

## Japan's Efforts on the Issue of Comfort Women

### 1. The issue of comfort women between Japan and the Republic of Korea (ROK)

(1) As the issue of comfort women has been a major diplomatic issue in Japan-ROK relations since the 1990s, Japan has sincerely dealt with it. The issue concerning property and claims between Japan and the ROK was settled completely and finally in 1965 through the Agreement on the Settlement of Problems Concerning Property and Claims and on the Economic Cooperation between Japan and the ROK. However, from the perspective of facilitating feasible remedies for the former comfort women, the people and the Government of Japan cooperated to establish "Asian Women's Fund" in 1995, through which they carried out medical and welfare projects and provided "atonement money" to each former comfort woman in Asian and other countries, including the ROK. In addition, successive Prime Ministers have sent letters expressing their "apology and remorse" to former comfort women. The Government of Japan has made every effort as mentioned above.

(2) Furthermore, as a result of great diplomatic efforts, the Governments of Japan and the ROK confirmed that the issue of comfort women was "resolved finally and irreversibly" with the agreement reached at the Japan-ROK Foreign Ministers' Meeting in December 2015. The Japanese and ROK leaders also confirmed that they would take responsibility as leaders to implement this agreement, and that they would deal with various issues based on the spirit of this agreement. This agreement was welcomed by the international community, including then Secretary-General of the United Nations Ban Ki-moon and the U.S. Government.

In accordance with this agreement, in August 2016, the Government of Japan contributed 1 billion yen to "the Reconciliation and Healing Foundation" established by the Government of the ROK. The Foundation provided financial support to 35 out of the 47 former comfort women who were alive at the time of the agreement, and to the bereaved families of 65 out of the 199 former comfort women who were deceased at the time. The agreement has been received positively by many former comfort women.

(3) However, in December 2016, a comfort woman statue<sup>1</sup> was installed on the sidewalk facing the Consulate-General of Japan in Busan by a civic group in the ROK. Subsequently, the Moon Jae-in administration was newly inaugurated in May 2017. Based on the results of the assessment made by the Taskforce to Review the Agreement on Comfort Women Issue under the direct supervision of the Minister of Foreign Affairs of the ROK, Foreign Minister Kang Kyung-wha announced the position of the Government of the ROK on January 9, 2018 as follows: i) it will not ask for a renegotiation with Japan; and ii) the 2015 agreement, which fails to properly reflect the wishes of the victims, does not constitute a true resolution of the issue. In July 2018, the Ministry of Gender Equality and Family of the ROK announced that it would arrange a reserve budget to "appropriate the full amount" of the 1 billion yen contributed by the Government of Japan and contribute this amount to "the Gender Equality

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<sup>1</sup> 1: For the sake of practical convenience, the statues in front of the Embassy of Japan in Seoul and the Consulate-General of Japan in Busan are referred to as "comfort woman statues." However, the use of this term is not a reflection of the recognition that these statues correctly embody the reality of those women at that time.

Fund”. In November, the Ministry of Gender Equality and Family announced that it would proceed with its dissolution of “the Reconciliation and Healing Foundation”.

(4) Moreover, on January 8, 2021, in the lawsuit filed by former comfort women and others against the Government of Japan, the Seoul Central District Court of the ROK(SCDC) rendered a judgment which ordered the Government of Japan, *inter alia*, to pay compensation to the plaintiff, denying the application of the principle of State immunity under international law. On January 23, 2021, the judgment was confirmed. On April 21, in a similar lawsuit filed by former comfort women and others, the SCDC dismissed the case, taking into account the principle of State immunity under international law, but on May 6, the plaintiffs appealed against the court’s decision. On November 23<sup>rd</sup>, 2023 the Seoul High Court of the Republic of Korea rendered a judgment in favor of the plaintiffs, denying the application of the principle of State immunity under international law, and the judgment was confirmed on December 9<sup>th</sup>. Japan has repeatedly expressed its position that this lawsuit must be dismissed because it is not acceptable for the Government of Japan to be subject to the jurisdiction of the ROK in accordance with this principle of State immunity in international law. As mentioned above, the issue concerning property and claims between Japan and the ROK, including the issue of comfort women, was “settled completely and finally” with the Agreement on the Settlement of Problem concerning Property and Claims and on the Economic Co-operation between Japan and the ROK of 1965. Furthermore, it was confirmed that the issue of comfort women was "resolved finally and irreversibly" with the agreement between Japan and the ROK in 2015. Therefore, those judgments are extremely regrettable and absolutely unacceptable, as it is clearly contrary to international law and agreements between the two countries. It is Japan’s policy that it once again strongly urges the ROK to immediately take appropriate measures to remedy the status of its breaches of international law on its own responsibility as a country.

