To : The Chair of the Human Rights Committee

Cc : Secretary of the Human Rights Committee

Date : May 12th 2017

**Position on Reply of the Government of Japan to Letter Sent by**

**the Special Rapporteur for Follow-up to concluding Observations**

**of the Human Rights Committee dated 19 April 2016**

By The Korean Council for the Women Drafted for Military Slavery by Japan

Former president Park, Geun-hye, who enforced 2015 Korea-Japan agreement on the Japanese Military Sexual Slavery (“comfort women”) Issue despite resistance of victims and citizens, was impeached on March 2017. Now we have elected new president on May 9th.

During his presidential election campaign, Moon, Jae-in has promised resolution of Japanese military sexual slavery issue by annulment of the 2015 Korea-Japan agreement and returning 1 billion yen to the government of Japan, and many Korean people are giving him sincere congratulations on his election with one accord to be fulfilled his promises on Japanese military sexual slavery issue.

However, the government of Japan is insisting that there will be no re-negotiation on the 2015 Korea- Japan agreement and new Korean government should abide by the agreement.

Related link in English <http://english.hankyung.com/economy/2017/05/12/0520171/japans-chief-cabinet-secretary-minister-urges-korea-to-abide-by-comfort-women-deal>

“We have lots of interest in new Korean government. It would be very important for both nations to carry out the deal with full responsibility, which is highly recognized by the international community. There is no policy change of Japan to demand Korea government to implement as both agreed” Yoshihide Suga, the Chief Cabinet Secretary of Japan, said in his press conference on May 9th.

Furthermore, as the government of Japan is pressurizing Korean government with sticking to its policy on the agreement, on the occasion of the inauguration of the new Korean president Moon Jae-in, the prime minister of Japan, Shinzo Abe, said “We hope that new Korean government abide by the 2015 Korea-Japan agreement steadily standing on the basis of building future-oriented relations of both nations”.

Instead, Korean president, Moon Jae-in, urged that Japanese leaders including Prime minister, Abe, to honor previous statement released by their own predecessors - Tomoiich Murauama, Yohei Kono, joint declaration by Kim, Dae-jung and Keizo Obuchi – in which the former Japanese leaders acknowledged and apologized for Japan’s wartime sexual violence slavery victims. “It is reality that m ost of Korean people did not accept the 2015 Korea-Japan agreement” he added showing his commitment on re-negotiation.

Related link in English <https://www.koreatimes.co.kr/www/nation/2017/05/120_229149.html>

Also, Future and History Development committee chair Kang, Chang-il, under the Democratic Party of Korea, now the ruling party, clarified its position through media interview:

* The 2015 Korea-Japan is considered as a treaty by the international law, which requires to be ratified by the National Assembly. However, the agreement hasn’t been ratified yet and the agreement was negotiated and signed behind the door without getting consents from either victims or the people of Korea;
* A treaty or an agreement by the international law can be re-negotiated or abrogated if there are some wrong parts in it;
* We don’t agree to conditions given by the Japanese government such as removal of peace statues and using terms like ‘Final’, ‘Irreversible’;
* The nation has an obligation to guarantee and advocate individual’s rights and interests;
* There is no fully fulfilled official apology to victims including reparations in the 2015 Korea-Japan agreement, so the agreement should be re-negotiated.

Related link in Korean <http://www.ytn.co.kr/_ln/0101_201705120833208943>

As above mentioned, the new Korean government has a clear position that the 2015 Korea-Japan agreement should be either re-negotiated or abrogated due to be unfulfilled the implementation of legal responsibilities by the Japanese government including official apology, reparations, fact-finding investigation and ceasing of history distortions, and the people of Korea is also of the same mind about the Korean government’s position.

In this reply of the Government of Japan, they have reported that the 2015 Korea-Japan agreement is not only an achievement through considerable diplomatic effort but also welcomed by the international community by mentioning former secretary general of the UN, Mr. Ban, Ki-moon.

However, when Ban, Ki-moon, former secretary general of the UN, met one of our victims, Gil, Wonok, and representative of the Korean council for the Women Drafted for Military Sexual Slavery by Japan on March 11th 2016 at the UN Headquarter, “There has been misunderstanding on my welcoming statement on the 2015 Korea-Japan agreement. What I was trying to say is to give value on the efforts by both governments to reduce pains of victims. I announced the statement hoping for this agreement should be carried out in the way to respect human rights’ and dignity of human being in accordance with the Charter of the UN” he explained.

