

## **An Emerging Transnational Movement in Women's Human Rights: Campaign of Nongovernmental Organizations on "Comfort Women" Issue in East Asia**

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**Abstract.** This study examines the efforts and effects of human rights nongovernmental organizations' (NGOs) campaigns on "comfort women" issue in East Asia. By focusing on the dynamic process of interactions between the three main actors involved in the issue: comfort women NGOs; Japanese government; and the United Nations, I first argue that the Japanese government is being forced to change its original discourse of official denial and cover-up policy to approach the demands offered by comfort women's NGOs. Second, the human rights movement relies on popular awareness and consciousness toward human rights issues in civil societies. Hence, through campaigns and activities, NGOs can play the key role to promote this issue and further form a transnational activism around the region and the international community. Third, a leading NGO can effectively promote international networking and then can press the target government to change its position. Fourth, we need to conduct a process oriented analysis of a specific case within a research framework to establish the exact influence of NGOs on the human rights issues. Finally, comfort women's NGOs have established a successful model for the transnational advocacy networks in human rights movement and have promoted a new claim for women's rights in East Asia.

**JEL Classification Codes:** Z00.

**Key words:** East Asia, Human Rights, Comfort Women, Nongovernmental Organizations, Transnational Social Movement, Japan, War Crime, World War II

### **1. Introduction**

One of the important developments in today's global transformation has been the rise of a global network of issue-oriented non-governmental organizations (NGOs), whose capacity for political activism transcends national boundaries. Sometimes called 'transnational advocacy networks'

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(Keck and Sikkink 1998), these transnational networks of activists seek to make claims against existing authorities' policies and positions, and organize transnational campaigns for change. On the gender level, these NGOs have in many cases been open to women's participation and women's solutions. In other words, women have found ways in a male-dominated world to empower themselves and to force political authorities and societies to face up to the fact that women's rights are human rights. Particularly valuable has been the ability of women to organize transnationally, creating a common agenda that span national borders.

However, comparing to the Western world, the development and campaigns of NGOs on violations of women's human rights in Asia is largely ignored until recently. More importantly, little was done to address the problem of the wartime abuse of women by conquering armies. Therefore, this paper addresses the issue of the notorious Japanese enslavement of "comfort women" from occupied Asian nations in World War II<sup>1</sup>, with particular focus on the efforts of human rights NGOs' organized campaigns on this issue in East Asian (to force the issue on to the political agenda and further demand on justice and compensation) and its sequent effects on promoting women's human rights and transnational movements in the region.

## 2. Research Framework

I provide two propositions for the research: first, three main actors are involved in the issue: the comfort women survivors and related non-governmental organizations, the Japanese government, and the United Nations. I assume that the activities and attitudes of the three parties and interactions between them are essential and crucial factors in the development and possible resolution of the issue. Second, the strategies used by comfort women's NGOs - promoting the issue to attract other countries or United Nations concerns and requesting the Japanese government to face and resolve the problem, are pushing the Japanese government to change

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<sup>1</sup> Comfort women, translated from Japanese-*jugun ianfu* (military comfort women), are the approximately 200,000 young females who were forced into sexual slavery by the Japanese Imperial Forces before and during World War II (1928-1945). Most of them were Korean, Chinese, Taiwanese, Filipino, Indonesian, and few were Dutch, Australian and Russian women (Soh, 1998, p.1). However, neither compensation nor punishment has been discussed regarding this inhumane war crime after World War II.

their policy to approach the NGOs' demands and also enhancing human rights and women's status in East Asia.

To understand the efforts of the main actor in this issue - "comfort women" NGOs, we firstly need to theoretically specify their various strategies and campaigns. Keck and Sikkink recount NGOs' campaigns in different issues to develop a theory of what they call "transnational advocacy networks" and examine its emergence, workings, and effectiveness. These networks are often composed of NGOs which exchange information and services in a reciprocal, nonhierarchical fashion. They explore how the NGOs networks influence politics at different levels by doing many things at once: helping to define an issue area, convince policy makers and publics that the problems thus defined are soluble, prescribe solutions, and monitor their implementation (pp.1-15). They further distinguish among four major types of NGOs' strategies, each of which draws upon different sorts of network resources: information politics, symbolic politics, leverage politics, and accountability politics (1998, pp.16-25).

The first two types refer to "the ability to quickly and credibly generate politically usable information and move it to where it will have the most impact," and "the ability to call upon symbols, actions, or stories that make sense of a situation for an audience that is frequently far away" (p.16). The third and fourth types refer to the response of "target actors" (i.e. policy change by the "target" government), and the ability of NGOs to "convincing governments...to publicly change their positions on issues" (pp.23-4). I treat the typology as the four indicators, in order to assess the campaigns led by NGOs on this issue.

Second, whereas Keck and Sikkink's theoretical analysis and typology include most of actions that human rights NGOs might adopt, Welch propounded six strategies and objectives of NGOs in his study of human rights NGOs in four African countries: education, enforcement, empowerment, documentation, democratization, and development (1995, pp.51-69). Welch explores NGOs' functions through the six strategies and places emphasis on the function of civil society (p.34). Indeed, Human rights NGOs rely on the popular awareness and consciousness toward human rights issues in civil societies. Through these six strategies, NGOs can achieve their goals. NGOs then may cross an indistinct boundary into international activism. Along Welch's approach, in the issue of "comfort women," NGOs can be the key to the promotion of this issue in civil societies around Asia

and the international community. Furthermore, a key NGO can greatly influence the positions taken by the Japanese governments and can create conditions in which international campaign can become more effective.

