

**Open Letter of Protest to the Chairman of the Committee on the Elimination  
of Racial Discrimination (CERD) on Concluding Observations on the  
Combined Tenth and Eleventh Periodic Reports of Japan on 26, September  
2018**

October 8, 2018

Dear Professor Nouredine AMIR,  
(cc Profs. Marc BOSSUYT and Gün KUT)

We are deeply disappointed by and enraged at your Advance and Unedited Version of Concluding Observation (“your Report” thereafter) on September 26. The content of your Report is characterized as three adjectives starting from “un”, “unscientific”, “unbalanced” and “unfair”.

First of all, we would like to focus on the issue of “the 100<sup>th</sup> Anniversary of Japan’s Proposal of Elimination of Racial Discrimination”. Academics’ Alliance for Correcting Groundless Criticisms of Japan (AACGCJ) submitted its sole report on this theme, and it wrote about the same theme for Preface in the joint report by Japan NGO Coalition against Racial Discrimination (JNCRD) in July. AACGCJ, in its sole report in July, requested the CERD and the Japanese Government to respect the Centennial of Japan’s proposal and to well disseminate it to the international community in order to resume momentum for international movement of racial equality.

Furthermore, Mr. Ohtaka Masato, Head of the Delegation of the Japanese government, touched upon the issue by mentioning “It was 99 years ago when the international community, with the active participation of Japan, took the initial step to tackle the issue of racial discrimination at the Paris Peace Conference” at the beginning of his opening remark in the CERD Session for Japan on August 16.

Your Report, however, completely neglected our request and even the theme itself, despite the story about the origin of racial equality movement of which the CERD is currently assuming responsibility. The CERD was established, based on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which came into effective 1969, just a half century after Japan’s initiative in 1919. The CERD should have paid respect to the country of pioneer in this field when it comes to take up Japan as its objective country in this timing around the Centennial. Neglecting the origin of the country in the history of racial equality movement is like that the CERD denied the roots of itself.

Inherently, should António Guterres of UN Secretary General or Michelle

Bachelet of UN High Commissioner for Human Rights take initiative for commemorating the 100<sup>th</sup> Anniversary for the commencement of racial equality movement in the international community? The leaders of the United Nations are requested to consider that the movement began within the committee<sup>1</sup> responsible for drafting the Covenant of the League of Nations at the Paris Peace Conference in Versailles in February 1919.

The total of 12 NGO Reports for Japan are posted in the web-page of the CERD. If we divide them into the conservative and the leftist, there are five from the conservative and seven from the leftist. Out of seven leftist reports, two are from the Korean NGOs. After all, the NGO presentations at “Informal Meeting with NGOs” on August 14, Professor Bossuyt said about the Reports of NGOs, “very well organized” and “great variety”. Notwithstanding the CERD admitted the diversity of NGO Reports, “your Report” on September 26 almost completely neglected five Reports from the conservative. Moreover, “your Report” on September 26 almost neglected Japanese government’s presentations on August 16, as well as answers to CERD Members’ questions on August 17. Even if modestly saying, “your Report” on September 26 extremely leans to one side.

Regarding the problem of Comfort Women, we admit that “your Report” achieved some improvements compared to the previous CERD Report in September 2014. Extremely inadequate expressions such as “the issue of foreign Comfort Women who were sexually exploited by the Japanese Military during World War II” and “bring to justice to those responsible for human rights violations” in the previous Report in 2014 was vanished in “your Report” on September 26, 2018.

However, we are still very dissatisfied with “your Report” on September 26, 2018. “Your Report” recommended the Japanese government a “victim-centered approach”, denying the “Japan-Republic of Korea Governmental Agreement” in December 2015 as a solution to the issue. We strongly believe the most important approach for the historical issues is “fact-centered” rather than “victim-centered” which is inclined to be too emotional. “Victim-centered approach” is obliged to rely exclusively on oral testimonies of alleged Comfort Women. Generally speaking, however, any testimony must be confirmed with evidence, including cross-examination. In fact, testimonies by alleged Comfort Women have no evidence. The dignity of any country and its people should not be damaged by excessive emotion not based on the facts, although we understand the human rights treaty bodies should have some

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<sup>1</sup> In fact, meetings of this committee were held 15 times in total at the room 351 of Hotel de Crillon in Paris.

emotion.

We think that the CERD is not qualified to deal with the issue of Comfort Women due to the following reasons. Firstly, the body denying its origin of the birth by itself is not qualified to deal with any historical issue. Secondly, the CERD Member includes the two persons with very lopsided views of the Comfort Women. Ms. Gay McDougall wrote the so-called “the McDougall Report” (1998) which has the title of “Contemporary Forms of Slavery: Systemic Rape, Sexual Slavery and Slavery-like Practices during Armed Conflict” in 1998, while Professor CHUNG Chinsung is former one of Chairpersons of “the Korean Council for the Women Drafted for Military Sexual Slavery by Japan”. The title of the report which Ms. McDougall wrote and the name of council in which Prof. Chung was used to be engaged both include “sexual slavery”. Moreover, even the word “rape center” is used in “the McDougall Report”. This means these two CERD Members are not qualified to discuss the issue of Comfort Women within the Committee, because they are extremely biased. These two CERD Members are preoccupied with stereotype on the Comfort Women which are fallacious.

