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iRICH is a General Incorporated Association in Japan, established in 2018, with the principal aim of recognizing true history by tackling historical controversies of international significance based on fair historical research.



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## **I. Strictly punish hate crimes against Japanese people within the Republic of Korea**

### **1. Relevant ICCPR Article**

Article 20-2

### **2. Abstract**

Recently, in the Republic of Korea (ROK), hate crimes against Japan and the Japanese people are getting out of control. We recommend that the ROK enact a law on the elimination of hate crimes and regulate and strictly punish hate crimes against Japan.

### **3. Background and present circumstances of the issue**

Hate crimes refer to criminal acts caused by prejudice or hatred against individuals or groups of certain attributes related to race, ethnicity, religions or sexual preferences in the forms of harassment, threat or violence.

The level of violence resulting from hate crimes against Japanese in the ROK has increased significantly and the ROK Government seems to openly provoke them. We explain laws in (1) and (2) that may further encourage hate crimes against Japan and provide actual cases of hate crimes in (3), (4), (5), and (6).

#### **(1) Enactment of Pro-Japanese Act**

In December 2005, the ROK passed the bill “Special Act on the Confiscation of Properties Belonging to Pro-Japanese, Anti-Korean Individuals to the State” (hereinafter Pro-Japanese Act). According to this Act, the Government intends to confiscate properties of those who promoted the national union at the time of Japan’s Annexation of Korea, regarding them as perpetrators of “pro-Japanese” or “anti-Korean” actions. The approval of such an act creates a climate for active oppression of the pro-Japanese speech and action and ferments hate crimes. Once enacted by the state, the Act may lead people easily to the misunderstanding that it is admirable to willingly commit hate crimes against Japan.

#### **(2) Enactment of a law encouraging the “hunt for pro-Japanese Koreans”**

In 2019, the local assembly of Jeju Island passed and enacted a bill entitled “A law Pertaining to Cancelling the Residue of the Forced Imperial Japanese Reign”. The forced Imperial Japanese reign refers to the period during which Japan ruled the Korean Peninsula from 1910 to 1945. This law aims to investigate whether things reminiscent of the Imperial Japanese reign still remain at schools in the Jeju province and if they are judged “Imperial Japanese residue,” they shall be removed.

Following this law, movements are rapidly spreading across the province to change school songs supposedly composed by “pro-Japanese” citizens and to remove busts and memorials of principals or scholarship donors deemed “pro-Japanese”. [Refer to (6).]

The ROK Government excludes people and events accusing them of being “pro-Japanese”, which becomes a major factor in the anti-Japanese hate crimes committed so far.

**(3) Exhibit of posters depicting hatred toward Japan and the Japanese people**

In June 2005, posters drawn by Keiyo Junior High School students in Incheon Metropolitan city were exhibited at the Gyulhyeon subway station. The posters blatantly depicted harsh discrimination and hatred toward Japanese people:

They included pictures of bombs being dropped on Japan; Japanese were described as monkeys; Japanese flags being burned or trampled down; burning a roll of toilet paper printed with Japanese flags; the Japanese Archipelago depicted as rabbits’ excrement; Japan being burned at the stake; missiles shooting the Japanese Archipelago, accompanied with the words, “Kill all of the Japanese,” “The Japanese Archipelago under fire,” and “When will the garbage called Japan be discarded?”

Having junior high school students draw these horrible posters and exhibiting them in public constitutes an extremely malicious racist act and a typical hate crime, indeed.

**(4) Establishment of the An Chung-gun Memorial**

In 2014, the An Chung-gun Memorial was established in Harbin. An Chung-gun assassinated Japan’s first prime minister and was sentenced to death. In Japan he is recognized as a terrorist. Although there are different views of history, the act of heroizing a murderer who killed the Japanese first prime minister, based on the unilateral evaluation on the part of South Korea, simply exacerbates the hatred toward Japan embraced by South Koreans.

Prior to the establishment of the Memorial, in 2013, during the soccer match between the Japanese and South Korean teams held in Seoul as part of the East Asian Cup, a huge-sized banner portraying An Chung-gun was carried into the stadium. This was an utterly impermissible act of mixing a sports event with politics. Behind this violent act lie discrimination and hatred against Japan rooted and fermented deep in the Korean minds. On the other hand, there is a feeling commonly shared within the Korean society that the anti-Japanese acts, speech and insults toward Japan and Japanese people are allowed and applauded by the law. Under such circumstances, anti-Japanese sentiments and acts may explode as violent hate crimes at any moment.

