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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by GAHT-US Corporation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2019]

* Issued as received, in the language(s) of submission only.



Summary of our Proposal: The HRC should review why the HRC cannot solve the issue for such a long time, and may conclude that the issue should be re-examined, otherwise HRC should recommend the Republic of Korea to file the case to ICJ to seek the final solution.

1. The “Comfort Women” in the UN

The international controversy on the “comfort women” began in the predecessor of HRC: Human Rights Committee (CHR) from 1992. In January 1996 the committee did “*taking note*” the report of the Special Rapporteur Ms. Radhika Coomaraswamy.¹ Since then, the issue has been taken up and argued in almost all UN human rights bodies such as former CHR, HRC,² ILO,³ CCPR,⁴ CESCR,⁵ CAT,⁶ CEDAW,⁷ CERD,⁸ and CED.⁹

Ms. Coomaraswamy examined the comfort women and “considers the case of women forced to render sexual services in wartime by and/or for the use of armed forces a practice of military sexual slavery”.¹⁰ Based on her “studying in depth the issue of military sexual slavery in wartime”,¹¹ she made the following recommendations:

- (a) The Government of Japan (GoJ) should:
- 1) acknowledge her legal responsibility
 - 2) pay compensation to individual victims and disclose all the related documents
 - 3) make a public apology
 - 4) teach the subject in schools in Japan
 - 5) punish the perpetrators
- (b) NGOs should continue to raise these issues within the UN system
- (c) The Governments of the ROK (Republic of Korea, GoROK) and the Democratic People’s Republic of Korea (DPRK) might consider requesting the International Court of Justice (ICJ) to help resolve the legal issues (responsibility and payment of compensation).

2. The inability of the “Coomaraswamy’s Report” and UN Organizations, in resolving the problem

Twenty-three years have passed since the publication of the Coomaraswamy Report, and almost all human rights organizations of the UN and NGOs attempted to persuade GoJ to carry out the recommendations. Several NGOs have been active in promoting her recommendations in countries such as the U.S., Canada, Australia, China, and Germany. A Korean NGO erected a statue of “comfort women” in front of the Japanese Embassy in Seoul in 2011, an apparent violation of the Article 22 of the Vienna Convention on Diplomatic Relations.

Her recommendations have not produced any clue for solving the issue, because the conclusion was based upon the stories of so-called comfort women that were not supported by facts, and efforts for finding the facts have not produced anything available even now

¹ E/CN.4/1996/53/Add.1, January 4, 1996, - E/1996/23 E/CN.4/1996/177 COMMISSION ON HUMAN RIGHTS REPORT ON THE FIFTY-SECOND SESSION (18 March-26 April 1996).

² A/HRC/37/15 Jan. 4, 2018.

³ Observation (CEACR) - adopted 2015, published 105th ILC session (2016), November 2015.

⁴ CCPR/C/JPN/CO/6 August 20, 2014.

⁵ E/C.12/JPN/CO/3 June 10, 2013.

⁶ CAT/C/JPN/CO/2 June 28, 2013.

⁷ CEDAW/C/JPN/CO/7-8 March 10, 2016.

⁸ CERD/C/JPN/CO/10-11 September 26, 2018.

⁹ CED/C/JPN/CO/1 November 19, 2018.

¹⁰ pp4, E/CN.4/1996/53/Add.1, page 4.

¹¹ E/CN.4/1996/53/Add.1, January 4, 1996, page 3.

since then. GoROK just pressure the counterpart in Japan, therefore the relationship between the two nations became worse year by year and is currently worst after having the diplomatic relations in 1965. Regarding a settlement with ICJ, no effort has been made by GoROK.

Unexpected new findings became available that refute the points Ms. Coomaraswamy made in her report. The first was the U.S. Office of War Information Report No. 49 prepared in 1944.¹² On the basis of interviewing twenty Korean comfort women in Burma (now Myanmar), the report concluded that the comfort women were well paid prostitutes employed by private operators.

Another was a U.S. Government Interagency Working Group Report completed in 2007.¹³ By investigating within the U.S. government agencies, the team could not find any new information that would support allegation of enslavement. The comprehensive study by Ikuhiko Hata, a Japanese historian, published in 1999 concludes that the comfort women system was an extension of the publicly recognized prostitution system that existed in Japan at the time.¹⁴

At the end of December 2015, GoJ and GoROK agreed to settle the issue, to establish a foundation for healing Korean ex-comfort women, to refrain from accusing each other in international community including the UN, and to work on removing the statue in Seoul.

