

# **Survey of the Japanese Movement Against Wartime Sexual Violence**

HAYASHI Hirofumi

## **Introduction**

The 20th century has been a period of war and violence. No other century has brought such an unprecedented level of destruction and genocide. Above all, vast numbers of women have been made victims of sexual violence. Even now, we are witness to numerous cases of sexual violence taking place in wars between nations and in internal armed conflicts around the world. In order to end the cycle of impunity that accompanies wartime sexual violence against women, it is generally accepted that the system of Japanese military comfort women, which was in fact sexual slavery, is an issue that must be faced. The purpose of this article is to outline research on the subject of wartime sexual violence, in particular the comfort women, and associated popular movements.

It should be noted that the term ‘comfort women’ has been severely criticized because it does not indicate the actual conditions the women had to suffer. Indeed, the term ‘sexual slave’ or ‘sexual slavery’ is often used instead. I am of the opinion that the system of Japanese military comfort women was indeed sexual slavery. In this article, however, I use the historical term ‘comfort women’.

## **The Issue of Japanese Military Comfort Women**

Until the 1980s, little attention was paid to the issue of Japan’s war responsibility and/or Japan’s aggression and the atrocities it committed against Asians and people from member nations of the UN in Japan itself. Though a large number of books had already been published about the war, most dealt with Japanese suffering, such as Hiroshima, Nagasaki, and the U.S. air raids against Japanese cities. But in the 1980s, the Japanese people came to recognize that Japan was an aggressor rather than a victim. The history textbook dispute of 1982 had a considerable impact on Japan because fierce criticism came from other Asian countries. Moreover, Japan had not only become a major economic power, but was also trying to become an important military power. Many veterans who until then would not give voice to their inhumane conduct began to speak out against this push for military strength. Thereafter, a large number of studies on war crimes such as the Nanjing atrocity were carried out and have led to significant progress, but the issue of the comfort women was still ignored.

It was in August 1991 that a Korean former comfort woman, Ms. Kim Hak Sun, broke nearly half a century of silence and made her story public. She was followed by several more women, not only in South Korea, but also other parts of Asia. Their bravery in stepping forward encouraged the Japanese, especially women, to organize support groups. In South Korea, the “Korean Council for Women Drafted for Military Sexual Slavery by Japan” (the Korean Council) was set up in November 1990 and demanded among other things that the Japanese government reveal the truth, make a formal apology, and pay reparations. With the support of NGOs, lawyers and researchers, the surviving

victims began to file lawsuits against the Japanese government. The first of these was filed by Kim Hak Sun and other Koreans in December 1991.

Despite this, the Japanese government denied any involvement by the Japanese military in the organization of comfort women and refused to conduct an investigation of any kind. However, the Japanese government was unable to sustain its false position, particularly when in January 1992 Professor YOSHIMI Yoshiaki, a Japanese historian, unearthed certain official documents concerning the establishment and control of “comfort stations” that had been preserved in the Defense Agency’s National Institute of Defense Studies. As a result, Prime Minister MIYAZAWA Kiichi publicly admitted that the Japanese military was involved and apologized over the comfort women issue for the first time.

Although most of the post-war generation had remained unaware of the existence of comfort women until that time, the issue came into the popular consciousness not only in Japan but also around Asia and the world. Research on the issue began and popular movements demanding a formal state apology and reparation to victims appeared.

## **Investigation and Demands for Compensation**

The Japanese government began in some measure to collect materials relating to the comfort women, and announced the results of surveys in July 1992 and August 1993. In the second announcement, the government was obliged to admit that the conscription and use of comfort women had been carried out forcibly.

However, the government concluded its efforts with important materials still undisclosed and unexplored. Furthermore, the government failed to admit that the Japanese government and military were the main actors in setting up and operating the system of military comfort women, and that the comfort-woman system was a violation of international laws prohibiting war crimes and crimes against humanity. Further, the government still continued to refuse reparation for the victims.

Against this background, a group of historians, legal experts, and others established an organization called “The Center for Research and Documentation on Japan’s War Responsibility” (JWRC) in April 1993 as the first-ever non-governmental organization dedicated to research on issues related to the war-related victimization of Asians by Japan. The JWRC immediately began to investigate documents relating to Japanese war crimes, and in particular the comfort women. Some of its findings were announced in August 1993 and numerous important official documents were made public. The JWRC also began publishing a quarterly journal, *Senso Sekinin Kenkyu* [Report on Japan’s War Responsibility] in September 1993 (The latest issue is No.31, March 2001). The investigations and documents revealed in this journal have had a great influence on the movement.

