

The University of Hull

Department of Criminology and Sociology

Unrepaired Wrongs: The Case Study of the Comfort Women

Being a dissertation submitted in partial fulfilment of the
requirements for the degree of BA (Hons) Criminology and Sociology

August 2021

MAY-ANN CASTILLO MERCURIO

40 credits

Abstract

This dissertation aims to examine the case of the ‘comfort women’ to analyse the effectiveness of reparation measures. Research conducted on reparation programmes have neglected to account for the failure of them in cases such as the ‘comfort women’ controversy. This dissertation will first discuss the history of ‘comfort women’ and how reparation programmes are operated and established. It will study and examine Japan’s denial of responsibility, delving deep into the aftermath of World War II. This research will explore the demands of the ‘comfort women’ and how Japan failed to provide appropriate reparations. Finally, it will look at the relevance of ‘comfort women’ in contemporary society. This dissertation makes the case that reparation programmes are ineffective when the state does not listen and adhere to the victims demands and acknowledge the past. They are impractical when the reparations provided do not redress trauma.

Table of Contents

<i>Abstract</i>	2
1. Introduction	4
1.2. Research questions:	5
2. Literature Review	7
2.1 The History of Comfort Women	7
2.2 Reparation Programs	10
3. Japan’s Denial	14
4. ‘Comfort Women’ Reparations: Where are they?	17
5. Modern ‘Comfort Women’	21
6. Conclusion	23
<i>References</i>	25

1. Introduction

The United Nations (2010: 2) define transitional justice as "the full range of processes and mechanisms associated with a society's attempt to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation". Transitional justice emerged in the late 1980s and early 1990s, as a response to the systematic human rights abuse that took place in regions such as Latin America and Eastern Europe (International Centre for Transitional Justice, 2009). The three main goals of this approach are to restore the dignity of the victims, provide redress and justice and to prevent such events from reoccurring (International Centre for Transitional, 2021a). The framework includes the following initiatives: criminal prosecutions, truth-seeking, reparation and reformation. Criminal prosecutions are judicial investigations that are held against the individuals involved and those responsible for the abuses. Truth commissions are inquiries that investigate past transgressions. Reparation programs provide support throughout the process of redress through material and symbolic means, such as monetary compensation and/or official apologies from the state. Lastly, reformation focuses on the transformation of laws and institutions such as the police, judiciary, military, and military intelligence (International Centre for Transitional Justice, 2021). The focus of this research lies in the analysis of the effectiveness of reparation programs. To achieve this the research will examine the case of the 'comfort women' of World War II.

According to The Office of the United Nations High Commissioner for Human Rights (2008) under international law it is the States moral and political obligation to provide comprehensive schemes and programmes that can repair the damage that has been inflicted upon the victims. In addition, it serves to "acknowledge the legal obligation of a state, or individual(s) or group, to repair the consequences of violations – either because it directly committed them or it failed to prevent them" (International Centre for Transitional Justice, 2021b). Despite the number of studies that have shown the successes of reparation programmes, there have been instances where the state has not acknowledged their wrongdoings and the victims continue to suffer in the aftermath. As previously mentioned, the focus of this dissertation will be on the 'comfort women' who suffered at the hands of the Japanese Imperial Army before and during World War II. The term 'comfort women' originates from the Japanese word '*ianfu*' which was a euphemism used to describe prostitutes. These women were coerced into providing sexual services to the Japanese Imperial Army. An exact number on how many women were forced into the 'profession' cannot be given. This is because there was a lack of documentation that

could be used as evidence “to determine the total number of military comfort women, or how many of them were forced into the role” (Suzuki, 2012: 202). 76 years later and the remaining comfort women have yet to obtain the justice they deserve. However, several women have broken their silence and spoken out about their plight of being a comfort woman, which has led to many supporters rallying to their defence in hopes of gaining reparation. Several attempts have been made to repair the damage caused to the former ‘comfort women’, for example, the Japanese government sought to provide monetary compensation to the victims. This, however, was quickly scrutinized by the victims and women’s advocacy groups due to the donations being made by ordinary citizens rather than the government itself (Park, 2011). What has been made clear is that the reparation measures put in place to provide redress were not sufficient enough to bring forth reparation.

This paper is organised into five distinct chapters. The first section will provide a detailed summary of the components of reparation programs, it will review the existing literature on the use of this approach and on the history of comfort women. Chapter one provides important contextual information regarding the aftermath of World War II that highlights the most important events that influenced the ‘comfort women’. This includes the denial of Shinzō Abe who was Prime Minister at the time. In chapter two, the remedial measures aimed at compensating the victims will be under scrutiny. This section will touch upon how the Japanese government failed to provide the ‘comfort women’ appropriate reparations and how they overlooked their demands. In the final chapter, the contemporary relevance of the case study will be explored through its connection to modern human sex trafficking.

1.2. Research questions:

Examining the case of the comfort women to analyse the effectiveness of reparation measures will be the focus of this research. This will be achieved by answering the following research questions:

- Has Japan apologised for its wrongdoings?
- Was the apology effective in providing redress?
- How has Japan failed the ‘comfort women’?

These questions will seek to determine whether reparation programs are an effective transitional justice approach. This will be accomplished by analysing the reparation measures that were implemented to provide compensation to the victims, explore the challenges comfort women faced post-World War II and the level of justice they were able to attain amid this conflict.

To note, for the purpose of this research, the use of quotations when addressing ‘comfort women’ will be used to call attention to the oxymoronic irony the term evokes. The term ‘comfort’ connotes feelings of care and safety when the ‘comfort women’ felt anything but those feelings.

