

2003

## WORLD WAR II COMFORT WOMEN: JAPAN'S SEX SLAVES OR HIRED PROSTITUTES?

Christine Wawrynek

Follow this and additional works at: [https://digitalcommons.nyls.edu/journal\\_of\\_human\\_rights](https://digitalcommons.nyls.edu/journal_of_human_rights)



Part of the [Law Commons](#)

---

### Recommended Citation

Wawrynek, Christine (2003) "WORLD WAR II COMFORT WOMEN: JAPAN'S SEX SLAVES OR HIRED PROSTITUTES," *NYLS Journal of Human Rights*: Vol. 19 : Iss. 3 , Article 13.

Available at: [https://digitalcommons.nyls.edu/journal\\_of\\_human\\_rights/vol19/iss3/13](https://digitalcommons.nyls.edu/journal_of_human_rights/vol19/iss3/13)

This Article is brought to you for free and open access by DigitalCommons@NYLS. It has been accepted for inclusion in NYLS Journal of Human Rights by an authorized editor of DigitalCommons@NYLS.

# WORLD WAR II COMFORT WOMEN: JAPAN'S SEX SLAVES OR HIRED PROSTITUTES?

## I. ASIAN WOMEN ENSLAVED

Women from countries such as China, Taiwan, Borneo, the Philippines, Singapore, Burma, Indonesia, Guam, Malaysia, Japan, and Korea were forced to become sexual slaves for Japan's Imperial Army during World War II.<sup>1</sup> Approximately 200,000 women were forced or deceived into sexual slavery between 1931 and 1945.<sup>2</sup> These women were imprisoned in military brothels, or "comfort stations," and were used to satiate the sexual cravings of the imperialistic Japanese army. They were repeatedly raped, tortured, beaten, mutilated, and were sometimes murdered at the hands of the men they were allegedly "comforting."<sup>3</sup> *Jugun Ianfu*, or "comfort women" were forced to have sex with multiple men, often "servicing" an average of thirty to forty men a day.<sup>4</sup> They were treated as mere military supplies and were catalogued on supply lists under the heading of "ammunition."<sup>5</sup>

Comfort women were enslaved through kidnapping, threats of violence, and acts of deception. The Japanese government allegedly lured many women away from their homes and seduced them with the promise of respectable jobs and decent wages.<sup>6</sup> Instead, many women were imprisoned in comfort stations and severely beaten and tortured if they tried to escape.<sup>7</sup> The comfort stations were used and regulated by the Japanese Army. Soldiers were charged a fee for access, which many paid in military coupons.<sup>8</sup> A soldier's length of stay and time of visit were determined by his rank, and the

---

<sup>1</sup> Shellie K. Park, Comment, *Broken Silence: Redressing the Mass Rape and Sexual Enslavement of Asian Women by the Japanese Government in an Appropriate Forum*, 3 ASIAN-PAC. L. & POL'Y J. 2 (2002).

<sup>2</sup> Bruce Zagaris, *U.S. Court Dismisses for Sovereign Immunity "Comfort Women" Case Against Japan*, 17 Int'l Enforcement L Rep. No. 12 (Dec. 2001).

<sup>3</sup> See *Hwang v. Japan*, 172 F. Supp.2d 52, 55 (D.D.C. 2001).

<sup>4</sup> *Id.* at 55.

<sup>5</sup> *Id.*

<sup>6</sup> Park, *supra* note 1, at 30.

<sup>7</sup> See, e.g., Jane H. Lii, *Looking Back; The Memories of a Comfort Woman*, N.Y. TIMES, Sept. 10, 1995, sec. 13, at 3.

<sup>8</sup> *Id.*

price charged depended on the woman's nationality.<sup>9</sup> While comfort women came from many different countries, the Japanese women were the most desirable and the most difficult to acquire.

Most comfort women were not of Japanese descent. Although Japanese women represented a small constituency of comfort women, they enjoyed safer conditions and better treatment, normally indulging only higher-ranking officers in the Japanese army.<sup>10</sup> In fact, more than 80% of comfort women were Korean, targeted because they were considered to be inferior to Japanese women.<sup>11</sup> Thus, Korean and all other non-Japanese comfort women were forced to service the more sexual and more dangerous frontline troops.<sup>12</sup>

There have been different justifications for the creation of the comfort women system. First, the system prevented soldiers from uncontrollably raping local women.<sup>13</sup> Because soldiers were able to inhabit the comfort stations, theoretically, only a select group of women would be sexually assaulted: the comfort women. Next, the comfort system controlled the spread of venereal disease.<sup>14</sup> Not only were condoms made available, but comfort women were frequently given shots for venereal diseases and were often inspected by Japanese doctors so that disease could be contained within the comfort stations.<sup>15</sup> Another justification for the comfort system was that the soldiers' access to comfort women raised the army's morale and provided recreation for soldiers as a reward for the fulfillment of their patriotic duties.<sup>16</sup> It was believed that men who were sexually satisfied were better soldiers and were typically mentally and physically healthier.<sup>17</sup> Soldiers knew where to go to satisfy their sexual cravings and undoubtedly spent much of their free time in comfort stations.

