

Chapter 6: The True Nature of the UN Revealed; Outlook for the Future

B. How UN Human-Rights Committees Operate; Anticipated Future Activities

By Hosoya Kiyoshi

How do UN committees that concern themselves with human rights go about issuing their recommendations? When will demands issued by UN committees to the Japanese government for apologies and reparations to former comfort women end? In this section, I offer background that should help readers when they consider these questions. I also explain how UN human rights committees operate, and provide a projection of future activities.

Human-rights committees and the Human Rights Council

The chart on p. 2 provides information about UN human rights committees and the Human Rights Council, all of which concern themselves with the comfort women controversy.

The first five committees listed are sessional committees. The last two, the CSW (Commission on the Status of Women) and the HRC (Human Rights Council) are standing committees.

The CEDAW (Committee on the Elimination of All Forms of Discrimination against Women) is the committee that demanded the amendment of the Imperial Household Law to allow women to succeed to the throne, in a draft of its concluding observations. It was established to ensure that the rules outlined in the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter “the Convention”) are observed.

In a draft of concluding observations, the CEDAW called for the amendment of the Imperial Household Law on the grounds that it discriminates against women. The CEDAW was mandated by the Convention. A sessional committee, the CEDAW has 23 members who hail from all the world’s regions; it meets for two-week periods two or three times each year. At its sessions, it reviews reports received from 8-10 of the world’s nations, prepares concluding observations, and compiles an annual report, which it submits to the UN General Assembly.

Each committee has a different mission, but the other sessional committees operate in much the same way as the CEDAW.

The Human Rights Council, a standing committee, supplanted the Commission on Human Rights, which operated under the aegis of the Economic and Social Council. The

Commission, established in 1946, was a functional committee entrusted with the promotion of human rights, which made recommendations on the basis of its deliberations. However, its annual sessions were brief, and some of its members were the very states that were guilty of violations of human rights. Those same members would serve term after term, and the result was a biased, dysfunctional organization. The Commission was dissolved in 2006.

UN HUMAN RIGHTS ORGANIZATIONS INVOLVED IN COMFORT WOMEN ISSUES

Committee	Abbreviation of Convention	No. of parties to Convention	Date ratified by Japan	Type of committee	Overseeing organization	Participating nations	Sessions per year	Session venue
Committee on the Elimination of Discrimination against Women	CEDAW	189 (not including US)	6/25/1985	Sessional	General Assembly	All parties to Convention	3	Geneva
Human Rights Committee	CCPR	168 (not including PRC)	6/21/1979				3	
Committee on Economic, Social and Cultural Rights	CESCR	164 (not including US)					3	
Committee Against Torture	CAT	159					6/29/1999	
Committee on the Elimination of Racial Discrimination	CERD	177	12/15/1995				2	
Commission on the Status of Women (CSW)	---	---	N.A.	Functional commission	Economic and Social Council	All UN member states	Annually (March)	New York
Human Rights Council (HRC)	---	---		Auxiliary of General Assembly	General Assembly		3 regular, 2 special	Geneva

The Human Rights Council is not burdened with the maladies that plagued the Commission. Moreover, its recommendations have been given greater authority. (See Chart on p. 3.)

Perhaps the most distinguishing characteristic of the Human Rights Council is the UPR (Universal Periodic Review). All UN member states are reviewed once every four years. Outcome reports of the review are adopted at a plenary session of the Council. They include an evaluation of human rights in the state under review, and recommendations for aid that will promote human rights, such as technical cooperation, after a dialogue with that state has taken place. The Council has the right to take action against states that do not cooperate with the UPR.

Japan is expected to undergo review in 2017.

