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Japan NGO Coalition against Racial Discrimination (JNCRD)  
4F-B Shinko Bldg., 3-13-4 Ginza, Chuo-ku, Tokyo 104-0061 Japan  
TEL & FAX: +81 5031530391  
Email: JapanNetwork1@gmail.com

## **The Real Circumstance of Anti-Japanese Thinking in the Republic of Korea**

<Contents>

- I. Relevant Articles of the ICERD and recommendations of the concluding observations
- II. Main points
- III. Background The real circumstance of Anti-Japanese thinking in Korea
  1. History textbooks filled with anti-Japanese depictions
    - 1-1. Completely different from historical facts
    - 1-2. Anti-Japanese textbooks for junior and senior high schools
    - 1-3. Distortion of history
  2. The actual state of anti-Japanese institutions in Korea
    - 2-1. Independence Hall of Korea
    - 2-2. Seodaemun Prison Historical Museum
    - 2-3. The National Memorial Museum of Forced Mobilization under Japanese Occupation
    - 2-4. The War and Women's Human Rights
  3. Examples of anti-Japanese actions
    - 3-1. Examples of anti-Japanese actions of the Korean Government
      - 3-1-1. Ill-treatment against Japanese fishermen due to the Syngman Rhee Line
      - 3-1-2. Unilateral abandonment of the agreement between Japan and Korea regarding the issue of the comfort women
      - 3-1-3. Prohibition of Japan's naval ensign on Japan's Maritime Self-Defense Force ships
    - 3-2. Examples of anti-Japanese actions by the Korean judiciary
      - 3-2-1. Constitutionality in cases of the confiscation of assets owned by descendants of Korean

“Japanophiles”

3-2-2. Verdict ordering Japanese companies to pay compensation

3-2-3. Infringement on free learning

3-2-4. The Yasukuni Shrine arsonist is a political criminal

3-2-5. No need to return a Buddhist statue stolen from a Japanese temple

3-3. Examples of anti-Japanese actions by citizens

3-3-1. Anti-Japanese civil organization VANK

3-3-2. Installation of comfort-woman statues in front of foreign consulates

3-3-3. History-distorting film *Battleship Island* insults the Japanese people

3-3-4. An old man murdered for making a pro-Japanese remark

IV. Conclusion

V. Proposed Recommendations

## **I. Relevant Articles of ICERD and recommendations of the concluding observations (CERD/C/KOR/CO/15-16)**

- Articles 2 and 4 of ICERD

-Paragraphs 7, 8 and 10 of the concluding observations (CERD/C/KOR/CO/15-16)

## **II. Main Points**

The Korean Government has promoting anti-Japanese education throughout the post-war years, using history textbooks filled with narrow-minded, fascist depictions and through anti-Japanese exhibitions, and has planted hatred against the Japanese people in the minds of Korean children and youth. Consequently, at present, there is neither freedom of speech nor press regarding Japan’s position within Korea. If someone tries to say something in favor of Japan’s positions, he/she is called a “traitor” and completely stripped of social standing—being charged with a crime is not uncommon.

“Hatred against Japan”, planted through anti-Japanese education, has developed into discrimination against the Japanese people. No doubt, the fundamental purpose of Korea’s construction of comfort women statues and monuments all over the world is to let the world know that the “Japanese people” are an inferior and barbarous people, stamping on women’s rights and making women from other countries their sex slaves.

It is up to the state to determine the kind of education it gives to its people, but if a state intends to educate its people from a narrow-minded viewpoint and based on fascistic assertions, planting hatred

against a specific people and defaming that particular people, it breaches Article 4, Paragraph (c) of the ICERD, which does not permit a national or a local public authority or institution to promote or instigate racial discrimination.

Korean anti-Japanese education induces racial discrimination against the Japanese people and this must be ended as soon as possible.

