

Mandates of the Working Group on discrimination against women and girls; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; the Special Rapporteur on contemporary forms of slavery, including its causes and consequences; the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL KOR 3/2025
(Please use this reference in your reply)

17 July 2025

Excellency,

We have the honour to address you in our capacities as Working Group on discrimination against women and girls; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the sale, sexual exploitation and sexual abuse of children; Special Rapporteur on contemporary forms of slavery, including its causes and consequences; Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Special Rapporteur on trafficking in persons, especially women and children; Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 50/18, 52/4, 52/26, 51/15, 52/7, 53/9, 54/8 and 50/7.

In this connection, we wish to draw the attention of your Excellency's Government to information received concerning **the failure to ensure access to truth, justice, remedy, and reparations for survivors of the so-called "comfort women" system methodically established and controlled by the Japanese Imperial Army during World War II**. In this regard, we have received allegations from or on behalf of the following four "comfort women" survivors from the Republic of Korea:

Ms. Lee Yong-Soo, born in 1928;

Ms. Kang Il-Chul, born in 1928;

Ms. Park Pil-Guen, born in 1928; and

Ms. Lee Ok-Seon, born in 1928.

We recall previous communications sent to your Excellency's Government by Special Procedures mandate holders on 10 March 2016 ([KOR 2/2016](#)). We thank your Excellency's Government for its replies provided to this communication on [15 June 2016](#) and [6 April 2017](#).

According to the information received:

Under the "comfort women" system, up to 200,000 women and girls were reportedly subjected to trafficking, rape, and sexual slavery by the Japanese Imperial Army and related state organs before and during World War II. There

are few remaining survivors across the Republic of Korea, China (including Taiwan, Province of China), the Philippines, Timor-Leste, Indonesia, and the Netherlands, compared to 1,160 known survivors in the 1990s. Furthermore, much of the history with respect to victims from elsewhere – including Malaysia, Singapore, Myanmar, Guam, and Papua New Guinea, as well as Japan itself – reportedly remains poorly documented and largely unknown.¹

From the Republic of Korea, Ms. Lee Yong-Soo, Ms. Kang Il-Chul, Ms. Park Pil-Geun, and Ms. Lee Ok-Seon were reportedly forced into sexual slavery by the Japanese Imperial Army at a young age. Ms. Lee Ok-Sun recently passed away in May 2025.

Each of the above-mentioned survivors of the “comfort women” system and their families report that they continue to face denial of access to truth, justice, remedy, and reparations from the Government of Japan.

Firstly, survivors report that there is yet to be an official recognition from the Japanese Government of the grave and systematic human rights violations and crimes committed under the “comfort women” system and comprehensive, independent fact-finding by the State. While a governmental inquiry into the “comfort station system” was undertaken by the Japanese Government from 1992 to 1993, the investigation was reportedly led by career diplomats from the Cabinet Councillors’ Office on External Affairs lacking requisite political independence, academic knowledge, and human rights expertise. The inquiry apparently involved interviews with only 16 South Korean victims and none with any non-Korean victims or Japanese war veterans. Furthermore, it reportedly failed to survey former “comfort stations” in the Asia-Pacific or to review the evidence from the Allied war crimes trials. No subsequent efforts have been reportedly undertaken by the Japanese Government to conduct an independent fact-finding investigation into the historical evidence on the “comfort women” system, through a comprehensive review of Government archives, interview of survivors from all affected regions, and available historical data.

While the Government of the Republic of Korea established and operated an alternative body dedicated to probing the wartime atrocities of Imperial Japan, namely the “Truth Commission on Forced Mobilization under Japanese Imperialism,” from 2004 to 2015, survivors report that the Commission failed to probe key topics on the “comfort women” issue, such as the use of coercion in the “comfort women” system, the number of Korean women taken as “comfort women,” as well as the Japanese authorities’ supervision of the

¹ Allegations have been reported concerning “comfort women” from other areas. *See e.g.* <https://apjif.org/2017/21/Morita> (reference to Japanese “comfort women”); <https://apjif.org/hank-nelson/2426/article> (reference to New Guinea and Malay “comfort women”); [UCLA CKS - Comfort Women Resource Center](https://www.ucla.edu/center-for-comfort-women/) (reference to Myanmar “comfort women”); [The ‘comfort women’ of Malaysia and Singapore as transnational history and memory: Women's History Review: Vol 0, No 0 - Get Access](https://www.asean.org/asean/asean-history/asean-history-review/vol-0-no-0-get-access) (reference to “comfort women” from Malaysia and Singapore); <https://scholarspace.manoa.hawaii.edu/server/api/core/bitstreams/89d464e9-ad6a-486c-a86c-af0dea1b7bdf/content> (reference to Chamorro “comfort women” from Guam).

recruitment and transport of victims under the “comfort women” system. Therefore, survivors allege that comprehensive fact-finding has reportedly not yet been done by the Government of the Republic of Korea either.