DIFFERENCES BETWEEN THE UN COMMISSION ON HUMAN RIGHTS (NOW OBSOLETE) AND THE HUMAN RIGHTS COUNCIL		
	Commission on Human Rights	Human Rights Council
Years in existence	1946-2006	2006-present
Overseeing organization	Economic and Social Council	General Assembly
Function	Functional committee	General Assembly auxiliary
Member states	All UN member states	All UN member states
Number of sessions and duration	Once per year; 6 weeks	At least 3 times per year; at least 10 weeks
Members selected by	Economic and Social Council	Consensus of at least 50% of member states in the General Assembly
Terms of service	3 years; no term limits	3 years; no more than 2 consecutive terms

How committees operate

This section focuses on the CEDAW and the Convention on the Elimination of All Forms of Discrimination against Women.

The UN General Assembly directs the CEDAW to review reports submitted by each nation party to the Convention approximately once every four years. The committee compiles annual reports, which it submits to the General Assembly. The Chart on p. 5, 6 shows the workflow beginning with preparation and submission to the General Assembly; the Chart on p. 7 shows the processes involved, which are:

- (1) The Japanese government prepares the government report (also called a “State party report”).
- (2) The Japanese government sends its report to the CEDAW via the UN General Assembly.
- (3) The CEDAW examines the report and prepares an agenda of topics (called a LOI: List of Issues) to be discussed with the Japanese government.
- (4) Committee members evaluate the report and enter into a direct, constructive dialogue with a representative of the Japanese government.
- (5) The Committee sends a draft report with its concluding observations and/or recommendations to the Japanese government.
- (6) The Japanese government returns the draft to the CEDAW, along with any opinions it has formed.
- (7) The CEDAW compiles an annual report and submits it to the UN General Assembly.

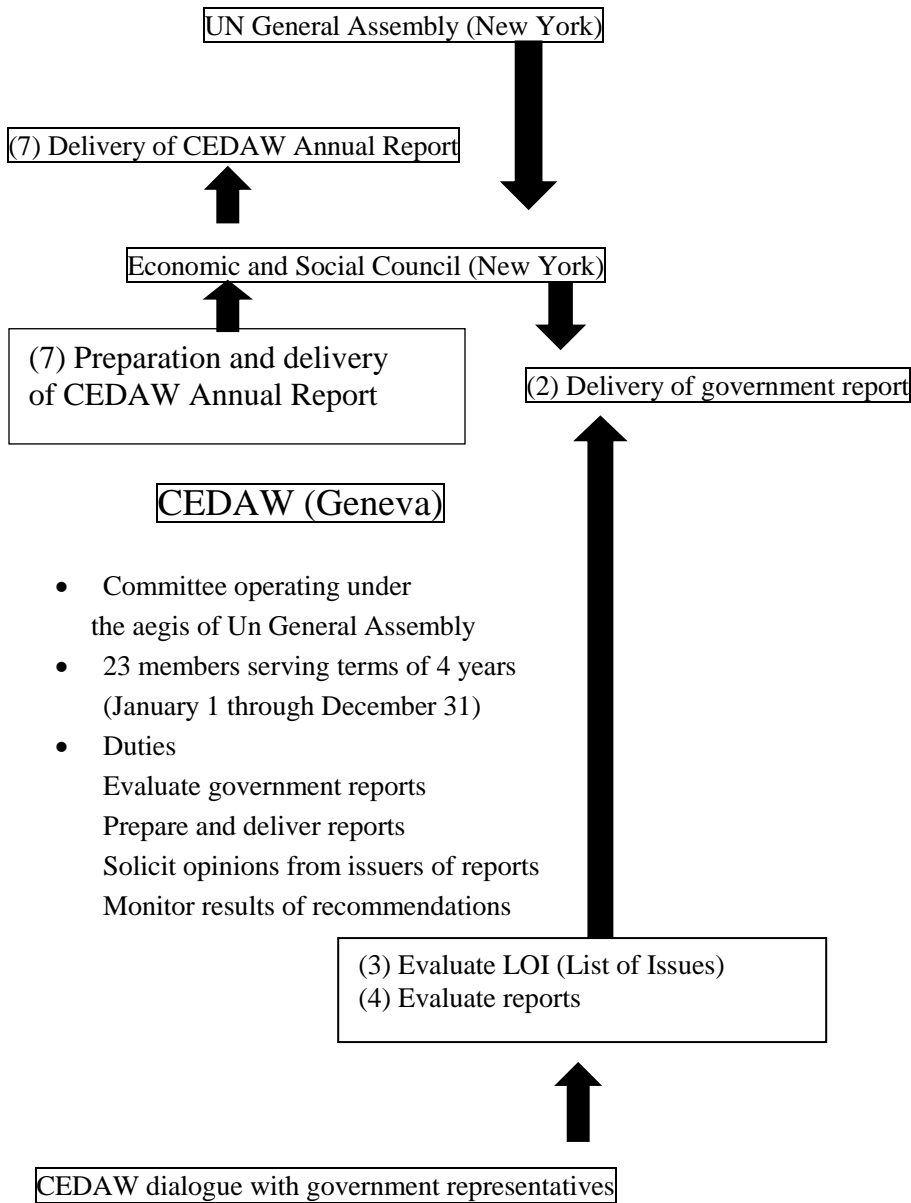
Apparently, CEDAW recommended that the Japanese government review the Imperial Household Act (so that women could succeed to the throne) without warning, at Step (5). The Japanese government responded by requesting that the recommendation be retracted. The government's request was perfectly reasonable, since there had been no mention of imperial succession in the government's report to CEDAW, nor was the topic broached in the LOI, or discussed during the dialogue described in Step (4).

