issue of comfort women between the ROK and Japan at bilateral meetings including the Director-General consultations. Based on the result of such discussions, I, on behalf of the Government of the ROK, state the following:

(1) The Government of the ROK values the GOJ's announcement and efforts made by the Government of Japan in the lead-up to the issuance of the announcement and confirms, together with the GOJ, that the issue is resolved finally and irreversibly with this announcement, on the premise that the Government of Japan will steadily implement the measures specified in 1. (2) above. The Government of the ROK will cooperate in the implementation of the Government of Japan's measures.

(2) The Government of the ROK acknowledges the fact that the Government of Japan is concerned about the statue built in front of the Embassy of Japan in Seoul from the viewpoint of preventing any disturbance of the peace of the mission or impairment of its dignity, and will strive to solve this issue in an appropriate manner through taking measures such as consulting with related organizations about possible ways of addressing this issue.

(3) The Government of the ROK, together with the Government of Japan, will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations, on the premise that the Government of Japan will steadily implement the measures it announced.

Attachment 2

(Translation)

Letter from Prime Minister to the former comfort women

Dear Madam,

On the occasion that the Asian Women's Fund, in cooperation with the Government and the people of Japan, offers atonement from the Japanese people to the former wartime comfort women, I wish to express my feelings as well.

The issue of comfort women, with an involvement of the Japanese military authorities at that time, was a grave affront to the honor and dignity of large numbers of women.

As Prime Minister of Japan, I thus extend anew my most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.

We must not evade the weight of the past, nor should we evade our responsibilities for the future.

I believe that our country, painfully aware of its moral responsibility, with feelings of apology and remorse, should face up squarely to its past history and accurately convey it to future generations.

Furthermore, Japan also should take an active part in dealing with violence and other forms of injustice to the honor and dignity of women.

Finally, I pray from the bottom of my heart that each of you will find peace for the rest of your lives.

Respectfully yours,

Prime Minister of Japan