But the agreement was violated by GoROK, as 1) not removing the statue in Seoul, 2) GoROK connived at a new erection of similar statue in front of the Japanese Consulate in Busan in December 2016, 3) GoROK raises the issue in UN's Organizations including this HRC since May 2017,¹⁵ and 4) GoROK one-sidedly dissolved the foundation in July 2019.

Meanwhile, supporters of the *military sexual slavery theory* revive from stagnant situation brought by the 2015 bilateral agreement, and recite again "*military sex slaves*" and the original recommendations.

It becomes apparent why the issue has become contended so fiercely between the nations, and why the issue cannot be solved in the UN system.

The reasons are:

- The original report was not based on credible evidence, and based on hasty judgments,
- There has not been any serious review of the process since the original report.

The same recommendations are still repeated in the concluding observations of CERD and CED on September 26, and November 19, 2018 respectively,¹⁶ although GoJ flatly denied the enslavement theory in the UN human rights meetings.

3. Responsibility of HRC and OHCHR

It is a matter of course that HRC and OHCHR should not be one-sided. But that is doubtful.

After the UPR on Japan in November 2017, two recommendations for the issue based on pro-enslavement theory were raised on January 4, 2018.¹⁷

On March 1, Japan, as usual, replied "Not accept" for the claims.¹⁸

¹² U.S. OWI Psychological Warfare Team. *Japanese Prisoner of War Interrogation Report No.49*. October 1, 1944, NARA.

¹³ U.S. IWG. Final Report to the U.S. Congress of the Nazi War Crimes and the Japanese Imperial Government Records. April 2007.

¹⁴ Hata, Ikuhiko. *Comfort Women and Sex in the Battle Zone*. Hamilton Books. 2018.

¹⁵ Written reply of GoROK INT_CAT_AIS_KOR_27459_E
https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/KOR/INT_CAT_AIS_KOR_27459_E.pdf.

¹⁶ CERD/C/JPN/CO/10-11, CED/C/JPN/CO/1.

¹⁷ A/HRC/37/15/Add.1 page 11.

On March 19, HRC at the 37th.Session adopted both the UPR Working Group report on Japan and the replies from Japan.

Within a month, on April 14 High Commissioner Zeid Ra'ad Al Hussein submitted a letter to the Minister of Foreign Affairs Taro KONO.¹⁹ It stated its purposes that "I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office prepared for the review – the compilation of UN information and the summary of stakeholders' submissions - which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. The letter requests attention of the comfort women issue.

Since GoJ officially rejected the relevant recommendations of UPR, the letter would be purported to put a foothold for the next cycle, and to repeat the recommendations of the issue.

We should pay attentions to the facts that for twenty-three years under the name of "violations of human rights of women" or "wartime sexual slavery crimes", the bilateral relations between Japan and ROK become worst, and to the more serious fact that under the name of UN and human rights, the Japanese and Japan's rights have been, and would continue, violated by UN and its Organizations. If the UN left the situation as it is, she would not be supported by humane nations/people.

The Charter of the UN stipulates for her purposes as "to maintain international peace and security", "to develop friendly relations among nations", "to achieve international co-operation in solving international problems, and in promoting and encouraging respect for human rights", and for these purposes "to be a centre for harmonizing the actions of nations in the attainment of these common ends".

Minding that human rights should be respected and protected under justice and rule, and that UN should not promote controversies, not destroy international peace and security between Japan and ROK, and not to be one side supporter on the issue, we respectfully offer our following proposal.

4. Proposal

The core of the controversy is whether the comfort women were forced to be sex-slaves, or mere professional prostitutes, with the military of Japan.

What the HRC should do first is to review why the HRC and other UN Organizations cannot solve the issue for such a long time, and consequently the organizations may conclude that the issue should be re-examined.

Even if the HRC still maintains the present position of upholding the Coomaraswamy report, it should recommend ROK to file the case to ICJ, the last resort as she concluded.

Very truly yours,

GAHT-US Corporation

¹⁸ A/HRC/37/15/Add.1.

¹⁹ <https://lib.ohchr.org/HRBodies/UPR/Documents/Session28/JP/JapanHCLetter.pdf>