Second, survivors report that the Government of Japan has yet to accept legal responsibility for the crimes committed, by issuing an adequate apology and providing reparations. While the 1992–1993 inquiry led to the issuance of the 1993 Kono Statement – in which the Government of Japan acknowledged that women were coercively taken to “comfort stations” established by the Japanese military and expressed regret for the suffering caused – survivors report that the statement, while expressing moral responsibility for the harm inflicted on survivors, made no mention of accepting any legal responsibility for violations of international law, including war crimes and crimes against humanity, through the “comfort women” system.

Furthermore, they report that subsequent administrations have undermined the Kono statement and cast doubt on its factual basis. Most notably, on 20 June 2014, the Government of Japan released a report titled the “Review of the Kono Statement,” which concluded that the statement was the result of a diplomatic compromise with the Republic of Korea and based on an insufficient investigation into the historical record.²

Survivors further report that successive Japanese administrations have explicitly denied the involvement of State coercion in operating and maintaining the “comfort stations” during World War II, thereby undermining the acknowledgment previously made in the 1993 Kono Statement. For instance, the official website of the Ministry of Foreign Affairs of Japan currently states that no documentary evidence of “forceful taking away” of women and girls by the Japanese authorities could be confirmed.³ Despite findings that women and girls were recruited by State-sanctioned operators by fraud and deception, survivors note that the Government of Japan continues to deny legal liability for the Japanese military’s actions with respect to the “establishment and management” of “comfort stations.”⁴ Additionally, in its reply to the 2016 communication from Special Procedures ([JPN 1/2016](#)), the Government of Japan stated that the expression “sex slave” in reference to the “comfort women” is factually incorrect and therefore inappropriate.

As a result, survivors continue to assert that the Government of Japan has yet to fully recognize the suffering of the “comfort women” as a violation of international humanitarian, criminal and human rights law and has not issued a sufficient or direct apology acknowledging its alleged involvement in the establishment and operation of a system of sexual slavery.

² <https://www.mofa.go.jp/files/100002846.pdf>

³ https://www.mofa.go.jp/policy/postwar/page22e_000883.html

⁴ E/CN.4/Sub.2/1998/13, Appendix paras. 4, 7, 9.

With respect to reparations, survivors note that while the Government of Japan established the Asian Women's Fund (AWF) in 1995 – which reportedly distributed 600 million yen in “atonement money” to 285 victims (211 in the Philippines, 61 in the Republic of Korea, and 13 in Taiwan, Province of China) – the initiative fell short of meeting international standards for reparations. Survivors emphasize that the AWF was funded through private donations rather than the State budget to obfuscate Japan's legal liability for the “comfort women” system. Furthermore, each AWF recipient reportedly received a letter signed by the Prime Minister of Japan referring only to a vague “involvement of the Japanese military authorities” in the “comfort women” system, without acknowledging any coercion or sexual slavery.

It is reported that many victims in the Philippines, the Republic of Korea, and Taiwan, Province of China rejected payments from the AWF, seeing it as an attempt to evade Japan's legal responsibility. In Indonesia, the AWF reportedly provided financial support directed toward the general welfare of elderly persons, rather than specifically targeting survivors of the “comfort women” system. In the Netherlands, the AWF provided 255 million yen in medical and welfare assistance to a private foundation for distribution to individual victims. Survivors in other affected countries, such as China and Timor-Leste, were reportedly excluded from the AWF's coverage altogether.

On 28 December 2015, the Governments of Japan and the Republic of Korea concluded an agreement whereby the Republic of Korea would establish the “Reconciliation and Healing Foundation” with a contribution of one billion yen (approximately 7,000,000 USD) from Japan's state budget, aimed at supporting “comfort women” survivors and resolving the issue “finally and irreversibly.” However, as noted in communication [KOR 2/2016](#), the agreement was widely criticized for excluding survivors from the negotiation process and for failing to reflect their demands. Many survivors perceived the foundation's support as welfare assistance rather than reparations, particularly in light of ongoing denials by senior Japanese officials concerning the existence of coercion in the recruitment and operation of the “comfort women” system.

In 2017, the Republic of Korea established a Task Force to assess the adequacy of the 2015 Agreement. The Task Force concluded that the agreement lacked transparency and failed to incorporate sufficient consultation with survivors. Although the agreement was not formally rescinded, the Reconciliation and Healing Foundation was officially dissolved in 2019. Before its dissolution, the Foundation reportedly distributed a total of 4.4 billion Korean won (approximately 3,200,000 USD) to 34 of 47 surviving victims and to 58 bereaved families of the 199 victims. Survivors in countries other than the Republic of Korea have reportedly requested the Government of Japan to conclude similar agreements with their respective governments and to provide compensation from State funds, but no such measures have been pursued to date.

Third, survivors highlight a lack of access to justice, reporting challenges in holding alleged perpetrators and the Japanese Government accountable in the domestic or international courts and fora. From the 1990s, “comfort women” survivors from various countries have reportedly brought numerous lawsuits against the Japanese Government in Japanese, South Korean, Chinese and American courts.⁵ Most, if not all, cases were dismissed on the grounds of sovereign immunity and/or preclusion of individual reparation claims under the various bilateral post-WWII treaties signed by Japan, including the 1965 Agreement on the Settlement of Problems Concerning Property and Claims between Japan and the Republic of Korea (“1965 Treaty”).