### **III. Background    The real circumstance of anti-Japanese thinking in Korea**

#### **1. History textbooks filled with anti-Japanese depictions**

##### **1-1.    Completely different from historical facts**

The state-designated social studies textbooks for Korean elementary schools abound in accusations of atrocities committed by Japan. The following assertions, for example, surely evoke children to commit anti-Japanese actions.

“Japan annexed our country with its own, took everything we had and oppressed our people.” “Let us discuss how we should cope with Japan, which committed such atrocities.”

However, this view of history is completely at odds with the historical facts. In fact, Japan’s annexation of Korea was realized after the state of Japan and the empire of Korea agreed to sign a treaty of the annexation of Japan and Korea, following international and domestic laws and of each other’s own accord. It was exactly like the annexation of Scotland to England. Through annexation, the people of the Korean empire were endowed with rights and duties as Japanese citizens. After Japan’s annexation of Korea, Japan invested a huge amount of capital, both officially and privately, for the modernization of the Korean Peninsula, just as former West Germany did to former East Germany after unification. The Korean people accepted Japan’s efforts and the Korean Peninsula achieved modernization in a mere 35 years, which is an unprecedented historical feat. This is the fact.

##### **1-2.    Anti-Japanese junior and senior high school textbooks**

Junior and senior high school textbooks are also abundant with anti-Japanese accusations. For instance, a state-approved junior high school Korean history textbook used in the 1990’s explained the so-called 3-1 Movement, which took place in 1910:

“Girls aged below ten, older girls, women, and girl students were treated in a humiliating manner and received bodily blows, only because they worked passionately for their homeland and cried for independence. It is said that three hundred people, including little girls aged seven and younger, were shot to death.”

These lines are pure propaganda, appealing to children’s sentiments and driving them to hate and hold a grudge against Japan. However, the lines are groundless and not based on fact. At first, the 3-1 movement was started by students and religious people asking for independence from Japan, but then it immediately turned into a nation-wide riot, with arson, robbery and murder. However, according to a ruling by the Supreme Court, criminal charges of insurrection were not applied to this incident and only security and censorship laws were applied. Therefore, no one who cried for independence was arrested. In the 3-1 uprising, six Japanese military police officials and two policemen were murdered, and many buildings were set on fire. But no one was given the death penalty, no one was imprisoned for more than fifteen years, and only eighty persons were sentenced to three years or more of imprisonment. Moreover, the prison terms of these prisoners were reduced, by up to half, in a general amnesty implemented in 1920.

### **1-3. Distortion of history**

A state-approved Korean history textbook for junior high school used in the 1990’s further mentioned:

“During World War II, women were mobilized in the name of the Women’s Volunteers Corps and were coerced to become comfort women for the Japanese military.”

Clearly, these lines are distorted history. The Women’s Volunteers Corps was comprised of women who worked in factories during the war. They were not forcibly collected, but volunteered to work in the Korean Peninsula. The Women’s Volunteers Corps had nothing to do with “comfort women”. Among the women who publicly claimed that they used to be comfort women, none stated that they were forced to join the Women’s Volunteers Corps against their will and then made into comfort women.

As noted above, these Korean textbooks were full of historical distortions and fabrications and used as tools to plant hatred and grudge against Japan in the minds of children’s. Worse still, this practice is still going on today.

## 2. Actual state of anti-Japanese institutions in Korea

### 2-1. Independence Hall of Korea<sup>1</sup>

In Tenan, a hundred kilometers to the south of Seoul, is the Independence Hall of Korea, which is administered by the Korean Government. Korean elementary school and junior high school students are obliged to study history here. In the exhibit rooms, georamas and mannequins are fully utilized, capturing the visual and audible, to plant “fear” and “hatred” toward Japan into visitors’ minds.

At the exhibit corner for comfort women, a georama replicates scenes of women being forcibly pulled onto a truck and of Japanese soldiers waiting in line for their turn at a comfort station.