---

<sup>9</sup> See *Hwang v. Japan*, 172 F. Supp.2d 52, 55 (D.D.C. 2001).

<sup>10</sup> Park, *supra* note 1, at 27 (citing GEORGE HICKS, *THE COMFORT WOMEN: JAPAN'S BRUTAL REGIME OF ENFORCED PROSTITUTION IN THE SECOND WORLD WAR* 66 (1994)). Japanese women represented only about ten percent of the comfort women system. *Id.*

<sup>11</sup> See *id.*

<sup>12</sup> *Id.* at 26-28.

<sup>13</sup> *Id.* at 30 (citing YUKI TANAKA, *HIDDEN HORRORS: JAPANESE WAR CRIMES IN WORLD WAR II* 99 (1996)).

<sup>14</sup> See *id.*

<sup>15</sup> Lii, *supra* note 7.

<sup>16</sup> Park, *supra* note 1, at 30.

<sup>17</sup> See *id.*

National security has also been argued as a justification for the creation of comfort stations.<sup>18</sup> The suspicious Japanese government realized that spies lurked in private brothels, and therefore instituted its own to safeguard military information. Tight security ensured that nonmilitary and paramilitary men could not gain unauthorized entry. Finally, the Japanese government was able to raise revenue from taxing the comfort stations because there were many comfort stations throughout Asia.<sup>19</sup> The Japanese government made a huge profit from taxing this system.

When World War II ended, so did the comfort system. Yet fewer than 30% of the comfort women survived.<sup>20</sup> Many did not endure the horrible conditions in which they lived, while others were murdered, abandoned in unknown cities or countries with no way home, or forced to commit suicide with Japanese soldiers.<sup>21</sup> Some comfort women were even married to Japanese soldiers after the war. Those who did survive often suffered from sterility due to inadequate medical treatment and incessant sexual abuse in the comfort stations.<sup>22</sup> Those women who did persevere continue to suffer to this day, plagued with severe physical and emotional problems, including infertility, sexually transmitted diseases, insomnia, nervous breakdowns, psychological trauma, and shame.<sup>23</sup> Upon return to their home countries, many women committed suicide due to the shame they felt and the ostracism that resulted from their families and communities.<sup>24</sup> Many women have merely died from old age. Yet regardless of status, ethnicity, or location, one harmony exists amongst comfort women—the demand to be recognized, compensated, and remembered so that history won't repeat itself.

## II. JAPAN'S DENIAL

The Japanese government has failed to assume full responsibility for the comfort women system. In the decades following World War II, it denied and ignored any allegations concerning comfort women.<sup>25</sup> In 1992, however, after more than fifty years of denial,

---

<sup>18</sup> *See id.*

<sup>19</sup> *See id.*

<sup>20</sup> *See id.* at 29.

<sup>21</sup> *See id.*

<sup>22</sup> *See Hwang v. Japan*, 172 F. Supp.2d 52, 55 (D.D.C. 2001).

<sup>23</sup> *See, e.g., Lii, supra* note 7.

<sup>24</sup> *See Park, supra* note 1, at 28-29.

<sup>25</sup> *See Zagaris, supra* note 2.

Japan finally admitted its involvement in the comfort women system after incriminating documents were discovered and publicized.<sup>26</sup> These documents proved that the Japanese government, not private enterprise, established and strictly regulated the comfort stations.<sup>27</sup> Not only did the Japanese government provide health and medical services to all comfort stations, but it also supplied security so that no women could escape and no nonmilitary men could enter.<sup>28</sup> Furthermore, Japan issued business permits to entrepreneurs and required them to submit monthly reports and request permission to close or suspend any brothel business.<sup>29</sup> These discoveries forced Japan to recognize that it had “some involvement” in the operation of comfort stations, nevertheless, the government failed to take full responsibility.<sup>30</sup>

While it was important for Japan to make this admission of participation, it still has not issued a formal apology or made official reparations to any of the former comfort women who are still living. One possible reason for this is that the Japanese government may fear that an admission of guilt will open the floodgates to claims from all sorts of victims of its wartime atrocities.<sup>31</sup> Japan also maintains that it settled all its legal obligations in agreements made with other nations at the conclusion of World War II.<sup>32</sup> Yet perhaps the main reason behind Japan’s refusal to make an official apology is that the current government fears being stigmatized and punished by the admission of a crime committed by its predecessors—the enslavement and forced prostitution of over 200,000 of Japanese and non-Japanese women.