2. Literature Review

2.1 The History of Comfort Women

The term ‘comfort women’ refers to the tens of thousands of women who were coerced and deceived into providing sexual services to the Japanese military during the Asia-Pacific War. Due to the lack of documentation, producing an accurate number of ‘comfort women’ has proven to be difficult. However, several scholars have attempted to provide an accurate number by formulating a method of calculating the population of women. Yoshiaki Yoshimi, a Japanese Professor, adopted one method that determined the “total number of military personnel stationed overseas during the Pacific War, then postulate how many personnel there would have been per comfort woman” (Asia Women’s Fund, 2007: 10). He estimated that there were 50,000 to 200,000 ‘comfort women’, similarly, other scholars have estimated a similar number giving a total of around 70,000 to 200,000. Many of these women came from countries such as Japan, Korea, China, Taiwan, Indonesia, the Netherlands, East Timor, and the Philippines (Jonsson, 2015; Chang, 2009; Suzuki, 2012). However, despite the broad range of countries these women originated from, Jonsson (2015) and Chang (2009) found that 80 per cent of the ‘comfort women’ population were ethnically Korean. It was thought that the reason behind the high percentage of Korean women being ‘comfort women’ was because these women were considered to be clean and because they resembled Japanese women (Park, 2011; Jonsson, 2015). Another characteristic of ‘comfort women’ that was apparent in majority of the victims was the age of the ‘women’ as most were under the age of 18 and were even considered under-age for consensual prostitution (Chang, 2009). Furthermore, most of these women were considered vulnerable in society due to their age, poverty, class, family status, educational nationality, or ethnicity; those that were poor and were born in rural communities were often undereducated making them an easier target.

By 1932, military comfort stations were properly established and operating. Research suggests that the Japanese military had four primary methods of ‘recruitment’. The term ‘recruitment’ is used loosely as it suggests that the military had been truthful from the beginning about their intentions. The reality is that the women recruited were often deceived or even forced to join as ‘comfort women’. The four methods used were “recruitment by violence, including threats of violence and the misuse of power; false promises of employment; abduction; human traffic” (Park, 2011: 16). Those responsible for the use of violence when recruiting these young women were often soldiers and military police officers. Behind the method of using false promises of employment, abduction and human trafficking were civilians and sometimes village elders;

this method was used most often. In conjunction with the recruitment process, the reasons the women served as 'comfort women' varied greatly. For example, research has shown that between the years 1938 and 1945, 48 Taiwanese women were recruited and out of them:

“22 were duped into believing that they would be working as kitchen assistants, nurses, waitresses or performing other domestic tasks. Ten women are reported to have been forcibly collected, while five were allocated the task by local authorities. Other were sent overseas as 'nurses', only to be forced to serve as 'comfort women' upon arrival. Only three women left Taiwan clearly knowing they would be serving as sex workers for the Japanese military” (Suzuki, 2012: 204).

The methods of recruitment and the deceptiveness of the Japanese Imperial Army highlights the brutality the 'comfort women' suffered. These women were forcibly displaced from their homes and were forced to perform sexual acts on military officers and soldiers. There was no voluntary element to this system.

Wartime rape was seen as counter intuitive to the strategic interests of the Japanese military, which was why comfort stations were created; they were built to prevent the military from raping local women (Gottschall, 2004). The Japanese military had four main reasons behind the creation of comfort stations (Argibay, 2003; Askin, 2001; Gottschall, 2004; Kim, 2017). The first reason was to prevent atrocities such as the Rape of Nanking from reoccurring, or if they did, to obscure them from the international press. The Rape of Nanking occurred in 1937 and it was period when the Imperial Army committed mass murder and mass rape against the residents of Nanking, approximately 20,000 to 80,000 women were sexually assaulted (History, 2019). The second reason behind the establishment of comfort stations was to prevent anti-Japanese sentiment from brewing among the local residents. Wartime rape increased this sentiment and encouraged resistance in the occupied countries which made it difficult for the military to maintain dominance. Thirdly, for Japan the health of its military personnel and the reduction of medical expenses was a priority. Soldiers and officers often developed venereal diseases and other illnesses as a result of committing such heinous acts and it required expensive medical treatment to cure or manage. To prevent such things from happening, women were required to undergo medical examination which reduced the spread of venereal disease, the loss of manpower and expense of treatments. The fourth and final reason for establishing comfort stations was to prevent the communication of any military plans to outsiders or spies. The Japanese believed that spies hid in local brothels under a disguise which

is why they created these stations and kept these women under isolation. Comfort stations in their most basic form were prisons which none of the women had a chance to escape from. When the war ended, many 'comfort women' were either killed, abandoned, or forced to commit suicide as it is estimated that only about one-quarter and one-third of all 'comfort women' survived the abuse (Jonsson, 2015). However, those that did survive were met with outrage in their communities and were often ostracised by their family. For example, the Korean women who had returned home became withdrawn and feared being ostracised by their family as Confucian Korean society emphasised the importance of chastity and associated any form of sexual defilement with promiscuity. Society demanded that all unmarried women be virgins and if they were not, they were seen as 'spoiled goods' (Askin, 2001; Jonsson, 2015).

Japan's war crimes were of an international nature as it involved multiple countries and yet several decades after the war, the silence continued and the issue of the 'comfort women' was never officially raised by the affected nations in Asia, which was only worsened by the fact that most survivors stayed silent due to social stigma and ostracization (Chang, 2009). For instance, the Korean government deemed other issues more important than the 'comfort women' as they were left crippled both politically and economically after World War II and the Korean War. Suzuki (2012: 203) states that the "need to maintain stable politico-economic relations can still mean that governments are reluctant to dwell on the past and risk souring diplomatic relations". Nonetheless, the issue with the 'comfort women' slowly came to light and became a topic of discussion. This was partly due to the increased democratization of South Korea in 1987 as well as other countries in East Asia and the increasing influence of feminism (Lay & Ward, 2016; Suzuki, 2012). It was not until 1991 when former Korean 'comfort woman' Kim Hak-sun publicly testified and spoke about her victimisation during a press conference about the Japanese 'comfort stations' in World War II. By 2001, approximately 200 former Korean 'comfort women' as well as others from the Philippines and Taiwan testified against their perpetrators, and it is no coincidence "that the first demands for justice for the 'comfort women' came from South Korea" as they made up a large proportion of non-Japanese 'comfort women' (Suzuki, 2012: 204). However, the Japanese government denied their involvement and gave a statement rejecting their connections to the brothels (Chang, 2009). Following the on growing support the former 'comfort women' have had from women's advocacy groups, the Japanese government have attempted to provide some form of reparation however it has been scrutinized due to the lack of integrity.

The controversial issue of the ‘comfort women’ is the focus of this research as it demonstrates how states can often neglect their obligations to provide reparation for atrocities committed. Given that the issue with the ‘comfort women’ still holds contemporary significance, it is important to show how some reparation programs fail to provide redress to victims of human rights abuse.