**(5) Abnormality of a murder committed by a “patriotic youth” being justified**

The incident happened in 2013. An old man of 95, speaking favorably of the Imperial Japanese reign was beaten to death by a man aged 35 who was at the scene with the old man. The murderer was sentenced to five-year imprisonment. Surprisingly, this man was admired for being “patriotic” in the Korean Internet: “In the first place the old man is a criminal for praising the Imperial Japan and worthy of being murdered,” “Imprisonment? No way! Rather, he is worthy of a medal,” “The judge who ruled the man guilty is a traitor!” and so on.

Thus, this is a country where a person speaking well of Japan gets murdered, the murderer is applauded, and his action is justified. Enacting the “Pro-Japanese Act” is tantamount to officially encouraging hate crimes against Japan.

**(6) Hunt for pro-Japanese**

As stated in (2), following the law pertaining to cancelling the consequences of the forced Imperial Japanese reign, various operations of “cancelling the Imperial Japan’s residue” or “hunt for pro-Japanese” are under way. One example is cutting trees called Kaizuka Ibuki. Kaizuka Ibuki is an ever-green tree belonging to the Cupressaceae plant family. Twenty-one schools (elementary, junior and senior high schools) in the province designated the tree as a school symbol and there are 2, 157 trees in total.

If the law comes into effect, the symbol trees familiar to and loved by boys and girls are to be pulled out entirely, branded as “pro-Japanese” symbol.

Similarly, under the order of “cancellation of the Imperial Japanese residue,” movements are spreading across the country, demanding that school songs allegedly created by pro-Japanese artists be changed, busts and monuments of pro-Japanese principals and scholarship donors be removed.

The law intending to thoroughly purge what are deemed “Imperial Japanese residue” or “pro-Japanese” actions without any clear grounds will beyond any doubt aggravate hate crimes.

As stated in (1) to (6), the act, law and current situation in the ROK clearly violate Article 20-(2) of the International Covenant on Civil and Political Rights: Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

**4. Conclusion**

As we have seen so far, hate crimes against the Japanese people in the ROK violate ICCPR's Article 20-2 and thereby expose Japanese people to various risks and dangers (violent speech, physical violence, slander and threats). In order to banish hate crimes, we request that the Committee make the following recommendations to the Government of the ROK:

- 1) Investigate the true situation related to hate crimes against Japanese people within ROK,
- 2) Based on the investigation conducted as 1), enact a law to regulate hate crimes.

In addition, until the ROK completely resolves the issue of hate crimes, we request that the Committee continue to observe the Korean situation and, if necessary, duly recommend that the ROK Government take adequate action.

## **II. Immediately stop the occupation of Takeshima Island and anti-Japan education on the part of the Republic of Korea**

### **1. Relevant ICCPR Article**

Article 20

### **2. Abstract**

The ROK established the “Syngman Rhee Line” violating international law in 1952 and has been occupying Takeshima Island within the Line to this day. This act of territorial encroachment may invite a war since it violates the International Covenant on Civil and Political Rights (ICCPR) Article 20-1.

In addition, the enactment of a law pertaining to anti-Japan education and anti-Japan provocation within the ROK clearly violates the ICCPR Article 20-2. In response to the present situation in the ROK, we request that the Committee strictly examine the issue based on relevant sources and recommend that the ROK Government take appropriate measures.

### **3. The background and the present situation of the issue**

#### **3-1. The Syngman Rhee Line and the occupation of Takeshima Island**

In January 1952, the then ROK President Syngman Rhee issued “the Declaration of Maritime Sovereignty” without any grounds in terms of international law and unilaterally implemented the so-called “Syngman Rhee Line.” Thus, Takeshima was incorporated into the Korean side of the Line and the ROK unilaterally claimed control over the fishing in the vast waters.

In June 1954, the ROK sent a unit of the Korean Coast Guard to Takeshima to station on the island and that unit has been stationed there to this day. Besides, ROK built a living dormitory, a watch tower, a lighthouse and facilities for landing.

The establishment of the Syngman Rhee Line was an illegal lining in the open sea and the occupation of Takeshima by the ROK is also illegal without any grounds in terms of international law and without any legal justification.

The above-mentioned Korean acts are internationally illegal and constitute a provocation of war against Japan. Therefore, we can definitively say that these Korean acts violate the ICCPR Article 20-1: Any propaganda for war shall be prohibited by law.