Various other organizations have also come into being to provide support to victims in their legal struggle against the Japanese government. Women are the main actors in these groups.

In the Philippines, former comfort woman Maria Rosa Henson came out in September 1992 and filed a lawsuit against the Japanese government in April 1993.

The comfort-woman issue was first raised at the United Nations Commission on Human

Rights in February 1992. Then in August 1992, the first Asian Solidarity Conference sponsored by the Korean Council was held in Seoul. Representatives from four countries (South Korea, the Philippines, Taiwan, and Japan) agreed that the comfort women were an example of how the patriarchal system, militarism, and war come together to violate women and eliminate humanity. Further, they determined that resolving this issue would be a crucial step toward preventing the recurrence of war crimes and building a peaceful world. Since this gathering, there has been cooperation among organizations in the areas victimized and those in Japan.

Recent moves toward democracy in South Korea, the Philippines, and Taiwan have made it possible for these groups to organize. And as women have brought a gender-specific viewpoint to the issue, the nationalist view has met with criticism and solidarity between various countries has become possible.

### **Fruits of Research and the Rightwing Reaction**

Historical research into the Japanese military comfort women has achieved remarkable results. First, it has been demonstrated that the Japanese government and military were fully and systematically involved in planning, establishing, and operating the system of comfort women. Japanese military “comfort stations” were set up in almost all areas occupied by the Japanese, and local women were forced to join those from Korea, Taiwan, and Japan at the comfort stations. The system could not have operated without assistance from the Home Ministry, including prefectural governors and the police at all ranks, the Foreign Ministry and its consulates in occupied areas, and the Governor-Generals of Korea and Taiwan.

Secondly, research has shown that the military comfort women system was nothing less than sexual slavery by the military. It constituted sexual, racial, ethnic, and economic discrimination. The racial or ethnic dimension is seen in the fact that the military protected Japanese women to a certain extent, while completely ignoring international laws in the case of other Asian women. Most of those rounded up as comfort women were economically impoverished women with little education. This was true for the Japanese as well.

Thirdly, although one of the reasons given by the Japanese military for introducing the comfort women system was to prevent the rape of local women by soldiers, it did not eliminate rape. While soldiers in areas secured by the military, such as major cities, were ordered to leave women alone in order to garner local support, soldiers were encouraged to kill, loot, burn, and even rape in hostile areas where anti-Japanese guerrillas were active and the people were regarded as the enemy. Thus, despite the comfort women system, rape was rampant.

Fourthly, it has been proven that the system of Japanese military comfort women was in violation of international laws. There is no doubt that it constituted a war crime and a crime against humanity.

Finally, the suffering of the women involved did not end with liberation. Many of the comfort women were unable to return home. Some still remain where they were abandoned, as can be seen in the case of Korean women still living in Wuhan, China. Further, former comfort women have suffered the aftereffects of diseases, injury, psychological trauma, and post-traumatic stress disorder,

as well as social discrimination on account of having been made comfort women. As former comfort women began to come out, we all began to realize at last that their suffering had been lasting and that it would continue until the Japanese government definitely acknowledges its responsibility, apologizes, pays compensation, and restores the honor of its victims.

These historical findings necessarily led to proposals for compensation and apology. Among the several proposals put forward, I summarize here the one made by Professor Yoshimi, deputy director of the JWRC, as based on a JWRC proposal of 1994 (Yoshimi (2000), pp. 207-208).

- 1) All official documents in government possession relating to military comfort women must be made public.
- 2) Acknowledgment of and apologies for all violations of international law and war crimes committed by the Japanese government must be made.
- 3) Acknowledgment of responsibility for not having punished those responsible for these acts must be made.
- 4) Rehabilitation of the victims must be carried out.
- 5) Victims' dignity must be restored and individual compensation paid.
- 6) Educational programs about history and human rights; monuments to mourn the victims; a research center to establish the historical facts; memorial museums that preserve this history; and steps to prevent the repetition of these mistakes.