Third, we need to analyze the dynamic process of interaction between the NGOs and the Japanese government in terms of linkages. These linkages take a main form as NGO's promotion and the Japan's official reactions. According to Cohen, there are three forms of governmental reaction toward human rights NGOs activities. The first form is the "classic" discourse of official denial: literal denial (nothing happened); interpretive denial (what happened is really something else); and implicatory denial (what happened is justified) (1996, p.522). The second form is the scheme of changing its originally defensive position to an attack on the critics by human rights NGOs (pp.534-6). The third form is the peaceful type of response with partially acknowledges the criticism (pp.536-8).

In addition, Gibney and Roxstrom focus on the phenomenon of state apologies and propose several criteria that a government might employ when issuing an apology to the people within or outside the state (2001, pp.926-937): publicity, ceremony, explanation, financial assistance, justice, consistency, understanding, forgiveness, and hypocrisy. Both typologies propounded by either Cohen or Gibney and Roxstrom are useful to being effective indicators to measure the response by Japanese government on the "comfort women" issue. Fourth, I conduct process-oriented empirical analysis of a specific case within a research framework to establish the exact influence of NGOs on the issue of "comfort women."

As a result, I approach my study in four main sections. First, I introduce the historical background of comfort women. Second, I analyze the role and function of comfort women's NGOs on the issue, especially focus on their organized efforts to force the issue on to the political agenda and further demand justice and compensation. One of the NGOs – *The Korean Council For the Women Drafted For Military Sexual Slavery By Japan* - will be offered as a case study. Third, through analyzing the shifting of Japanese government's position to the issue and United Nations' gradual involvement promoted by comfort women's NGOs, I explore the interactions among them and evaluate the issue in the international community. Finally, through assessing the current Asia-wide movement emerging on the issue and analyzing the impacts of this transnational movement on promoting East Asian human rights and enhancing women's rights, my assumption is affirmed.

### 3. Historical Background of "Comfort Women" Issue

#### Comfort Women System During & After World War II

The Japanese government began to see the need of "comfort women" for the purpose of stabilizing soldiers' psychology, encouraging their spirit. The government believed such comfort women would help prevent soldiers from committing random sexual violence toward women of occupied territories, which became a real concern after the infamous Nanjing Massacre in 1937 (Soh, 1998, p.2). In particular, the rapes provoked a strong anti-Japanese feeling among occupied people. This made it difficult for the Japanese to rule the territories. Thus, the military authorities had to order a strict regulation on soldiers' behavior and started to set up facilities for sexual comfort.

Hence, military sexual slavery<sup>2</sup> by Japan was not simply the incidental raping of women by occupying soldiers, as has often accompanied war from 1932 to 1945. It was a deliberate, long-term, and systematic institution, which was planned, designed, and enforced by the Supreme Commander of the Japanese army<sup>3</sup>. The geographical location of comfort stations appears to have followed the course of the war; stations seem to have been found wherever the Japanese army was based<sup>4</sup>. When the Japanese were defeated, most of these comfort women were simply abandoned. Some were forced to commit suicide with soldiers who

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<sup>2</sup> Some feel that the term devised by Japan as military "comfort women"(MCW) needs to be replaced with military "sexual slavery" (MSS). It is more value-neutral and socially justice, although historically they were better known as MCW. From the perspective of such naming politics, MCW justifies the victims' services therefore legitimizing the Japanese military inhumane actions. See (Keck and Sikkink, 1998, p.176; Yoon, 1995, p.2).

<sup>3</sup> Women between the ages of 11 to 32 were taken to the Japanese occupied areas by force, deceit, or kidnapping in order to be used as military sex slaves for the Japanese soldiers. They were forced to serve about 30 soldiers daily on weekdays and 50 soldiers a day on weekends. These women were euphemistically called "comfort women." See (Lee, 1994, p. 8).

<sup>4</sup> The testimony held by NGOs and the United Nations is recorded of a variety of people who either remember the stations from the time of their operation or who had relatives or acquaintances who were involved in the running of the system in some ways (Coomaraswamy, 1996, p.4).

sacrificed their lives in the name of Japan, while others were killed<sup>5</sup>. Few comfort women were saved and sent back to their homelands by the Allied forces. Many of them stayed abroad because the humiliation and pain were too deep for them to overcome.

### **A Concealed Issue**

When the war ended, the only military tribunal concerning the sexual abuse of comfort women took place in Batavia (today's Jakarta, the capital of Indonesia) in 1948. Under the Dutch law rather than international law, the Batavia trial convicted several Japanese military officers for having forced into comfort stations the 35 Dutch women mentioned in the case. However, the same trial completely ignored similar ordeals suffered by native Indonesians and women of other ethnic backgrounds.

In fact, as early as 1942, the U.S. government was aware that a large number of Korean females were systematically being sent to China and Manchuria (Yoon, 1995, p.3). Numerous U.S. military documents from 1944 on also deal with "Japanese Army Brothel" and "comfort girls" issues. However, during the Tokyo war crimes trial (formally called as the International Military Tribunal for the Far East, 1946-48), the issue was not an agenda item. West-centered international politics focused on the Military Tribunal of Nuremberg to punish Nazi leaders with little attention paid to those war criminals in the "East".

The arrival of the cold war era shifted the US policies toward Japan from political and economic sanctions to rebuilding Japan for strategic balance in East Asia, especially after the Korean War broke out in 1950. Hence, the US was not eager in punishing Japanese war criminals. Also, as Japan plays more and more an important role in international society, due to its economic power, this might cause the international society to overlook an incidence of gross violation of human rights.

Moreover, the Japanese government and the army have hidden all relative documents. According to a record discovered recently, the Japanese Army not only carried out the sexual comfort operation in secret, but it also

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<sup>5</sup> For instance, in Micronesia, in one case the Japanese army killed 70 comfort women in one night, because they felt the women would be an encumbrance or an embarrassment were they to be captured by the advancing American troops (Coomaraswamy, 1996, p.5).

ordered the officers in charge of it to get rid of all related records (Yu, 1993, p.531). This irresponsible attitude of Japan is related to its "willful" ignorance neglect toward other Asian states. Unlike Germany that made significant restitution to the neighboring countries, Japan has never been sincere in resolving this issue. Japan does not seem to feel guilty for its war crimes and is conversely more dedicated to justify or to cover up the past.<sup>6</sup> Japan's ignorance over the issue is the main reason why the problem has remained unsolved.