#### **3-2. The true situation of Korean anti-Japan education**

The ROK has been conducting anti-Japan education on state level, implementing various measures to incite the Koreans to acquire anti-Japan sentiments. All of these actions violate the ICCPR Article 20-

2: Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

In the ROK state-designated textbooks, most of the descriptions pertaining to Japan are those exclusively about events after Japan's Annexation of Korea. Japan's Annexation of Korea was legal under the international circumstances at that time, but the Korean textbooks hardly mention the achievements of the Imperial Japan during the annexation period (i.e., the infrastructural development, educational reform such as creating the school system and establishing universities and increasing the population through stable food supply, etc.). Of course, we cannot deny that the annexation had a negative side as well. However, Japan's contribution to realizing the Korean modernization outdid the negative aspects. If they describe history in textbooks, they must describe both positive and negative sides of historical events. The extremely biased South Korean education on history, making Japan a villain, is nothing short of anti-Japan education, instilling in Korean children anti-Japan hatred.

Examples of laws seemingly encouraging hate crimes against Japan and committed hate crimes have been covered in our statement I. Strictly punish hate crimes against Japanese people within the ROK, 3-(1) to (6).

#### **4. Conclusion**

As we have seen so far, the ROK repeatedly committed violations against the ICCPR Article 20. In order to resolve this issue, we make the following requests.

##### **4-1. We request that the ROK Government**

(1) immediately withdraw from Takeshima:

We request the rescindment of the illegal ROK's "Syngman Rhee Line" and the immediate withdrawal from Takeshima.

(2) immediately suspend anti-Japan education:

Japan and ROK are neighbors and both countries should endeavor to establish a relationship based on mutual trust and friendship. However, the ROK, instead of endeavoring to establish such friendly relationship, is absorbed in implementing education and making laws that instill in Koreans anti-Japan hatred.

In order to establish a friendly relationship between Japan and the ROK, we request that ROK immediately stop the education that promotes anti-Japan sentiments.

##### **4-2. We request that the Japanese Government**

(1) take effective sanctions against the ROK:

So far, the Japanese Government has consistently provided haphazard responses in order to peacefully solve the issue. Even against the illegal acts committed by ROK, Japan simply expressed

regrets. Such responses on the part of the Japanese Government made ROK arrogant and their anti-Japan attitudes hateful and violent. Therefore, we request that the Japanese Government sincerely review their inapt responses provided in the past and resolutely and determinedly cope with any future anti-Japan actions on the part of ROK, however slight they may be. And at the same time, we request that the Japanese Government not only express regret, but take effective sanctions against ROK, when necessary.

#### **4-3. We request that the ICCPR Committee**

- (1) investigate the truth about the Syngman Rhee Line and the occupation of Takeshima and make necessary recommendation:

We request that the Committee investigate how the Syngman Rhee Line came to be established and then how Takeshima was occupied and what the present Takeshima is like. At the same time, we request that the Committee take the necessary measures to solve the issue based on the findings of the investigation.

- (2) examine the present situation of the ROK's anti-Japan education and make adequate recommendation:

We request that the Committee examine what the anti-Japan education in ROK is like. Simultaneously, we request that the Committee take adequate measures to solve the issue based on the findings of the examination.



### **III. Request for an objective examination of the Japan-ROK Agreement**

#### **1. Relevant ICCPR Article**

Article 15-1

#### **2. Abstract**

- The issue of comfort women is not one to be dealt with at the Human Rights Committee (CCPR), as clearly stated in the Article 15 of the International Covenant on Civil and Political Rights.
- The Japan-ROK Agreement is the final and irreversible agreement on the comfort women issue.
- In response to Japan's genuine implementation of the Agreement, the ROK should be urged to implement it and its implementation will definitely contribute to maintaining the world peace.
- In response to the clear breach of the Japan-ROK Agreement on the part of the ROK, the Japanese Government should resolutely state Japan's position and take the necessary sanctions against groundless criticism and slander.

#### **3. Background and current situation of the issue**

##### **3-1. Contents of the Agreement**

The Japan-ROK Comfort Women Agreement (hereinafter, Japan-ROK Agreement) announced in 2015 was an agreement between the Government of Japan and the Government of the ROK, confirming that the issue of the comfort women between Japan and the ROK was to be resolved finally and irreversibly as follows:

##### **[Japan]**

- (1) Regarding the comfort women issue, the then-Prime Minister Abe Shinzo expresses his most sincere apologies and remorse to the comfort women, as the prime minister of Japan.
- (2) With funds contributed by the Government of Japan as a one-time contribution through its budget, the Government of the ROK shall establish a foundation for the purpose of carrying out projects to recover the honor and dignity and heal the psychological wounds of all former comfort women.
- (3) The Government of Japan confirms that this issue is resolved finally and irreversibly. In addition, together with the Government of the ROK, the Government of Japan will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations.

