



International Research Institute of Controversial Histories (iRICH)
Address: Suido 2-6-3, Bunkyo-ku, Tokyo 112-0005 Japan
Website: <https://i-rich.org> Mail: info@i-rich.org

12th June, 2022

Information for UPR 42nd Session / Japan

Request for an objective examination of the Japan-South Korea Agreement

The International Research Institute of Controversial Histories is a General Incorporated Association in Japan, established since 2018, with the principal aim of recognizing true history by tackling historical controversies of international significance based on fair historical research.

1. UPR of Japan (3rd Cycle – 28th session)

Recommendation	Japan's Position A/HRC/37/15/Add.1
161.87 Thoroughly accept legal state responsibility for and take sincere measures to address its past crimes against humanity, including sexual slavery (Democratic People's Republic of Korea)	Not accept. Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the Working Group on the Universal Periodic Review (paras. 157–159).
161.88 Face up to and reflect on history, sincerely apologize on the issue of “comfort women”, make compensations to the victims, and ensure the right of the public to information in this regard (China)	Not accept. Japan's position is stated in the interactive dialogue as recorded in the Draft Report of the Working Group on the Universal Periodic Review (paras. 154, 157–159).
161.89 Make efforts to ensure that the future generations learn the truth of history, including the issue of so-called “comfort women” (Republic of Korea)	Note. See 161.88. Japan has no intention to treat the so-called comfort woman issue in the National Curriculum Standards, which are general standards for schools to formulate their own curricula rather than indicating specifics contents. With regard to history education, Japan's position is stated in the addendum of the report of the Working Group on the 2nd UPR of Japan (A/HRC/22/14/Add.1) (para. 147.158. b).

2. Abstract

- The issue of comfort women is not one to be dealt with at UPR, the Human Rights Committee (CCPR) and other human rights treaty bodies as clearly stated in the Article 15 of the International Covenant on Civil and Political Rights.
ICCPR Article 15-1: No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed.
- The Japan-South Korea Agreement is the final and irreversible agreement on the comfort women issue.
- In response to Japan's genuine implementation of the Agreement, South Korea should be urged to implement it and its implementation will definitely contribute to maintaining the world peace.
- In response to the clear breach of the Japan-South Korea Agreement on the part of South Korea, the Japanese Government should resolutely state Japan's position and take the necessary sanctions against groundless criticism and slander.

3. Background and current situation of the issue

3-1. Contents of the Agreement

The Japan-South Korea Comfort Women Agreement (hereinafter, Japan-South Korea Agreement) announced in 2015 was an agreement between the Government of Japan and the Government of the Republic of Korea, confirming that the issue of the comfort women between Japan and South Korea was to be resolved finally and irreversibly as follows:

[Japan]

- (1) Regarding the comfort women issue, the then-Prime Minister Abe Shinzo expresses his most sincere apologies and remorse to the comfort women, as the prime minister of Japan.
- (2) With funds contributed by the Government of Japan as a one-time contribution through its budget, the Government of the Republic of Korea shall establish a foundation for the purpose of carrying out projects to recover the honor and dignity and heal the psychological wounds of all former comfort women.
- (3) The Government of Japan confirms that this issue is resolved finally and irreversibly. 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.

[South Korea]

- (1) The Government of the ROK confirms that the issue is resolved finally and irreversibly on the premise that the Government of Japan will steadily implement the measures specified in (2) above.
- (2) Regarding the statue built in front of the Embassy of Japan in Seoul, the Government of the ROK 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.

3-2. Analysis of whether and how the measures are implemented

Regarding the measures agreed upon, the Government of Japan has faithfully implemented all of them. On the other hand, South Korea stated that the mutual agreement has no legal binding power, and it has implemented none of the agreed measures.

[Japan]

- (1) Japan promised to provide one billion yen to the "Foundation for Conciliation and Healing"

and carried out its promise on August 31, 2016.

- (2) The Foundation for Conciliation and Healing, based on the funds provided by Japan, paid each former comfort woman 0.1 billion won in cash (approximately 10 million yen), and each of the bereaved families received about 20 million won. As of October 2016, 36 out of the surviving 46 former comfort women received the cash or were in the process of applying for it, and regarding deceased former comfort women, 35 bereaved families indicated their intention to receive the money.

[South Korea]

- (1) The Government of the ROK stated that the Japan-South Korea Agreement had no legally binding power.
- (2) The comfort woman statue in front of the Japanese Embassy in Seoul has not been removed. On the contrary, more and more comfort women statues and monuments are being built within South Korea and overseas.
 - In December 2016, a comfort woman statue was established in front of the Consul General of Japan in Busan.
 - In September 2017, the comfort woman statue in front of the Japanese Embassy in Seoul was designated as a special public matter by the city of Seoul, against Japan's request to remove the statue.
 - As of March 2022, comfort women statues within South Korea increased to 144 from the 20 built before the Agreement.
 - As of March 2022, comfort women statues and monuments built overseas at both public and private properties increased to 20 from the 9 existing before the Agreement.There are many cases reported about Japanese living abroad who are often bullied by other members of the local communities because of these statues and monuments.
- (3) One-sided dissolution of the Foundation for Conciliation and Healing
In November 2018, based on the South Korean claim that 75% of the population demanded renegotiation of the Japan-South Korea Agreement on the comfort women issue, South Korea unilaterally stated that the Foundation for Conciliation and Healing shall be dissolved without preliminary consultation with Japan. Japan reacted to this act by asking for a decisive implementation of the Japan-South Korea Agreement, and expressed opposition to the dissolution of the Foundation. However, South Korea completed the dissolution of the Conciliation and Healing Foundation on July 3, 2019, totally ignoring Japan's opposition.
- (4) The funds provided by Japan were not given to the comfort women, but those in charge of the Korean Council for the Women Drafted for Military Sexual Slavery by Japan used them for their own sake. In 2020, the former comfort woman Lee Yong Soo revealed this fact in her accusation.