As a result of these efforts, the Japanese public began to take note of the comfort women issue and began to understand Japan's responsibility. The issue is now being taught to students at high school and junior high school. More and more people have come to accept that Japan pursued a war of aggression and was responsible for numerous atrocities, including the comfort women system.

However, a systematic counterattack was launched by the right wing beginning in the mid-1990s. Campaigns have been undertaken by Liberal Democratic Party MPs, as well as members of other parties, scholars, journalists, veterans, religious organizations, and other right-wingers. First, they attack textbooks that deal with Japan's various atrocities, including the comfort women, and demand that such material be deleted in order to recover Japanese national pride. They also claim that Japan's wars were just, that Japan liberated Asia from the tyranny of Western colonialism, that the rape of Nanjing was a fabrication, and that comfort women were rather protected and well treated by the Japanese military and authorities. Against a background of economic depression and a degree of prejudice against other Asians, Chinese and Koreans in particular, a considerable number of people have been influenced by these campaigns.

Various victims of Japan's atrocities, including comfort women and those forced into slave labour, have filed lawsuits against the Japanese government (a total of 58 cases by September of 2000). However, in almost all cases the courts have dismissed their suits. Support groups are preparing parliamentary bills for individual compensation or for investigation of the historical facts. These have so far gained the support of more than 160 MPs, including some members of the Liberal Democratic Party. However, the majority of MPs are still against or indifferent to such proposals. (There are a total of 480 MPs in the House of Representatives.)

Of late, research into the comfort women issue has been facing difficulties because the

Japanese government still prevents access to a lot of documents. To make matters worse, documents that have up to now been available are being closed again on the pretext of protecting privacy.

## **International Movements against Wartime Sexual Violence**

As mentioned before, the comfort women issue first came before the United Nations Commission on Human Rights in 1992. Thereafter, it was repeatedly taken up by the Commission in spite of objections by the Japanese government—which claimed that the UN has no jurisdiction over events that took place before it came into being. As a result of international efforts, the Commission accepted a report by Special Rapporteur Rhadika Coomaraswamy in January 1996, which made six recommendations to the Japanese government. These included acknowledgement of legal responsibility, payment of compensation to individual victims, the making of a public apology, and the identification and punishment of perpetrators as far as possible.

The UN Sub-commission on Human Rights welcomed a final report by Special Rapporteur Gay J. McDougall in August 1998: *“Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict.”* The appendix of this report was entitled “An Analysis of the Legal Liability of the Government of Japan for ‘Comfort Women Stations’ Established During the Second World War.” One of the major aims of this report is to end the cycle of impunity for slavery, including sexual slavery, and for sexual violence including rape. The report says, “One significant impetus for the Sub-commission’s decision to commission this study was the increasing international recognition of the true scope and character of the harms perpetrated against the more than 200,000 women enslaved by the Japanese military in ‘comfort stations’ during the Second World War.” In conclusion, it states that, “Sadly, this failure to address crimes of a sexual nature committed on a massive scale during the Second World War has added to the level of impunity with which similar crimes are committed today.” Thus, solving the comfort women issue is one item on the agenda of international movements against sexual violence and slavery which take place during contemporary armed conflicts.

In addition to recommendations for individual compensation and the like, the report was purposeful in recommending that government and military personnel must be prosecuted for their culpability in establishing and maintaining the rape centers. It also stressed the need for mechanisms to ensure criminal prosecution and provide legal compensation.

Thus, the comfort women issue can be regarded not only as an issue of war crimes and war responsibility, but also as one aspect of sexual violence and discrimination during wartime and peace in male-dominated societies. In other words, settling the comfort women issue is one essential move toward redressing our present-day societies characterized by sexual violence and discrimination. The international solidarity achieved among women in victimized countries and Japan is an important step forward.

To take the case of South Korea, the comfort women issue has traditionally been dealt with from a viewpoint of male-dominated nationalism, not from that of a woman’s human rights. While blaming Japan, most Koreans ignored the suffering of the victims themselves. Indeed, the victims were regarded as a shameful disgrace. Thus the women involved were not only victimized by the

Japanese during the war, but have also suffered from social prejudice and discrimination in their own societies since the war ended. Supporters of the former comfort women vehemently criticize the response of such male-dominated societies. The Korean Council has recently been dealing not only with Japan's behavior, but also South Korean sexual violence against Vietnamese women during the Vietnam War and sexual violence against Korean women by U.S. soldiers stationed in South Korea. This type of broadening of scope is also taking place in Japan and other countries.