##### **[the Republic of Korea]**

- (1) The Government of the ROK confirms that the issue is resolved finally and irreversibly on the premise that the Government of Japan will steadily implement the measures specified in (2) above.
- (2) Regarding the statue built in front of the Embassy of Japan in Seoul, the Government of the ROK will strive to solve this issue in an appropriate manner through taking measures, such as

consulting with related organizations about possible ways of addressing this issue.

- (3) The Government of the ROK, together with the Government of Japan will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations on the premise that the Government of Japan will steadily implement the measures it announced.

### **3-2. Analysis of whether and how the measures are implemented**

Regarding the measures agreed upon, the Government of Japan has faithfully implemented all of them. On the other hand, the ROK stated that the mutual agreement has no legal binding power, and it has implemented none of the agreed measures.

#### **[Japan]**

- (1) Japan promised to provide one billion yen to the “Foundation for Conciliation and Healing” and carried out its promise on August 31, 2016.
- (2) The Foundation for Conciliation and Healing, based on the funds provided by Japan, paid each former comfort woman 0.1 billion won in cash (approximately 10 million yen), and each of the bereaved families received about 20 million won. As of October 2016, 36 out of the surviving 46 former comfort women received the cash or were in the process of applying for it, and regarding deceased former comfort women, 35 bereaved families indicated their intention to receive the money.

#### **[the Republic of Korea]**

- (1) The Government of the ROK stated that the Japan-ROK Agreement had no legally binding power.
- (2) The comfort woman statue in front of the Japanese Embassy in Seoul has not been removed. On the contrary, more and more comfort women statues and monuments are being built within the ROK and overseas.

- In December 2016, a comfort woman statue was established in front of the Consul General of Japan in Busan.

- In September 2017, the comfort woman statue in front of the Japanese Embassy in Seoul was designated as a special public matter by the city of Seoul, against Japan’s request to remove the statue.

- As of March 2022, comfort women statues within the ROK increased to 144 from the 20 built before the Agreement.

- As of March 2022, comfort women statues and monuments built overseas at both public and private properties increased to 20 from the 9 existing before the Agreement.

There are many cases reported about Japanese living abroad who are often bullied by other members of the local communities because of these statues and monuments.

- (3) One-sided dissolution of the Foundation for Conciliation and Healing

In November 2018, based on the South Korean claim that 75% of the population demanded renegotiation of the Japan-ROK Agreement on the comfort women issue, the ROK unilaterally stated that the Foundation for Conciliation and Healing shall be dissolved without preliminary consultation with Japan. Japan reacted to this act by asking for a decisive implementation of the Japan-ROK Agreement, and expressed opposition to the dissolution of the Foundation. However, the ROK completed the dissolution of the Conciliation and Healing Foundation on July 3, 2019, totally ignoring Japan's opposition.

- (4) The funds provided by Japan were not given to the comfort women, but those in charge of the Korean Council for the Women Drafted for Military Sexual Slavery by Japan used them for their own sake. In 2020, the former comfort woman Lee Yong Soo revealed this fact in her accusation.

As seen so far, the ROK's act of unilaterally cancelling the international agreement due to its domestic situation is an extremely grave breach of diplomatic protocol and as such should be strongly condemned. Whatever the domestic circumstances may be, once an agreement is reached between two countries, the agreement must be decisively and faithfully carried out. Otherwise, the international order will fall apart, and the diplomatic activities supposed to be carried out peacefully based on mutual trust among countries of the world will not function the way they should. In this sense, the ROK's act was extremely evil and barbaric.

### **3-3. The numerous diplomatic breaches committed by the ROK**

Such diplomatic nonsense on the part of the ROK is not at all new.

- (1) The Syngman Rhee Line in 1952 and the occupation of Takeshima Island.

In 1952, the ROK President Syngman Rhee declared "Maritime Sovereignty" and established the so-called "Syngman Rhee Line," beyond the internationally accepted territorial waters, including Takeshima Island within the Line. In June 1954, the ROK stationed a Korean Coast Guard unit on Takeshima. The ROK continues to station a guard unit on the island to this day, which surely constitutes unlawful occupation.

- (2) Following the Japan-ROK Basic Treaty and the accompanying Agreement concluded in 1965, Japan provided the ROK with \$300 million grant in economic aid and \$200 million loans, together with \$300 million in loans for private trusts, amounting to \$800 million in total. In exchange for these funds, the ROK abandoned its war-related claims. Nevertheless, the reality is that the ROK continues to make groundless compensation demands, bringing up the issues of the comfort women and "forcibly" mobilized workers. There was no coerced abduction in either case. Many of the mobilized workers voluntarily came to Japan to work and received the same salaries as the Japanese workers.
- (3) The ROK has been making no efforts to pursue friendly relationship with Japan.