2.2 Reparation Programs

The Oxford Bibliographies (2021) define reparations as the “process and result of remedying the damage or harm caused by an unlawful act”. Large-scale atrocities such as violations of human rights all have a common element and that is the targeting of specific groups such as “cultural, ethnic, religious, national, ideological, racial, or economic groups” (Ernesto, 2006: 454). These groups can contain ‘transversal categories’ where they are the targets of specific types of abuse and violence, for example, women are often the victims of sex crimes. This is when reparation are called for as it is within the victims’ right to receive redress for the harm they have suffered. Thus, when international human rights laws and international humanitarian laws are violated, states have a moral and political obligation to put forth comprehensive schemes that can provide reparation to the victims and to prosecute those responsible for the violations (Office of the United Nations High Commissioner for Human Rights, 2008; United Nations, 2006; Shelton, 2006). This is especially so when the malefactors are state agents, those who have enabled other state agents such as militia to enact violence or those that are not under governmental control. For example, the Inter-American Court of Human Rights for reparations found the state in Colombia liable for the repeated cases of human rights abuses committed by right-wing paramilitary groups that it had erected (Margarrell, 2007).

Shelton (2006: 51) states that, “the basic aim of international reparations essentially mirrors that of national remedies: to make good the injury caused to persons or property by a wrongful act”. Reparations have three main goals which are to restore the dignity of the victims, provide compensation and to construct frameworks that prevent such events from reoccurring (International Centre for Transitional, 2021a). Non-recurrence is extremely important to reparations as it reassures the victims that the reparations being given are not empty promises. In addition to this, Margarrell (2007) found that public acknowledgement of past violations essential in the process of providing redress to the victims, however it is a theme that is mostly absent in reparation initiatives. An issue such as this can be counter intuitive as victims can perceive this as buying their silence, which may not only offend them but enable the denial of such events to continue. Reparations play a vital role as transitional justice initiative, and this

is partly due to the fact that it focuses on the victims' situation as it seeks to repair the harm that they have been subjected to. However, it is more effective when used in conjunction with other complementary initiatives such as truth-seeking, institutional reformation and memorialisation.

Reparations measures come in different forms ranging from symbolic to material, to individual and collective. Ernesto (2006: 449) in *A Normative Theory of Reparations in Transitional Democracies* argues that the theory of reparation comprises of "four ideal-typical dimensions: 'symbolic' and 'material' along one axis (a typology of acknowledgement) and 'collective' and 'individual' along another (a typology of recipients)". These typologies are embedded within reparation programs and are created through legislations made by the government. Administrative reparation programs are designed to provide redress through a combination of restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition (Office of the United Nations High Commissioner for Human Rights, 2008). Restitution refers to the act of restoring the victims to the circumstances they were living in prior to the occurrence of gross violations of human rights. Compensation such as monetary payments given to the victims must be proportional and equivalent to the suffering they have endured. Rehabilitative care can include medical and psychological care, legal and social services. Satisfaction refers to measures such as truth-seeking, the search for the disappeared, public apologies, commemoration, and memorialisation. Finally, guarantees of non-repetition ensures that these atrocities are not committed again through the advocacy of human rights standards, the strengthening of judicial independence, and the protection of human rights workers. Although comprehensive, reparation programs cannot focus solely on one characteristic of each case of human rights abuse. It can, however, generate a class of victims that can be treated alike due to their similar circumstances. For example, the reparations program in Peru created a class of victims that included the family members of the individuals killed or those who had 'disappeared', victims of torture, victims that had been displaced, victims of rape, children who had been abducted and forced into the military and children who were born of rape (Margarrell, 2007).

As stated previously, reparations are centred around 'four ideal-typical dimensions': symbolic, material, collective and individual reparations. Symbolic reparations play a role in building public trust and can help victims in the process of reintegrating into society and the community. Symbolic reparations can involve official apologies or a statement of apology, naming a street or an area in honour of the victim and the creation of dignified burial sites. Material reparations

can come in the form of compensation, for example, payments made in cash or service packages that include provisions for education, health, housing and more. For the reparation program to be effective, it should have a combination of both benefits. For example, the reparations program in Chile proved to be effective as President Aylwin not only apologised to the public for the years of abuse and oppression they were subjected to by General Pinochet, but the government also paid a pension to the family members of the Pinochet victims (Margarrell, 2007; De Grieff, 2006). Reparation programs can be administered to individuals or at a collective group such as local communities. Individual reparations require identification of the individual entitled to the reparation, for them to receive the appropriate benefits. Individual reparations are important as it highlights and emphasises the value of the individual and their rights. However, the challenge individual reparations face is selectivity as one group or a community of victims may be entitled to individual reparations whereas other victims may not. This can intensify tensions between the victims and the government. Collective reparations focus on groups of people that have suffered from human rights violations, for example, it may focus on the violation of women's rights or catastrophes such as bombings or the devastation of villages that has affected a huge proportion of the population. A community-based project is one example of a collective reparation. It can involve helping victims locate their missing relatives or one that aids in the reconstruction of buildings. The reparation program in Chile provided group therapy for the survivors of torture that enabled them to come together to support one another, it created a network of solidarity amongst the survivors and the community (Margarrell, 2007). Although, collective reparations are effective at providing redress to large groups of victims, it lacks the intimacy individual reparations have as it focuses on the individual nature of the violations.

Reparation programs are effective when a combination of symbolic, material, individual and collective benefits are used together to address the suffering and provide redress to the victims. In relation to the 'comfort women' issue, the Japanese government made several attempts at providing redress to the surviving 'comfort women', all of which failed as they lacked sincerity and did not include any of the demands that the former 'comfort women' made. For example, the survivors rejected the monetary compensation given by the government as the donations came from the pockets of civilians and public servants. This attempt at reparation was seen as buying their silence and lacked sincerity as the donations were not being provided by the government itself. This research will continue to explore the methods of reparations that the Japanese used to provide redress to the victims. It will also determine the effectiveness of

reparation programs by examining how much justice and redress the former 'comfort women' attained.