From 2021 to 2023, three decisions were rendered by South Korean courts in favour of the “comfort women” victims, this time concluding that sovereign immunity did not apply and ordering Japan to provide compensation to the plaintiffs. These include the decision of 8 January 2021 by the Seoul Central District Court (case No. 2016 Ga-Hap 505092), the decision of 23 November 2023 by the Seoul High Court (case No. 2021 Na 2017165), and the decision of 25 April 2025 by the Cheongju District Court (case No. 2024 Ga-Dan 52192).

The Government of Japan has reportedly refused to comply with the South Korean court decisions on the grounds of violation of sovereign immunity and the 1965 Treaty, though the South Korean courts have ruled that under customary international law, sovereign immunity does not apply to crimes against humanity that violate peremptory norms of international law (*jus cogens*) or tortious acts committed by agents of another State within the territory of the Republic of Korea against South Korean nationals.

Following the Japanese Government’s unwillingness to comply, South Korean victims and supporting civil society organizations have reportedly made a public appeal to Japan and the Republic of Korea to agree to seek a decision by the International Court of Justice (ICJ), in order to adjudicate legal effect of the 1965 Treaty between Japan and the Republic of Korea and Japan’s state responsibility for international law violations produced under the “comfort women” system. Furthermore, in October 2021, survivors launched a campaign urging the Government of the Republic of Korea to fulfil the victims’ right to justice and reparation by initiating inter-State proceedings before the Committee against Torture (CAT Committee) or the ICJ, as applicable, under articles 21

⁵ Additionally, lawsuits have been initiated by “comfort women” victims in the Philippines and the Republic of Korea against their own Governments, seeking to compel the executive branch to support their claims for compensation, apology, and/or arbitration against the Government of Japan. On 28 April 2010, the Philippine Supreme Court held in *Vinuya et al. v. Executive Secretary et al.* (633 Phil. 538) that the executive branch could not be compelled to espouse the claims of the “comfort women” victims for an official apology and other forms of reparations against Japan before the International Court of Justice (ICJ) and other international tribunals. In contrast, in August 2011, the Constitutional Court of the Republic of Korea ruled that the Government’s failure to institute dispute arbitration over the “comfort women” issue under article III of the 1965 post-war bilateral treaty with Japan violated the constitution (case no. 2006 Hun-Ma 788). Subsequently, the Government of the Republic of Korea sent a note to the Government of Japan requesting arbitration, which was reportedly met with no response.

and 30 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). To date, no ICJ or CAT Committee proceeding has been initiated on issues involving the “comfort women” system.

Finally, survivors and the civil society organizations representing them report that their efforts to testify, memorialize, and archive the experiences of “comfort women” have been obstructed by the Japanese government and met with threats and harassment from ultranationalist groups. For example, efforts to inscribe a multi-country dossier titled “*Voices of the ‘Comfort Women’*” in UNESCO’s Memory of the World (MoW) Register were reportedly derailed in October 2017 after Japan exerted diplomatic pressure and suspended its financial contributions to the organization.⁶ The Japanese government has also reportedly opposed the construction of statues and memorials commemorating comfort women in various locations – including Seoul and Busan, the Republic of Korea; Glendale, San Francisco, and Brookhaven, United States of America; Sydney, Australia; Manila, Philippines; and Berlin, Germany – often lobbying host governments or pressuring local authorities. In Manila, the “comfort women” statue was removed in 2018, prompting public criticism from survivors and human rights groups. Several statues have also been vandalized or targeted by lawsuits filed by Japanese ultranationalist groups seeking their removal.

While the 2015 bilateral agreement between the Republic of Korea and Japan included discussions about the potential removal of the statue in front of the Japanese Embassy in Seoul, the proposal was abandoned following public backlash in the Republic of Korea. Survivors and their supporters have continued to gather in front of the statue every Wednesday, demanding full acknowledgment of State responsibility, accountability, reparations, and justice.

Additionally, survivors and civil society organizations representing them report experiencing an orchestrated campaign of denial and harassment in response to their testimony and advocacy, particularly when speaking at international venues. Japanese ultranationalist groups have allegedly pressured event organizers to cancel speaking engagements and have circulated defamatory caricatures and articles in far-right publications in efforts to silence and discredit them. Furthermore, survivors are reportedly frequently targeted in online forums and conservative media, where they are vilified as “prostitutes,” “liars,” or “gold-diggers.” They further report that members of civil society organizations, scholars, and journalists who have spoken out in support of the victims have been similarly targeted and intimidated.

Survivors also note that ultranationalist groups, such as the Japanese Society for History Textbook Reform (JSHTTR), have actively lobbied to remove references

⁶ See e.g. Hyun Kyung Lee, Marie Louise Stig Sørensen, and Yujie Zhu (2023), “The UNESCO Memory of the World Programme and claims for recognition of atrocities: The nominations of *Documents of Nanjing Massacre* and *Voices of the ‘Comfort Women’*”, *Memori Studies*, Vol. 16 (4) 894-911, pp. 902-903.

to wartime atrocities in textbooks. Following heavy lobbying, on 8 September 2021, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) reportedly approved applications by five textbook publishers to delete or revise the terms “military-accompanying comfort women” and “forceful taking away.” To date, Japanese textbooks have never used the phrase “military sexual slavery,” and the MEXT officials have apparently made it clear that they will not approve textbooks referring to the term.