In August 1993, Japan’s Prime Minister Tomiichi Murayama personally apologized for the treatment of comfort women.<sup>33</sup> Many critics saw this as a mere moral expression of regret and a failure of

---

<sup>26</sup> See Park, *supra* note 1, at 43-44 (indicating that in January 1992, history professor Yoshimi Yoshiaki discovered incriminating documents entitled “Regarding the Recruitment of Women for Military Brothels;” after news of this discovery was released, the Japanese government admitted its involvement).

<sup>27</sup> Cf. Andrew Pollack, *Japan Pays Some Women From War Brothels, but Many Refuse*, N.Y. TIMES, Aug. 15, 1996, at A1.

<sup>28</sup> Park, *supra* note 1, at 31-32.

<sup>29</sup> *Id.*

<sup>30</sup> See *Hwang v. Japan*, 172 F. Supp.2d 52, 55 (D.D.C. 2001).

<sup>31</sup> See Pollack, *supra* note 27.

<sup>32</sup> Stephanie Strom, *Seoul Won't Seek Japan Funds for War's Brothel Women*, N.Y. TIMES, Apr. 22, 1998, at A3.

<sup>33</sup> See Park, *supra* note 1, at 44.

the Japanese government to take responsibility for the comfort system.<sup>34</sup> To former comfort women, this apology was insufficient to heal the deep wounds, because they have yet to receive an official apology from the Japanese government.

While it seems evident that many women were forced to become sexual slaves, many still argue that these women were actually prostitutes who volunteered to become sexual servants for the Japanese military.<sup>35</sup> Japanese right-wing activists, like Yoshinori Kobayashi, have taken radical views of World War II and Japan's Imperial Army. Kobayashi is a best-selling author in Japan, who has created thick nationalistic cartoon books, otherwise known as mangas.<sup>36</sup> In his latest manga, "On Taiwan," Taiwanese women are depicted volunteering to become sexual slaves for the Japanese army in order to gain social advancement.<sup>37</sup> One illustration shows women dressed in kimonos and looking eager to be chosen as they line up before a Japanese soldier.<sup>38</sup> Kobayashi defended this depiction by interviewing a prominent Taiwanese industrialist who asserted that women were not forced to serve Japanese troops.<sup>39</sup> Not only has this distorted view of a painful history infuriated former comfort women, but it has also alarmed others because over 250,000 copies have been sold.<sup>40</sup>

### III. BROKEN SILENCE: THE EYES OF THE WORLD ARE OPENED

The plight of the comfort women was a shrouded story that was concealed from the outside world for over fifty years. Stories of former comfort women slowly and shamefully began to emerge in lawsuits commenced in the early 1990s. The first series of lawsuits were filed in 1991 in Japan, bringing the public's attention to the horrors of the comfort system.<sup>41</sup> Numerous suits by former comfort women have followed and have demanded an official apology and compensation from the Japanese government. While most suits

---

<sup>34</sup> See Pollack, *supra* note 27.

<sup>35</sup> Howard W. French, *Japan's Resurgent Far Right Tinkers With History*, N.Y. TIMES, Mar. 25, 2001, at A3.

<sup>36</sup> See *id.*

<sup>37</sup> See *id.*

<sup>38</sup> Mark Landler, *Cartoon of Wartime 'Comfort Women' Irks Taiwan*, N.Y. TIMES, Mar. 2, 2001, at A1.

<sup>39</sup> *Id.*

<sup>40</sup> See French, *supra* note 35; Lander, *supra* note 38. Many of these copies, however, have been sold only to be burned by infuriated Taiwanese citizens.