The last reason that prevents solution is that people who know the actual fact - the assailants as well as the victims - have kept silence. This is partly because of the oriental culture that makes the victims of sexual abuse feel ashamed and the assaulters tacitly tolerated. Confucianism in East Asia has strongly fostered the cultural aspects, though we can also find similar cultures in other parts of the world. However, it should be recognized that this cultural pressure against women victims is the second offense to them. Although large participation of transnational movement in this issue has helped to change the attitude of the Chinese or Korean societies toward the victims of sexual abuse, such culture is still a negative factor in terms of resolving the problem.

#### **4. The Role of Non-Governmental Organisation**

##### **Formation of Korean Council**

The comfort women issue began to emerge only in the South Korea in the late 1980s. The turning point was in June 1990: a complete denial by a Japanese official at a Diet session in June 1990 of any governmental

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<sup>6</sup> For example, Japan has given the excuse that this country aggression was carried out for the purpose of liberating all Asian countries under the slogan of "the Greater East Asia Co-prosperity Sphere." Japan also denied the "Nanjing Massacre" in China in 1937. Except for the US attitude toward Japan and the changing geopolitics after WWII, other reasons accounting for Japanese attitude toward the history in WWII are: (1) the divided nationhood of Korea and China (confrontation between two pairs of rival regimes) weakened their possible efforts to push Japan to take responsibilities of their war crime. (4) The dominant right wing parties (i.e. the ruling Liberal Democratic Party) in Japan has tried to cover and eliminate the past war crimes through "reinterpreting" the history. For further discussion about the issue in the social-cultural dimension, see (Harootunian, 2000, pp.715-39); for the policy of "reinterpretation," see (Cohen, 1996, pp.525-6).

involvement in the recruitment of comfort women<sup>7</sup>. The declaration spurred the formation of the *Korean Council for the Women Drafted for Military Sexual Slavery by Japan* (hereafter referred to as the Korean Council) on November 16, 1990. The Korean Council then sent an open letter to the Japanese Prime Minister Kaifu Toshiki, which listed the following six demands (Yoshiaki, 1995, pp.33-5; Kwon, 1994, p.2): 1) the Japanese government admits the forced draft of Korean women as comfort women; 2) a public apology should be made for this; 3) all barbarities should be fully disclosed; 4) a memorial must be raised for the victims; 5) the survivors or their bereaved families should be compensated; 6) these facts must be continuously related in historical education so that such misdeeds are not related. Those demands are also the goal of Korean Council's movement. The NGO combined efforts of the various individuals and groups. They concentrated their efforts primarily on resolving this problem by confronting the Japanese government, raising public awareness of this issue within the international community, and caring for the former comfort women.

### **Effective Activities Led by the Korean Council**

Since the Korean Council was formed, the NGO has requested the Japanese government to face the problem following the six demands and has developed activities in order to resolve the issue of comfort women, which is long overdue:

#### **Activities against the Japanese Government**

##### **(1) Fact-finding**

The Korean Council demanded the Japanese government research further into this issue. Japanese government have thus far released two reports (The first in July, 1992 and the second in August, 1993), however, the Japanese government has done nothing further than this. In the report, the government reluctantly admitted to their partial involvement (Takashima, 1996, p.3). However, the government has made no effort to release the information materials related to the war period. This neglect means avoiding legal responsibility of war crimes. Therefore, the NGO demands the Japanese government not only to establish a fact-finding committee within the government and the Japanese Diet but also to support and to encourage non-government fact-finding groups or organizations in order to make possible

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<sup>7</sup> The Diet is the legislative institution of Japan.

reports clear and objective.

## **(2) Apology**

Since 1991, the Korean Council has demanded the Japanese government to issue an official apology. In January 1992, the Chief Cabinet Secretary Kato admitted for the first time that the Japanese Imperial Army was in some way involved in running military comfort stations. In July 1995, the Japanese Prime Minister Tomiichi Murayama offered formal personal apologies to comfort women (Lord, 1996, p.63). However, although the government expressed their regret and sorrow, the apologies are usually challenged and denied by Japanese cabinet members<sup>8</sup>. As a result, the Korean Council still demands the government offer a formal apology from the Diet to send to each individual victims.

## **(3) Reparation**

The Japanese government has insisted that the reparation for all damages during the colonial period was taken care of by the Korean-Japan Treaty in 1965, while they put up an Asian Women's Fund in 1995. It is not enough to state that legal responsibility of reparations for the victims was finalized by the Fund (as analyzed later). The Korean Council has decided to take the case of military sexual slavery to the PCA (Permanent Court of Arbitration) to clarify whether or not the Japanese government has any legal obligations to pay individual reparations under international law (Chi, 1996, p.2).<sup>9</sup>

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<sup>8</sup> Such statements are declared by especially the right wing's politicians. For instance, in May 1994, Japan's Justice Minister, Shigeto Nagano, described "comfort women" as "licensed prostitutes" (implying that they volunteered) and stated that the "Rape of Nanjing" in 1937, in which 300,000 Chinese were slaughtered in Japan's bloodiest atrocity, never occurred. In August 1994, Japan's Environmental Minister translated Japan's wartime aggression as an act of liberation for Asian countries. See (Soh, 1996, p.1229-30).