3. Japan's Denial

The emergence of 'comfort women' was slow and gradual at first, but after the democratisation of South Korea and other countries in 1987 there was an increase in feminism thought, that led to many women's advocate groups in South Korea to immerse themselves in the 'comfort women' issue. Activists were travelling to Japan and began demonstrating to gather more information on the 'comfort women' system as well as to demand an apology from the Japanese government (Lay & Ward, 2016; Lee, 2003; Suzuki, 2012). This sudden development forced the Japanese government to deny their involvement in the recruitment of 'comfort women'. Following their denial, Japan have asserted that all war claims, and all forms of compensation were paid when they signed the post-war treaties. When the 1951 Treaty of San Francisco was promulgated to re-establish peaceful relations between Japan and the Allied powers, the issue of comfort women was never brought up or settled (Lee, 2003). In fact, the Japanese government claimed that the "individuals have no rights under international law to claim reparations", which is evidence of the state believing they do not owe these women compensation (Chinkin, 2001: 335; Nearey, 2001). Former Prime Minister Noda makes this clear in his statement: "all claim for compensation had been settled by the Japan-South Korean Claims Settlement Agreement of 1965, under which the two countries normalised national relations" Pak (2016: 1007). Under this treaty, Japan was obligated to pay Korea \$300 million in economic development and \$500 million in soft loans (Boling, 1995). Despite this unfavourable outlook, Former Prime Minister Murayama attempted to provide compensation after he announced that Japan "had to 'squarely face' its aggression during World War II" (Nearey, 2001: 22). Murayama stated that the government would compensate the victims \$1 billion over a ten-year span, however it did not specify the 'comfort women' would be included in the package. A separate private fund of \$10 million was created to compensate 'comfort women' in its place. However, Boling (1995: 550) found that a group of Filipina survivors were not happy with the compensation that was given to them as they believed the package and the private funds to be deplorable and "what the comfort women are seeking is a Japanese government admission of legal responsibility".

In the early 90s, there were two major catalytic events that changed the course of the 'comfort women' controversy: Kim Hak-sun's testimony and Yoshimi Yoshiaki's discovery. In 1990, the Japanese government released a statement stating they had no connection with the brothels and that they were organised and established by private contractors (Chang, 2009). After contesting such claims, former 'comfort woman' Kim Hak-sun publicly acknowledged her

victimisation and trauma in a press conference held on August 1991. Media coverage on this issue was scant at first with only two out of six articles published focusing on her testimony (Kim, 2019). This began to change as media outlets in South Korea and Japan covered the issue heavily. South Korean newspapers openly blamed the Japanese government for refusing to take legal responsibility, on the other hand, Japanese newspapers were divided on the issue due to the difference in political views (Pak, 2016). With an increase in media coverage, the international community became more aware of the crimes committed against these women (Chang, 2009). The ‘comfort women’ controversy is one of international concern as the affected women came from different countries across the globe ranging from East Asia to Western Europe. However, despite the diversity of the women, evidence shows that 80 per cent of the ‘comfort women’ originated from Korea (Jonsson, 2015). Prior to the emergence of the ‘comfort women’, the Korean government were aware of the abuse but deemed other issues that were brought about because of World War II and the Korean War more important. Suzuki (2012: 203) states that the “need to maintain stable politico-economic relations can still mean that governments are reluctant to dwell on the past and risk souring diplomatic relations”. This could explain why the South Korean government did not demand that justice be made on behalf of these women. As a result of their dismissiveness on the issue the suffering of these women continued for many years. However, the silence ended after Kim Hak-sun’s testimony encouraged many to testify and by 2001 approximately 200 former ‘comfort women’ from Korea, the Philippines and Taiwan testified against their abusers. It is no coincidence that “the first demands for justice for the ‘comfort women’ came from South Korea” as they made up a large portion of the population (Suzuki, 2012: 204). These testimonies recounted their experience of kidnapping, coercion and forced transportation which the Japanese military disregarded as uncorroborated (Lee, 2003). On January 11, 1992, Asahi Shimbun a daily newspaper reported that historian Yoshimi Yoshiaki discovered several official documents at the National Institute for Defence Studies Library in Tokyo, that exposed the government’s role and participation in the “recruitment, establishment, and operation of the comfort stations” (Lee, 2003: 510; Soh, 2003). Moreover, it revealed that Emperor Hirohito also had a hand in creating this system as the creation of Imperial Ordinance (No. 519) – the legalisation of the recruitment of ‘comfort women’ – was his doing (Boling, 1995). As a result, the Japanese government was compelled to acknowledge their involvement in establishing and operating the comfort stations. Despite their acknowledgement the Japanese government continued to reject any claim that coercion was used to recruit these women, insisting that they were prostitutes who had given their consent to be recruited. It was this reasoning that led them to

dismiss the possibility of providing compensation to the victims (Soh, 1996). It was in July 1995, when the Japanese government established the Asian Women's Fund to compensate the victims, this however was shrouded in controversy due to the way it was operated (Soh, 2003). The fund was heavily criticised for not being state funded and this was admitted by the fund's executive director, Haruki Wada who announced that "565 million yen was raised in donations from the Japanese people" (Hogg, 2007). This led to outrage amongst the survivors and the supports of the movement who subsequently rejected the funds.

Several years later, then Prime Minister Shinzō Abe released a statement that caused controversy once more which reiterated the stance the government took before – no form of coercion was used to recruit the comfort women – contradicting the evidence that Yoshimi had discovered years before. According to Hayashi (2008: 124) Abe "defined coercion in a narrow sense as 'government authorities breaking into private homes and taking [women] like kidnappers' and stated that 'it is a fact that no evidence has been found to support coercion as initially defined'". Instead, he accused "private agents" of using coercion to recruit these women, claiming that the military never used such methods (Hayashi, 2008: 124). Abe was firm with his stance on the matter and when pressed to issue an official apology and provide compensation to the victims, he declared that "Japan would refuse to comply if the United States Congress demanded an apology for his nation's use of foreign women as sexual slaves during World War II" (Fackler, 2007). Since Abe's denial, an official apology stating that Japan has acknowledged and taken full responsibility for their actions has still not been made to the victims. Dong-A Ilbo (2021), a South Korean media group, reported that all former 'comfort woman' Lee Ok-seon wants is an apology not monetary compensation stating that no amount of money will ever be enough to compensate for the physical, mental, and emotional abuse they were subjected to. She urges the Japanese government to "come clean and accept responsibility" and states that "we are a painful part of history, which people must know about. Japan is adamant on burying the past and the victims along with it, this is shown throughout years as they continue to deny the 'comfort women's' existence and their trauma. It highlights their inability to come to terms with the past and their inability to seek the truth.