As seen so far, South Korea's act of unilaterally cancelling the international agreement due to its domestic situation is an extremely grave breach of diplomatic protocol and as such should be strongly condemned. Whatever the domestic circumstances may be, once an agreement is reached between two countries, the agreement must be decisively and faithfully carried out. Otherwise, the international order will fall apart, and the diplomatic activities supposed to be carried out peacefully based on mutual trust among countries of the world will not function the way they should. In this sense, South Korea's act was extremely evil and barbaric.

3-3. The numerous diplomatic breaches committed by South Korea

Such diplomatic nonsense on the part of South Korea is not at all new.

- (1) The Syngman Rhee Line in 1952 and the occupation of Takeshima Island.
In 1952, South Korean President Syngman Rhee declared "Maritime Sovereignty" and established the so-called "Syngman Rhee Line," beyond the internationally accepted territorial waters, including Takeshima Island within the Line. In June 1954, South Korea stationed a

Korean Coast Guard unit on Takeshima. South Korea continues to station a guard unit on the island to this day, which surely constitutes unlawful occupation.

(2) Following the Japan-South Korea Basic Treaty and the accompanying Agreement concluded in 1965, Japan provided South Korea with \$300 million grant in economic aid and \$200 million loans, together with \$300 million in loans for private trusts, amounting to \$800 million in total. In exchange for these funds, South Korea abandoned its war-related claims. Nevertheless, the reality is that South Korea continues to make groundless compensation demands, bringing up the issues of the comfort women and “forcibly” mobilized workers. There was no coerced abduction in either case. Many of the mobilized workers voluntarily came to Japan to work and received the same salaries as the Japanese workers.

(3) South Korea has been making no efforts to pursue friendly relationship with Japan.

There are a lot of examples showing that South Korea has no intention to promote friendship with Japan, such as the South Korea’s anti-Japan education implemented from the elementary school stage; museums exhibiting fabricated comfort women materials, fabricated photos and films of alleged mobilized workers; and enactment of the law “Special Act related to confiscation of properties belonging to pro-Japan, anti-Korea Koreans to the State (Pro-Japan crime).”

South Korea’s current abandonment of the Japan-South Korea Comfort Women Agreement only prolongs the comfort women issue and can be seen as a makeshift scheme to force Japan to pay further compensations by bringing the issue to global attention. This situation only reveals that South Korea intends to abandon the efforts to maintain a friendly relationship with Japan.

3-4. In diplomacy, apology is due only once. Agreements and treaties with other countries are to be observed and implemented as a priority before anything else, including domestic matters. After two countries enter into an agreement, it is clearly against the diplomatic principles and thus improper to bring up a domestic situation or public opinions. Such acts of betrayal not only prompt Japan to distrust South Korea, but also damage South Korea’s own global credibility.

Such a grave diplomatic breach nullifies trustfulness among countries and makes it impossible to reach peaceful resolutions through dialogue. Moreover, it must be understood that such a foolish and uncivilized act may well destroy the international order.

What the United Nations should do is to hold South Korea strictly responsible for having unilaterally broken the diplomatic principles between the countries and to recommend South Korea to promptly implement the Agreement.

4. Conclusion

We request that the Government of Japan:

- 1) Continue to state that there was no forced abduction, based on various historical sources,
- 2) Continue to state that the comfort women were not victims of “sexual slavery,” based on various historical facts,
- 3) Straightforwardly and resolutely protest the groundless criticism and slander against Japan, related to the comfort women issue, including the above points 1) and 2),
- 4) Ask South Korea to promptly implement the Japan-South Korea Agreement, which it breached,
- 5) Impose sanctions against South Korea until it implements completely the Japan-South Korea Agreement.

5. Lastly, we add that there were many other cases when women went through more miserable experiences than contracted prostitutes, like the comfort women. In wartime, many women were sexually abused, like the victims of atrocious rapes. No investigation has been conducted about these women, and no attempts made to save them. At the same time, no accusations have been made against perpetrators of sexual crimes. Under the present circumstances, we cannot help but feel it extremely unfair and unreasonable that only the comfort women issue has been criticized and condemned.

The following are examples of sexual crimes committed during wars. Needless to say, they are only a tip of the iceberg.

- Mass suicides committed by 22 Japanese military nurses: In 1946, 9 out of 34 military nurses in Manchuria were raped by Russian soldiers and used as sexual slaves, the remaining 22 killed themselves together, ashamed of the prospect of being raped by Russian soldiers.
- Lai Dai Han (Vietnamese term for a racially mixed person born to a South Korean father and a Vietnamese mother): In 1968, racially mixed babies were born to Vietnamese mothers who were raped and impregnated by South Korean soldiers. It is estimated that there are 5,000 to 20,000 of them. The South Korean Government avoids admitting the fact and has not apologized in any manner.
- Turkish Baths: During the Vietnam War, the South Korean Government established comfort stations called “Turkish Bath” and forced Vietnamese women into sexual acts there.
- Military comfort women for the South Korean and the U.S. Forces: During the Korean War, the South Korean Government maintained the operation of military comfort stations for South Korean and the United States forces and made South Korean women work at the stations. The number of comfort women there is said to have been 300,000 to 350,000.

END