

THE *Comfort*

The Rome Conference spent many hours discussing violence against women in war, and many governments feel that the court should be able to provide reparation for victims. Japan had led the fight to water down the agreement, and ensure that governments are not forced by the court to pay compensation. Yet Japan also bears a heavy responsibility for the outrages committed by Japanese troops against civilians during the Second World War. Many feel that the best way to prevent such horrors from happening again is to build a strong and effective court, able to investigate sexual and gender violence in its broadest sense.

If there was any crime committed against women in war that spans all heinous crimes, it is that of the comfort women. For every comfort woman, there were more than one crime committed against her: she was a victim of military sexual slavery, rape, torture, coercion and sexual violence. Many are hoping that the legacy of the Asian comfort women will find its mark in the establishment of the International Criminal Court in Rome. In learning from the lessons of the comfort women, this court may pave the way for justice for future and present women victims of war.

It took the comfort women more than 50 years to talk about the atrocities done to them during World War II. Their stories are painful and difficult. They evoke an image of horror where women were subjected to some of the most horrific human rights abuses imaginable. Their stories are important because they force us to remember what was done and what few seem willing to discuss.

Women were forcefully taken from their homes to work in brothels as sexual slaves. Young girls on their way to school were abducted by soldiers, others were recruited to work in factories and ended up in brothels managed by the Japanese Imperial Army. Doctors worked to help revive an unconscious

13-year old girl who had been raped unconscious by 10 to 20 men. These stories were all too common during the Second World War. What is even more disconcerting is the fact that women continue to be the targets of sexual violence today.

The Women's Caucus for Gender Justice gathered at the Rome Conference wants to change this. They do not want to see what happened over 50 years ago repeated. They hoped that an International Criminal Court will recognise sexual violence and gender-based persecution to deter such behaviour, punish those who commit war crimes and crimes against humanity, and restore justice to survivors. Additionally, they are working for a gender sensitive court that will ensure gender balance in the Court's composition and statute.

"There had never been a more gross, widespread and systematic scale of human rights violations done to women in war situations as that of the case of the Asian comfort women. Historical records show that there was systematic conscription, recruitment, abduction and kidnapping of women for military sexual slavery," said Indai Lourdes Sajor, Executive Director, Asian Centre for Women's Human Rights (ASCENT).

Many historians conclude that comfort houses were first established as early as 1932 in Shanghai, China. Essentially, they were brothels established by the Japanese Imperial Army. In 1938, Japanese forces adopted the policy of establishing brothels in China and "recruiting" women to work in them. Military leaders believed that the women would provide leisure for soldiers. They were often transported to front lines in army ships, army railways and trucks.

"At all times the army and government was facilitating the movement of women," said Ustinia Dolgopol, Senior Lecturer at Flinders University of South Australia.

Threatened with death and torture if they refused to cooperate, comfort women were

Women OF Asia

STILL HURTING FROM A 50 YEAR-OLD WAR

by Rochelle Jackson

treated as disposable military commodities. In fact, many of them were killed and severely beaten after being raped. Reports estimate that over 200,000 women across Asia, as well as some women from the Netherlands, were forced to become sexual slaves for the Army. Because most information regarding comfort women were hidden or destroyed at the end of the war, it is difficult to state the exact number of women forced into sexual slavery for the Japanese Army. "No one will ever know because a lot of the women will not come forward. We're never going to get totally accurate figures," said Dolgopol.

Japanese Accountability. The surviving comfort women, their families, women's groups, and others are convinced that this issue is far from being resolved. How can it be, they ask, when the Japanese government had made only a half-hearted attempt to restore justice to the victims. In response, Japan holds the position that the issue of war reparations had already been resolved. Thus, in its view, compensation for individual victims had already been settled. Recently, however, it established an Asian Women's Fund and had agreed to pay the administrative costs of running it. The proceeds of the fund would provide reparations, secured by private citizen donation, to the victims and their families. But, overall, it had not been successful and the government had convinced only a few corporations to donate.

The apologies made by the current and previous prime ministers of Japan have been rejected by the majority of the Asian comfort women because they failed to admit legal responsibility for the crimes committed against comfort women. In effect, the women argue, what the government had done is offer an atonement, an apology, which is unacceptable. Many women's organisations agree. "They say it was government policy, and that the government should pay," Dolgopol said.

Dolgopol offered several reasons why the Japanese government has and continues to

refuse official government payment, one of which involves politics. Many may have connections to those who fought in the war. "A lot of these people who are very powerful don't want the government to pay because they don't want the government shamed in that way," she said.

There is also the issue of Emperor Hirohito's accountability for war crimes committed during World War II. Having issued several royal declarations pursuant to the aggression of the war in the Asia Pacific region, it is clear to many that the Emperor was liable for war crimes. Despite this and the insistence of the victimised countries, the Allied forces decided not to persecute Hirohito during the Tokyo Tribunals.

During the war, soldiers were considered to be the children of the emperor. Thus, implicit in reparations and apologies about the military's action, is a criticism of the emperor. "So it's a politically touchy situation in Japan. That doesn't excuse them because a lot of governments have to live through politically touchy situations," said Dolgopol.

"The international community is trying to address one of the greatest challenges facing it today. That is, reconciling past wartime atrocities as an essential step in ending the cycle of violence during war situations and in peacetime." said Sajor, who is filing a court case in Japan this year on behalf of the Filipino comfort women and survivors of mass rape during World War II.

Thus, even as the ICC was being established and debated in Rome, women's organisations continue to file cases of war crimes committed against women in national courts and international war crimes tribunals. The ICC, could provide victims, whose own national systems refuse to address the issue, legal recourse as well as assist in the restoration of justice to victims.