<sup>41</sup> See Park, *supra* note 1, at 39.

have been barred by statutes of limitations or post-war settlement treaties, some claims have been victorious.<sup>42</sup> For example, in December 1992, ten South Korean former comfort women filed suit in a Japanese court. In April 1998, the court ruled that the comfort system violated the women's human rights guaranteed under the Japanese Constitution. The women received a nominal money judgment, but were denied an official apology.<sup>43</sup>

Due in part to the Japanese courts' hostility towards claims brought by former comfort women, in September 2000, fifteen women brought a class action suit in United States District Court for the District of Columbia.<sup>44</sup> The court heard the case under the Alien Tort Claims Act, which grants district courts original jurisdiction "of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States."<sup>45</sup> The case was dismissed a year later, however, because Japan was entitled to sovereign immunity under the Foreign Sovereign Immunities Act ("FSIA").<sup>46</sup> Furthermore, even in the absence of sovereign immunity, the court held that the action involved a nonjusticiable political question that was not amenable to judicial resolution.<sup>47</sup> This dismissal by a foreign court, particularly a United States court, seemed to be a big setback in the plight of former comfort women.

Despite the comfort women's unsuccessful efforts in the legal system, history was made on the morning of December 12, 2000. The Tokyo People's Tribunal ("Tribunal"), composed of judges from the United States, Argentina, the United Kingdom, and Kenya, heard the testimony of former comfort women, legal experts, and academicians regarding the comfort system.<sup>48</sup> After a five-day people's tribunal, which brought together 390 participants from

---

<sup>42</sup> Park, *supra* note 1, at 40. The statute of limitations extinguishes civil claims after twenty years. *Id.*

<sup>43</sup> *See id.* at 40-41.

<sup>44</sup> Hwang v. Japan, 172 F. Supp.2d 52, 55 (D.D.C. 2001).

<sup>45</sup> 28 U.S.C. § 1350 (2000).

<sup>46</sup> *See Hwang*, 172 F. Supp.2d at 57-64 (The court examined the history and purpose of the FSIA. Immunity was granted only in suits involving a foreign sovereign's public acts. While there are two exceptions to the FSIA, namely the waiver and commercial activity exceptions, the court held that these exceptions did not apply to this case).

<sup>47</sup> *Id.* at 64-65.

<sup>48</sup> Christine M. Chinkin, *Women's International Tribunal on Japanese Military Sexual Slavery*, 95 AM. J. INT'L L. 335, 337-38 (2001).

eight countries, U.S. Judge Gabrielle Kirk McDonald, former president of the International Crimes Tribunal of Former Yugoslavia, announced the resonant words, "the Tribunal finds Emperor Hirohito guilty of responsibility for rape and sexual slavery."<sup>49</sup> Although the Tribunal had no authority to impose punishments, it nevertheless ruled that the Japanese government was responsible for the establishment and maintenance of the comfort system, a ruling that would be "unheard of" in Japan.<sup>50</sup> While the Tribunal's findings may have been a symbolic victory for many former comfort women, it has no practical effect in Japan. Emperor Hirohito, under whom the comfort women system was instituted, is dead and the current Japanese government seems unwilling to admit the breadth of its sexual slavery crimes.

On December 4, 2001, the final judgment of the Women's International War Crimes Tribunal of Japan's Military Sexual Slavery ("Women's Tribunal") was delivered in The Hague.<sup>51</sup> The Women's Tribunal recommended that the Japanese government: (1) acknowledge fully its responsibility and liability for the establishment of the comfort system; (2) issue a full and frank apology, taking legal responsibility and promising non-repetition; (3) compensate the victims and survivors; (4) establish a mechanism to investigate the comfort system; (5) recognize and honor the victims through the creation of memorials, museums, and libraries; (6) include the history in textbooks to ensure the education of the population and future generations; (7) repatriate survivors who wish to be repatriated; (8) disclose all documents and materials in its possession relating to comfort stations; (9) identify and punish principal perpetrators; and (10) locate and return the remains of the deceased comfort women upon the request of family members or close associates.<sup>52</sup>

The Women's Tribunal convened to publicize the voices of survivors and to demand accountability for crimes against humanity,

---

<sup>49</sup> Murakami Mutsuko, *From Our Correspondent: Verdict for the "Comfort Women*, ASIAWEEK.COM (DEC. 18, 2000), at <http://www.asiaweek.com/asiaweek/foc/2000/12/18/> (last visited Apr. 27, 2003).

<sup>50</sup> *Id.*

<sup>51</sup> UN COMMISSION ON HUMAN RIGHTS, *Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women*, <http://www.ichrdd.ca/english/prog/intHRadvocacy/58CommissionComfortWomenEng.html> (last visited Jan. 30, 2003).