Suppose the Japanese government had approved the recommendation as it stood. The result would have been terrible, a controversy that would have spawned contentious arguments, just as with the comfort women issue. There would have been endless debates, not only at the United Nations, but also within Japan. Perhaps that was the intention of the member or members of the CEDAW who wrote the recommendation.

Here I would like to call readers' attention to the reference materials the Committee used to assess the Japanese government's reports. In addition to the references cited in government reports and in the dialogue between the Committee and the Japanese government, the Committee proactively seeks information from NGOs (non-governmental organizations). Information from the private sector is a valuable resource for conducting multidimensional, critical evaluations of government reports.

PREPARATION OF CEDAW REPORT (CONCLUDING OBSERVATIONS)

(A)



Dialogues take place 3 times per year.
CEDAW holds dialogues with 8-10 nations during each two-week session.

Continued to (B) of the next page

(B)

(1) Preparation and delivery of government report

→UN General Assembly (New York)

Japan (Party to the Convention on the Elimination of Discrimination against Women)

←NPO

Duties of state parties

- Submission of progress reports
(Initial report due within 2 years; subsequent reports due every 5 years)
- Publication of government report

(6) Preparation and delivery of government's opinions

→CEDAW (Geneva)

(5) Solicitation of government's opinion on CEDAW recommendations

→NPO →CEDAW (Geneva)

Relationship between CEDAW and Japanese government

No rights or authority bind the Japanese government to CEDAW.

- Japanese government must review CEDAW's recommendations in connection with the government report.
Japanese government may submit its opinions on those recommendations.
- CEDAW submits a report to the UN General Assembly, along with the Japanese government's response.

NGOs

Submission of government's response

→CEDAW dialogue with government representatives

→Japan (Party to the Convention on the Elimination of Discrimination against Women)

PROCEDURES FOLLOWED IN THE PREPARATION OF CEDAW ANNUAL REPORT

	Procedure	Implemented by
(1)	Preparation of State party report	Japanese government
(2)	Delivery of report to UN (CEDAW)	Japanese government
(3)	Pre-session examination of report and preparation of agenda (LOI)	CEDAW
(4)	Deliberation on report; dialogue with Japanese government representatives (during session)	CEDAW
(5)	Discussion of report with Japanese government representatives	CEDAW
(6)	Preparation and delivery of Japanese government's opinions	Japanese government
(7)	Compilation of annual report; delivery to General Assembly	CEDAW

However, problems arise when Committee members intentionally select information that reflects their personal biases, or when NGOs provide information that is skewed.

At a Committee meeting that took place in February 2016, there was a huge breakthrough: more members *disagreed* with the accusation that comfort women were sex slaves than agreed with it. In other words, the content of information provided by the NGOs was balanced. It will be up to conservative NGOs to ensure that biased information is not fed to the Committee in connection with other problems.