4. 'Comfort Women' Reparations: Where are they?

In the 1990s, The Korean Council for the Women Drafted for Military Sexual Slavery by Japan, one of the most active groups that advocate for comfort women reparations and recognition, laid out their demands: “a formal acknowledgement of the event; a formal (that is, state-led) apology for the suffering caused; financial compensation; the erection of a memorial to the victims of the crimes; the ‘inclusion of the history of military sexual slavery in school textbooks and its education in the class rooms’; and the punishment of those culpable for the recruitment and abuse of ‘comfort women’” (Chang, 2009; Kim, 2018; Suzuki, 2012: 205). The demands of the ‘comfort women’ created the basis for a reparation programme that was to be adhered to and provided by the state, but it was never formally established. Due to the controversy between the Japanese government and the ‘comfort women’, these demands were not met to the satisfaction of the victims.

As a measure that is used to bring about transitional justice, reparation programmes are used to achieve the three main goals of transitional justice: (1) restore the victim’s dignity, (2) provide redress and justice and (3) to prevent such events from taking place again (International Centre for Transitional, 2021a). As a result of conflict, institutions are weakened and are unable to function, social relations are damaged and there are low levels of trust amongst the people, which is why reparation programmes are implemented as they bring about redress and justice (United Nations, 2008). Reparation programmes utilise strategies that address the different needs a victim may have. Some strategies may have reparative effects for example the reformation of institutions, which do not benefit the victims directly. Other strategies are solely ‘reparations’ that do influence the victims directly such as monetary compensation. Ernesto (2006) makes a distinction between these strategies and refers to them as the ‘four ideal-typical dimensions’: symbolic, material, individual and collective. Symbolic reparations help build trust within the public, this type of reparation can take the form of a public apology, the name of a street could be altered and dedicated to the victim or victims affected, or a dignified burial site could be created. Material reparations are direct and can consist of monetary compensations or service packages that provide provisions for education, health, housing, and more. Individual reparations involve providing reparation to a single person whereas collective reparations focus on the community or a large group of victims. The ‘comfort women’ controversy had a mixture of symbolic and material reparations, however, instead of distributing this to a combination of individuals and the collective it solely focused on the latter. According to Margarrell (2007) and De Grieff (2006) reparation programmes are most

effective when an amalgamation of these two reparations is used. For instance, Chile's reparation programme included a combination of both reparations – President Aylwin apologised to the public for the abuse they were subjected to by the former President, General Pinochet, and provided compensation in the form of a pension that was paid to the family members of the Pinochet victims (Margarrell, 2007; De Grieff, 2006).

Issuing a formal state apology was one of the demands outlined by the 'comfort women' and the victims did receive an apology, however, it did not formally acknowledge the atrocity, nor did it mention Japan had taken responsibility for its actions. These apologies merely mirrored the apology given by Yōhei Kono (the Kono statement) which recognised that Japan had committed heinous crimes against people from different countries in Asia. Apologies as a reparation are backward and forward-looking as they acknowledge past harms but also pave the way for a better future. Apologies are backward-looking as they involve acknowledging and taking responsibility for past human rights violations, they are forward-looking as they allow for a new point in time to flourish as it breaks away from past cultures of violence. For an official apology or public apology to be sincere and effective it must involve acknowledging and accepting responsibility for the crimes committed in the past; there must be truthful admission from the individuals or organisations that caused the suffering; it must be a statement of remorse and regret that is delivered with sensitivity to the victims and a guarantee of non-recurrence (Bryson, et al. 2019). There are different motivations for a state to issue an apology and these motivations are crucial to determine the effectiveness or legitimacy of the official apology. Official apologies can be given for the following reasons: there is a desire for the State, armed group, or organisation to move from the past and start a new; there is a need to 'make things right' by addressing past violations; pressure from the victims, those representing them and the media and/or legal or political pressure from a criminal investigation or a truth and recovery process (Bryson, et al. 2019). Despite this, apologies are not always delivered in a truthful manner with good intentions; they are sometimes given to evade blame and responsibility and to minimise legal culpability. In addition to this, official apologies are impractical when they are not accompanied with an action that demonstrates that the State is remorseful, such as erecting a monument that captures the history and symbolises a new era moving forward. An apology without a follow-up action risks being seen as 'gesture politics' or 'empty rhetoric'.

As previously mentioned, the victims did receive some form of an apology, albeit it did not contain majority of the criteria above to make it an effective one. The apologies did not

acknowledge or state that Japan had taken responsibility for the crimes they had committed, and it did not truthfully admit their role in the establishment of the 'comfort stations' until evidence arose that proved otherwise. It left many survivors feeling ignored because of the Japanese government's dismissiveness and led to many demanding a more satisfying apology that focused on acknowledging the crimes they committed. Likewise, the apology was not followed by an action that showed the state was repentant. This can be seen in the case of the 'comfort women' controversy, where monetary compensation was provided by the Asian Women's Fund. The money donated came from private citizens and was not state funded which created backlash as it did not seem sincere and was seen as a way for the Japanese government to evade taking responsibility. Though it was a follow-up action it did not satisfy the victims due to the way the fund operated.