While we do not wish to prejudge the accuracy of these allegations, we express continued and serious concern towards the lack of justice for “comfort women” survivors and the denial of their right to truth, reparation, and memorialization, nearly 80 years after the reported violations have taken place. We wish to note the urgency of recognition, apology, accountability, remedy and reparations for survivors, most of whom have already died and the few remaining ones are in advanced ages. Surviving women victims of the “comfort women” system have claimed for decades an official and unequivocal apology and the recognition of the full responsibility from Japan.

We wish to remind your Excellency’s Government of its obligations under international human rights and humanitarian law, including articles 2(3) of the ICCPR, articles 12-14 of the Convention against Torture, and the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation (A/RES/60/147), which collectively affirm the duty of States to facilitate access to justice, accountability, and reparation for survivors of gross violations, including through supporting efforts to identify and hold perpetrators and responsible States accountable. We also wish to remind your Excellency’s Government that the Committee on the Elimination of Discrimination against Women (CEDAW Committee) has consistently recommended your Excellency’s Government to “(a) recognize the right of victims/survivors to a remedy, and accordingly provide full and effective redress and reparation, including compensation, satisfaction, official apologies and rehabilitative services;” and (b) ensure that “comfort women” who are still alive have full access to specialized medical, psychological and social support,” including in its most recent concluding observations on the ninth periodic report of the Republic of Korea (CEDAW/C/KOR/CO/9).

We further remain concerned that the actions taken thus far by your Excellency’s Government fall short of sufficiently guaranteeing the right to truth, justice, accountability, and reparations for the human rights violations that took place under the “comfort women” system. The survivors of the “comfort women” system are entitled to the full remedies available under international law, including both judicial and non-judicial mechanisms, truth-seeking, prosecution initiatives, reparations, and various measures to prevent the recurrence of new violations. Pursuing justice and ensuring remedy and reparation for gross violations of international human rights and serious violations of international humanitarian law require States to take ongoing measures to meet their obligations, including prompt investigation and prosecution of perpetrators, ensuring victims’ equal access to justice, and providing effective remedies and reparations to victims (A/RES/60/147). In cases where the victim has passed,

reparations must be granted to “immediate family or dependents of the direct victim,” who are also recognized as victims under international standards (A/RES/60/147, principle 8).

Finally, we reiterate the importance of a comprehensive effort to commemorate and preserve the stories of former “comfort women,” in line with obligations to guarantee non-repetition. Archives and other presentations of evidence of serious violations of international humanitarian law help ensure public knowledge of these harms and support future investigation and transitional justice efforts (A/HRC/RES/33/19). Education, including through the teaching of history within and outside school settings, is a vital tool for ensuring the non-repetition of serious violations. Its importance was affirmed in previous communications to the Republic of Korea on the issue of the “comfort women” ([KOR 2/2016](#)). As expressed by the Republic of Korea in the 2023 Universal Periodic Review of Japan, education about the “comfort women” is imperative to preventing future violations (A/HRC/37/15).

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any information and/or comments you may have on the above-mentioned allegations.
2. Please provide detailed information on the measures taken to collect, consolidate, analyze and preserve the statements of the victims and witnesses and documentary evidence, including the documents from the Allied war crimes trials, especially with respect to the work of the Truth Commission on Forced Mobilization under Japanese Imperialism and any follow-up work after the termination of the Commission’s mandate in 2015.
3. Please provide detailed information on how your Excellency’s Government will fulfill its obligation to support “comfort women” survivors’ right to truth, justice, remedy, and reparation, including through diplomatic channels and inter-state procedures.
4. Please provide detailed information on how your Excellency’s Government will implement international human rights mechanisms’ recommendations, including those made by the Human Rights Committee and the CEDAW Committee, in relation to the issue of the so-called “comfort women.”
5. Please provide what measures your Excellency’s Government has taken to protect “comfort women” survivors and supporting civil society organizations, human rights defenders, scholars, and journalists from

harassment, threats, and intimidation, both online and off-line.

6. Please provide information on actions taken by your Excellency's Government to pursue the enforcement of the court judgments of 8 January 2021 by the Seoul Central District Court (case No. 2016 Ga-Hap 505092), the judgment of 23 November 2023 by the Seoul High Court (case No. 2021 Na 2017165), and the judgment of 25 April 2025 by the Cheongju District Court (case No. 2024 Ga-Dan 52192).
7. Please explain what measures your Excellency's Government has or will undertake to support survivors' efforts to memorialize and archive their testimonies, as well as to educate the public on past atrocities.
8. Please detail what actions your Excellency's Government will take to protect memorials established to honor "comfort women" survivors, including the "comfort women" statues installed in various locations in the Republic of Korea and beyond.
9. Please provide detailed information on measures taken by your Excellency's Government to ensure the meaningful participation of the "comfort women" victims, their families and relevant civil society organizations in truth, justice, reparation and accountability processes.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

Please be informed that a letter on this subject matter has also been sent to to the Governments of China, Indonesia, Japan, the Netherlands, Philippines, and Timor-Leste.