<sup>9</sup> An international conference to demand the withdrawal of the Asian Women's Fund was held in Tokyo on December 2-4, 1995. Survivors and activists from the Philippines, the Korean Council and Taiwan, along with about 300 Japanese people, participated in the conference. The following day, the Korean Council participated in a peaceful demonstration in downtown Tokyo. About 500 people took part and requested various actions to be taken by the Japanese government: "Withdraw the National Fund!" "Adhere to the UN Recommendations!" The participants discussed future strategies and adopted the resolution to make all the efforts to force the

#### **(4) Punishment**

The Korean Council demands that the Japanese government should punish the guilty parties who were involved in carrying out the system of the military sexual slavery by Japan (Kwon, 1994, p.6). According to the Council, if the punishment is carried out, the effect of the punishment can enhance Japan's morality and conscience. In fact, the most recurring problem has been Japan's inability to fully admit its past crimes. The Japanese government has even built shrines and memorials to pay honor to those who sacrificed their lives for Japan. This kind of one-sided representation of the past can only lead to more confusion about Japan's guilt and responsibility of war crimes for future generations. The victims are still suffering from the effect of the war.

#### **(5) Lawsuit**

Since 1991, Korean comfort women sponsored by Koreans Council has brought the first lawsuit. The strategy is subsequently followed by Filipino (1993), Chinese (1995), and Dutch women (1996) (Yoshiaki, 1995, pp.2-3, 33). Those cases attracted the attentions of worldwide media about the issue of comfort women hidden by Japanese government. On April 27 1998, in the trail of a former Korean comfort woman - Lee Sun-dok, Judge Chikashita of the Yamaguchi District Court in southern Japan ruled that Japanese government should pay compensation (300,000 yen [2,272 dollars]) to the comfort women from South Korea (Reuters Press, 1998). His reasoning is that Tokyo had neglected to fulfill its legal duty to repair the anguish suffered by comfort women. It is the first judgement of such a kind case (a number of similar cases are currently pending in Tokyo). The Japanese government has refused to pay direct compensation to any of the women.<sup>10</sup>

### **International Movement**

#### **(1) Activities in the United Nations**

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Japanese government to renounce the Fund, to act in protect against Japanese Corporations. See (Kwon, 1996, p.4).

<sup>10</sup> In 1999, the Japanese government made a similar response to three former Taiwanese comfort women who took legal action against the Japanese government. See (Mitsutani, 2001).

In August 1992, February 1993, May 1993, and February 1994, the Korean Council sent delegates to the UN, urging the "Sub-Commission on Prevention of Discrimination and Protection of Minorities" to start an investigation into the gross violation of human rights during World War II. In May 1993, other NGOs started to request UN to investigate the forced labor issue, as well as the military sexual slavery during the Pacific War (Kwon, 1996, p.8)<sup>11</sup>.

In August 1993, the UN Sub-Commission on the Prevention of Discrimination and Protection of Minorities adopted a resolution that a Special Rapporteur be appointed to make a special study on systematic rape, sexual slavery, and similar practices (Parker, 1995, p.3). Through that resolution, Japan's war crimes have become the object of public scrutiny and investigation for the first time in its history officially sponsored by the United Nations Human Rights Commission. Ms. Linda Chavez, an American Specialist on the Human Right's Sub-Commission, was appointed as the Special Rapporteur.

In August 1994, the Sub-Commission decided to invite Ms. Chavez, its expert, to submit a working paper on the situation of systematic rape, sexual slavery, and slavery-like practices during wartime, including internal armed conflict, to the Sub-Commission at its forty-seventh session. The UN Sub-Commission decided to recommend that the Special Rapporteur, on the question of the impunity of perpetrators of violations of human rights, take into consideration the information on the sexual exploitation of women and other forms of forced labor during wartime. In August 1995, the Sub-

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<sup>11</sup>These NGOs include the World Council of Churches, the International Commission of Jurists, International Fellowship of Reconciliation, The Task Force on Filipino Comfort Women (Lilla-Pilipina), and the Korean Forced Draft Investigation Group. Korean Forced Draft Investigation Group was founded in 1972 to deal with the issue of Korean drafted laborers during the Japanese Occupation. Task Force on Filipina Comfort Women is the most influential comfort women's NGO in the Philippines. The International Commission of Jurists (ICJ) organized a mission for comfort women issue in 1993. They visited Manila, Tokyo, Seoul and Pyongyang, interviewing over forty victims, three former soldier and NGOs, as well as lawyers and interested academics and journalists. In November 1994, ICJ published its report and recommended that the Japanese government assume moral and legal responsibility for this issue. The International Fellowship of Reconciliation concerns the issue by researching the Japan-Korea Basic Treaty of 1965 and other international laws. See Hicks, 1994, p.124, p.172, pp.262-3.

Commission decided to hold a public questioning and hearing on the issue of reparations for the "comfort women" and to request Ms. Linda Chavez to research the sexual slavery issue during wars for two years (Sancho, 1996, p.1).

In March 1994, the UN Human Rights Committee appointed Ms. Radhika Coomaraswamy as a Special Rapporteur on Violence against Women. She visited Korea (South and North) and Japan for an official investigation of this issue in July 1995 and Ms. Linda Chavez, UN expert, came to investigate in May 1995 (Kwon, 1996, p.11). This was the first official investigation by the UN (as analyzed later). In June 1994, the UN Working Group on Contemporary Forms of Slavery recommended that both the survivors of military sexual slavery and the Japanese government settle the dispute at the Permanent Court of Arbitration (PCA) in Hague, the Netherlands (Dolgopol, 1995, p.3). The Korean Council proposed to the Japanese government to go to the PCA to clarify whether or not the Japanese government has any legal obligations to pay individual reparations under international law. In January 1995, the Japanese government officially sent a message of rejection of the proposal.