Another request the 'comfort women' demanded that was not fulfilled was to erect memorials dedicated to the victims of the crimes. These statues were constructed in several places in the U.S. and in South Korea. Following the establishment of Resolution 121 in 2007, Korean American Civic Empowerment, a non-profit organisation constructed a 'comfort woman' monument in front of the Palisade Park Library. It consisted of a plaque with a short note engraved on it, asking visitors of the library to remember the crimes against humanity committed by the Japanese Imperial Army (Kim, 2018). This memorial stood for two years before the Japanese government discovered it and asked for it to be removed. The delegates that had negotiated with the mayor of the small New Jersey town offered to plant cherry blossom trees and donate books to their library in place of the plaque's removal. This monument was not the only one built, the original statue of the 'comfort women' stands outside the Memorial Museum in Nanjing, China, and in South Korea outside the Japanese embassy in Seoul, a statue called the 'Statue of Peace' or *Sonyeosang* was created and several other copies of this were installed in Toronto, Canada, in Sydney, Australia and in Wiesent, Germany (Yoon, 2018). It was created to honour the 1000th weekly protest of the 'comfort women' survivors (Kim, 2018). This statue outraged many in the Japanese community as the Japanese government continually asked for its removal. Asking for the removal of the statues only emphasised Japan's hesitance to acknowledge the past and admit the truth. It symbolised their need to cover up the past and present themselves in a different image from their war self. Furthermore, the construction of the statues would have been the ideal follow-up action had it been followed through and if the Japanese government did not ask for its removal. As it would have fulfilled a demand the 'comfort women' set out but it would show that Japan is remorseful.

However, due to their belligerence the Japanese government created controversy once more and it only fuelled the ‘comfort women’ in their journey to justice.

The “inclusion of the history of military sexual slavery in school textbooks and its education in the class rooms” was the last demand that the Japanese government did not adhere to (Suzuki, 2012: 205). Japan’s denial not only took the form of dismissiveness and the lack of an official apology and acknowledgement of the crimes but the history of ‘comfort women’ was omitted from history textbooks. It went as far as Diet groups in Japan claiming that the Nanjing Massacre did not occur and that it was a fabricated story. These Diet groups also maintained the belief that the ‘comfort women’ were prostitutes who had given consent to being recruited (Hayashi, 2008). Omitting the ‘comfort women’ from history textbooks and not implementing it in the curriculum clearly shows that there is a much larger problem within Japan’s political and cultural spheres as they are not willing to admit that the government could be guilty of committing these acts of abuse. As a national community, Japan is hesitant to address the crimes they have committed, and this inability to acknowledge the past can be linked to the fact that Japan is not willing to seek the truth. According to Nearey (2001), there are two factors that could explain why Japan is unwilling to be held accountable for their actions: 1) political pressure from members of the state who executed these acts, or 2) providing reparations could lead to a shortage in national economic resources, or it could be both factors. Japan fears the shame that acknowledging these crimes could bring about which has led to the suffering of ‘comfort women’ that persists to this day.

Japan’s denial of the past, refusal to take responsibility and the lack of appropriate reparations given to the ‘comfort women’, highlights that reparation programmes are only effective if those providing the reparations follow through with their promises and actions. It is difficult for the aims of transitional justice to be achieved if the victims are unsatisfied with the outcomes of the initiative implemented. An unsuccessful reparation programme could lead to the victims losing faith in their government and the justice system. Furthermore, it would mean that justice for the victims is never served. For the ‘comfort women’ it seems as though the battle for justice is never ending and with very few survivors it would be difficult for the victims to get the justice they deserve.

5. Modern 'Comfort Women'

In contemporary society “human sex trafficking is the most common form of modern-day slavery” with the number of domestic and international victims estimated to be in the millions (Rodney & Walker-Rodriguez, 2011: 1). The victims can be seen as modern-day ‘comfort women’ and the rings that recruit and exploit them as the comfort stations. Comfort stations in the past and human sex trafficking rings today do share some similarities in the way they operate. Victims are transported from one location to another by any means, using boats, cars, busses, vans, trucks and/or planes; this can be said for the past and present. Traffickers often establish bonds with their victims by making false promises, for example, providing a lavish lifestyle that their family could not afford or give them. In the past, victims were promised an education or a job as a nurse and these false promises usually focused on ways for the victims to provide money to their family which enticed them. Moreover, views on sexual violence in the past reflect today's as it is seen as a shameful experience. Kwon (2018) supports this statement with their findings and states that “despite the prevalence of sexual violence, the ‘dismissive culture toward sexual violence in the U.S. makes sexual violence a highly secretive, private, and shameful experience’”. As a result of this view, many of the ‘comfort women’ survivors stayed silent over the years until Kim Hak-sun came forward, but even then, there were a few that did not come forward with their story fearing ostracization. What this shows is that sex trafficking today is still as organised as it was in the past and maybe even more so today with the advancements in technology.

According to the United Nations (n.d.) findings, the most common form of human trafficking is sexual exploitation, with a large portion of its victims being women and girls. This is supported by Safe Horizon's (2021) research which reveals that “3.8 million adults are trafficked for forced sexual exploitation and 1 million children are trafficked for commercial sexual exploitation”. Girls are likely to become victims of sex trafficking between the ages of 12 and 14, and though they do make up majority of the population, boys and transgender youth are also targeted between the ages of 11 and 12 (Rodney and Walker-Rodriguez, 2011). Human trafficking and sex slavery often depict images of young girls and women being taken from their home to a faraway place, where they are abused and sold for sex. The same can be said for pimps, they are often seen as men who dress flashy and drive fancy cars but not only men are traffickers – women are too. As previously mentioned, sex trafficking occurs not only internationally but domestically, for example, the United States has a huge issue with interstate sex trafficking of minors, with an estimated total of 293,000 youths currently at risk of

becoming victims of commercial sexual exploitation (Rodney & Walker-Rodriguez). One study conducted by Chon et al (2007) revealed that in 2002, U.S. Military bases in the Republic of Korea formed an international hub for trafficking women, where they recruited and transported women to meet the demand that was created by U.S. military personnel and civilian men in South Korea and the United States. Korean women were domestically and transnationally trafficked to clubs around military bases and massage parlours in the United States. It was revealed that over a period of six decades, an estimated total of 1 million Korean women were used by U.S. military personnel as prostitutes. Chon et al. (2007) discovered that domestic and international trafficking was often linked together. One woman gave their account of the trauma and said she was forcefully taken at the age of 14 and was repeatedly raped and exploited by South Korean soldiers. She was then brought to the U.S. by an American Soldier through a sham marriage where she was trafficked through a massage parlour Chon et al (2007).

