

MISSION PERMANENTE DU JAPON
AUPRÈS DES ORGANISATIONS INTERNATIONALES
GENÈVE-SUISSE

MT/UN/598

The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to transmit herewith the reply of the Government of Japan to the letter ref: KF fup-116 sent by the Special Rapporteur for Follow-up to Concluding Observations of the Human Rights Committee on 19 April 2016.

The Permanent Mission of Japan to International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 27 December 2016

Enclosure mentioned



OHCHR REGISTRY

29 DEC 2016

Recipients: HR COMMITTEE
K. FOX
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Reply of the Government of Japan
to the Letter Sent by the Special Rapporteur for Follow-up to Concluding
Observations of the Human Rights Committee Dated 19 April 2016

Paragraph 14

The Committee notes the information provided by the State party, but requests further information on measures taken after the adoption, on 23 July 2014, of the concluding observations, including on the agreement reached in December 2015 between the State party and the Government of the Republic of Korea, in which the Prime Minister of Japan reportedly made an apology and Japan promised a payment of 1 billion yen to provide support for former comfort women.

1. After intensive consultations between the Government of Japan and the Government of the Republic of Korea (ROK) on the issue of comfort women toward an early conclusion, the Foreign Ministers of both nations had a meeting on December 28, 2015, and announced the content of the agreement at a joint press conference (see attached). Later on the same day, a phone call between the leaders of both nations was held and the leaders confirmed the agreement.
2. The Government of Japan has been sincerely dealing with this issue through measures such as the Asian Women's Fund. In accordance with the said agreement between the Foreign Ministers of the Government of Japan and the Government of the ROK, on July 28, 2016, the Government of the ROK established a foundation for the purpose of providing support for the former comfort women and the Government of Japan contributed 1 billion yen to the foundation on August 31 of the same year.
3. The Governments of Japan and the ROK will cooperate and continue to faithfully implement the agreement, particularly for the former comfort women who are now advanced in years. The agreement achieved through considerable diplomatic efforts by the two Governments has not only been welcomed by the international community, including Mr. Ban Ki-moon, Secretary-General of the United Nations, but has also been positively received by many former comfort women in the ROK.

The Committee also requires information on measures taken to (a) investigate all cases and prosecute and punish perpetrators; (b) provide full reparation to victims and their families; (c) disclose all available evidence; (d) condemn attempts to defame victims or to deny the events; and (e) educate students through references in textbooks.

1. With regards to “(a) investigate all cases and prosecute and punish perpetrators” and “(c) disclose all available evidence,” 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 research and investigation on related documents owned by relevant ministries and agencies of the Government of Japan, document searches at the U.S. National Archives and Records Administration, as well as hearings of relevant individuals including former military parties and managers of comfort stations and analysis of testimonies collected by the Korean Council. The result of this study, as well as the documents found in the process, have been made public.

2. 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 the 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 to investigate the facts of individual cases retrospectively, and therefore, the Government of Japan does not consider prosecuting and punishing perpetrators.

3. With regards to “(b) provide full reparation to victims and their families,” 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.

4. In particular with the ROK, 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 the “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.”
5. Notwithstanding this, as mentioned in the Follow-up report, from a moral standpoint, the Government of Japan has taken various measures to offer realistic relief to former comfort women who are now advanced in years.
6. With regards to “(d) condemn attempts to defame victims or to deny the events,” the Government of Japan has no intention of denying the comfort women issue. On August 14, 2015, Prime Minister Abe, in his statement commemorating the 70th Anniversary of the end of the war, 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.”
7. With regards to “(e) educate students through references in textbooks,” it is required in the Guidelines for the Course of Study, which provides under the law, the standards for the design of the school curriculum,

that students should be taught to understand that World War II caused tremendous suffering to humanity at large. What is to be described in textbooks based on the Guidelines for the Course of Study is left to the discretion of each textbook publisher, and some textbooks do mention comfort women.

(END)

Attachment

(Provisional translation)

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.