In February 1996, Ms. Radhika Coomaraswamy presented her official report to the UN Human Rights Commission (as analyzed later). Moreover, the comfort women issue has been adopted as a formal UN document in the UN World Conference on Women in Beijing (as analyzed later). Delegates of the Korean Council and other women organizations in East Asia explored the issue and demanded a resolution to bring this issue to a conclusion. This could be considered the product of the continuous activities of the Korean Council to make solidarity movements with other victimized countries in Asia and to propose this problem to the UN.

## **(2) World Conference on Human Rights in Vienna**

At the World Conference on Human Rights in Vienna on June 17 1993, the Korean Council made a joint oral statement with four other organizations to emphasize and to request that the perpetrators of war crimes by Japan during World War II be punished. For European victims, there was the Batavia Military Court of the Japanese Officers who committed these war crimes, and in February 1993, the UN Security Council decided to set up an international tribunal to punish war criminals including organized, armed rapists in former Yugoslavia (Soh, 1997a). Thus far though, there has been no such tribunal for the former "comfort women." However, for the Korean

Council, the World Conference on Human Rights proposed to establish an effective means to prosecute the crimes of military sexual slavery, e.g. an international permanent criminal court.

In August 1999, the Korean Council attended and addressed the 51th session of the UN Sub-Commission on the Promotion and Protection of Human Rights (Sub-Commission)<sup>12</sup>. The issue of rape, sexual slavery, and slavery-like practices during armed conflict is mentioned in the Resolution of the Sub-Commission. In addition, the resolution notes "that the rights and obligations of states and individuals with respect to the violations referred to in the present resolution cannot, as a matter of international law, be extinguished by peace treaty, peace agreement, amnesty or by any other means." Although the Sub-Commission resolution does not mention any country, it would appear to support the claims of comfort women's NGOs against the Japanese government for compensation with regard to the systematic rape and sexual slavery which those comfort women suffered during World War II (Weissbrodt, 2000).

### **(3) Solidarity with Asian Women**

The Korean Council works in conjunction with women's organizations in the Philippines, Taiwan, Japan, Hong Kong, Thailand, and Indonesia (as explicated later). Many works have been accomplished through solidarity efforts. The Korean Council then participated in drafting the Joint Asian Statement of protest against Japan's attempt to become a Permanent Member of the UN Security Council in July 1998 (Kwon, 1994, p.9).

Through these activities, the Korean Council has attained some significant accomplishments. First, the crime of the Japanese Military Sexual Slavery system has been disclosed in the United Nations and to international communities. Second, the Japanese military sexual slavery system has been recognized as a crime against humanity and a war crime. Three, except for apologies and private compensations, the NGO has put much pressure on the

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<sup>12</sup>The Sub-Commission is a subsidiary body of the Commission on Human Rights in UN. The mandate of the Sub-Commission includes human rights standard setting as well as reviewing specific country situations and current human rights issues in all parts of the world. The role of the Sub-Commission is to initiate action within the UN human rights system and to aggregate opinions provided by attended NGOs in human rights issue. See Weissbrodt, 2000, pp.788-9.

Japanese government and request it to fulfill its legal and moral responsibility.

## **5. Japanese Response**

### **Denial**

When the Korean Council first formed and began to protest in 1990, the Japanese Government literally denied the fact that military sexual slavery even existed. Its response to the six demands by Korean Council in April 1991 was that there was no evidence of the forced draft of Korean women, and hence no public apology, disclosure, nor memorial were forthcoming<sup>13</sup>. The Japanese reply pointed out that all claims of compensation between Japan and South Korea had been settled by the 1965 treaty, and that “textbooks would continue to reflect Japan’s regret for aggression against the rest of Asia” (Economist, 1992, p.32). When a number of Koreans filed a class action suit against the Japanese in December 1991, the international community began to hear about the comfort women issue (Yy, 1993, pp.41-5). A major political impact of the lawsuit has been widening the issue into the universalistic issue of women's human rights. Moreover, the lawsuit has attracted the attention of the worldwide media about the hitherto hidden chapter on the role of comfort women in the history of World War II.

### **From Admission to Apology**

In fact, on June 6, 1990, Mr. Motoka Shoji requested an investigation of the issue of “comfort women” for the first time in the Japanese Diet (Soh, 1997b, p.137). The Japanese government denied its involvement and answered that the comfort stations were operated by individual or private sectors. In January 1992, Professor Yoshimi Yoshiaki<sup>14</sup>, a Japanese scholar brought to light documents clearly proving that the Japanese Government was fully aware of the mobilization of sexual slaves. Then, Prime Minister Miyazawa Kiichi expressed his regret and apologies during his state visit to South Korea in January 1992. While still ruling out any compensation for the comfort women, the Prime Minister indicated that some measure “in lieu of

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<sup>13</sup> Cohen called it as a “literal denial.” The observed government asserted simply that “nothing happened.” See (Cohen, 1996, pp.523-5).

<sup>14</sup> Yoshimi Yoshiaki, a history professor, retrieved at the Library of the National Institute for Defense and his writing about them in the January 11, 1992 issue of the Asahi Shimbun, a major daily newspaper, forced the Japanese government to admit the involvement of the state in the operation of comfort stations. See Soh, 1998, p.4.

compensation" would be considered after receiving the report of fact-finding committees being set up in Japan. In July, the Japanese government was forced finally to admit to its partial involvement in this issue in the first official report by the Japanese government: "the Japanese Army was partially involved in the operation of the comfort station, but there was no forceful recruitment." (Tatsue, 1996, p.6)

After such report by the Japanese government, survivors and people in victimized countries in Asia vigorously protested against the report. Then finally the Japanese government released its second report in August 1993 that the Japanese government partially admitted forceful recruitment of comfort women by the Japanese government, "because the evidence is too embarrassing to explain away" (Cohen, 1996, p.536). After that, other Japanese Prime Ministers have expressed their remorse. In a statement issued on 31 August 1994, Prime Minister Tomiichi Murayama stated "on the issue of wartime comfort women, which seriously stained the honor and dignity of many women, I would like to take this opportunity once again to express my profound and sincere remorse and apologies" (Tatsue, 1996, p.5).