Please accept, Excellency, the assurances of our highest consideration.

Laura Nyirinkindi
Chair-Rapporteur of the Working Group on discrimination against women and girls

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Mama Fatima Singhateh
Special Rapporteur on the sale, sexual exploitation and sexual abuse of children

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Reem Alsalem

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Annex

Reference to international human rights law

In connection with the above allegations and concerns, we would like to refer your Excellency's Government to article 8 of the Universal Declaration of Human Rights, article 2(3) of the International Covenant on Civil and Political Rights (ICCPR), articles 1, 14, and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and articles 34 and 39 of the Convention on the Rights of the Child (CRC), as well as article 3 of the Hague Convention respecting the Laws and Customs of War on Land of 18 October 1907 (Convention IV), and article 91 of the Protocol Additional to the Geneva Conventions of 12 August 1949, relating to the Protection of Victims of International Armed Conflicts (protocol I) of 8 June 1977. These legal provisions collectively affirm the right to a remedy for victims of serious human rights violations, including gender-based and sexual violence.

We would like to highlight that sexual violence, including sexual slavery, has been recognized as a crime against humanity (article 7), a war crime (article 8), and a serious violation of international human rights law under the Rome Statute of the International Criminal Court, which was ratified by the Republic of Korea on 13 November 2002. Rape and other forms of sexual violence, including sexual assault and acts qualifying as "outrages upon personal dignity," are prohibited under international humanitarian law. This includes article 3 common to the four Geneva Conventions; article 27 of the Fourth Geneva Convention; articles 75(2)(a)(i), 75(2)(b) and (e), and 76 of Additional Protocol I; and rule 93 of customary international humanitarian law. Article 14 of the Third Geneva Convention further states that "women [prisoners of war] shall be treated with all the regard due to their sex" and that prisoners of war are "in all circumstances entitled to respect for their persons and honor." Article 4(2)(e) of Additional Protocol II prohibits outrages upon personal dignity, particularly humiliating and degrading treatment, rape, and any form of indecent assault against civilians and persons hors de combat. International humanitarian law also recognizes that coercive environments, threats of force, and fear of violence compromise the sexual autonomy of persons and satisfy the elements of crimes such as rape and sexual violence.

We also stress that according to well-established international case law, sexual abuse and violence, including rape, can be forms of torture prosecutable under domestic and international law when they satisfy the definition in article 1 of the CAT. They are also war crimes when "used for such purposes of intimidation, degradation, humiliation, discrimination, punishment, control, or destruction of a person; and "[when they are] inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity."⁷ When committed as part of a widespread or systematic attack against a civilian population, with knowledge of the attack, singular or collective rapes or other forms of sexual abuse constitute crimes against humanity. Sexual violence in war can also constitute a crime of torture without further qualifying elements (see A/79/181).

⁷ ICTR, *The Prosecutor versus Jean-Paul Akayesu*, Case No. ICTR-96-4-T, para. 597; ICTY, *Prosecutor v. Kunarac, Kovac and Vukovic*, ICTY, Case No. IT-96-23-T and IT-96-23/1-T, 22 February 2001, upheld on appeal Case No. IT-96-23 and IT-96-23/1; ICC, *The Prosecutor v. Dominic Ongwen*, Case No. ICC-02/04-01/15, paras. 35-36.

We further refer your Excellency's Government to the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, ratified by the Republic of Korea on 10 November 2024. The Protocol reinforces the obligation of States parties to criminalize and prevent the sale of children, including for the purpose of sexual exploitation, and to ensure appropriate remedies for child victims. In particular, article 1 obliges States to prohibit the sale of children, child prostitution and child pornography, while article 3(1)(a)(i) requires States to criminalize offering, delivering or accepting a child for the purpose of sexual exploitation. Article 9(1) further requires States to adopt or strengthen measures to ensure effective enforcement, investigation, and prosecution of offences under the Protocol, while article 9(4) underscores the duty to ensure that child victims have access to procedures that recognize their special needs and enable their views to be heard and taken into account. Although the violations related to the "comfort women" system occurred before the entry into force of the Protocol, the grave and systematic nature of the acts committed against girls – many of whom were subjected to sale, trafficking, and sexual slavery – necessitate continued recognition and redress in light of the Protocol's objectives and the enduring impacts of such violations. The obligations under the Protocol also reflect established principles of international human rights law affirming the non-applicability of statutory limitations to serious violations involving children and the continuing duty of States to ensure truth, accountability, and effective remedies.

We further refer to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which the Republic of Korea ratified on 27 December 1984. The Convention obligates States to refrain from discrimination against women and to ensure that public authorities and institutions act accordingly. Article 2 also calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization, or enterprise.

