

1996 UN Human Rights Report by Special Rapporteur Radhika Coomaraswamy (Report on the mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime) (E/CN.4/1996/53/Add.1)

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OVERVIEW: To this day, there is continuing debate between the Japanese government and the international community about the nature of “comfort women”, and the government’s role in perpetuating the “comfort women” system during the Asian-Pacific War.

In 1992, the Japanese government conducted an investigation and concluded that the Japanese Imperial Armed Forces were directly and indirectly involved with the “comfort station” system and the use of force in the recruitment. In 1993, then Chief Cabinet Secretary (equivalent to the Secretary of State in the US) Yohei Kono issued a statement acknowledging some responsibility for the “comfort women” victims and through it, expressed regret and apology for what the “comfort women” went through. However, the Kono statement was limited in that it stopped short of acknowledging Japanese government’s legal responsibility, and the apology offered in the statement was never ratified by Japan’s Diet.

To this date, Japan’s Diet, which is the official governing body of Japan, has never approved a resolution of apology or compensation for the “comfort women” victims. In 1995, the Japanese government set up a private fund – Asian Women’s Fund – that collected donations from private citizens and corporations in order to provide medical assistance and “atonement” money to the surviving victims, in exchange for a promise not to demand legal compensation from the Japanese government. This fund was rejected and heavily criticized by the activist survivors who viewed it as insulting and evasive.

It was in this context that the report by Special Rapporteur R. Coomaraswamy was issued as part of a UN report in 1996, and established that “comfort women” were indeed sex slaves. The Special Rapporteur made recommendations to the Government of Japan to make apologies and pay compensation to all “comfort women.” The report provides guidelines for the measures that will resolve the war crime and crime against humanity relating to the Japanese military’s “comfort women” system. It also explains what constitutes a proper apology.

I. DEFINITION

The Special Rapporteur would like to clarify at the outset of this report that she considers the case of women forced to render sexual services in wartime by and/or for the use of armed forces a practice of military sexual slavery.

In this connection, the Special Rapporteur is aware of the position of the Government of Japan conveyed to her during her visit to Tokyo, which states that the application of the term “slavery” defined as “the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised” in accordance with article 1 (1) of the 1926 Slavery Convention, is inaccurate in the case of “comfort women” under existing provisions of international law.

The Special Rapporteur, however, holds the opinion that the practice of “comfort women” should be considered a clear case of sexual slavery and a slavery-like practice in accordance with the approach adopted by relevant international human rights bodies and mechanisms....

Furthermore, the Special Rapporteur notes that the Working Group on Contemporary Forms of Slavery, at its twentieth session, welcomed information received from the Government of Japan on the issue of “women sex slaves during the Second World War” and recommended that such practices as “treatment akin to slavery” be settled through the establishment of a Japanese administrative tribunal.

Finally, for the purpose of terminology, the Special Rapporteur concurs entirely with the view ... that the phrase “comfort women” does not in the least reflect the suffering, such as multiple rapes on an everyday basis and severe physical abuse, that women victims had to endure during their forced prostitution and sexual subjugation and abuse in wartime. The Special Rapporteur, therefore, considers with conviction that the phrase “military sexual slaves” represents a much more accurate and appropriate terminology.