### **Investigation Report**

The Japanese report, *Results of Investigation into the Question of Military Comfort women Originating from the Korean Peninsula*, which was published on July 6, 1992, was based on 127 documents, including those first found by Professor Yoshimi (Dolgopol, 1995a, p.2). These documents came mostly from the Self-Defence Agency and the Foreign Ministry, and those from the Foreign Ministry demonstrated much wider official involvement in the comfort system than could be attributed to the arbitrary initiative of the Armed Forces alone.

The report states that "comfort stations were established in various locations in response to the request of military authorities at the time." It indicates that "comfort stations existed in Japan, China, the Philippines, Indonesia, the then Malaya, Thailand, the then Burma, the then New Guinea, Hong Kong, Macao and the then French Indo-China." It accepted the fact that the Japanese military directly operated comfort stations. "Even in those cases where the facilities were run by private operators, the then Japanese military was involved directly in the establishment and management of comfort stations by such means as granting permissions to open the

facilities, equipping the facilities, drawing up the regulations for the comfort stations that set the hours of operation and tariff and stipulated such matters as precautions for the use of the facilities” (Yoon, 1995, p.6-7). The study came to the conclusion that, although recruitment in many cases had been carried out by private operators, the recruiters resorted to “coaxing and intimidating” these women who were recruited “against their will” (Yoon, 1995, p.8).

It is not unexpected that the report spurred survivors’ protests. The reason is the fact that there were no relevant documents released from the Police Agency or the Labor Ministry. The two agencies implicated in the forced recruitment of women should be important targets for the investigations. In addition, even though the Justice Ministry holds the full records of all war crimes trials, including the Dutch cases, the department was not even included in the investigation. The Japanese government has made no effort to release the information materials related to the war period. This kind of neglect implies a sense that the Japanese government has something to hide, as it has not made any effort to concede to NGOs and survivors’ demand to release the materials closed to the public relating to comfort women.

### **Asian Women’s Fund**

On 14 June 1995, the Chief Cabinet Secretary Kozo Igarashi issued a statement as follow-up to Prime Minister Murayama's statement, saying that in accordance with the discussions of the Ruling Parties Project Team for Fiftieth Anniversary Issues, and based on “remorse” for the past, there would be an attempt to set up an *Asian Peace and Friendship Fund for Women* (Asian Women’s Fund) (Chi, 1996, p.3).<sup>15</sup>

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<sup>15</sup>The Japanese government claimed that the principal objectives of Fund go beyond the payment of compensation to surviving women victims to include: (1) Raising of funds from the private sector as a means to enact the Japanese people's “atonement” for the suffering of former wartime sexual slaves; (2) Supporting projects in the field of medical care and welfare in support of former comfort women victims from governmental and other sources; (3) Through the implementation of the Fund's projects, the Government would express its feelings of remorse and sincere apology to all former comfort women victims; (4) Collating historical documents on the comfort women establishment in order to serve as a lesson of history; (5) Support projects by NGOs in the Asian region and, in countries from which comfort women victims were drawn, in the field of the elimination of contemporary forms of violence against women, such as trafficking and prostitution. See (Coomaraswamy,

Igarashi announced that the establishment of the Fund should be construed as an effort by the government of Japan, together with the Japanese people "to find an appropriate way to enable a wider participation of the people to share feelings of apology and remorse." The Fund is, in addition, intended to promote mutual understanding with the countries concerned by the issue of comfort women, as well as for the Japanese people "to face squarely the past and to ensure that it is rightly conveyed to the future generations" (ibid.). This is why the government has decided to seek funding from private sources for the Fund. The government has itself earmarked 500 million yen (approximately US\$ 5.7 million) to cover the administrative costs of the Fund, as well as to finance medical and social welfare programmes for women victims.

### **Unwilling Apology and Compensation**

Although the government of Japan has expressed its remorse for these events on a number of occasions, those statements seem devoid of any real understanding of the effects that these events have had on the women. It seems that the government refuses to focus on the individual humanity of the victims. At a minimum, the government should be willing to send representatives to meet with the women personally, to apologize directly and to listen to the women's stories of their pain. So far the Japanese government has done nothing more than make general statements of remorse in specific diplomatic occasions in order to appease the international community. It has not chosen to apologize directly and personally to the women. Similarly, when we look at what has been done to document and publicize these crimes by the government of Japan, the record of the government is unacceptable. The government has denied access to relevant information about the issue. In addition, the government steadfastly refused to interview former members of the military in order to cover the issue.

Another problem is about reparation. As mentioned above, given the serious natures of the violations that have been suffered by the comfort women, it is impossible to accept that they could be compensated by gifts from private individuals or corporations. If Japanese government channels money through private funds, it seems that Japanese "authority" avoid any moral or legal responsibilities to undertake to compensate the victims. The

anger being expressed by many of the women should be enough to stop the government. It cannot be an adequate form of redress if significant numbers of women refuse to accept any payment from the fund.

## **6. Position of United Nations**

### **UN Commission Report**

On February 6, 1996, Radhika Coomaraswamy, the UN Special Rapporteur on Violence against Women of the UN Human Rights Committee, published her official report on the problem of comfort women. The report is treated as the UN's formal position toward the issue. Moreover, the recommendations of this report are directly in line with the demands of comfort women's NGOs. In fact, Ms. Coomaraswamy was appointed as a Special Rapporteur at the 50th UN Human Rights Commission in February, 1994 (Yu, 1995, p.531-2; Kwon, 1996, p.5). Before the completion of her official report, she also submitted an interim report on sexual violence which included the problem of Military Sexual Slavery by Japan as types of sexual violence enforced by various states during wartime.