General recommendation No. 19 (1992) of the CEDAW Committee defines gender-based violence as "violence that is directed against a woman because she is a woman or that affects women disproportionately," including acts causing physical, mental, or sexual harm or suffering, threats of such acts, coercion, and other deprivations of liberty. General recommendation No. 30 (2013) on women in conflict prevention, conflict, and post-conflict situations calls on States parties to uphold women's rights at all times, promote substantive gender equality before, during and after conflict as well as ensure access to justice for victims of sexual violence (CEDAW/C/GC/30). General recommendation No. 35 (2017), which updates General recommendation No. 19, clarifies that the due diligence obligation is foundational to the Convention, and that States parties are responsible for the acts or omissions of private actors empowered by the law of that State or private agents acting on the instruction or under the direction or control of that State, including when operating abroad (CEDAW/C/GC/35, para. 24(a)).

We also highlight that General recommendation No. 30 of the CEDAW Committee specifies that States parties must prevent, investigate, and punish trafficking and sexual and gender-based violence, which, under international criminal law, may amount to war crimes, crimes against humanity, acts of torture, or even genocide (para. 23). The Committee affirms that in all crisis situations – including in armed

conflict – women’s rights are protected under a complementary framework of international humanitarian, refugee, criminal, and human rights law (para. 19). Furthermore, the Committee reiterates the right to adequate, effective, and prompt reparations and the importance of assessing gender-specific harm (para. 79), and calls for the inclusion of women victims in the design, implementation, and monitoring of transitional justice and reparation mechanisms to ensure their needs and experiences are addressed (para. 81).

We would like to further refer to the CEDAW Committee’s general recommendation 33 on access to justice, which specifies that State parties must ensure that non-judicial remedies, such as public apologies, public memorials and guarantees of non-repetition granted by truth, justice and reconciliation commissions are not used as substitutes for investigations into and prosecutions of perpetrators, reject amnesties for gender-based human rights violations such as sexual violence against women and reject statutory limitation for prosecution of such human rights violations (paragraph 19 (f)).

We also recall the concluding observations of the CEDAW Committee on the ninth periodic report of the Republic of Korea (CEDAW/C/KOR/CO/9), which referenced the 23 November 2023 judgment by the Seoul High Court ordering the Government of Japan to compensate former “comfort women.” The Committee noted that many survivors still lack adequate reparations, including compensation and access to medical and psychological support (para. 30). In previous observations (CEDAW/C/KOR/CO/8, paras. 27-31), the Committee urged your Excellency’s Government to provide full and effective redress, including compensation, satisfaction, official apologies, rehabilitative services, and specialized support.

We also wish to recall the concluding observations of the Committee Against Torture on the third to fifth periodic reports of the Republic of Korea (CAT/C/KOR/CO/3-5), in which it expressed concern that the 2015 bilateral agreement between Japan and the Republic of Korea “fails to provide redress and reparation (including compensation and the means for as full a rehabilitation possible) or to ensure the right to truth and assurances of non-repetition” for the victims (para. 47(a)). In that regard, the Committee recommended your Excellency’s Government to “[r]evis[e] the agreement of 28 December 2015 between Japan and the Republic of Korea in order to ensure that the surviving victims of sexual slavery during the Second World War are provided with redress, including the right to compensation and rehabilitation, and that they are guaranteed the right to truth, reparation and assurances of non-repetition, in keeping with article 14 of the Convention” (para. 48(d)).

We further wish to recall that the Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence, in his 2023 report on the visit to the Republic of Korea, recommended that the Government of the Republic of Korea “revise the agreement of 28 December 2015 between Japan and the Republic of Korea to ensure that the surviving victims of military sexual slavery during the Second World War have access to truth, justice, reparation, including satisfaction, and guarantees of non-recurrence, in line with international standards”. He also recommended the Government to “proactively engage the authorities of third countries involved in serious violations of human rights and humanitarian law against Korean victims to ensure that they adopt the measures necessary, within their respective responsibilities, to realize the victims’

right to truth, justice and reparation and ensure that victims are meaningfully consulted in all negotiations and decisions that affect them” (A/HRC/54/24/Add.1).

We also wish to recall general comment No. 13 (2011) of the Committee on the Rights of the Child, which affirms the right of the child to freedom from all forms of violence and outlines States parties’ obligations to prevent, investigate, and respond to violence against children, including in situations of armed conflict and sexual exploitation. The General Comment emphasizes that States must ensure access to child-sensitive justice mechanisms, including the availability of complaint procedures, legal remedies, and reparation measures that take into account the specific needs, vulnerabilities, and rights of child victims. It further underscores the importance of rehabilitation, recovery, and social reintegration, as well as measures to prevent re-traumatization and ensure the participation of children in proceedings affecting them. The Committee calls for a comprehensive and rights-based approach to addressing violence against children, including accountability for perpetrators and guarantees of non-repetition.

