

# **The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery - 10 years on**

"The Women's International War Crimes Tribunal on Japan's Military Sexual Slavery" (the Women's Tribunal) was a people's tribunal organised by Asian women and human rights organisations and supported by international NGOs. It was set up to adjudicate Japan's military sexual violence, in particular the enslavement of "comfort women," to bring those responsible for it to justice and to end the ongoing cycle of impunity for wartime sexual violence against women. (<http://www1.jca.apc.org/vaww-net-japan/english/womenstribunal2000/whatstribunal.html>)

## **Commentary series 1**

### **Why the Asian Women's Fund failed to solve the "Comfort Women" issue, or Japan's Military Sexual Slavery**

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(Kyofukai Step House provides short-term accommodation, counseling and other support to women in need regardless of nationality or resident status. It was set up by Kyofukai, Japan Christian Women's Organization.)  
<http://www18.ocn.ne.jp/~kyofukai/04fastep.htm>

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In 1993, a Japanese government official publicly acknowledged military involvement and the use of force in the system of wartime sexual slavery, and for the first time, issued an apology to the survivors. Two years later, in 1995, the "Asian Peace and Friendship Foundation for Women", later renamed the Asian Women's Fund (hereafter, the Fund) was set up to send atonement money to survivors. The Fund's activities were completed in 2007. In spite of this government measure the 'comfort women' issue remains unsolved. In fact, the confusion the Fund created among survivors, politicians and in civil society as a whole has actually prevented the Japanese people from moving toward a solution to this problem.

The Fund's primary aim was to pay compensation to victims of Japan's military sexual slavery before and during the Second World War. The Fund had two main projects: the "Dignity Project," to promote women's dignity by dealing with current problems such as domestic violence; and the "Atonement Project," to compensate victims of military sexual slavery.

To circumvent the issue of the state's legal obligations for its wartime system of sexual slavery, the Fund was made up of private donations. The majority of survivors did not accept this as a means of achieving justice. As a member of VAWW-NET Japan, I too have refused to accept both the concept behind the Fund and the way it was implemented. Standing with the survivors, I have consistently demanded legal redress by the state of Japan.

## **The Fund confused and divided survivors, civil society and members of parliament**

### The “Dignity Project”

One of the Asian Women's Fund's major activities was the “Women's Dignity Project” (The Dignity Project). The Dignity Project “aims to enhance social recognition of women's human rights and dignity, and to prevent women from becoming victims of abuse in order to build a society where women can live with peace and freedom.” (The official website of the Fund, <http://www.awf.or.jp/e5/womendignity1.html>)

The Dignity Project was also a means to gain public acceptance for the Fund. To this end, the Fund sought women's groups to which it could provide grants from its generous budget.

I was approached privately by representatives from the Fund and offered a grant of around 20 million yen for HELP, the women's shelter I had been working with before the establishment of the Fund was officially announced. The HELP steering committee, however, decided not to receive any money from the Fund because the “Dignity Project” was part of a project we found unacceptable as a mechanism for providing the survivors with compensation.

I was also asked for advice about the Fund by various women's groups. One woman researcher asked me if she should receive a grant from the “Dignity Project.” I told her that it would be against the principle of her study on sexual violence if it was supported by the Fund, as the Fund was created to excuse the government from fulfilling its legal obligations, and this was insulting to the survivors. This researcher, however, claimed that the “comfort women” and the problem of sexual violence were two separate issues. One group received a grant for a programme to provide computer skills to women from overseas, while another turned it down, saying it was against their principles to continue running their shelter on grant money from the Fund. There were serious conflicts concerning the Fund among women's groups, involving the political stance and credibility of each group.

The “Dignity Project” was implemented with great fanfare, and probably did make a certain contribution through its campaign against domestic violence, under the slogan “Your husband's violence is a crime”. However, the Fund has yet to release a detailed report revealing the actual expenditures and achievements of the “Dignity Project.” Furthermore, the Fund's quick and easy distribution of charitable grants had the negative effect of dividing the feminist movement. Women's groups such as VAWW-NET Japan that opposed the Fund and are still seeking proper state compensation were branded “extremists”.