<sup>52</sup> *Id.*

and was composed of international non-governmental organizations and the civil society of the Asia-Pacific region.<sup>53</sup> Although it, like the Tokyo People's Tribunal, is limited to exercising moral authority and has no authority to enforce its findings, it can make recommendations to the United Nations Commission on Human Rights and UN members. In fact, in response to international pressure and criticism, Japan has taken certain steps to appease its former victims. For example, it created the Asian Women's Fund ("AWF") as a *token* of apology for wrongs committed during World War II. The AWF dealt with compensation on a non-governmental level, calling on the private sector for donations, and did not include direct compensation to former comfort women.<sup>54</sup> Its goal was to raise \$10 to \$20 million, but it fell significantly short of this objective, raising less than \$4 million.<sup>55</sup> Only a handful of former comfort women accepted the payments. Many objected, stating that using private money rather than government funds allowed Japan to continue to evade responsibility for the establishment and maintenance of the comfort women system.<sup>56</sup> In the eyes of other critics, the AWF was a mechanism designed to create a façade of moral responsibility, absent a formal apology.<sup>57</sup>

Japan has yet to issue a formal apology to former comfort women and to the world. Despite the money available as compensation in the AWF, former comfort women reject such atonement money and anxiously await the one true requirement necessary for their alleviation: an official statement of responsibility and a frank explicit apology. While there is no apology in sight, insult has been added to injury. New Japanese middle school textbooks, published in 2001, purposely exclude any mention of the comfort system.<sup>58</sup> Japanese nationalist Nobukatsu Fujioka, conservative leader of the Society for New History Textbooks, has pushed for the abolition of any mention of comfort women or Japanese war crimes in school-

---

<sup>53</sup> *Id.*

<sup>54</sup> Pollack, *supra* note 27.

<sup>55</sup> *See id.*

<sup>56</sup> *Id.*

<sup>57</sup> Park, *supra* note 1, at 45-46.

<sup>58</sup> *See, e.g.,* Howard W. French, *Japan's Refusal to Revise Textbooks Angers Its Neighbors*, N.Y. TIMES, July 10, 2001, at A3; Richard Rothstein, *Lessons; Politics and Curriculum: How History Is Taught*, N.Y. TIMES, Nov. 7, 2001, at D13.

books.<sup>59</sup> Fujioka claims that comfort women were hired as paid prostitutes and that the issue is a massive deception that should not be included in school textbooks.<sup>60</sup>

In the face of opposition, surviving comfort women have been fighting for most of their lives, struggling to survive and to be heard, compensated, comforted, and remembered. Asian women affected by the comfort system have sought compensation package laws. The desired compensation package would include a formal apology, reparations, amendment of textbooks to mention the atrocities, and the opening of a Japanese war-military archive.<sup>61</sup> The Democratic Party of Japan, the Japanese Communist Party, and the Social Democratic Party have jointly introduced compensation bills, which have consistently been rejected.<sup>62</sup>

#### IV. CONCLUSION

There can be no denying that a comfort system existed throughout Asia during World War II. Over 200,000 women from numerous countries were denied their basic civil and human rights by being forced into sexual slavery, thus becoming “comfort women” for the Japanese Imperial Army. Although the silence that had asphyxiated former comfort women for over fifty years has been broken, many of those women are still living and struggling with this unclosed chapter of their lives and have not been justly compensated. While there is no real remedy for the horror faced by former comfort women, those still living ask for one consolation: that their suffering will not be denied, concealed, or forgotten. Although the international community has increasingly placed pressure on the Japanese government for a formal apology among other things, Japan has consistently stalled and shunned full responsibility. Over 200,000 women were made sexual slaves by a country that may never fully admit involvement or issue an official apology.

---

<sup>59</sup> May Lee, *Japan's Former Comfort Women Demand Justice*, CNN.COM (Apr. 17, 1997), available at <http://www.cnn.com/WORLD/9704/17/japan.comfort.women>.

<sup>60</sup> *Id.*

<sup>61</sup> *See id.*

<sup>62</sup> *See Compensation Depends on Party Vote, Japanese Diet Member Says*, JAPAN POLICY & POLITICS, Aug. 26, 2002, at [http://www.findarticles.com/cf\\_0/m0XPQ/2002\\_August\\_26/90916834/p1/article.jhtml?term=compensation&depends+on+Party+Vote](http://www.findarticles.com/cf_0/m0XPQ/2002_August_26/90916834/p1/article.jhtml?term=compensation&depends+on+Party+Vote).

Most of the former comfort women have passed away. For those who defiantly persist, if an apology ever comes, it may be too late.

*Christine Wawrynek*