There are a lot of examples showing that the ROK has no intention to promote friendship with Japan, such as the ROK's anti-Japan education implemented from the elementary school stage;

museums exhibiting fabricated comfort women materials, fabricated photos and films of alleged mobilized workers; and enactment of the law “Special Act related to confiscation of properties belonging to pro-Japan, anti-Korea Koreans to the State (Pro-Japan crime).”

The ROK’s current abandonment of the Japan-ROK Comfort Women Agreement only prolongs the comfort women issue and can be seen as a makeshift scheme to force Japan to pay further compensations by bringing the issue to global attention. This situation only reveals that the ROK intends to abandon the efforts to maintain a friendly relationship with Japan.

**3-4.** In diplomacy, apology is due only once. Agreements and treaties with other countries are to be observed and implemented as a priority before anything else, including domestic matters. After two countries enter into an agreement, it is clearly against the diplomatic principles and thus improper to bring up a domestic situation or public opinions. Such acts of betrayal not only prompt Japan to distrust the ROK, but also damage ROK’s own global credibility.

Such a grave diplomatic breach nullifies trustfulness among countries and makes it impossible to reach peaceful resolutions through dialogue. Moreover, it must be understood that such a foolish and uncivilized act may well destroy the international order.

What the United Nations should do is to hold the ROK strictly responsible for having unilaterally broken the diplomatic principles between the countries and to recommend the ROK to promptly implement the Agreement.

#### **4. Conclusion**

(1) We request that the Government of ROK:

- 1) Observe the Japan-ROK Agreement and promptly implement the measures announced in the Agreement.
- 2) Remove all the comfort woman statues within ROK and overseas promptly.

(2) We request that the CCPR Human Rights Committee:

- 1) Strictly observe Article 15 of the ICCPR and avoid addressing the comfort women issue in the Human Rights Committee,
- 2) Refrain from calling comfort women “sexual slaves,” a term that totally contradicts the facts,
- 3) Request that the ROK observe the Japan-ROK Agreement,
- 4) Duly appreciate that Japan has implemented all measures mentioned in the Japan-South ROK Agreement.

5. Lastly, we add that there were many other cases when women went through more miserable experiences than contracted prostitutes, like the comfort women. In wartime, many women were sexually abused, like the victims of atrocious rapes. No investigation has been conducted about

these women, and no attempts made to save them. At the same time, no accusations have been made against perpetrators of sexual crimes. Under the present circumstances, we cannot help but feel it extremely unfair and unreasonable that only the comfort women issue has been criticized and condemned.

The following are examples of sexual crimes committed during wars. Needless to say, they are only a tip of the iceberg.

- Mass suicides committed by 22 Japanese military nurses: In 1946, 9 out of 34 military nurses in Manchuria were raped by Russian soldiers and used as sexual slaves, the remaining 22 killed themselves together, ashamed of the prospect of being raped by Russian soldiers.
- Lai Dai Han (Vietnamese term for a racially mixed person born to a South Korean father and a Vietnamese mother): In 1968, racially mixed babies were born to Vietnamese mothers who were raped and impregnated by South Korean soldiers. It is estimated that there are 5,000 to 20,000 of them. The ROK Government avoids admitting the fact and has not apologized in any manner.
- Turkish Baths: During the Vietnam War, the ROK Government established comfort stations called “Turkish Bath” and forced Vietnamese women into sexual acts there.
- Military comfort women for the ROK and the U.S. Forces: During the Korean War, the ROK Government maintained the operation of military comfort stations for the ROK and the United States forces and made South Korean women work at the stations. The number of comfort women there is said to have been 300,000 to 350,000.

#### **IV. Give Relief to Vietnamese Women Forced by the ROK Military to Prostitute Themselves**

Article 8 of the International Covenant on Civil and Political Rights (ICCPR) says:

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.
2. No one shall be held in servitude.
- 3.(a) No one shall be required to perform forced or compulsory labour

If the Committee intends to seriously protect the basic rights of women and provide relief to victims of sexual violence, it should include all victims of sexual violence and focus on finding the realities underlying victimization, restoration of their honor of and relief measures and strict sanctions and punishment for perpetrators.

In wartime, a nearly uncountable number of women were military sex slaves. However, sexual violence such as this is not brought to public attention or into question because the victims themselves are dead and cannot state their suffering; even if they were alive, for various reasons, they are unable to or do not make claims for compensation.

This brief reports on the issue of victimization through sexual violence for which the ROK government must take responsibility and makes Committee recommendations to the ROK government.

