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Responding to a number of inquiries, this memorandum provides background concerning the system of “comfort women” organized by the Japanese military during the 1930s and 1940s. For further questions about this issue, the author can be contacted at extension 77680.

## **Introduction**

As Japan began its policy of military expansion into China in the 1930s, the Japanese military and government began to establish a system of facilities for women who provided sex to Japanese soldiers. The system was expanded when Japan attacked the United States in December 1941 and the Japanese military entered Southeast Asia and the Southwest Pacific. These women were given the name “comfort women.” Most estimates of the number of these “comfort women” range from 50,000 to 200,000. A sizeable plurality or a majority of them were Korean. Chinese, Taiwanese, Filipino, Dutch, and Indonesian women made up most of the rest.

While information about the comfort women system appeared periodically after World War II, it was not until the 1980s and early 1990s that major publications appeared in Japan describing details of the system and governments and citizens of countries occupied by Japan began to discuss it more openly. This information increasingly described a system in which women were brought into through conscription and/or deception and that kept the women in comfort women facilities through coercion for long periods of time, usually until the women died or until World War II ended.

In the 1990s, the issue of comfort women became part of the dispute between Japan and several of its neighbors over whether Japan had accounted fully for its aggression against its neighbors and the abuses of its occupation policies. Several contentious issues arose over the comfort women: whether Japan had acknowledged fully the responsibility of the Japanese military and government for the abuses of the system; whether Japanese apologies to former comfort women constituted a sufficient official apology; whether Japan should pay official monetary compensation to comfort women; and whether Japanese school history textbooks should describe the comfort women system in their chapters on World War II. Another issue that arose was whether governments of the countries of origin of comfort women allowed surviving comfort women adequate freedom in deciding whether or not to accept Japanese offers of material assistance.

The U.S. Congress has been interested in the comfort women issue since the mid-1990s, and several bills have been introduced on the subject. In the current 109th Congress, H.CON.RES68 has been introduced in the House of Representatives. It expresses the

sense of Congress “that the Government of Japan should formally issue a clear and unambiguous apology for the sexual enslavement of young women during colonial occupation of Asia and World War II, known to the world as ‘comfort women’.”

### **Accounts of the Comfort Women System**

An early detailed revelation came from Yoshida Seiji, a former Japanese military policeman, who wrote a book in 1983 entitled *My War Crimes: The Forced Draft of Koreans* in which he described his participation in the roundup of over 1,000 women in Korea for service as “comfort women” to the Japanese military. In 1982, eight Japanese intellectuals issued a statement calling on the Japanese government to acknowledge and apologize for Japanese abuses in colonial and occupied countries; the statement specifically mentioned comfort women. After 1988, a number of South Korean women publicly identified themselves as former comfort women and gave accounts of their experiences. In December 1991, 35 Korean women, claiming to be former comfort women, filed a lawsuit against the Japanese government in a Japanese court. In 1992, the South Korean Foreign Ministry issued a report on Korean comfort women. It cited Japanese military documents describing the establishment of comfort women facilities in 1937 in China after the Japanese invasion. The documents contained orders from the Japanese army to local police and Japanese colonial government officials in Korea to set up comfort women facilities. The report asserted that thousands of women were rounded up and/or were threatened if they did not “volunteer” for service. Japanese colonial officials also used deception in recruiting women, often telling them that they would serve as nurses to the Japanese military. The South Korean report estimated that there were about 70,000 to 80,000 Korean comfort women. [1]

Another batch of documents was discovered in the late 1990s by Chu Te-lan, a history professor with the Academia Sinica in Taiwan. These documents described contracts between the Japanese army and a “Taiwan Development Company” for the company to build comfort women facilities in China. Other documents also contained instructions to the company by the Japanese colonial government of Taiwan to recruit and send comfort women to these facilities. [2]

