



PERMANENT MISSION OF THE REPUBLIC OF KOREA
GENEVA

KGV/127/ 2016

The Permanent Mission of the Republic of Korea to the United Nations Office and other International Organizations in Geneva present its compliments to the Secretariat of the United Nations (Office of the High Commissioner for Human Rights) and has the honor to refer the latter's Joint Communication from Special Procedures (OL KOR 2/2016) dated 10 March 2016. The Permanent Mission has further the honor to submit to the Secretariat attached herewith the reply of the Government of the Republic of Korea to the Communication.

The Permanent Mission of the Republic of Korea avails itself of this opportunity to renew to the OHCHR the assurance of its highest consideration.

Enclosures.: as stated



Geneva, 15 June 2016

Office of the High Commissioner for Human Rights (OHCHR)
Palais des Nations,
1211 Geneva 10
Switzerland

Comments by the Republic of Korea on the Joint Communication from Special Procedures on an Agreement on Issues related to the “comfort women” between the Governments of the Republic of Korea and Japan

I. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegation.

1. Since the early 1990s, when the so-called “comfort women” issue was first raised in the international community, the Government of the Republic of Korea (ROK) has shared opinions with UN human rights mechanisms on the issue, endeavoring to ensure that the relevant international human rights standards and principles are put into practice. Unfortunately, however, notwithstanding the continued attention of UN human rights mechanisms and efforts by previous ROK Governments to resolve this issue, a number of surviving victims passed away before such efforts bore fruit: the average age of the victims in the ROK is 89, and currently only 42 are alive. In 2015, nine victims passed away and four more have passed away this year.
2. The ROK Government has exerted intensive efforts to resolve the issue with a sense of urgency that it should be settled before any more of the “comfort women” victims pass away. As part of such efforts, the ROK Government placed the issue as a top priority on the diplomatic agenda between the ROK and Japan, holding the first ROK-Japan Director-General-level talks in April, 2014. Since then, the two countries made use of various channels to resolve the issue, including 12 rounds of Director-General-level talks. In particular, at the ROK-Japan Summit held in Seoul on November 2, 2015, the leaders of the two countries agreed to accelerate consultations to settle the issue as early as possible. For the following two months, the Governments of ROK and Japan further engaged in intensive discussions, including three rounds of Director-General-level talks, and finally reached an agreement at the ROK-Japan Foreign Ministers’ Meeting on December 28, 2015 (hereinafter referred to as the ‘Agreement’).
3. The primary purpose of the Agreement, which guided these all-out efforts, is to restore the honor and dignity of the victims and to heal their psychological wounds. Bearing this in mind, the ROK Government has listened to the opinions of the victims and advocacy groups, and has exerted the best of its efforts to reflect their opinions in the process of consultations with Japan. The victims and the advocacy groups have called for the following as key elements to be considered in resolving the issue: the acknowledgement by the Japanese Government of its responsibility and the

involvement of military authorities; clear and official apologies by the Japanese Government; and compensation provided by the Japanese Government¹. Such demands are reflected in the Agreement in the following manner: reaffirmation of the historical fact that Japanese military authorities were involved and the acknowledgement of responsibility for the first time by the Japanese Government; an expression of sincere apologies and remorse to the victims by Prime Minister Abe in his capacity as Prime Minister in public and in an official manner; and the establishment of an implementation mechanism in the form of the Japanese Government providing a lump sum funding from its budget to the foundation to be established with an initiative of the ROK Government.

4. The “comfort women” issue embodies multi-dimensional aspects in the sense that it has bearings with: an issue involving the restoration of dignity and honor of each victim; a global issue relating to universal human rights, namely the issue of wartime sexual violence; an issue which offers important lessons to be drawn from history that must not be forgotten in order to prevent any recurrence of such inhumane acts; and a diplomatic issue between the ROK and Japan. Among these, the “comfort women” issue as a diplomatic issue between the Governments of ROK and Japan is what has been resolved through the Agreement.
5. Some of the victims may not be wholly satisfied with the Agreement in terms of restoring their dignity and honor. The Agreement is, however, the result of all-out efforts by the ROK Government and was reached through a process of negotiations with Japan under difficult circumstances. The foundation, once established, will undertake a wide range of programs for the victims, which will prove the validity of

¹ Extract from *Recommendation to the Government of Japan For Resolution of the Japanese Military “Comfort Women” Issue*, released by comfort women advocacy groups in the 12th Asian Solidarity Conference on the Issue of Military Sexual Slavery by Japan (May, 2014) (unofficial translation): “In order to resolve the Japanese military “comfort women (sexual slavery)” issue, the Japanese Government should:

- Recognize the following facts and responsibilities:
 - That the Japanese Government and Military proposed, established, managed and controlled military facilities known as “comfort stations”.
 - That the women were forced to become “comfort women / sexual slaves” against their will, and were kept in coercive circumstances in the “comfort stations” etc.
 - That there were various forms of victimization of women from the colonies, occupied areas and Japan who suffered sexual violence by the Japanese military, that the scale of victimization was extensive, and that the suffering continues today,
 - That it was a serious violation of human rights which contravened a variety of both domestic Japanese as well as international laws of the time
- Take the following measures for reparation:
 - Apologize to the individual victims in a manner that is clear, official, and cannot be overturned.
 - Make compensation to victims as proof of apology.”

the Agreement. To this end, the ROK Government will continue to collect the opinions of the victims regarding programs to be carried out by the foundation. The majority of victims who met with representatives of the ROK Government took a positive view of the Agreement and accorded their positive consideration to the future programs by the foundation.

6. At the same time, the ROK Government will continue to actively participate in the efforts of the international community to protect and promote women's human rights. In addition, the ROK Government will also continue the efforts to ensure that future generations learn important lessons from this issue through archives of related documents, research, and education.

II. Information regarding the legal status of the Agreement made between the ROK and Japan and how this Agreement will be enforced in law and in practice

7. The Agreement does not constitute a treaty within the purview of Article 2 of the Vienna Convention on the Law of Treaties. However, it was concluded between the two countries at the Government level with a view to resolving the "comfort women" issue and seeking the best practicable means to restore the honor and dignity of victims. It is an official commitment that the Foreign Ministers representing the Government of the ROK and Japan respectively announced at the Joint Press Availability with the peoples of the two countries and the international community as audience.
8. Above all, the Agreement is of great significance since, as was mentioned above, the following key elements have been largely reflected in the Agreement: reaffirmation of the historical fact that Japanese military authorities were involved and the acknowledgement of responsibility for the first time by the Japanese Government; an expression of sincere apologies and remorse to the victims by Prime Minister Abe in his capacity as Prime Minister in public and in an official manner; and the establishment of an implementation mechanism in the form of the Japanese Government providing a lump sum funding from its budget to the foundation to be established with an initiative of the ROK Government.²
9. The ROK Government is exerting sincere efforts to establish the foundation as promptly as possible in such a manner that fully respects the opinions of the victims. The ROK Government will continue communications with the victims and spare no

² Refer to the answer to I

effort so as to restore their honor and dignity, and to heal their psychological wounds through various programs to be pursued by the foundation.

III. Detailed information on the actions that will be taken to ensure that the measures taken to address the human rights violations committed by the State in relation to the so-called “comfort women” comply with international human rights norms and standards

10. The resolution of the issue had been long overdue, despite the ROK Government’s continued call for the Japanese Government to promptly present concrete and practical measures, which are acceptable to the victims and convincing to the international community, in accordance with the relevant recommendations by the UN human rights mechanisms.
11. The Agreement is the result of the utmost efforts made by the ROK Government under these circumstances in order to attain the outcome which fulfills the international human rights norms and standards to the greatest extent possible. Given that a number of the elderly victims deacease every year, the sense of urgency that this issue should be resolved before any more victims pass away was the main driver in seeking and reaching the Agreement. As a matter of fact, four additional victims have passed away in the last five months since the conclusion of the Agreement, which clearly demonstrates the urgent need to resolve this issue.
12. While the Agreement may not perfectly meet the norms and recommendations put forth by the UN human rights mechanisms, the ROK Government believes that it is still a better option than leaving all the victims passing away without taking any appropriate measures to resolve this matter.
13. The ROK Government will make every effort to ensure that the Agreement, which was reached with arduous efforts under the difficult circumstances, is fully implemented and thereby meets the recommendations by the UN human rights mechanism to the greatest possible extent.
14. To this end, the ROK Government will continue its efforts to restore the honor and dignity of the victims and to heal their psychological wounds through various programs to be pursued by the foundation. It will also endeavor to ensure that future generations learn the truth of history related to the “comfort women” issue and continue to actively take part in the international efforts to prevent the recurrence of wartime sexual violence in the future.

15. For further details of the concrete efforts by the ROK Government in this regard, please refer to the answers to IV(participation of the victims), V(establishment of the foundation), and VII(history education).