This section reports on Vietnamese women who were forced to work as prostitutes at so-called welfare centers set up by the ROK military during the Vietnam War.

##### **1. Relevant ICCPR Article**

Article 8

##### **2. Background and current circumstance**

During the Vietnam War, crimes related to sexual violence committed by the ROK soldiers were not limited to rape of Vietnamese women, massacre following rapes and abandonment of *Lai Dai Han* (estimated to amount to 1,500 to 30,000), the children of the ROK soldiers and Vietnamese women.

A US official document released March 29, 2015 stated that the ROK military set up a so-called welfare center, called a "Turkish bath", for ROK troops in the city of Saigon (currently Ho Chi Minh) which prostituted Vietnamese women.

The US document was addressed to Gen. Chae Myung-shin, the supreme commander of ROK forces stationed in Vietnam, from US military command, Vietnam, and, while it is not dated, the dispatch is apparently from around 1969. In the message, US military command concluded that "the Turkish

Bath was a ROK Army Welfare Center for the sole benefit of ROK troops.” As evidence, a document signed by ROK army Colonel Su Yun-won is mentioned. The document confirms that there were Vietnamese hostesses and that “it was possible to spend a night with a prostitute for 4,500 piastres (USD 38) and the steam bath and massage room were available as rendezvous rooms for staying overnight.”

### **3. Conclusion**

(1) We request that the ROK government do the following:

- 1) Take all possible measures including a sincere apology and compensation to Vietnamese women forced to work as prostitutes at the Turkish bath and restoration of their honor and dignity.
- 2) The measures should be equivalent to or better than the relief measures implemented by the Japanese government for the comfort women from WWII.

(2) We request that the Committee do the following:

- 1) Immediately investigate the Korean “Turkish bath” as a violation of Article 8 of the ICCPR.
- 2) Based on (1) above, recommend to the country concerned that it should undertake relief measures (including payment of reparations and restoration of honor and dignity) for the victims.
- 3) Based on (1) above, recommend to the country concerned that it should impose strict sanctions and punish the perpetrators.

## V. Give Relief to *Lai Dai Han*

This section reports women raped by the ROK troops and women massacred after being raped during the Vietnam War and the *Lai Dai Han*.

### 1. Relevant ICCPR Article

Article 8

### 2. Background

#### 2-1. About the *Lai Dai Han*

The *Lai Dai Han* refers to a racially mixed person born to a South Korean and a Vietnamese. Specifically, a *Lai Dai Han* is a child born as a result of rape of a Vietnamese woman by a South Korean soldier serving in the Vietnam War or a child born between a South Korean civilian laborer and a Vietnamese woman. There are supposedly more civilian fathers of *Lai Dai Han* than there are military fathers.

After the end of the Vietnam War, the *Lai Dai Han* were abandoned in Vietnam and they number between 5,000 and 20,000. They are not well-received in Vietnamese society and live in dire circumstances.

The ROK government has avoided recognizing this fact and has yet to apologize.

#### 2-2. Source of the *Lai Dai Han*

##### (1) *Lai Dai Han* born from ROK military rape

Many cases of rape by ROK troops of Vietnamese women and massacres after rape during the Vietnam War have been confirmed. Even in the period of restoration of public order following the end of the war, cases frequently occurred in which the ROK army soldiers and marines raped village girls and stood court-martial. The ROK soldiers went back to South Korea, leaving behind raped Vietnamese women and *Lai Dai Han* resulting from rapes.

##### (2) *Lai Dai Han* between South Korean laborers and Vietnamese women

Children were also born between South Korean men sent to Vietnam as laborers and Vietnamese women. After the end of the Vietnam War, these laborers also abandoned their Vietnamese “wives” and children and went back to the ROK.

#### 2-3. Number of *Lai Dai Han*

An accurate accounting of the *Lai Dai Han* is not available. There appears to be between 1,500 to 30,000 *Lai Dai Han*. Some say that finding an accurate number of *Lai Dai Han* has become difficult because this problem has been neglected for a long time, as the ROK and Vietnamese governments have failed to do anything for the *Lai Dai Han*. Another reason for the inability to find an accurate



number is that the *Lai Dai Han* themselves do not call themselves as *Lai Dai Han*.

### **3. Present circumstances**

#### **3-1 The *Lai Dai Han* today**

Mothers of *Lai Dai Han* were alleged to have colluded with the enemy and persecuted after the war. Their assets were seized, and they faced imprisonment and ideology re-education, and so on. Vietnamese society has discriminated against the *Lai Dai Han* calling them children of the enemy. Today, the *Lai Dai Han* live in poverty.