The account that had the greatest impact came from Japanese historian Yoshimi Yoshiaki in 1992. Dr. Yoshimi conducted research in the library of the Japanese Self-Defense Forces in Tokyo. He found and disclosed a number of documents containing orders from the Japanese army to set up comfort women facilities in Japanese occupied territories from 1937 to 1945. Dr. Yoshimi handed the documents to the Asahi Shimbun, one of Japan’s biggest newspapers, which ran a feature story on them. [3]

### **Japanese Government Admissions**

Japanese government reactions to these revelations in 1992 and 1993 encompassed a range of responses beginning with official Japanese denials of government involvement in the comfort women system but shifting to official admissions of government and military responsibility. Initially, government officials acknowledged the existence of the

comfort women system but claimed that the system was organized and operated by private parties and that there was no evidence of coercion of women into sexual service of the Japanese military. In response to Dr. Yoshimi's findings and the Korean women's lawsuit, Prime Minister Miyazawa Kiichi ordered a government study of the issue. An initial study, issued in July 1992, disclosed 127 documents which showed Japanese military involvement in the building of comfort women facilities and the recruitment of women. Chief Cabinet Secretary Kato Koichi issued a statement on July 6, 1992, that the study "confirmed that there was government involvement" in the comfort women system and that comfort women had suffered "indescribable pain and suffering." A second study, announced on August 4, 1993, went further in acknowledging that recruiters of comfort women resorted to "coaxing and intimidating these women to be recruited against their will and there were even cases where administrative personnel directly took part in the recruitment." The report concluded that many comfort women lived as captives of the military for long periods. [5]

Following the issuance of the second study, Chief Cabinet Secretary Kono Yohei issued a statement that the study showed that the comfort women system "was an act with the involvement of the military authorities of the day that severely injured the honor and dignity of many women," including "immeasurable pain and incurable physical and psychological wounds as so-called wartime comfort women." [6] Subsequent Japanese Foreign Ministry statements have referred to the Kono statement as one of "apologies and remorse." [7]

### **The Asian Women's Fund**

In the admissions of 1992 and 1993, Japanese government officials stated that the government would try to assist surviving comfort women. The government's response was the Asian Women's Fund, which the government of Socialist Prime Minister Murayama Tomiichi set up and which came into being on July 19, 1995. The Asian Women's Fund announced three programs for former comfort women who applied for assistance: (1) an atonement fund that paid two million yen (approximately \$20,000) to each former comfort woman; (2) medical and welfare support programs for former comfort women, paying 2.5-3 million yen (\$25,000-\$30,000) for each former comfort woman; and (3) a letter of apology from the Japanese Prime Minister to each recipient woman. [8]

The atonement fund issued payments directly to former comfort women from 1996 through 2002, when it ceased operations. During that time, it paid 565 million yen (approximately \$5.7 million) to 285 former comfort women. The medical and support programs continued beyond 2002 in some countries. As of March 2006, the Asian Women's Fund provided 700 million yen (approximately \$7 million) for these programs in South Korea, Taiwan, and the Philippines; 380 million yen (approximately \$3.8 million) in Indonesia; and 242 million yen (approximately \$2.4 million) in the Netherlands. [9] The Asian Women's Fund is scheduled to end its operations in March 2007.

A controversial issue in the Asian Women's Fund programs was the money provided directly by the Japanese government. The government paid the operational expenses of the Asian Women's Fund—a total of 35 billion yen (approximately \$35 million) from 1995 through March 2000. [10] The government also paid the costs of the medical and support programs. However, the government refused to finance the atonement fund payments. These were financed through private Japanese contributions. According to a Japanese Foreign Ministry statement of May 2004, the Asian Women's Fund had obtained 590 million yen from private contributors, including “individuals, enterprises, labor unions, political parties, Diet members and Cabinet Ministers.” The government did finance the Asian Women's Fund's campaigns to raise money. The government's position on direct compensation payments has been that the Peace Treaty between Japan and the Allied Powers of 1951 required Japan to pay reparations directly to occupied countries and allied countries and that these reparations covered any potential claims from individuals in these countries. Japan had entered into several such agreements with occupied countries. The government also reportedly has feared that direct compensation payments to former comfort women would result in other groups claiming abuse by Japan during World War II demanding similar compensation. [11] Critics, however, charged that the unwillingness of the government to make direct compensation payments signified an unwillingness to accept full responsibility for the comfort women system.