Schedule of activities pertaining to comfort women issues

Even at the critical February 2016 meeting of the CEDAW, we did not succeed in removing the words *apology* and *compensation* vis à vis the comfort women from the Committee's report.

When will our next opportunity arise?

The chart below shows the deadlines for the Japanese government report specified by the Convention, and anticipated CEDAW dialogues.

Future Discussions of the Comfort Women Controversy at the United Nations

Report: Deadline for submission of Japanese government report

Dialogue: Forecast for dialogue between UN committee and Japanese government representatives

Committee	Most recent dialogue	2016	2017	2018	2019	2020	2021	2022
CEDAW (Committee on the Elimination of All Forms of Discrimination against Women)	02/2016	February: dialogue				March: report	November: possible dialogue	
UNHRC (United Nations Human Rights Committee)	06/2014			July: report		March, June, October: possible dialogue		
CESCR (Committee on Economic, Social and Cultural Rights)	05/2013			May: report		March and June or September: possible dialogue		
CAT (Committee against Torture)	05/2013		May: report	November: possible dialogue	April, July: possible dialogue			
CERD (Committee on the Elimination of Racial Discrimination)	08/2014		January: report	August, November: possible dialogue				
CSW (Commission on the Status of Women)	(03/2016)	March	March	March	March	March	March	March
HRC (Human Rights Council)	(03/2016)	3 times per year	3 times per year	3 times per year	3 times per year	3 times per year	3 times per year	3 times per year

For instance, the CEDAW has set a deadline of March 2020 for the submission of the next government report. This makes a constructive dialogue in November of 2021 likely, although it might be delayed until 2022. Whatever the case, the dialogue will take place after the Olympic Games in Tokyo.

In the meantime, we can expect meetings at which torture and other cruel, inhuman or degrading treatment or punishment; the elimination of racial discrimination, economic, social and cultural rights; and civil and political rights are discussed. This means that we will have to wait another five years, until 2021, before we can expose and refute the lies equating comfort women with sex slaves.

Some readers may think this is too far in the future to even contemplate, but please remember that the “sex slave” proponents have been building their “citadel” for more than 20 years. Therefore, we should be pleased that we may be able to demolish it in far less time than it took to build.

Drawbacks of UN committees

The November 2014 issue of the monthly magazine *Seiron* carried an article I wrote about the members of the UNHRC (United Nations Human Rights Committee):

From the viewpoint of [anti-Japanese elements] who would attempt to influence [the Committee], members who have little knowledge about Japan, let alone specialized knowledge, are preferable because of their malleability. Because such members don't know anything about Japan, they have no reticence about making [preposterous] claims about Japan. Self-proclaimed human-rights NGOs attempting to promote their anti-Japanese assertions manipulate Committee members. They are using spurious claims of their own invention to infringe upon the rights of Japan and the Japanese people. That is the unfortunate state of the UN today.

Such was the situation at the UNHRC two years ago, and it has not changed. Without knowing how the Committee operates, one would not have realized how pernicious the recommendation in the CEDAW report was that attempted to meddle in Japan's imperial system.

The duties of Committee members are (1) examining reports submitted by national governments and evaluating progress made in the implementation of the Convention (Articles 17 and 20), and (2) submitting the results of their investigation to the General Assembly in the form of an annual report (Article 21).¹

This aspect is misunderstood by those who harbor the mistaken assumption that the Committee examines the Japanese government's report on the human-rights situation, and then issues recommendations, meaning corrections to be made.

The Committee is decidedly not an examining body. The world is finally beginning to realize that CEDAW's recommendations have neither legal force nor binding power. Nevertheless, until a few years ago, calls to adhere to UN recommendations were obeyed. Opponents of democracy wanted to perpetuate that misunderstanding, hoping to use the UN to force the Japanese government to implement recommendations, something they could not accomplish within Japan.