A three-dimensional movie shows a Japanese soldier, shooting Korean sisters, who were forced to be comfort women, to death, shouting “Die gladly for the sake of Japan.” The soldier killed the sisters to conceal evidence that comfort women were badly treated. After the sisters were killed, a female commentator appears and flatly states, “The forced abduction of comfort women is an atrocious act systematically conducted by the Japanese Government.” Then the movie blacks out.

However, the scene of comfort women being taken away by a truck and turned into “sex slaves” is fiction created by a Japanese named Yoshida Seiji and not at all real. The Japanese newspaper, *The Asahi Shimbun*, once erroneously reported Yoshida’s lies as facts. Later, however, the newspaper admitted that their reporting was wrong and printed an apology in August 5, 2014. But here in Korea, this fiction is still taught to children as if it were a historical fact.

It is also entirely against historical fact that the Japanese Army and officials systematically abducted Korean women. The Japanese Government itself officially denied any occurrence of forced abduction, stating, “There is no evidence whatsoever of forced abduction committed by the Japanese Army and officials.” The Japanese Government also clearly stated at the United Nations Human Rights Council that “there is no basis in fact that they [the Japanese military] forcibly abducted Korean women and made them sex slaves.”

Again, here in the Independence Hall of Korea, without any clear evidence and distortion of the fact, this piece of fiction is still taught to children as “the atrocious act systematically committed by the Japanese Government.” Furthermore, they enact a scene, in a movie, of brutally murdering comfort

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<sup>1</sup> The Independence Hall of Korea <http://www.i815.or.kr/kr/>

women to conceal evidence and evade responsibility, imprinting in Korean children's minds the cruelty of the Japanese people.

There is another corner showing an enactment of Japanese officials inflicting torture. Here, via animated mannequins, an independence fighter is being tortured. In one scene, a pole is being inserted between the legs of a woman with her hands tied. Sounds of bones cracking and the woman's screams are heard.

This torture, called *Churi*, was used during the Joseon Dynasty. During Japan's rule, the Korean Governor-General's Office prohibited such cruel torture. Nevertheless, the Independence Hall claims that the Japanese inflicted the cruel torture upon Korean independence fighters. Seeing such horrible scenes, Korean children tremble in fear and come to embrace a bitter hatred toward Japan.

## **2-2. Seodaemun Prison Historical Museum<sup>2</sup>**

Inside the Seodaemun Independence Park in Seoul, is Seodaemun Prison Historical Museum, which is also filled with anti-Japanese brainwashing exhibits utilizing visual and audio effects. In a replica of the basement prison, a captured female independence fighter looms from the darkness, shouting with sadness "*Manse, Manse!*" ["Hurrah, Hurrah!"] Many pictures purporting to show scenes of torture by Japanese officials are pasted up on the walls. There are mannequins of male Koreans hanging upside down from the ceiling undergoing "water-torture." Three kinds of booklets for "elementary school low-graders," "elementary school high-graders," and "youth" are sold here.

At the beginning of the "elementary school low-graders" booklet:

"Headline: If you don't follow what I say, I will send you here!

To make those who are not obedient follow you, it is best to threaten.

That's what Japan did. About a hundred years ago, Japan tried to make our country its own, using every possible means. Naturally, many of our people tried to resist. So, Japan built a huge prison at the very busy Saedoemun to make people know. Many people will see the prison and become too threatened to resist against Japan's invasion!"

Moreover, acts of terrorism are praised as parts of a "valiant, patriotic struggle." The booklet reads:

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<sup>2</sup> Seodaemun Prison [http://www.sscmc.or.kr/newhistory/index\\_culture.asp](http://www.sscmc.or.kr/newhistory/index_culture.asp)

“Headline: Patriotic, valiant struggle—do with Japan using force!

If we kill great leaders who make important decisions in Japan or Korean Japanophiles who help Japan, the action will make it difficult for Japan to rule our country. It will be also very effective to destroy buildings which are important to Japan like police stations. These actions are called “patriotic, valiant struggle.””