(5) The Japan-ROK agreement is an agreement between two countries, and it must be implemented responsibly. The ROK has a responsibility to steadily implement the agreement not only to Japan but also to the international community. As stated above, the Government of Japan has implemented all measures it committed to under the Japan-ROK agreement. The ROK government itself also acknowledges that this agreement is an official agreement between the two governments and the international community is closely following the ROK’s implementation of the agreement. The Government of Japan will continue to strongly urge the ROK to steadily implement the Japan-ROK agreement.

## **2. The comfort women issue in the international community**

(1) The Government of Japan has sincerely dealt with issues of reparations, property, and claims pertaining to the Second World War, including the comfort women issue, 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 other bilateral treaties, agreements, and instruments. These issues including those of claims of individuals have already been legally settled with the parties to these treaties, agreements, and instruments.

(2) On this basis, the Government of Japan has actively taken measures to recover the honor of former comfort women and to provide remedies for them. In 1995, the AWF was established with the cooperation of the people and the Government of Japan for the purpose of carrying out atonement and remedy projects for former comfort women. The Government of Japan provided a total of 4.8 billion yen. Approximately 600 million yen was donated to the AWF by the people of Japan. The Government of Japan extended maximum cooperation to the AWF, which implemented medical and welfare support projects and provided "atonement money," to offer realistic relief to former comfort women. As part of the AWF's projects, "atonement money" (2 million yen per person), which was funded by donations from Japanese people, was provided to 285 former comfort women (211 for the Philippines, 61 in the Republic of Korea, 13 in Taiwan). Moreover, the AWF provided funds in those countries/areas for medical and welfare support funded with contributions by the Government of Japan. (3 million yen per person in the Republic of Korea and Taiwan, 1.2 million yen for the Philippines) (for a total of 5 million yen per person in the Republic of Korea and Taiwan, 3.2 million yen per person in the Philippines). Furthermore, using funds contributed by the Government of Japan, the AWF extended support for projects to promote social welfare services for elderly people in Indonesia as well as projects to help improve the living conditions of former comfort women in the Netherlands.

(3) When the "atonement money" as well as the medical and welfare support were provided to individual former comfort women, then-Prime Ministers (namely, PM Ryutaro Hashimoto, PM Keizo Obuchi, PM Yoshiro Mori and PM Junichiro Koizumi) sent signed letters expressing apologies and remorse directly to each former comfort woman.

(4) As stated in the Statement by the Prime Minister issued in 2015, Japan will engrave in its heart the past, when the dignity and honour of many women were severely injured during wars in the 20th century. Japan will lead the world in making the 21st century an era in which women's human rights are not infringed upon.

(5) Despite such sincere efforts by the Government of Japan, there are claims that can hardly be said to be based on historical facts, such as the allegations of "forceful taking away" of comfort women and "sex slaves" as well as the figures "200,000 persons" or "several hundred thousands" for the total number of comfort women.

The Government of Japan's position regarding these claims is as follows;

- "Forceful taking away"

"Forceful taking away" of comfort women by the Japanese military and government authorities could not be confirmed in any of the documents that the Government of Japan was able to identify. (This position is stated, for example, in a written answer approved by the Cabinet on December 16, 1997 to the question by a member of the House of Representatives.)

- "Sex slaves"

The expression “sex slaves” contradicts the facts so that it should not be used. This point was confirmed with the ROK at the occasion of the Japan-ROK Agreement in December 2015 and the expression “sex slaves” is not used in the agreement.

- Figures such as “200,000 persons” for the total number of comfort women

The figure “200,000 persons” lacks concrete evidence. As stated in the report of the Government study’s result of August 4, 1993, it is virtually impossible to determine the total number of comfort women as no documents have been found which either indicate the total number or give sufficient ground to establish an estimate.

(6) The Government of Japan has been making efforts to provide clear explanations regarding its sincere efforts and official position in international fora. Specifically, at the UN, the Government of Japan has explained its position at a number of opportunities such as during the examination of the Seventh and Eighth Periodic Reports by the Government of Japan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in February 2016 and the Ninth Periodic Report on the Implementation of the CEDAW in September 2021. In February 2017, the Government of Japan also submitted its *amicus curiae* brief to the U.S. Supreme Court for the trial concerning a comfort woman statue installed in Glendale in the suburbs of Los Angeles, United States.