### **Controversy over An Official Apology to Asian Women's Fund Recipients**

At the founding of the Asian Women's Fund in July 1995, Prime Minister Murayama promised to send a letter of apology to each recipient of assistance from the Asian Women's Fund. He described the comfort women system as a “national mistake” and “entirely inexcusable.” [12] However, his successor, Hashimoto Ryutaro, leader of the conservative Liberal Democratic Party, stated that he would not issue such letters when he took office in 1996 and the Asian Women's Fund prepared to implement the first atonement payments. This brought forth criticism of the Prime Minister from board members of the Asian Women's Fund. Miki Mutsuko, the wife of former Prime Minister Miki Takeo, resigned from her position on the board in protest. Prime Minister Hashimoto shifted his position in July 1996, and he issued the first apology letters in August 1996. [13] The letter from the Japanese Prime Minister to recipients of the Asian Women's Fund atonement payments has stated that “the Asian Women's Fund, in cooperation with the Government and people of Japan, offers atonement from the Japanese people to the former wartime comfort women,” and that “the issue of comfort women, with an involvement of the Japanese military authorities at the time, was a grave affront to the honor and dignity of large numbers of women.” The Prime Minister has stated in the letter “my most sincere apologies and remorse to the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.” Thus, he addresses all comfort women rather than just the individual recipient of the letter. He asserts that “our country, painfully aware of its moral responsibilities, with feelings of apology and remorse, should face up squarely to its past history and accurately convey it to future generations.” The Japanese word for “apology” in the letter, *shazai* (*sajoe* in Korean) is a particularly strong term that implies the admission of a crime. [14]

## **Foreign Reactions to the Asian Women's Fund**

The 285 women who received atonement payments from the Asian Women's Fund between 1996 and 2002 undoubtedly represented a very small percentage of former comfort women still living. Moreover, it appears that nearly 200 of these were Filipino and Dutch women (79 from the Netherlands and over 100 estimated from the Philippines), although with the exception of the Dutch women, the Asian Women's Fund has been circumspect in publicizing information about individual recipients. There have been far fewer recipients in Taiwan (about 40) and especially in South Korea. There appear to be three reasons for this situation. One is the social stigma a woman could suffer, especially in Asian societies, if she openly revealed that she was a comfort woman by applying for compensation. A second is that some former comfort women, especially members of organized groups in several countries, openly rejected the atonement payments because they are not official Japanese government compensation. A third reason seems to be pressure and possible intimidation applied by governments and non-government groups (NGOs) on women not to accept payments and other assistance from the Asian Women's Fund. This factor appears to have been especially prevalent in South Korea.

The South Korean government announced a compensation plan for surviving former comfort women on March 29, 1993, that would pay the equivalent of \$6,400 and a monthly payment of \$250 to each woman. [15] However, after the Asian Women's Fund was established, the government and South Korean NGOs used the government's fund as a tool to pressure and dissuade former Korean comfort women from accepting payments and other assistance from the Asian Women's Fund. The South Korean government took an immediate position against the Asian Women's Fund when the Fund made atonement payments to seven South Korean women in January 1997. The government officially expressed displeasure to the Japanese government over the Asian Women's Fund and demanded that the Japanese government pay direct compensation. The South Korean government also supported the similar stance taken by the leading Korean NGOs claiming to represent former Korean comfort women: the Korea Council for Women Drafted for Military Sexual Slavery by Japan, and the Citizens' Coalition for the Resolution of the Forced Recruitment of Comfort Women by the Japanese Military. [16] These groups sharply criticized the seven women who had accepted payments from the Asian Women's Fund. At the recommendation of these groups, in March 1998, the South Korean government announced an upgrading of its fund for former Korean comfort women, offering larger payments. South Korean officials stated that the South Korean fund was intended to eliminate the possibility that Korean women would accept assistance from the Asian Women's Fund, and this became a required condition for any woman who applied to the South Korean government's fund. The Korea Council and the Citizens' Coalition also campaigned against women accepting assistance from the Asian Women's Fund. They raised money for former comfort women but conditioned payments on pledges by the women not to accept any assistance from the Asian Women's Fund. The result was that no other Korean women applied for assistance from the Asian Women's Fund after the original seven had received atonement payments in January 1997. [17] The Asian Women's Fund reportedly sought to continue offering assistance in