Decades may have passed since the tragedy of the ‘comfort women’ of World War II but human sex trafficking is still a relevant issue today that affects many. The total number of people that have fallen victim to this type of abuse has increased drastically over the years and with new modes of transportation and technology it is much easier to recruit people. Children are particularly easier to recruit as they are extremely vulnerable making them susceptible to grooming and more. Unlike the ‘comfort women’ controversy, a reparation programme is not sufficient to bring this abuse to an end; this is because it is happening at a much larger scale. It speaks to societal, cultural, and political issues which all need to be tackled in order for this to end.

6. Conclusion

The *ianfu* otherwise known as ‘comfort women’ were women who had been taken from their homes and forced to perform sexual acts. There were tens of thousands of women captured with an estimated range of 50,000 to 200,000. Unfortunately, due to the lack of documentation an accurate estimate of how many women were coerced and misled into providing sexual services to the Japanese Imperial Army cannot be determined. What can be determined is where these women originated from, many came from countries such as Japan, Korea, China, Taiwan, Indonesia, the Netherlands, East Timor, and the Philippines (Jonsson, 2015; Ng, 2009; Suzuki, 2012). However, data has revealed that 80 per cent of the ‘comfort women’ population were ethnically Korean (Jonsson 2015; Ng 2009). This was due to several reasons, for example, Korean women were thought to be clean or pure, and they resembled Japanese women more than other ethnicities. Most commonly, the victims were under the age of 18 and were under-age for consensual prostitution (Chang, 2009). Those that came from poor, rural areas with no education were the easiest to recruit.

According to Park (2011: 16), there were four different methods that were used to recruit the ‘comfort women’ and these were: “recruitment by violence; including threats of violence and the misuse of power; false promises of employment; abduction, human traffic”. Soldiers and military police officers were typically the ones who used violence against these women the most, whereas civilians and village elders would abduct and deceive these women. Just as there were different methods of recruitment, there were four main reasons behind the establishment of the comfort stations. Firstly, comfort stations were built to prevent tragedies such as The Rape of Nanking reoccurring. Secondly, it was to prevent anti-Japanese sentiment from developing amongst the residents. Thirdly, it was maintained to keep medical costs low as medical treatment to cure or manage diseases was expensive. Lastly, comfort stations were established to prevent military outsiders or spies from communicating with one another. This system kept women under lock and key and under the boot of their captors. By the end of World War II, there were very few survivors left with many of them killed, abandoned, or forced to commit suicide. Those that did survive lived in fear of being ostracised from their community and family which is why they never spoke about their experience.

The end of World War II should have brought about peaceful relations between Japan and the surrounding countries, however, because of the absence of appropriate reparations there is still tension between Japan and South Korea. No formal reparations programme has been

established by the Japanese government to provide redress which hints at Japan's reluctance to seek the truth and address the past. Japan has made several attempts to provide reparation in the form of an apology and monetary compensation, however they have failed to complete the requests of the comfort women which has led to more scrutiny. The Japanese government have issued several apologies in the past including the Kono statement made by Yōhei Kono and nonetheless, they have all failed to acknowledge past trauma and take full responsibility for their actions. Not only this, their attempt at providing monetary compensation to the victims was meagre at best. This was due to private citizens donating the funds rather than the state itself. Japan failed the victims once more by demanding that the statues erected in memory of the 'comfort women' be taken down and removing the history of the 'comfort women' from history textbooks and the curriculum.

Reparation programmes have worked well for other countries such as Chile who successfully provided reparations to the victims of the Pinochet dictatorship, however in the case of the 'comfort women' it has not achieved what reparations programmes are set out to do. Though a reparation programme was never officially implemented, some form of reparations was given to the victims albeit it did fall short of what the victims asked for. Official apologies have certain criteria that need to be met to be effective, the apologies given to the comfort women did not contain most of them which was disappointed the victims as they were regarded as insincere and apathetic. Furthermore, reparations such as official apologies must be follow-up with an action that truly shows how remorseful the state are. This is what the reparations for the 'comfort women' lacked and what ultimately made it ineffective. This research concludes that reparation programmes are only effective if the organisation or individual providing reparations listen to the victim's needs, acknowledge the wrongdoing, and recognise the consequences of the violations (International Centre for Transitional Justice, 2021b). Unfortunately, Japan did not successfully provide reparations to the victims which is why they are still fighting for the justice they deserve today. To satisfy the victims, Japan must accept full responsibility for the trauma and harm they have cause the 'comfort women' and fulfil each demand the 'comfort women' have requested.

References

- Asia Women's Fund (2007) *The "Comfort Women" Issue and the Asia Women's Fund*. Available online: https://web.archive.org/web/20070628152156/http://www.awf.or.jp/woman/pdf/ianhu_ei.pdf [Accessed 17/01/2021].
- Argibay, C. M. (2003) Sexual Slavery and the Comfort Women of World War II. *Berkeley Journal of International Law*, 21(2), 375-389.
- Askin, K. (2001) Comfort Women – shifting shame and stigma from victims to victimisers. *International Criminal Law Review*, 5-32.
- Boling, D. (1995) Mass Rape, Enforced Prostitution, and the Japanese Imperial Army: Japan Eschews International Legal Responsibility. *Colombia Journal of Transnational Law*, 32(533), 534-590.
- Bryson, A., McEvoy, K. & Placzek, C. (2019) *Apologies in Transitional Justice*. Belfast: United Nations Special Rapporteur on the Promotion of Truth, Justice, Reparations and Guarantees of Non-recurrence. Available online: <https://pure.qub.ac.uk/en/publications/apologies-in-transitional-justice> [Accessed 18/12/2020].
- Chang, M. C. (2009) The Politics of an Apology. *Harvard International Review*, 34-37.
- Chinkin, C. M. (2001) Women's International Tribunal on Japanese Military Sexual Slavery. *The American Journal of International Law*, 95(2), 335-341.
- Chon, K. Y., Ellerman, D. P. & Hughes, D. M. (2007) Modern-Day Comfort Women The U.S. Military, Transnational Crime, and the Trafficking of Women". *Violence Against Women*, 13(9), 901-922.
- De Grief (2006) *The Handbook of Reparations* [eBook]. Oxford Scholarship Online.
- Dong-A Ilbo (2021) *Comfort women victim says all she wants is apology*. Available online: <https://www.donga.com/en/article/all/20210125/2393539/1/Comfort-women-victim-says-all-she-wants-is-apology> [Accessed 22/06/2021].
- Ernesto (2006) The Normative Theory. *Metaphilosophy*, 37(3/4), 449-468.