The Comfort Women have nothing to do with sex slavery, since they were recruited by newspaper advertisements. Thirdly and most importantly, the CERD is not qualified to deal with the issue of Comfort Women, because it is not the issue of racial discrimination under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). According to the estimation by Professor HATA Ikuhiko, there were about twenty thousand comfort women in total, in which about 40% were Japanese, 30% were Chinese in the China Theater or Burmese in Burma (Theater), 20% were Koreans, and 10% were from other countries<sup>2</sup>. Therefore, we understand the Japanese government need not to include the issue of Comfort Women at all in the next periodic report.

We believe that the comfort women are “military-licensed prostitutes” or “wartime-licensed prostitutes” rather than “sexual slaves”, because “forceful abduction” and “human trafficking” were never elements within the comfort women system. In reality, some types of women are always found near every military base anywhere in the world. We cannot understand why only the Japanese military during World War II be blamed so severely. The Japanese military established and managed the comfort women system for the purpose of preventing rapes by soldiers and maintaining hygiene. We think the Japanese system was much better than other country’s military practices in this regard.

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<sup>2</sup> HATA Ikuhiko, *Comfort Women and Sex in the Battle Zone*, Hamilton Books, 2018, p.315. The original Japanese version of this book was published in 1999.

Documents demonstrating “sexual slavery” have not been founded by the Japanese government’s two surveys announced in July 1992 and August 1993, and by a very thorough investigation undertaken for the US Congress. The Nazi War Crimes & Japanese Imperial Government Records Interagency Governmental Working Group Final Report to the US Congress (hereinafter “the IWG Working Report”) was published in April 2007, after spending 30 million dollars and 6 years and 3 months. They surveyed classified documents on the Japanese government’s behaviors with a total of 142,000 pages kept at agencies such as the CIA, FBI, OSS (the Office of Strategic Services) and Army Counterintelligence Corps (CIC) and others. However, they could not find one document demonstrating that Japan conducted “sexual slavery”. In other words, “the IWG Report” shows that comfort women are “military-licensed prostitutes”.

During the Second World War, there were many advertisements, with the monthly pay stated, for the recruitment of comfort women in the major Japanese, Korean and Manchurian newspapers at the time. The monthly pay indicated that they were very well compensated. A US document demonstrates this, as well. The US Army captured 20 Korean comfort girls working for the comfort house on the battlefield of Myitkyina in Northern Burma (Myanmar) in August 1944, and interviewed them from August to September 1944. United States Office of War Information (OWI) <sup>3</sup>Psychological Warfare Team attached to US Army Forces India-Burma Theater made the interrogatory. This document was named “OWI Report No. 49” (the so-called “OWI Myitkyina Interrogatory in 1944”) which said: “A comfort girl is nothing more than a prostitute or ‘professional camp follower’ attached to the Japanese Army for the benefit of soldiers”. The report stated that their average net monthly pay was 750 yen, which was 75 times higher than a private first class soldier’s salary of 10 yen.

As far as the issue of Okinawa is concerned, our JNCRD Report in July 2018 demanded the CERD to retract its recommendation to the effect that the Japanese government considers recognizing the Ryukyu as indigenous peoples in its Report in September 2014. Notwithstanding, “your Report” reiterated to recommend the Japanese government reconsider its position on recognizing the Ryukyu as indigenous peoples, completely neglecting our JNCRD Report. As we clearly mentioned in the Report, the citizens of Okinawa Prefecture regard themselves as Japanese and not recognize themselves as indigenous people.

As for the issue of Ainu people, they are different from aboriginal races in other countries, because their lands and rights were not robbed by the Japanese

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<sup>3</sup> US President Franklin D. Roosevelt established OWI for wartime information and propaganda in June 1942. But, its predecessor Office of Coordinator of Information (OCI) was already established by FDR in July 1941, before the beginning of World War II.

government in its history. “Your Report” still sees the Ainu people in the stereotype of indigenous people in other countries. The CERD is requested to correctly learn from the historical truth of individual country in the longer perspective.

As a whole, The CERD is preoccupied with stereotypes which have been inserted by the leftist NGOs for about three decades. The CERD members are kindly requested to make much more efforts to discern the truth. Moreover, the CERD accepted a secret backroom meeting requested by the leftist NGOs in the morning of August 16 during the Session for Japan. We conservative NGOs were completely excluded by this meeting which extremely impaired the functioning of “Lunchtime Briefings by the NGOs” formally organized by the CERD secretariat on August 16. It seems to us this is the evidence that the CERD does not put great emphasis on fairness and impartiality.

If the CERD would continue to keep unbalanced views neglecting the Japanese government’ presentations and answers to the questions as well as the views from the conservative NGOs, it would lose its raison d’être. UN Human Rights Council and CERD are requested to well consider why the United States announced its withdrawal from UNHRC in June 2018. We do not support the particular reason why the US withdraws from the UNHRC, but we can well understand that the US dislikes chronic bias in UNHRC in general. If the tendency in UNHRC will continue, it is natural the public opinion to the effect that Japan should follow the US behavior will be enhancing.

Sincerely yours,

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