### The “Atonement Project”

The “Atonement Project” had two means of offering money to survivors: 1. to “raise funds in the private sector as a means to enact the Japanese people's atonement to former war-time comfort women” and 2. to “support those conducting medical and welfare projects and other similar projects which are of service to former war-time comfort women, through the use of government funding and other funds.” (Statement by the Chief Cabinet Secretary, June 14, 1994)

I remember saying in an interview with the newspaper *Asahi Shimbun* that if the government has a budget for “medical and social welfare funds,” they should provide direct state compensation.

The Fund was closed in 2007. According to the report it released in Oct. 2002, the Fund raised 565 million yen from private donations to provide “atonement money” for individual survivors. Yet this “atonement money” was sent only to the Philippines, the Republic of Korea and Taiwan. A total of 570 million yen was disbursed to 285 individuals (two million yen per individual). Regarding medical and welfare funds and services, an amount equivalent to three million yen each was paid to women from the Republic of Korea and Taiwan. The amount paid to women from the Philippines was less than half that amount: only about 1.2 million yen. The Netherlands received only medical and welfare funds and services for 78 individuals over a period of three years. In no country did all the survivors receive “atonement money” or welfare assistance.

As for Indonesia, 380 million yen was provided to promote social welfare projects for the elderly. However, it was later discovered that no former “comfort women” had entered facilities for the elderly funded by the Japanese government.

Atonement projects were not directed at the People’s Republic of China, the Democratic People’s Republic of Korea, Malaysia, or East Timor, where survivors had come forward, nor did they cover Burma, Thailand, or Papua New Guinea, where NGOs have confirmed the existence of survivors. (A shadow report to CEDAW 29<sup>th</sup> Session 2003, International Criminal Justice Institute and VAWW NET Japan, available on <http://www1.jca.apc.org/vaww-net-japan/english/index.html>)

Since the medical and welfare funds were financed by the state through its ODA budget, many members of parliament and civil society were left with the mistaken impression that the Fund amounted to state compensation.

### **Criticism of the movement in civil society to demand legal compensation from the government**

The Executive Director of the Fund leveled criticism at the women’s movement demanding proper compensation from the state as follows:

1. The responsibility for dividing and weakening the movement lies with both supporters of the Fund and its opponents. Since these divisions within the movement have allowed the rightwing, which dismisses the “comfort women” issue altogether, to become stronger, both sides need to reflect on their actions, and engage in serious debate in order to squarely face this current situation.
2. The movement contradicts itself by continuing to demand a “genuine apology” while at the same time accepting the 1993 statement by former Chief Cabinet Secretary, Kono Yohei, as the first official state apology. The Fund sent a letter of apology with the signatures of four successive Prime Ministers: Hashimoto, Obuchi, Mori and Koizumi, which was received by more than 280 survivors. The Fund thus gave material support to the statements made by Kono and Murayama, Prime Minister at the time in the face of rightwing opposition that sought to repeal these statements.
3. Both the Fund and its opponents must accept responsibility for the failure to generate a national

reconciliation between the Japanese and Korean nations.

### **My response from the standpoint of the feminist movement demanding state compensation**

1. It was the Kono apology itself and the subsequent establishment of the Fund that galvanised rightwing opposition, not the resulting divisions in the feminist movement.

Nor was it the feminist movement's demand for state compensation that created divisions among survivors, their supporters and activists. The Fund was established without the support of the survivors. Their demands for state compensation were ignored. No matter how much money the Fund offered them, the mechanism to avoid paying state compensation was naturally met with resentment.