- Fackler, M. (2007) *No Apology for Sex Slavery, Japan Prime Minister says*. Available online: <https://www.nytimes.com/2007/03/06/world/asia/06japan.html> [Accessed 22/06/2021].
- Gottschall, J. (2004) Explaining wartime rape. *Journal of Sex Research*, 41(2), 129-136.
- Hayashi, H. (2008) Disputes in Japan over the Japanese Military “Comfort Women” System and Its Perception in History. *The Annals of the American Academy*, 123-132.
- History (2019) *Nanking Massacre*. Available online: <https://www.history.com/topics/japan/nanjing-massacre> [Accessed 27/01/2021].
- Hogg, C. (2007) Japan’s divisive ‘comfort women’ fund. <http://news.bbc.co.uk/1/hi/world/asia-pacific/6530197.stm>
- International Centre for Transitional Justice (2009) *What is Transitional Justice?*. Available online: <https://www.ictj.org/sites/default/files/ICTJ-Global-Transitional-Justice-2009-English.pdf> [Accessed 07/11/2020].
- International Centre for Transitional Justice (2021a) What is transitional Justice?. Available online: <https://www.ictj.org/about/transitional-justice> [Accessed 09/03/2021].
- International Centre for Transitional Justice (2021b) *Reparations*. Available online: <https://www.ictj.org/our-work/transitional-justice-issues/reparations> [Accessed 09/03/2021].
- Izumi, M. (2011) Asian-Japanese: State Apology, National Ethos, and the ‘Comfort Women’ Reparations Debate in Japan. *Communication Studies*, 62(5), 473-490.
- Jonsson, G. (2015) Can the Japan-Korea Dispute on “Comfort Women” be Resolved?. *The Institute of Korean Studies*, 46(3), 1-27.
- Kim, C. (2017) *The Comfort Women System: Sexual Slavery during World War II*. Student Research. DePauw University.
- Kim, K. C. (2018) *Set in Bronze: Examining the Women’s Movements and the Politics of Comfort Women Memorialisation*. Thesis. UCLA.
- Kim, M. J. (2019) Reparations for “Comfort Women”: Feminist Geopolitics and Changing Gender Ideologies in South Korea. *The Cornell International Affairs Review*, 7, 5-43.

Kwon, H. (2018) Dis/locating Comfort Women Statues: Reflections on Colonialism and Implications for Global Art Education. *Journal of Cultural Research in Art Education*, 35, 55-74.

Lay, W. D. & Ward, T. J. (2016) The Comfort Women Controversy: Not Over Yet. *East Asia*, 33, 255-269.

Lee, S. R. (2003) Comforting the “Comfort Women”: Who can make Japan pay?. *University of Pennsylvania Journal of International Economic Law*, 24(2), 509-547.

Margarrell (2007) *Reparations in Theory and Practice*. Available online: <https://www.ictj.org/sites/default/files/ICTJ-Global-Reparations-Practice-2007-English.pdf> [Accessed 18/11/2020].

Migration Data Portal (2021) *Human Trafficking*. Available online: <https://migrationdataportal.org/themes/human-trafficking> [Accessed 25/03/2021].

Nearey, J. P. (2001) Seeking Reparations in the New Millennium: Will Japan Compensate the “Comfort Women” of World War II?. *Temple International & Comparative Law Journal*, 15(1), 121-145.

Office of the United Nations High Commissioner for Human Rights (2008) *Rule-of-Law Tools for Post-Conflict States: Reparations* (HR/PUB/08/1). Available online: <https://www.refworld.org/docid/47ea6ebf2.html> [Accessed 21/10/2020].

Oxford Bibliographies (2021) *Reparations*. Available online: <https://www.oxfordbibliographies.com/view/document/obo-9780199796953/obo-9780199796953-0003.xml> [Accessed 21/10/2020].

Pak (2016) News Reporting on Comfort Women: Framing, Frame Difference, and Frame Changing in Four South Korean and Japanese Newspapers. *Journalism & Mass Communication Quarterly*, 93(4), 1006-1025.

Park, E. (2011) *The Trials of a Comfort Woman*. CMC Senior Thesis. Claremont Colleges.

Rodney, H. & Walker-Rodriguez, A. (2011) Human Sex Trafficking. *FBI Law Enforcement Bulletin*, 80(3), 1-9.

Safe Horizon (2021) *Human Trafficking Statistics and Facts*. Available online: <https://www.safehorizon.org/get-informed/human-trafficking-statistics-facts/#description/> [Accessed 25/07/2021].

Shelton (2006) *Remedies in International Human Rights Law*. Oxford Scholarship Online.

Soh, C. S. (1996) The Korean “Comfort Women”: Movement for Redress. *Asian Survey*, 36(12), 1226-1240.

Soh, S. (2003) Japan’s National/Asia Women’s Fund for “Comfort Women”. *Pacific Affairs*, 76(2), 209-223.

Suzuki (2012) Overcoming Past Wrongs Committed by States: Can Non-state Actors Facilitate Reconciliation?. *Social & Legal Studies*, 21(2), 201-213.

United Nations (2006) *Promotion and Protection of Human Rights* (E/CN.4). Available online: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G06/106/56/PDF/G0610656.pdf?OpenElement> [Accessed 23/10/2020].

United Nations (2010) *Guidance Note of the Secretary-General: United Nations Approach to Transitional Justice*. Available online: <https://www.un.org/ruleoflaw/blog/document/guidance-note-of-the-secretary-general-united-nations-approach-to-transitional-justice/> [Accessed 08/03/2021].

United Nations (n.d.) *UNODC report on human trafficking exposes modern form of slavery*. Available online: <https://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html> [Accessed 27/01/2021].

Watanabe, M. (2015) Passing on the history of ‘comfort women’: the experiences of a women’s museum in Japan. *Journal of Peace Education*, 12(2), 236-246/

Yoon, R. (2018) Erecting the ‘Comfort Women’ Memorials: From Seoul to San Francisco. *De Arte*, 53(2-3), 70-85.