Some *Lai Dai Han* look for their fathers while working as laborers in the ROK, which is no easy task. In cases where the father is identified, a father-child relationship has rarely been acknowledged.

There was a movement to acquire nationality with the father's acknowledgement. However, due to revision of the ROK law, an adult cannot acquire Korean nationality even with confirmation of a father-child relationship. At present, *Lai Dai Han* can acquire Korean nationality only by naturalization, which is the same for other Vietnamese. No special measures for *Lai Dai Han* have been instituted.

#### **3-2. Actions of the countries concerned**

##### **(1) the Republic of Korea**

*Lai Dai Han* include those resulting from rape, which in itself is a war crime committed by the ROK military but the ROK government has taken no notice of the existence of the *Lai Dai Han* issue and made no response.

##### **(2) Vietnam**

The Vietnamese government, which is in a position of ascribing importance to an economic relationship with the ROK, has not demanded an apology from the ROK government. On the contrary, it has suppressed a movement within Vietnam to demand an apology and compensation from the ROK government. The Vietnamese government has not undertaken the restoration of honor to the *Lai Dai Han* or supported the *Lai Dai Han*.

The Vietnamese government, asked if it recognizes past sexual violence committed by the ROK troops, has avoided making a definite statement, saying that it will "continue to strive for the development of the amicable relationship."

### **4. Conclusion**

#### **(1) We request that the ROK government do the following:**

- 1) Take all possible measures to restore the honor and dignity of *Lai Dai Han* and their mothers.
- 2) The measures should be equivalent to or better than the relief measures implemented by the Japanese government for the comfort women from WWII.

#### **(2) We request that the Vietnamese government do the following:**

1) Take all possible measures to restore honor and dignity of *Lai Dai Han* and their mothers.

(3) We request that the Committee do the following:

- 1) Immediately investigate sexual violence committed by the ROK troops to mothers of the *Lai Dai Han* as a violation of Article 6 of the CEDAW.
- 2) Based on (1) above, recommend to the countries concerned that they should take relief measures (including payment of reparations and restoration of honor and dignity) for the victims.
- 3) Based on (1) above, recommend to the countries concerned that they should impose strict sanctions and punish the perpetrators.

## **VI. Give Relief to the ROK and US Military Comfort Women**

During the Korean War, the ROK government established and managed comfort stations and forced comfort women to work as prostitutes for ROK and US troops. The ROK government managed military prostitution until 1996 but the ROK government still conceals the existence of its own comfort women. In a lawsuit by former Korean comfort women that demanded compensation from the ROK government, the illegality of state-run prostitution was not acknowledged.

### **1. Relevant ICCPR Article**

Article 8

### **2. the ROK government Managed and operated comfort women**

In September 1945, after the withdrawal of Japanese military forces from the Korean Peninsula, Allied forces were stationed in southern Korea. US military forces constructed extensive US military bases and took over comfort station facilities from the Japanese.

In 1947, the licensed prostitution system was abolished in the ROK, which led to a rapid increase in unlicensed prostitutes and spread of venereal diseases.

In 1950, the Korean War broke out. In 1951, the ROK government set up a “special comfort corps” of comfort women for ROK and US troops. The ROK government and military actively promoted procurement, registration and venereal disease testing of comfort women. In internal army documents, comfort women were called “Class 5 supplies” (there were four classes of military supplies). That is, they were treated as goods.

The “special comfort corps” was operated until 1954 and the total number of comfort women reached 350,000. Some comfort women were forcibly mobilized by ROK and UN troops. After the Korean War cease-fire, comfort women continued to exist in the form of unlicensed prostitutes.

In 1961, the Law Against Morally Depraved Behaviors (a law prohibiting prostitution) was established but 104 locations near US military bases were excluded. In the 1960s, industries related to “camp towns” accounted for almost 25% of ROK’s gross national product (GNP), half of which came from the sex industry. Prostitutes were applauded by the ROK government as “dollar-earning patriots,” “true patriots” and “civilian diplomats.” The Park Chung-hee administration called prostitutes “women of a special business category” and prostitution was called “special tourism”.

In 1971, due to the spread of venereal diseases, the government led the sanitization of “camp towns” and implemented forced venereal disease testing. Those found with venereal diseases were quarantined in so-called “monkey houses.”

In the 1980s, the Chun Doo-hwan administration repeatedly violated the human rights of “camp town” women in the name of purification of “camp towns”. A women’s movement against military prostitution grew but was ignored in many cases.

In 1996, the Venereal Disease Control Office was closed, putting an end to the ROK government managed prostitution. Subsequently, in place of South Korean women, foreign women from the Philippines, Russia, and so on were smuggled into South Korea and forced to work as prostitutes.

