

RESEARCHER OF HISTORY ON MODERN JAPAN (HMJR)

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March 24, 2017

To whom it may concern
UPR Document Submission
Human Right Council, United Nations

Re.: Measures against Defamations

Japan Other Stakeholder's Submission for 28th Session (Nov. 2017)

Dear Sirs/Madams,

We are pleased to submit an opinion on the UPR Recommendation number 149 of the Mid-term Report filed by the Government of Japan in January 2017 on the progress made in the implementation of the recommendations issued at the second cycle of the Universal Periodic Review.

The Researchers of History on Modern Japan (HMJR), established in December 2009, is a not-for-profit, non-governmental organization based in Japan.

The number of HMJR members is around 100, and they are registered researchers and those with sincere interest, have studied Japanese modern history from various angles, and exchange their views in regular meetings.

HRC Recommendation and Japan's follow up

HRC Recommendation	Japan's follow up
149. Continue its protection measures in response to infringements of human rights of other persons, such as defamation and invasion of privacy committed through the internet (Bangladesh)	1. The Provider Liability Limitation Law (Act on the Limitation of Liability for Damages of Specified Telecommunications Service Providers and the Right to Demand Disclosure of Identification Information of the Senders), provides the conditions for discharge from responsibility, that the provider should participate as an observer in the creation of private guidelines, and that the primary data of the provider should be deleted in an appropriate and smooth manner. 2. When the human rights bodies of the Ministry of Justice recognize the concern of a human rights violation in relation to a human rights counseling or other activity, the bodies provide advice to the victim on how to request deletion of the applicable data. When as the result of an investigation a human rights violation such as defamation or violation of privacy is confirmed to have occurred, the bodies carry out appropriate measures such as requesting the provider to delete the applicable data.

HMJR Opinion

Attempts to defame Japan and Japanese are continued especially in foreign countries and in international organizations regarding the issue of comfort women firstly by Japanese, followed by Korean, and recently joined by Chinese.

One of major allegations is “Enslaved Comfort Women”, which is totally false. The allegations are that over 200 thousands women were abducted and forced to be coerced into sex-slavery by Japanese Military before and during WW2.

Persons and organizations spread their such allegations in the Republic Korea, USA, Australia, Canada, Germany through various media without evidences, and install or try to install statues and plaques symbolizing and inscribing their allegations.

Such propaganda were happened in the Human Rights Council, and in a various sessional human rights related committees of UN such as CEDAW as well.

Actually and especially Japanese and Japanese descendant children living in the countries are bullied due to just being Japanese.

Another issue causing defamation against Japanese is “Nanjing Massacre” alleged that Japanese Military massacred over 200 thousands civilians after fighting and occupying the city of Nanjing in 1937-1938.

There had been a vast and various arguments from judicial and academic points of view, and which were resulted in the issues – Comfort Women and “Nanjing Massacre” that the allegations are false, not matters of human rights violations but matters of political and diplomatic conflicts provoked by Chinese and Korean people/nations.

This report does not describe details of such arguments, which are now available widely not only in various academic fields, but also in the internet, and simply conclude hereunder that:

1. There were comfort women who served Japanese soldiers with remunerations as professions, but the women were not abducted (vs. recruited), not slaved, not numbered as 200 thousands (vs. max. 40-50 thousands) (Ref.: See footnote¹)
2. There were battles in and out of Nanjing Castle city between the military of Japan and the Republic of China, but after the battles the city was restored in peace. There were not any massacre. (Ref.: See footnote²)

Regarding the issue of Comfort Women, the government of Japan has explicitly denied that the Then Japanese Military Instructed the Abduction and Enslavement of Comfort Women.

On July 15, 2014, Japan delivered a statement before the U.N. Human Rights Committee, which implements the International Covenant on Civil and Political Rights, officially denying that its then military ordered the abduction and sexual enslavement of 200,000 women. This denial has been

¹ Comfort Women not “Sex Slaves”: Rectifying the Myriad of Perspectives Koichi Mera, Xlibris Corp. July 15, 2015

² THE NANKING MASSACRE: Fact Versus Fiction By HIGASHINAKANO Shudo, Society for the Dissemination of Historical Fact (SDHF) (<http://www.sdh-fact.com/book-article/110/>)

officially repeated before international bodies on at numerous occasions. (Ref.: See footnote³)

Recently the government filed an brief in the Supreme Court of the United States, in which all the allegations were denied totally and completely. (ref.: See footnote⁴)

Conclusion

However the violations are continued, so we urge the government of Japan to deal this defamation, and to take the following measures, while the free speech is maintained:

- 1) to announce official rebuttals against defamations to Japan and Japanese**

- 2) to make legislative measures against false defamations/hate speeches against Japan/Japanese**

- 3) to ban the entry/exit of those into/from Japan who have been undertaking such propaganda in the past, and who would continue to do so.**

Very truly yours,

Researchers of History on Modern Japan

³ Occasion 1. United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Committee against Torture, “Concluding observations on the second periodic report of Japan, Addendum, Information received from Japan on follow-up to the concluding observations,” 22 April 2015, pp. 11-13.

Occasion 2. United Nations International Covenant on Civil and Political Rights, Human Rights Committee, 111th Session, “Summary Record (partial) of the 3082nd meeting” 16 July 2014, p. 2.

Occasion 3. Permanent Mission of Japan to the International Organizations in Geneva, “Comments by the Government of Japan on the Concluding Observations of the Human Rights Committee,” 31 Aug 2015. pp. 5-8.

Occasion 4. United Nations Convention on the Elimination of All Forms of Discrimination against Women, Committee on the Elimination of Discrimination against Women, 63rd Session, “Summary record of the 1375th meeting: Consideration of reports submitted by States parties under article 18 of the Convention,” 22 Feb 2016. P. 3 & 9. (Noting that in December 2015 the Governments of Japan and the Republic of Korea had reached an agreement that would finally resolve the long-standing issues around the “Comfort Women,” but there was not a confirmation that women had been forcibly removed by the Japanese military, and that the number of 200,000 was a result of conflating the Women’s Volunteer Labor Corps with “Comfort Women.”)

⁴ Brief for the Government of Japan as Amicus Curiae Supporting Petitioners
<http://www.mofa.go.jp/mofaj/files/000231732.pdf>