South Korea beyond the original five year deadline which ended in 2002; but it ultimately decided to end its program partly because of South Korean government and NGO opposition. [18]

After March 1998, the South Korean fund made a lump sum payment of 43 million won (approximately \$43,000) to each eligible former comfort woman for living expenses plus an additional monthly allotment of 740,000 won (approximately \$740) per person. The fund also made payments for the medical expenses of individual comfort women. Thus, the South Korean fund after March 1998 was considerably more generous in direct payments than the Asian Women's Fund. However, as of March 2006, only 208 South Korean women had applied to the South Korean fund; and the government managers of the fund had accepted 152 of these as legitimate former comfort women. Currently 124 women are receiving aid from the fund. [19] The small number of responders to the South Korean government's highly publicized fund raises the question of whether a larger number of comfort women would respond to either Japanese government or their own governments' compensation plan, or whether the social stigma of revealing one's identity as a former comfort woman is too much of a deterrent.

Taiwan established its own compensation fund in 1996. The government and the Taipei Women's Rescue Foundation (TWRP), a private organization, provided money for the fund. It paid each former comfort woman 500,000 New Taiwan Dollars, roughly the equivalent of the Asian Women's Fund atonement payments. The government and the TWRP have maintained that Japan should pay official compensation. An estimated 40 Taiwanese women have received assistance from the Asian Women's Fund. [20] However, opposition to the Asian Women's Fund apparently was not as overt as in South Korea; the Fund advertised its programs in Taiwan newspapers during this period. [21]

The Asian Women's Fund carried out programs in the Philippines, Indonesia, and the Netherlands; and in these countries much of the Fund's money came from the Japanese government for broader social welfare programs for the women. Philippine President Fidel Ramos stated that the Fund, though legally private, could help former Filipino comfort women. [22] On January 15, 1997, the Asian Women's Fund and the Philippine government signed a Memorandum of Understanding for medical and welfare support programs for former comfort women. Over the next five years, these were implemented by the Philippine government's Department of Social Welfare and Development. However, two NGO groups split over whether Filipino women should accept atonement payments from the Asian Women's Fund. LILA Pilipina officially demanded Japanese government payments but assisted women to apply to the Asian Women's Fund. Malaya Lolos, on the other hand, rejected the Asian Women's Fund. It is estimated that over 100 Filipino women accepted atonement payments from the Fund. [23]

In March 1997, the Asian Women's Fund signed a Memorandum of Understanding with the Indonesian government's Department of Social Affairs providing for the Fund to support an Indonesian project, "Promotion of Social Welfare Services for Elderly People in Indonesia." Asian Women's Fund financial support was to total 380 million yen (approximately \$38 million) over ten years to support facilities for the elderly with

priority to be given to former comfort women. The Indonesian government favored this plan over receiving and authenticating applications from individual women. [24] According to the Japanese Foreign Ministry's statement of May 2004, 200 people were accommodated in those facilities.