2. The government has ignored the state's legal obligations, accepting only "moral responsibility," which led to the creation of the Fund and the 'Atonement Project'. A letter of apology from the Prime Minister at the time was attached to the atonement money distributed to some survivors. (Only survivors who accepted the atonement money received a letter.) It is obvious that the survivors did not regard this letter as a genuine apology. The genuine apology we have been demanding must be accompanied by a guarantee of legal state compensation.

3. The Fund can be criticised from an academic or philosophical point of view, or from the standpoint of actual experience. From my experience working with survivors of sexual violence at a shelter on a everyday basis, I believe that reconciliation can be achieved by standing on the side of the survivors and those who support them, rather than through the critical analyses of renowned scholars. It is most important to start by considering how to respond to the survivors' voices. Only by starting here can we eventually open a path to reconciliation.

### **Reconciliation**

In her book, *For Reconciliation* (2006, Heibon-sha), Park Yu-ha writes that "reconciliation can be reached when the generosity of victims is met with the humility of perpetrators". Park's stance gained broad support among Japanese people who felt they were being accused in the post-war debate. The idea of asking victims for their "generosity" may sound good to them. However, this stance obscures the obligations and responsibility of the state of Japan.

Victims and perpetrators do not stand on an equal footing. I believe that the road toward a reconciliation which would bring both parties to an equal stance can only start when the victims feel their demands for justice have been heard. The offer of solutions that merely soothe the perpetrators' guilty conscience can only be an insult, or a second rape, to the survivors. Those who opposed the Fund, including me, did so not because the Fund is not consistent with our policy, but rather because it neither listened to nor stood by the survivors. The Fund brought the survivors only pain and confusion.

The joint statement by Korean and Japanese intellectuals on the occasion of 100<sup>th</sup> anniversary of the annexation of Korea, issued in May in Tokyo, and July in Seoul, refers to reconciliation.

The statement calls for the Japanese government to recognise that the procedures and the treaties that

paved the way for the annexation of Korea were unjust and unlawful. It says that without acknowledging this, Japan cannot truly express remorse for its wrongdoings during the occupation. The statement also addresses the issue of wartime “comfort women”. It states that “the pain must be healed and the damages compensated.”

Shinichi Arai, one of the facilitators of the joint statement, wrote in his article in the journal *Sekai* (July 2010, Iwanami Shoten), that “...redress should come together with an apology and an acknowledgement of the truth as well as monetary provision (compensation). Setting up a fund is one option for an overall solution, but there are also important lessons to learn from the failure of the Fund. The task now before us is to pass the bill on compensation for wartime sexual slavery and related bills which have been submitted to Parliament. This would be a big step forward toward reconciliation among Northeast Asian countries.”

The World Council of Churches says that reconciliation comes along with healing, and is a process as well as a goal. It should not be done in a hasty manner, the Council says.

The pain and damages inflicted on the Korean nation and to Asian countries under Japanese occupation are too great to be healed or quickly reconciled through the Fund.

### **Continuing violations**

It has only been 20 years since we, groups in civil society, have begun to take concrete steps toward reconciliation. Unfortunately, our efforts so far have been in vain, and survivors are aging and dying without having their dignity restored.

We, the Japanese people, have been too slow to acknowledge responsibility for our crimes resulting from military aggression, particularly sexual slavery. Enjoying the economic growth in post-war Japan, men who might once have been soldiers rushed to Korea, Taiwan and the Philippines on sex tours. Accused of being “sexual animals,” they began bringing Asian women to Japan through sex trafficking.

Japan will continue to be a state which tolerates racism and sexism and ignores human rights in international society unless it faces its state obligation by listening to survivors and victims. It is in this context that Japan continues to fail to address poverty and sexual violence suffered by overseas women, whose rights and dignity are not respected in Japanese society.

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VAWW NET Japan was on the International Organizing Committee for the Women's International Tribunal on Japan's Military Sexual Slavery which took place in Tokyo in December 2000. Please refer to "Tribunal 2000" page on the above website for more information.