In this context, we also wish to recall the 2023 report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children on Reparation for child victims and survivors of sale and sexual exploitation (A/HRC/52/31), which emphasizes the need for specific legislation and comprehensive programmes to ensure reparation for child victims of exploitation, violence, and abuse. The report highlights that reparation measures must be age-appropriate, gender- and culturally sensitive, and designed to avoid secondary victimization, particularly for the most marginalized groups of children (para. 106, 108). It further underscores the importance of accessible justice, urgent interim reparative measures, and meaningful participation of child victims and survivors in the design and implementation of reparation processes (para. 107). The Special Rapporteur affirms that ensuring justice for child victims is a core obligation of States and all relevant actors at national and international levels (para. 109).

We would also like to recall the report the Special Rapporteur on torture, in her report to the General Assembly on the duty to investigate, prosecute and provide remedies to victims of sexual torture (A/79/181), which noted that sexual violence in war also qualifies as a crime of torture under international human rights and humanitarian laws without exceptions, immunities, amnesties or statutes of limitations, and without further qualifying elements (para. 79). Rape, forced prostitution and other indecent acts were already proscribed in 1907 and earlier instruments of international humanitarian law (para. 31). Furthermore, she explicitly referred to the issue of “comfort women” as an example where rape was used to “compensate” or “reward” troops (para. 69).

With respect to the right to truth, we emphasize its connection to the right of access to information, as derived from article 19 of the ICCPR. The right to truth also encompasses victims’ and relatives’ entitlement to demand investigations and accountability. International jurisprudence increasingly affirms a collective dimension to the right to truth, promoting trust in institutions and guaranteeing non-repetition, as supported by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/68/362) and the Special Rapporteur on truth, justice, reparation and guarantees of non-recurrence (A/HRC/24/42, A/HRC/21/46).

We also wish to recall that the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (2005) establish the right of victims to receive adequate, effective and prompt reparation for the harm suffered. Reparation should be proportional to the gravity of the violations and the harm suffered (principle 15). Victims should be provided with full and effective reparation, which include the following forms: restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (principles 10, 11, 15, and 18). In addition, “statutes of limitations shall not apply to gross violations of international human rights law and serious violations of international humanitarian law which constitute crimes under international law” (principle 6).

We further refer your Excellency’s Government to the Secretary-General’s Guidance Note on Reparations for Conflict-Related Sexual Violence (2014), which emphasizes non-discrimination in fulfilling victims’ rights to remedy and reparation. The Note encourages States to ensure both individual and collective reparations (principle 3), and victim participation throughout the reparations process (principle 6). Additionally, UN Security Council resolution 2122 (2013) calls on Member States to end impunity and prosecute perpetrators of war crimes, genocide, crimes against humanity, and serious violations of international humanitarian law (para. 12).

We would also like to recall the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression following his official visit to Japan (A/HRC/35/22/Add.1), in which he raised serious concerns regarding undue pressure on journalists and media outlets to refrain from reporting on the issue of the so-called “comfort women,” as well as the harassment and threats faced by individuals who have addressed this issue publicly (paras. 28-30). The Special Rapporteur highlighted the case of a journalist subjected to public vilification and threats for reporting on “comfort women,” in the absence of a clear and unequivocal condemnation from the Government (paras. 30-31). He also expressed concern at the declining reference to “comfort women” in school textbooks, noting the Government’s influence over historical narratives and the implications this has for students’ right to access objective and comprehensive education (paras. 37-40). The Special Rapporteur recalled recommendations from multiple international human rights mechanisms urging the Government to ensure recognition of and education about the “comfort women” system (para. 37). Furthermore, emphasizing the importance of the right to truth and access to historical information as essential for accountability, public trust, and non-recurrence of violations, the Special Rapporteur recommended that the Government of Japan enhance its efforts to provide accurate and transparent public information on past human rights violations, including the issue of “comfort women,” and consider extending an invitation to the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence (paras. 41, 70).

We further wish to remind your Excellency’s Government of the 1998 report of the Special Rapporteur on systematic rape, sexual slavery and slavery-like practices during armed conflict, which analyzed the legal responsibility of the Japanese Government for the establishment and maintenance of military “comfort stations” during the World War II (E/CN.4/Sub.2/1998/13, Appendix paras. 1-2, 7-10). Drawing on the Japanese Government’s own admissions from its 1993 Cabinet study, the Special

Rapporteur outlined the direct role of Japanese authorities in recruiting, transporting, detaining, and exploiting women and girls, and underscores that such practices constitute slavery, rape, and crimes against humanity under prevailing norms of customary international law, even at the time the acts were committed (paras. 11-22). The Special Rapporteur affirmed that the prohibition of slavery and sexual violence are peremptory norms of international law (*jus cogens*) to which no derogation is permitted (paras. 25-30, 41-44), and concluded that Japan retains ongoing legal obligations to prosecute perpetrators and provide full reparations to surviving victims, including individual compensation and official acknowledgment of State responsibility. Additionally, she recommended the creation of an official compensation scheme beyond the Asian Women's Fund, which does not meet the legal standard for redress (paras. 31-40, 63-66).