## **Women's International War Crimes Tribunal 2000**

In spite of pressure from various international movements, the Japanese government continues to deny any legal responsibility for war crimes and crimes against humanity committed against women before and during the Second World War. It also refuses to pay any individual compensation. Further, the Japanese courts have regularly rejected claims filed by former comfort women from various countries. A majority in the National Diet still supports this policy.

The Japanese government did establish the Asian Women's Fund in July 1995 "to protect women's human rights in Japan and around the world." According to the official description of the Fund, it promotes "the desire to convey to these [comfort] women the sincere apologies and remorse of the Japanese people" through an 'atonement' fund raised through direct donations from the Japanese public. Note that this 'atonement' fund is not paid for by the government but by public subscription, and that it is not compensation but a form of charity. It demonstrates the Japanese government's refusal to take any legal responsibility. As a result, the fund has been condemned by most former comfort women and their support groups in various countries. Currently it is deadlocked.

It is under these circumstances that the issue of Japan's failure to fulfill its obligations to punish war criminals has been raised, and the McDougall report is part of this consciousness-raising. In contrast with the German government, the Japanese government has never prosecuted a Japanese war criminal or a person responsible for military sexual slavery. There are close parallels between this situation and the International War Crimes Tribunals for the former Yugoslavia and Rwanda, which are prosecuting sexual violence as a crime against humanity for the first time. The establishment of the International Criminal Court is also of great significance.

After a 1997 international conference on violence against women in war and armed conflict situations in Tokyo, VAWW-NET Japan (Violence Against Women in War Network, Japan) was organized in January 1998. VAWW-NET Japan proposed to other related organisations that a war crimes tribunal be held, and the International Organizing Committee (IOC) was set up jointly by the Korean Council, the Asian Center for Women's Human Rights (ASCENT)-Philippines, VAWW-NET Japan, and other groups. Ultimately, the IOC was composed of representatives from seven countries: North and South Korea, China, Taiwan, the Philippines, Indonesia, and Japan. Three other countries took part in the resulting tribunal: The Netherlands, Malaysia, and East Timor.

The objectives of the IOC in setting up the Women's International War Crimes Tribunal were as follows:

- 1) To collect from each country evidence highlighting the grave nature of the crimes committed

against the comfort women and to clarify the consequent responsibility of the Japanese Government and its military.

2) To carry out a clear analysis of the gender nature of the crimes and to establish a gender-sensitive approach to the issues of war crimes against humanity and genocide.

3) To involve the international community in shedding light on the nature of the crimes committed against the comfort women of Asia and to identify steps to be taken by the Japanese Government.

4) To encourage an international movement in support of issues related to violence against women in war and armed conflict situations.

5) To end the impunity with which wartime sexual violence is carried out against women and to prevent such crimes from happening in the future.

Although the Tribunal would have no legal power to punish those responsible, the hope was to clearly establish that the system of military sexual slavery implemented by the Japanese military and government constituted a war crime against women and a crime against humanity.

According to the charter of the Tribunal, it was to have jurisdiction over both individuals and states, and would identify those responsible for crimes with an emphasis on perpetrators in top military and government positions with command responsibility, including the Emperor. In preparing for the Tribunal, victims, legal experts, historical scholars, and other participants from each country cooperated to prepare evidence and testimony. The five tribunal judges were selected from among internationally renowned persons and experts on international law, including a former head of the International War Crimes Tribunal for the Former Yugoslavia, who was chosen to preside over the Tribunal. The IOC planned to run the tribunal as closely as possible to the workings of an actual court. The Japanese government was asked to attend, but no reply was received. During the Tribunal, nobody was aware of what the judgment would be until the verdict was given by the president of the judges. Even the three co-representatives of the IOC were left wondering to the very end whether the Emperor would be found guilty or not.

The Tribunal ran from December 8 to 12, 2000, with the judgment being given on the final day. More than a thousand people, including over 60 former comfort women from various countries, attended each day. Several hundred volunteers helped to run the Tribunal. The Tribunal found Emperor Hirohito guilty of responsibility for rape and sexual slavery, a crime against humanity, and determined that the government of Japan was responsible for establishing and maintaining the comfort women system. Verdicts on other twenty-some accused will be presented in the final judgment in April or May, 2001.