In the 2000s, prosecutions, reports and lawsuits relating to prostitution began to appear.

In 2014, 122 former South Korean prostitutes who serviced the US military filed their first lawsuit against their own government, demanding government compensation. They claimed that Japanese military comfort women were paid reparations by the Japanese government but US military comfort women were ignored by the ROK government, making neither apologies nor reparations.

### **3. Concealment by the ROK government**

#### **3-1. Prohibition of access to data**

The existence of ROK military comfort women and the records and statistics from that period were revealed in 1996 by an investigation mentioned in *Military Logistics History (Personnel Affairs)* by the Military Affairs Director's Office, ROK Army Headquarters (published in 1956). Military personnel have also acknowledged the existence of ROK military comfort women. However, due to furious opposition from South Korean academic societies and groups, access to comfort women data, which belonging to the ROK Ministry of National Defense, was prohibited.

#### **3-2. Media disregard**

In the 2000s, the existence of ROK military comfort women was made public and some media reported on the existence of ROK military comfort women and the acknowledgment of its illegality.

In 2012, however, *The Chosun Ilbo* claimed that the existence of ROK military comfort women was false and, at present, major conservative newspapers and broadcasters totally deny the existence of comfort women and ignore the lawsuits by former comfort women.

### **4. the ROK government's evasion of responsibility**

(1) In 2009, former Korean comfort women who worked in camp towns initiated a lawsuit demanding compensation in the US against US military forces and the ROK government. The Supreme Court of Korea turned it down on the grounds that claims for compensation was based on prostitution an illegal act.

(2) On June 25, 2014, 122 South Korean women forced to work as US military comfort women initiated a lawsuit demanding government compensation against the ROK government. The former comfort women stated that the ROK government should apologize and make reparations to ROK military comfort women in the same manner of Japanese military comfort women. Some pointed out that the system was under the direct management of then President Park Chung-hee.

On December 19, 2014, the first hearing was held and the government argued that "the government cannot be held responsible unless the claims of individual comfort women are true."

On January 2017, the Seoul Central District Court chose not to acknowledge the "illegality" of forced confinement of carriers of venereal disease after August 1977, when the quarantine-related

enforcement regulations were established. The District Court explained in its ruling that “prostitution in camp towns was not forced (it was on their own initiatives and they could choose to quit),” “management of prostitution was intended to achieve a purpose in the public interest, such as venereal disease examination and treatment.” The plaintiffs’ claims that “the establishment of camp towns by the government was illegal” and “management of camp towns including a ‘purification campaign’ by the government was illegal” were rejected.

## **5. Summary of ROK government violation of women’s human rights**

The following outlines the issue of the ROK government’s comfort women system:

- The government led the management of comfort stations from 1951 to 1996 and reaped enormous financial gains. The government applauded comfort women, calling them “dollar-earning patriots,” “true patriots” and “civilian diplomats,” and encouraged prostitution.
- The government forced venereal disease testing on comfort women in the name of a purification campaign. Those with venereal diseases were quarantined in secured “monkey houses”.
- The government prohibits access to data relating to the issue of comfort women in the ROK.
- Most of the media fail to report on the ROK military comfort women.
- In lawsuits filed by former comfort women, the judiciary has not acknowledged the illegality of government involvement.

## **6. Conclusion**

We request that the Committee should immediately conduct fact-finding investigation into ROK and US military comfort women.

We also request that the Committee should recommend the ROK government to do the following:

- 1) Make public the comfort women data that belongs to the ROK Ministry of National Defense including *Military Logistics History (Personnel Affairs)* by the Military Affairs Director’s Office, ROK Army Headquarters (published in 1956).
- 2) Based on the results of the investigation in (1) above, take relief measures for ROK and US military comfort women. The relief measures should be equivalent to or better than the relief measures implemented by the Japanese government for Japanese military comfort women from WWII.
- 3) Concerning Japanese military comfort women, a ROK high government official declared, “Claims of the real voices of comfort women are evidence” if establishment of fact is not possible. “Claims of the real voice” should also be acknowledged as evidence for ROK and US military comfort women, even if there is no verifiable evidence.
- 4) Based on the results of the investigation in (1) above, impose strict punishment against the ROK government, military personnel, prostitution brokers, and so on involved in the operation of comfort women and comfort stations in the ROK.

- 5) Use the media and educational institutions to make widely known to the South Korean military and people the realities of ROK and US military comfort women brought to light by (1) above as a lesson to prevent the recurrence of the violation of human rights of women.
- 6) Regularly report on the state of implementation of 2) to 5) above to the UN.