This report emphasizes the legal responsibility of the Japanese government and military in mobilizing the sex slaves and in establishing and managing the military brothels. Thus, it reinforced the idea that the Japanese government has been neglecting the central and documented facts of this problem.<sup>16</sup> She also recommends that the Japanese government acknowledges the fact that the mobilization of women for establishing the system of Military Sexual Slavery violates international laws. Thus, Japan is responsible, according to the law to make individual compensation to the victims and establish a "Special Administrative Tribunal" to settle these unresolved cases (Coomaraswamy, 1996, p.19-20). It suggested that Japanese government should withdraw the activities of an "Asian Women's Fund" and enforce the recommended compensations directly to individual victims.

Furthermore, Ms.Coomaraswamy recommends that the Japanese government make public all related materials of various government organizations, to make a formal written apology to individual victims, to revise all textbooks to make students aware of this issue, and to punish the

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<sup>16</sup> For example, the responsible persons involving in it, how these practices became systematized, and the tremendous extent to which sexual slavery was practiced.

responsible persons involved with the establishment of Military Sexual Slavery (Coomaraswamy, 1996, p.23; p.25). The report continues to urge international NGOs to keep on pressuring the UN to take on this issue and send this problem to the International Court of Justice in order to bring about a just resolution. In the report, she recommends that the governments of South and North Korea request the International Court of Justice to help resolve the legal issue concerning the Japanese government responsibility and payment of compensation for the comfort women. These recommendations would place great pressure on the Japanese government, which has shown an irresponsible attitude<sup>17</sup>.

### **Resolution of the Fourth World Women Conference in Beijing**

The Fourth UN World Conference on Women held in Beijing in September 1995 reaffirmed the fundamental principle set out in the Vienna Declaration and Programme of Action, and adopted by the World Conference on Human Rights, that the human rights of women and of the girl child are an inalienable, and indivisible part of universal human rights (Shin, 1998, p.7; Kwon, 1996, p.6). Along the principle, the Platform for Action was adopted stating "rape in the conduct of armed conflict constitutes a war crime" (Section E, Paragraph 147 (e)) and "undertake a full investigation of all acts of violence against women committed during war, including rape, in

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<sup>17</sup> The Special Rapporteur urges the Government of Japan to take into account and act upon the following recommendations at the soonest possible time: (a) Acknowledge that the system of comfort stations set up by the Japanese Imperial Army during the Second World War was a violation of its obligations under international law and accept legal responsibility for that violation; (b) Pay compensation to individual victims of Japanese military sexual slavery according to principle outlined by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. A special administrative tribunal for this purpose should be set up with a limited time-frame since many of the victims are of a very advanced age; (c) Make a full disclosure of documents and materials in its possession with regard to comfort stations and other related activities of the Japanese Imperial Army during World War II; (d) Make a public apology in writing to individual women who have come forward and can be substantiated as women victims of Japanese military sexual slavery; (e) Raise awareness of these issues by amending educational curricula to reflect historical realities; (f) Identify and punish, as far as possible, perpetrators involved in the recruitment and institutionalization comfort stations during World War II. See (Coomaraswamy, 1996, p.24-5).

particular systematic rape, forced prostitution and other forms of indecent assault and sexual slavery, prosecute all criminals responsible for war crimes against women and provide full redress to women victims”(Section E, Paragraph 147(f)) (Shin, 1998, p.7).

Finally, the comfort women issue has been adopted as a formal UN document in the UN World Conference on Women in Beijing. The Platform for Action is not legally binding, but the Japanese government will be monitored by NGOs of world women as to whether it will take action or not. The Japanese government is at an impasse now in the international community. The Japanese government can no longer excuse itself. The only way it can survive in the international community is to redress its war crime according to international law.

In the NGO forum of the conference, participants issued *Resolution on Sexual Slavery by Japan and Violence against Women in War and Armed Conflicts*. First, the resolution denounces all forms of violence against women. Actually, during Conference on Human Rights in Vienna, a similar declaration has been made: violence against women during wartime is a violation of women's human rights. It stressed that all violations of this kind, in particular murder, systematic rape, sexual slavery and forced pregnancy, require a particularly effective response. Then, the resolution mentions the history of sexual slavery by Japan and demands that the Japanese government withdraws the idea of private fund and pay the reparation to the victims as state responsibility. They finally ask women in all over the victimized countries including China to join the Asian Women solidarity movement for comfort women who were exploited by the Japanese military.

### **7. An Emerging Transnational Movement**

In 1992, The Korean Council organized an Asia-wide movement - Asian Women's Solidarity Forum. Victims, survivors, and support NGOs attended the first conference. They campaigned for formal apology and compensation for all Asian women victims of the year. In the succeeding years, it was held in Japan (1993, 1994), Korea (1995), the Philippines (1996), and Korea (April 1998) (Keck and Sikkink, 1998, p.180; Yoon, 1998, p.1). Delegates of NGOs from South Korea, Japan, Taiwan, and the Philippines participate in the forum every year<sup>18</sup>. The goals of Forum are (Sacho, 1996, p.1)

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<sup>18</sup> The main participating NGOs of comfort women are the Korean Council (South Korea), Taipei Women's Rescue Foundation (Taiwan), Task Force on Filipina

- to provide a venue for greater solidarity bonding of comfort women survivors and supporting NGOs from all over Asia;
- to share the various strategies that could strengthen the movement in resolving the question;
- to unify the movement in its approach to the question of the Asian Women's Fund and define it is not the solution;
- to adopt a common resolution and plan of action, especially in pushing forward the investigation of the UN and requesting other Asian government to support the movement.