This is the first time that the Emperor has been found guilty of war crimes. And since the impunity enjoyed by the Emperor has led to impunity for the Japanese government and high-ranking government officials, this finding is really significant. In a sense, it is the culmination of ten years of work, as the Tribunal made full use of the historical research of the past decade. Needless to say, the judgment was received with excitement by attendees, in particular the victims of sexual violence by the Japanese. Indeed, we may say that the Tribunal goes some way toward meeting the demand for justice that victims have been seeking. However, the issue will not be finally settled until the Japanese government accepts its full legal responsibility. It is significant that certain parts of the mass media

completely ignored the tribunal or made fun of it, and in contrast with the foreign media, few journalists dealt with the Emperor's guilt. The issue of the Emperor still appears to be taboo in Japan.

## Conclusion

Research into the issue of the Japanese military comfort women and wartime sexual slavery has achieved remarkable results during the 1990s. A considerable number of scholars have contributed to this success.

One question that remains to be answered is, "What role has the Peace Studies Association of Japan (PSAJ) played in all of this?" It can be said in all honesty that the PSAJ has contributed nothing. It was at the PSAJ conference in autumn of 2000 that the issue of wartime sexual violence, including comfort women, was tabled for the first time. Even in the annual PSAJ journal, *Peace Studies*, little attention has focused on this issue. As an editor of *Peace Studies* from 1999 to 2000, I attempted to deal with the issue, but I found that few researchers or activists were members. In other words, those involved in this issue work outside the auspices of the PSAJ.

The efforts by some members ensured that we were able to hold a session on "War and Sexual Violence" at the PSAJ's Autumn 2000 conference. At another session of the conference, I (as a commentator) criticized the PSAJ for barely dealing with the issue of Japan's war crimes and war responsibility, including military comfort women. The majority of the PSAJ seems to have a tendency to avoid such difficult issues. However, the PSAJ has begun a process of reform, and I conclude this article by expressing the hope that the PSAJ will deal honestly with the issue of Japan's war responsibility and wartime sexual violence around the world.

## References

1. Asian Center for Women's Human Rights. 2000. *From the Depths of Silence: Voice of Women Survivors of War* (Quezon City: Asian Center for Women's Human Rights (ASCENT)).
2. International Commission of Jurists. 1994. *Comfort Women: An unfinished Ordeal: Report of a Mission* (Geneva: International Commission of Jurists).
3. McDougall, Gay J. 1998. *Systematic Rape, Sexual Slavery and Slavery-like Practices During Armed Conflict*. Final report submitted by Ms. Gay J. McDougall, Special Rapporteur to Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities, E/CN.4/Sub.2/1998/13.
4. Sajor, Indai Lourdes. 1998. *Common Grounds: Violence Against Women in War and Armed Conflict Situations* (Quezon City: Asian Center for Women's Human Rights).
5. Yoshimi, Yoshiaki. 2000. *Comfort Women: Sexual Slavery in the Japanese Military during World War* (New York: Columbia University Press).
6. Yoshimi, Yoshiaki and Hayashi, Hirofumi (eds.). 1995. *Nihongun Ianfu* [Japanese Military Comfort Women] (Tokyo: Otsuki Shoten).
7. Hayashi, Hirofumi. 1998. "Japanese Comfort Women in Southeast Asia", *Japan Forum*, Vol.10,



No.2, pp. 211-219.

8. The Center for Research and Documentation on Japan's War Responsibility, Web Site (Japanese and English): <http://www.jca.ax.apc.org/JWRC/>

**HAYASHI, Hirofumi** (Dr.) is a professor at Kanto-Gakuin University. He has been conducting research on the Japanese occupation of Southeast Asia and Japanese war crimes and war crimes trials including comfort women. He has also been the Research Director and Vice-Chief Editor of the JWRC since 1993. His main publications in recent years are *Sabakareta Senso Hanzai* [Tried War Crimes: British War Crimes Trials of Japanese] (Iwanami Shoten, 1998), *Nihongun Ianfu* [Japanese Military Comfort Women] (co-editor) (Otsuki Shoten, 1995), and *Ianfu, Senji Seiboryoku no Jittai: Chugoku, Tonan-Ajia, Taiheiyo Hen* [The Actual State of Comfort Women and Wartime Sexual Violence: China, Southeast Asia and the Pacific] (Ryokufu Shuppan, 2000).