IV. Please provide detailed information on the measures taken to ensure the meaningful participation of the women victims and associations representing them in the preparation, drafting and adoption of the above-mentioned Agreement

16. The ROK Government has heeded the opinions of the victims and advocacy groups, and has continued to exert efforts to reflect such opinions in the outcome of the negotiations with the Japanese Government.
17. The Ministry of Foreign Affairs, for example, made continuous efforts to communicate with the victims through meetings with them and related groups in a total of 15 occasions in the year 2015 alone. The Ministry of Gender Equality and Family, which provides support to the victims, has also communicated frequently with them as well as advocacy groups and experts. For instance, the Minister visited all the surviving victims since 2013. The Ministry has also operated a Task Force on this issue and collected the opinions of advocacy groups and experts through a total of 16 meetings during the period from June 2013 to December 2015.
18. Through such efforts, the ROK Government sought to reflect, in the Agreement to the greatest possible extent, the following demands of the victims and advocacy groups: the acknowledgement by the Japanese Government of its responsibility and the involvement of military authorities; clear and official apologies by the Japanese Government; and compensation provided by the Japanese Government.
19. The demands of the victims and advocacy groups were reflected in the Agreement as follows: reaffirmation of the historical fact that Japanese military authorities were involved and the acknowledgement of responsibility for the first time by the Japanese Government; an expression of sincere apologies and remorse to the victims by Prime Minister Abe in his capacity as Prime Minister in public and in an official manner; and the establishment of an implementation mechanism in the form of the Japanese Government providing a lump sum funding from its budget to the foundation to be established with an initiative of the ROK Government.³
20. What matters most now is to restore the honor and dignity of the victims and to heal their psychological wounds through the faithful implementation of the follow-up

³ Refer to the answer to I

measures stated in the Agreement. In this regard, the ROK Government will continue to communicate with the victims to collect their opinions on the measures and reflect them in the implementation of the Agreement, including the establishment of the foundation.

V. Please provide information about when and how the South Korean Government intends to establish the foundation mentioned in the Agreement. Please also provide detailed information about the creation of future projects aimed at “recovering the honor and dignity and healing the psychological wounds of all former comfort women”, in light of international rights standards.

21. The foundation is a mechanism that will serve as a means to implement the commitment made by the Japanese Government and to carry out various programs to restore the honor and dignity of the victims and to heal their psychological wounds. Following the Agreement, the ROK Government has held consultations with the Japanese Government for the early establishment of the foundation, and the Preparatory Committee for the establishment of the foundation was launched on May 31, 2016.
22. The programs that will be provided by the foundation will take shape in a way that reflects the opinions of the victims to the greatest extent possible. In this regard, the ROK Government held two rounds of meetings this year in January and in April respectively and sought their views. Many victims accorded their positive consideration to the future programs by the foundation.

VI. Please provide information on how the South Korean Government intends to address the issue of the statue located in front of the Japanese Embassy in Seoul.

23. As announced by the Foreign Ministers of the ROK and Japan on December 28, 2015, the ROK Government will make efforts to appropriately address the concern of the Japanese Government over the statue in memory of the “comfort women” placed in front of the Embassy of Japan in Seoul, including through consultations with relevant groups.

VII. Please provide any information on steps to be taken to address the concerns mentioned in the present communication.

24. The joint communication, which reads, “both Governments agreed that the issue is

resolved finally and irreversibly”, fails to refer to the conditional phrase in the Agreement. It is stated in the Agreement that the Governments of the ROK and Japan “confirm that through today’s statement, this issue will be finally and irreversibly resolved on the condition that the above-mentioned measures stated by the Government of Japan are faithfully implemented.”

25. It is also inaccurate for the joint communication to state that “both Governments have agreed to refrain from discussing about a human rights violation.” What the two Governments agreed to refrain from in the Agreement is confined to mutual reprobation and criticism in international forums. Hence, the ROK Government will continue to actively participate in the efforts of the international community to protect and promote women’s human rights. As a matter of fact, Foreign Minister Yun Byung-se made clear in his statement at the 31st Session of the Human Rights Council in March 2016 that, as a member of the Council and as a champion of the Preventing Sexual Violence in Conflict Initiative (PSVI), the ROK Government will continue to contribute to international efforts to heal the wounds of the victims of wartime sexual violence and prevent such tragedies from recurring in the future.
26. Undoubtedly, the “comfort women” issue is an issue from which important historical lessons should be drawn and remembered in order to prevent any recurrence of such tragedy. To this end, we must ensure that, through the continuous study and teaching of the truth of history, such lessons are engraved forever in the memory of future generations and such inhumane acts are not repeated in the future. For its part, the ROK Government will continue to participate in the efforts to this end, by taking measures such as education of future generations, conduct of relevant research, and preservation of related archives. End.

(unofficial translation)

Remarks at the Joint Press Availability

December 29, 2015

Minister Yun:

Good afternoon. Today, I had in-depth consultations with Minister Kishida on matters of mutual interest, including the “comfort women” issue.