Those very same opponents of democracy are quick to espouse "defending the Constitution." *Nichibenren* (Japan Federation of Bar Associations), which professes to be a champion of law and justice, is one such group; it is a beaming example of hypocrisy. This time, the organization was plotting to introduce sham human rights into Japan's imperial system, and for a reason far more malicious than the instance from two years ago, which I will demonstrate.

¹ <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#intro>.

The source of information for the committees is government reports, discussions with government representatives during dialogues, and material provided by NGOs. Of course, some committee members will do research on their own, but they are obligated to examine reports; they are not permitted to incorporate their personal opinions into the reports.

To protect their reputations as intellectuals and human-rights specialists, committee members who are ignorant of the human-rights situation in Japan rely on information provided by Japanese NGOs. After going through the proper formalities, NGOs post information on the relevant committee's website prior to meetings. This is a very convenient resource for committee members. Nevertheless, at a meeting held two years ago, a member posed a question to a government representative, prefacing it with, "We have heard that"

However, what makes the incident relating to the imperial household particularly nefarious is the fact that the attack on Japan's imperial-succession system in CEDAW's concluding observations came *without warning*. There was no mention of imperial succession in the government report submitted to the CEDAW, or in reports from NGOs. Nor was the topic brought up in a dialogue.

For a topic to be broached in the CEDAW's concluding observations, a decision to that effect must be made by the Committee.

According to Rule 31 (Adoption of Decisions) of the Rules of Procedure governing Committee work,

1. The Committee shall endeavor to reach its decisions by consensus.
2. If and when all efforts to reach consensus have been exhausted, decisions of the Committee shall be taken by a simple majority of the members present and voting.²

This is just an hypothesis, but I would venture to say that CEDAW members voted twice on the imperial-succession matter, once before they included it in their concluding observations, and again when they made the decision to respect the Japan's government request to delete that particular observation. One can only wonder how the members voted each time.

Hayashi Yoko, a Japanese woman, is the chairperson of CEDAW. Committee rules do not allow members to participate in the review of State reports emanating from their native countries. But as chairperson, she must have been involved to some extent. What sort of leadership did she provide on that occasion?

According to Article 17 of the Convention on the Elimination of All Forms of Discrimination against Women, members shall be "experts of high moral standing and

² <http://www.un.org/womenwatch/daw/cedaw/cedawreport-a5638-RulesOfProcedure.htm#part1>.

competence in the field covered by the Convention.”³ However, it appears that CEDAW members ignored the Convention, misrepresenting themselves as “experts of high moral standing,” and engaged in a potential terroristic act by advocating the destruction of the most fundamental of Japan’s social and political system.

There is no system in place to monitor the members or to punish them for violations of the rules. It seems to be the nature of sessional committees to place all their trust in the “high moral standing” of their members. We, its observers, are also to blame for overlooking CEDAW’s collusion with certain NGOs.

Six years have elapsed since my first visit to Geneva to attend a session pertaining to the Convention on the Rights of the Child. At the time, I had the opportunity to speak informally with a committee member from one of Europe’s leading nations. I was surprised to hear him state that, “This job wears me out, and it’s pointless.” He explained that although committee members diligently examine the state of human rights in a particular nation and issue recommendations, the government of that nation tends to ignore them.

Committee members have little motivation to do the right thing and, as I mentioned earlier, no one monitors them. Perhaps that is why they accept invitations to all-expense-paid junkets, and in return, side with anti-Japanese nations and issue recommendations designed to emasculate and demolish Japan. The UN Human Rights Committee should concentrate on addressing human-rights violations occurring *today*. This is no time for it to be shirking its duties and torturing Japan (for more than 20 years!) about the comfort women controversy. The Committee is infringing upon the human rights of and vilifying the Japanese people. They say, “the Congress dances, but does not progress.” In this case, the UN dances, but does not progress. Actually, what is happening is far worse: the UN Human Rights Committee has become toxic. This is one aspect of the United Nations that needs urgent reform.

³ <http://www.un.org/womenwatch/daw/cedaw/text/econvention.htm#article17>.