The Asian Women's Fund negotiated initially with the Dutch Foundation for Japanese Honorary Debts (FJHD), an NGO of Dutch war victims, including comfort women, but the FJHD rejected compensation from the Fund. With the support of the Dutch government, the Asian Women's Fund concluded a Memorandum of Understanding with another private Dutch group, the Project Implementation Committee in the Netherlands (PICN), to assist the livelihood of former comfort women. The project provided medical and other social services to the women. Over a period of three years, the Asian Women's Fund spent 241.5 million yen (approximately \$24 million) for the project, which assisted 79 women. [25]

The United Nations Human Rights Commission investigated the comfort women issue several times in the 1990s. Two reports to the Commission by U.N. Special Rapporteurs in 1996 and 1998 criticized Japan and called for Japan to pay official compensation to former comfort women and prosecute Japanese who were responsible for the system. However, while the Human Rights Commission acknowledged the reports, it did not fully endorse their recommendations in its resolutions. In September 2001, the Commission recommended to Japan that "victims [of Japan during World War II] must be compensated." [26] The international human rights organization, Amnesty International, has criticized the Asian Women's Fund and has called on Japan to pay official compensation to former comfort women. [27]

### **The Comfort Women Issue in Japanese Textbooks**

Since Japan's admission of responsibility for the comfort women system, there have been frequent disputes over whether Japanese history textbooks should discuss comfort women. The real battle today in Japan over the comfort women issue is whether Japanese history textbooks will discuss it. In 1997, the Japanese Ministry of Education allowed some new middle-school textbooks to discuss comfort women as a form of sexual slavery based on the "forcible recruitment" of women. This decision and the issuance of the textbooks produced considerable criticism from some Japanese politicians and interest groups who contend that Japan's historical record in the first half of the 20th century is not as negative as it usually is portrayed. [28] A Japanese Society for History Textbook Reform was formed to work for the publication of history textbooks that presented a positive view of Japanese history. Undoubtedly as a consequence of this criticism and the campaign of the Japanese Society for History Textbook Reform, eight new textbooks approved in 2001 did not mention comfort women. The South Korean government protested by canceling a number of planned exchanges with Japan. [29] In 2005, a new group of eight approved textbooks omitted references to comfort women; only one textbook contained a reference to comfort women. [30] Nakayama Nariaki, the Minister of Education, supported the omissions, stating that references to comfort women in textbooks was an "incorrect description." [31] At the same time, however, a commission

of scholars from Japan, South Korea, and China published a history textbook that contained a 60 page section on Japan's occupation of Korea (1910-1945) and Japan's invasion of Manchuria and China (1931-1945), which contained a detailed discussion of the comfort women issue. The September 2001 U.N. Human Rights Commission recommendation to Japan, cited above, also called on Japan to ensure that school textbooks and other teaching materials present history in "a fair balanced manner."

### **Comfort Women Suits in Japanese and U.S. Courts**

Since the three Korean women filed suit in a Japanese court in 1991, women claiming to be former comfort women have filed suit several times in Japanese courts. With the exception of one victory in a lower court in 1998, Japanese courts have rejected claims for Japanese government financial compensation, citing Japanese reparations agreements with several Asian governments, concluded in accord with the Treaty of Peace with Japan of 1951, and the South Korea-Japan Basic Treaty of 1965. The Treaty of Peace mandated that Japan enter into reparations agreements with Allied countries, whose territories were occupied by Japan, and it stated that "except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war." The South Korea-Japan Basic Treaty of 1965 stated that "rights and interests of the people of both contracting countries and other claims of both countries are solved completely and finally." [32] However, reports by the United Nations and by Amnesty International in 2005 have called for the Japanese government to provide direct compensation to former comfort women. Moreover, some advocates for individual claimants from Allied countries have cited an exchange of letters between the Japanese and Dutch governments in 1951 in which Japan asserted that the Peace Treaty did not negate private claims against Japan by Dutch nationals. [33]