In addition, when he visited ‘House of Peace’, which is a shelter for victims, to meet with victims shortly after he leaves his office, he said that it is vital for being sincere apology must be accepted by victims.

Related link in Korean

<http://www.newsis.com/ar_detail/view.html/?ar_id=NISX20160312_0013952884&cID=10101&pID=10100>

The Japanese government also explained that the Korean government established the foundation in accordance with the 2015 Korea-Japan agreement, and the government of Japan contributed 1 billion yen to the foundation for the purpose of providing support for the victims.

The foundation being mentioned by Japanese government is called ‘the Foundation for Reconciliation and heal’, which was established on July 28th 2016. The Foundation has been not only inducing and urging the aged victims who are unable to express with free will due to illness consistently to receive compensation, but has also been urging victim’s families to receive compensation. The foundation has also been distorting with propaganda such as false information used to give money forcibly to victims as much as they can by utilizing other victims. In the case of one of our victims, she refused to receive the money from the foundation many times, but the foundation staff kept coming back to her urging to receive the money, which we consider that as human rights violation. What the foundation has been doing is to cause worse pain to victims.

In response to ‘the Foundation for Reconciliation and heal’, the Korean council established alternative organization called ‘the Foundation for Justice and Remembrance for the issue of military sexual slavery by Japan (hereafter, Foundation for Justice)’ with many proactive civil society and labour organizations in Korea on June 9th 2016. The Foundation for Justice has been working on to achieve annulment of 2015 Korea-Japan agreement along with fundraising campaign called ‘Hand in Hand with 200,000 Japanese military sexual slavery victims’. The foundation for Justice has also been conducting various projects actively; to support survived victims in Asian countries including Korea; to give educational support for the bereaved families’ grandchild and future generation as a whole; to expand our solidarity by supporting wartime sexual violence victims including female and child.

We recall statements by the UN human rights institutions[[1]](#footnote-2) on the unjustness of the 2015 Korea-Japan agreement. Among these statements, we recall the statements of the UN DECAW on March 7th 2016. The UN CEDAW regrets that: the 2015 Korea-Japan agreement announced by both governments, which asserts that the comfort women issue “is resolved finally and irreversibly”, did not fully adopt a victim-centered approach; the Japanese government has not addressed its obligations under international human rights laws towards “comfort women” victims in other concerned countries. And the committee reiterates its previous recommendations (CEDAW/C/JPN/CO/6 paras. 37 and 38) to be carried out by the Japanese government.

There are only 38 victims survived and most of them are in their 90s. What the government of Japan should do now is not urging the Korean government to abide by the agreement, but to acknowledge and implement official apology and legal obligations for fulfillment of resolution for the Japanese military sexual slavery victims, which has been recommended by the UN Human Rights institutions for many years.

1. \* March 7, The Convention on the Elimination of all Forms of Discrimination Against Women(CEDAW) : ▷The Committee regrets that the bilateral agreement on Japanese military sexual slavery on December 28 did not fully adopt a victim-centred approach ▷The Committee urges Japanese government to provide official apologies and reparations. ▷ The Committee urges Japanese government to Ensure that its leaders and public officials desist from making disparaging statements regarding responsibility, which have the effect of retraumatising victims

   \* March 10, Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights : ▷Only the women who survived sexual slavery by Japanese military forces during World War II themselves can judge whether they have received genuine redress ▷It is fundamentally important that the relevant authorities reach out to these courageous and dignified women.

   \* March 11, UN rights experts (Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice, Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment : ▷We believe the agreement between Japan and South Korea falls short of meeting the demands of survivors ▷ The agreement does not meet standards of State accountability for gross human rights violations ▷ It was reached without a proper consultation process with Neither the surviving victims nor the organizations representing them for more than 20 years ▷ An unequivocal official apology recognizing the full responsibility of the then Japanese Government and military, as well as adequate reparations, would protect and uphold the victims’ right to truth, justice and reparation ▷We are also deeply concerned that the Republic of Korea may remove a statue commemorating not only the historical issue and legacy of the ‘comfort women’ but also symbolizing the survivors’ long search for justice ▷ This issue will not be considered resolved so long as all the victims, including from other Asian countries, remain unheard, their expectations unmet and their wounds left wide open [↑](#footnote-ref-2)