In the Fifth Asian Solidarity Forum held in Seoul, Korea from the 15th to 17th of April 1998, the participating NGOs came from the Philippines, Indonesia, Taiwan, Korea and Japan. The participants talked under the title of "Legal Reparation right now by the Japanese Government....," and with respect to Japan's formal apology and state reparation, they concluded that military sexual slavery by Japan is an indisputable violation of human rights against women and a war crime by the state (Rumiko, 1998, p.4). Hence, it cannot be repaired only by monetary means. They claimed that for past few years, most of the survivors and comfort women's NGOs have rejected the Asian Women's fund that the Japanese Government founded to avoid their legal responsibility.

Now that the NGOs in the forum decided on a course of new action with regards to the other two issues (Joint Resolution, 1998, p.2-3). First, NGOs urged the Japanese government to recognize their legal responsibility and to implement the resolution of the UN Commission on Human Rights and pressure them to recognize their legal responsibility, to apologize formally, to make up to the victims with a state reparation and to dissolve the "Asian Women's Fund". Second, NGOs demanded that the government push for the disclosure of the true facts and punishment of the responsible officials.<sup>19</sup> Through investigation and disclosure of the materials about the

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Comfort Women (Philippines), and Center for Research and Documentation on Japan's War Responsibility (Japan). See Yoon, 1998, p.2-3.

<sup>19</sup> They initiated a more concrete movement as follows: a) find and make a list of the criminals responsible for creating military sexual slavery; b) advise the whole world including afflicted nations to legislate a law banning the entrance of the Japanese war criminals; c) hasten the establishment of "an international war crime tribunal"; d) cooperate with "the tribunal of war crimes against women" which is suggested to

issue by NGOs, the military comfort system that fell into oblivion for fifty years became a patent historical fact. Through international lobbying of the UN commission for human rights, the world now shares the common perspective that the military sexual slavery by Japan is an abominable war crime against woman. *The Joint Resolution of the Fifth Asian Solidarity Forum for Comfort Women* explicated above has portrayed the future strategies and tasks of comfort women's NGOs.

Moreover, the forum strengthens women solidarity activities of victimized countries in East Asia. Currently, it focuses on opposing the private fund. Except for constantly strengthening activities in the UN, the forum led by the Korean Council promotes two activities. The forum demands the Japanese government to establish a special law in order to resolve this problem properly. The forum has already drafted a law and asked the Japanese government to concretely establish a special law to resolve the problem of comfort women. The member NGOs of the forum will lobby Japanese Diet members to ratify this law. Second, the forum prepares to erect a "Women & War Historical Museum" to show the public historical materials, documents, books, and pictures related to the comfort women issue which related NGOs have collected thus far. It will be used for public education and for raising awareness of the issue (Shin, 1998, p.8). In the long run, it is positive that the lasting solidarity works by the forum and related NGOs will eventually be successful not only in making the Japanese government withdraw the idea of the Asian Women's Fund and pay reparations, but also in changing the official policy to approach NGOs demands.

According to the plan proposed in the Fifth Asian Solidarity Forum in Seoul, "The Women's International War Crimes Tribunal 2000 for the Trial of Japanese Military Sexual Slavery" convened in Tokyo in December 2000<sup>20</sup>. Sixty-four survivors of comfort women from nine countries attended the Tribunal.<sup>21</sup> Expert witnesses and former Japanese soldiers who served in

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be open in 2000; e) form a network to enforce the disclosure of the real facts and the punishment of the responsible persons.

<sup>20</sup>During the two-year organizing process, prosecution/preparatory meetings were held in Seoul (June 1999), Tokyo (October 1999), Shanghai (April 2000), Manila (July 2000), and Taipei (September 2000), and a judges' meeting was held in The Hague (October 2000). See (Kim, 2001, pp.611-20).

<sup>21</sup> They come from South Korea, North Korea, the People's Republic of China, Taiwan, the Philippines, the Netherlands, Indonesia, East Timor, and Japan. In the

the war provided testimonies. The defendant of this case - the Japanese government did not respond to the Tribunal's invitation. The four judges finally declared their historic ruling through their summary of findings and argued that the Japanese government bears state responsibility (Kim, 2001, pp.611-20). Although the Japanese government still refused to comment anything related to the Tribunal, the activity led by NGOs has attracted attention within Japan and around the international society.

## **7. Conclusion**

The Korean Council and other comfort women NGOs' efforts have progressed in resolving the comfort women issue and promoted the transnational movement on women's human rights in East Asia. Through fact-finding missions, demands and demonstrations for reparations, apologies, and punishment of criminals, activities in the UN and a transnational solidarity movement, the issue is being revealed and disclosed gradually. Moreover, Japan is unable to create a close relation and true reconciliation with other Asian nations, if the issue cannot be resolved. Even today, although Japan is the economic "hegemon" – the main investor and the provider of financial aid around the region, many countries still hold a strong bitterness towards Japan, because of its crimes and responsibilities in World War II. After the continuing campaigns promoted by comfort women's NGOs, it is evident that the Japanese government is feeling pressure and embarrassment for not having yet admitted to its gross human rights violations.

The comfort women issue is promoting a new claim for human rights, in particular, women's rights in Asia. East Asian women have been extremely effective in networking – creating NGOs with transnational links which have been able to raise this issue, mobilize people and victim survivors for political action, gain support of the United Nations and international media, and put pressure on the target Japanese government.

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trial, prosecution teams from each country, thousands of international audience, and around three hundred journalists from Japan and abroad were also in attendance. The tribunal began with the presentations from each prosecution teams. Each presentation included testimonies by the survivors, the submission of documentary evidence, and cross-examination by the panel of judges.

More importantly, their works produce an environment where human rights and its movement can grow in Asia. They will continually push Japanese government to go along the UN's recommendations, to grant public reparations to those who suffered in the past, to punish the criminals, and to give a full, sincere apology.

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