First of all, I would like to thank Minister Kishida for taking the time out of his busy schedule to attend this meeting today.

As you are well aware, this year marks the 50th anniversary of the normalization of diplomatic ties between Korea and Japan. My government has been sparing no efforts to work out an early resolution of the “comfort women” issue, the most crucial history-related issue between Korea and Japan, in this historic year.

In particular, thanks to the political decision made by President Park and Prime Minister Abe at the November 2nd summit to “accelerate consultations to settle the ‘comfort women’ issue at the earliest possible date, bearing in mind that this year marks a turning point in the relations between the two countries as we celebrate the 50th anniversary of the normalization of diplomatic ties,” bilateral consultations has been further expedited centering around the Director-General level meetings as a major channel.

Minister Kishida and I held an intensive round of consultations today, based on the results of the consultations held through various channels, including yesterday’s 12th Director-General level meeting.

As a result, we have been able to reach an agreement acceptable to both sides. So, here today, we would like to announce the results of our meeting today.

First, Minister Kishida will state the position of the Government of Japan on today's agreement on behalf of the Government of Japan, and then, I will share with you the position of the Government of the Republic of Korea.

Minister Kishida:

The issue of “comfort women” has been intensively discussed so far between Japan and Korea, including through the Director-General level meetings. Based on those outcomes, the Government of Japan states the following.

The issue of “comfort women” was a matter which, with the involvement of the military authorities of the day, severely injured the honor and dignity of many women. In this regard, the Government of Japan painfully acknowledges its responsibility.

Prime Minister Abe, in his capacity as Prime Minister of Japan, expresses anew sincere apologies and remorse from the bottom of his heart to all those who suffered immeasurable pain and incurable physical and psychological wounds as “comfort women.”

The Government of Japan has been seriously dealing with this issue, and on the basis of such experience, will take measures with its own budget to heal the psychological wounds of all the former “comfort women.”

More specifically, the Government of the Republic of Korea will

establish a foundation for the purpose of providing assistance to the former “comfort women.” The Government of Japan will contribute from its budget a lump sum funding to this foundation. The Governments of Korea and Japan will cooperate to implement programs to restore the honor and dignity and to heal the psychological wounds of all the former “comfort women.”

Along with what was stated above, the Government of Japan confirms that through today’s statement, this issue will be finally and irreversibly resolved on the condition that the above-mentioned measures are faithfully implemented. Also, the Government of Japan, along with the Government of the Republic of Korea, will refrain from mutual reprobation and criticism in international forums, including at the United Nations in the future.

Regarding the above-mentioned budgetary measure, the expected amount will be around 1 billion Yen. What I have stated is the outcome of consultations held under the instruction of the leaders of both countries, and I am confident that Japan-Korea relations will thereby enter a new era.

Minister Yun:

Now, I would like to state the position of the Government of the Republic of Korea on today’s agreement.

The issue of “comfort women” has been intensively discussed so far between Korea and Japan, including through the Director-General level meetings. Based on those outcomes, the Government of Korea states the following.

The Government of the Republic of Korea takes note of the statement

by the Government of Japan and the measures leading up to the statement, and, along with the Government of Japan, confirms that through today's statement, this issue will be finally and irreversibly resolved on the condition that the above-mentioned measures stated by the Government of Japan are faithfully implemented. The Government of the Republic of Korea will cooperate in the measures to be taken by the Government of Japan.

The Government of the Republic of Korea is aware of the concern of the Government of Japan over the memorial statue placed in front of the Embassy of Japan in Seoul with respect to the maintenance of the peacefulness and respectability of its mission, and will make efforts to appropriately address the concern, including through consultations with relevant groups on possible responses.

The Government of the Republic of Korea, along with the Government of Japan, will refrain from mutual reprobation and criticism in international forums, including at the United Nations in the future, on the condition that the measures stated by the Government of Japan are faithfully implemented.

This concludes the position of the Government of the Republic of Korea.

I am very pleased to announce here today that, working together, Minister Kishida and I have finally wound up the long and difficult negotiations on this issue before the end of this year, the 50th anniversary of the normalization of diplomatic ties between Korea and Japan.

I sincerely hope that the measures to follow up on today's agreement will be faithfully implemented and thereby restore the honor and

dignity and heal the psychological wounds of the victims who have had to endure so many years of agony.

It is also my sincere desire that, with the conclusion of the negotiations on the “comfort women” issue, the most challenging and difficult issue over history between Korea and Japan, we will be able to open a new chapter in the Korea-Japan relations in the new year with a new spirit of cooperation.

Thank you. /END/