In September 2000, 15 former comfort women from China, Taiwan, South Korea, and the Philippines filed a lawsuit in the U.S. District Court in Washington, D.C., seeking claims (including claims for financial compensation) against the Japanese government under the U.S. Alien Tort Statute. The case was titled *Joo vs. Japan*. The District Court and the U.S. Court of Appeals for the District of Columbia ruled against the women. The courts accepted the argument of the U.S. Executive Branch, filed in a third party brief, that the Executive Branch rather than the U.S. courts had jurisdiction over the "political question" of whether individual claims against Japan were valid in view of the provisions of the Japanese Peace Treaty of 1951. In July 2004, the U.S. Supreme Court ruled that the Court of Appeals must reconsider the case. In June 2005, the Court of Appeals affirmed the original District Court judgment. The case went back to the Supreme Court, which ruled on February 21, 2006, that the claims of the women constituted non-judicial "political questions" and that the Supreme Court deferred to the judgment of the U.S. Executive Branch that the acceptance of such claims by U.S. courts would impinge upon the President's ability to conduct foreign relations. [34]

### **Conclusions**

There is little question that the Government of Japan has acknowledged fully the role of the Japanese military and government in establishing and operating the comfort women system before and during World War II. However, the persuasiveness of the acknowledgments has been weakened in the eyes of many by related controversies over Japan's historic record such as the Prime Minister Koizumi's visits to the Yasakuni shrine (where Japan's war dead are enshrined but also where 14 major convicted war criminals also are enshrined), the content of history textbooks, and statements by individual Japanese political leaders such as the statement of the Minister of Education quoted above. The battle over acknowledgment continues in Japan today with the content of history textbooks as the main battleground; and some maintain that the trend toward textbooks omitting discussion of the comfort women system raises doubts about the commitment of Japan's Prime Ministers in their letters to comfort women that Japan "should face up squarely to its past history and accurately convey it to future generations."

The Asian Women's Fund appears to have been a genuine effort by the Japanese government and the Fund's sponsors and leaders to compensate and assist former comfort women. As discussed, several governments appeared to have accepted this by cooperating with the Asian Women's Fund.

The controversial issue of Asian Women's Fund atonement payments vs. demands for official Japanese government monetary compensation is predominately an issue of legal arguments vs. moral arguments. The Japanese government appears to have a credible legal position based on the Japanese Peace Treaty, Japan's reparations agreements with several countries, and the language of the South Korea-Japan normalization treaty of 1965. The February 2006 U.S. Supreme Court ruling in *Joo vs. Japan* seems to add strength to the Japanese government's position. However, demands for official compensation have a strong moral component; even some defenders of the Asian Women's Fund argue that Japan could have followed Germany's example and set up additional private-government combined funds to compensate other abused groups like forced laborers and prisoners of war. Japan's concern that official compensation to comfort women could open up a Pandora's box of claims from other abused groups is a possibility that opens up a number of uncertainties, including the possibility that individual Japanese might counter by demanding official U.S. compensation for the U.S. napalm bombings of Japanese cities in 1945 and the atomic bombings of August 1945.

The Japanese government cites two statements as official apologies to comfort women: Cabinet Secretary Kono's statement of August 1993 and the Prime Ministers' letters to former comfort women who accepted assistance from the Asian Women's Fund. The Prime Ministers' letter does use the words "apology" and "apologies" and addresses these to all comfort women rather than just the recipients of the letters. Critics state that these are inadequate. The critics, however, have not proposed specific alternative modes of apology whether it be the format of the apology, the institution or individual within the Japanese government who should make the apology, or the language of the apology.

An overlooked issue in much of the discussion of comfort women is whether former comfort women in allied and occupied countries had adequate freedom to decide whether to accept compensation and/or assistance from the Asian Women's Fund. It appears that they did have sufficient freedom in the Philippines and the Netherlands but that they were not free to choose in Taiwan and especially in South Korea. Despite the financial generosity of the South Korean government's own fund for former comfort women, the South Korean government and NGOs used it and other means as instruments of pressure and intimidation against Korean women who otherwise would have sought assistance from the Asian Women's Fund.

Finally, the records of the Asian Women's Fund and the government funds in South Korea and Taiwan suggest that no program of compensation/assistance likely would have drawn responses from former comfort women much beyond the approximately 500 that came forward in response to these funds. It appears that the social stigma of revealing one's past as a former comfort woman remained a deterrent to many women who could have stepped forward.

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