Similarly, in her 1996 report on military sexual slavery in wartime, the Special Rapporteur on violence against women, its causes and consequences concluded that the system of "comfort women" constituted a clear case of sexual slavery and a practice amounting to crimes against humanity and grave breaches of international humanitarian law (E/CN.4/1996/53/Add.1, paras. 6-10, 113). Based on testimonies from survivors and corroborating historical records, she concluded that over 200,000 women – primarily Korean but also from other occupied territories – were subjected to systematic rape and sexual slavery by the Japanese Imperial Army in conditions marked by coercion, brutality, and extreme deprivation (paras. 11-44, 52-60). The Special Rapporteur found that recruitment was often carried out through deception, intimidation, or direct violence, including abductions and forced conscription under the guise of employment or national service (paras. 23-31), and the Japanese military played a central role in establishing, regulating, and overseeing the operation of comfort stations, maintaining strict control through army doctors, regulations, and military police (paras. 32-35, 41-44). The Special Rapporteur also noted survivors' testimonies on daily multiple rapes, torture, forced abortions, and lifelong trauma, while many were denied compensation or formal recognition (paras. 52-65). The Special Rapporteur urged Japan to fulfill its ongoing legal responsibility to investigate and prosecute those responsible, disclose all relevant documentation, offer official apologies, amend educational curricula, and provide full and adequate reparations to surviving victims in accordance with international standards (paras. 137-140).

We also wish to refer to the 2010 report of the Special Rapporteur on violence against women, its causes and consequences, on reparations for women subjected to violence (A/HRC/14/22), which described the so-called "comfort women" movement as "the single most organized and well-documented movement for reparations for women," yet also a "largely unsuccessful" effort due to continuing refusal from the Japanese government to provide an official apology and reparations. The Special Rapporteur noted that "[s]ince the late 1980s, survivors have come forward to bear witness and mobilize international public opinion, asking for an official apology and reparation," and that they have "rejected financial aid gestures as inadequate and reiterated their desire for a formal apology and individual compensation through public funds rather than a welfare- or benevolence-type of assistance based on socio-economic needs" (para. 71).

In the same report (A/HRC/14/22), the Special Rapporteur emphasized that the "importance of women's participation in reparations discussions and processes cannot

be overestimated,” and that “[w]ithout the[ir] participation, initiatives [for reparations] are more likely to reflect men’s experience of violence and their concerns, priorities and needs regarding redress.” Furthermore, their exclusion would be a missed opportunity “for women and society in general to draw the links between past and present forms of violence and seize the opportunity provided by reparations discussions to press for more structural reforms” (para. 29). Additionally, the Special Rapporteur identified key elements of reparations to women and girls who have been subjected to sexual violence during conflict, including “[o]fficial apologies, pensions, educational opportunities, access to health and psychological rehabilitation services, individual payments and measures of collective reparations, including specific infrastructure reconstruction measures” (para. 49). She concluded the report recommending States to adopt gender-sensitive and transformative reparations, which should “subvert instead of reinforce pre-existing patterns of cross-cutting structural subordination, gender hierarchies, systemic marginalization and structural inequalities that may be at the root cause of the violence that women experience before, during, and after conflict” (para. 31).

We further recall that the Working Group on discrimination against women and girls, in its report on sexual and reproductive health rights in crisis (A/HRC/47/38), has highlighted the widespread impunity for violations of women’s sexual and reproductive health rights and the continuing barriers women face in accessing justice. The Working Group has emphasized that women and girls are entitled to receive adequate reparations, including restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition, for violations of their sexual and reproductive health rights, and States have a core obligation to ensure access to effective and transparent reparations.

Additionally, the Working Group on discrimination against women and girls, in its 2013 report to the Human Rights Council (A/HRC/23/50), documented the stigmatization, harassment and outright attacks used to silence and discredit women who are outspoken as leaders, community workers, human rights defenders and politicians. The Working Group found that women human rights defenders are often the target of gender-specific violence, such as verbal abuse based on their sex, sexual abuse or rape; they may experience intimidation, attacks, death threats and even murder. The Working Group recommended to accelerate efforts to eliminate all forms of violence against women, including through a comprehensive legal framework to combat impunity, in order to fulfil women’s human rights and to improve the enabling conditions for women’s participation in political and public life.

To complement the recommendations made by international human rights mechanisms to your Excellency’s Government on the issue of “comfort women”, we would like to recall the recommendations made in the context of the Universal Periodic Review of the Republic of Korea in 2023, in which other States called for a number of measures to, inter alia, continue implementing policies and measures for eliminating discrimination against women, protecting women from gender-based violence and supporting victims of sexual violence, organizing public awareness-raising campaigns to promote gender-based violence against women, and take further measures (recommendations 138.42, 138.50, 138.55, 139.91, 139.97). We also recognize your Excellency’s Government responses during this Universal Periodic Review noting that it maintains the agreement with Japan regarding “comfort women” victims and will continue to make efforts to restore honor and dignity and to heal the psychological

wounds of the victims (A/HRC/53/11).

Finally, we would like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms.

Furthermore, we would also like to refer to article 6 point a), which provides for the right to know, seek, obtain, receive and hold information about all human rights and fundamental freedoms; and article 6 points b) and c), which provides for the right to freely publish, impart or disseminate information and knowledge on all human rights and fundamental freedoms, and to study, discuss and hold opinions on the observance of these rights.