Regarding torture by the Japanese officials, there is the following description:

“Headline: Having endured the cruel torture by Japan

The basement of the Preservation of Public Peace Agency is the place where Japan inflicted unbearably cruel torture after torture. [Omitted.] It makes us feel heartbroken, but at the same time, truly proud and respectful of them to know how bravely our patriots endured those hardships and fought for independence.

Let all of us give them our heart-felt thought and gratitude.”

“Seodaemun Prison” was built in 1912 by the Korean Governor-General’s Office to modernize Korean prisons. Prisons during the Joseon Dynasty were unbelievably filthy and horrible, packing fifteen to sixteen prisoners in a space of a mere 3.3 square meters. Prisoners were obliged to take turns sleeping. *The Twenty-five Years’ History of Administration of the Korean Governor-General’s Office* (stored at the National Diet Library) stated:

“Prisons prior to the Annexation were one of the least attended matters in Korea. The total filth and disorder inside prisons and the cruel treatment of prisoners [omitted] make us shudder just to read about it.”

The fact is that the Korean Governor-General’s Office made utmost efforts to change those “prisons of hell” into prisons as humane as those of Japanese prisons. Moreover, the Office prohibited cruel execution and punishment which had been practiced during the Joseon Dynasty and had Korean society renovated into a modern, law-abiding one. However, through distortion of history in the postwar years, Seodaemun Prison has now become a symbol of “cruelties” committed by Japan and one of the leading facilities for “anti-Japanese” brainwashing.

### **2-3. The National Memorial Museum of Forced Mobilization under Japanese Occupation<sup>3</sup>**

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<sup>3</sup> The National Memorial Museum of Forced Mobilization under Japanese Occupation  
<https://museum.ilje.or.kr/eng/Main.do>

In the southern district of Pusan City, the National Memorial Museum of Forced Mobilization under Japanese Occupation was opened on December 10, 2015, as “a place to collect all the history under the Japanese Occupation and remember the pains of history.” This museum, covering a vast area of 12,062 square meters, was built by the Korean Government at the cost of 5 billion yen. This is one of the grandest “anti-Japanese brainwashing facilities” to show Korean children the “cruelties” inflicted by Japan.

At this museum, records of people who were forcibly mobilized to Japan proper and to the south during Japanese rule are exhibited on a grand scale. Mannequins enact a scene wherein “forcibly mobilized Korean men” dig air raid ditches on islands in the south. Beside the exhibit, a sign reads, “No entry permitted of Koreans into anti-air raids ditches.” However, there is no explanation as to when and where the sign was used.

At the corner relating to comfort women, a room at a comfort station appears on a video monitor and a Japanese military man raping a Korean girl is shown. This “enactment” is openly shown to children at a state-run institution.

Korea claims that during World War II, many Koreans were “mobilized” and forced to do inhumane labor in Japan proper and in South Asia. In fact, it was not until September 1944, near the end of World War II, that the Korean Peninsula was ordered to mobilize, five years after Japanese men in mainland Japan were mobilized. To follow orders of mobilization was a duty of all Japanese citizens, and, being Japanese citizens at the time, it was no problem at all for Koreans to be mobilized as well, in light of domestic and international law of the time. Regarding the comfort women issue, as mentioned before, there is no factual evidence that demonstrates that the Japanese military and officials abducted Korean women by force and made them sex slaves at comfort stations. Still, Koreans insist that “mobilization” was unjust and that comfort women were raped at comfort stations, which they continue to teach to their children, planting hatred against Japan on their minds.

#### **2-4. The War and Women’s Human Rights Museum<sup>4</sup>**

In the Mapo district in Seoul, there is an institution called “The War and Women’s Human Rights Museum,” run by an organization called “The Korean Council for the Women Drafted for Military Sexual Slavery by Japan (Council for Draftees).” Many materials relating to comfort women are

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<sup>4</sup> The War and Women’s Human Rights Museum

<http://www.womenandwarmuseum.net/contents/main/main.asp>



exhibited here. Presumably, to emphasize “cruelties” inflicted by the Japanese military, the place is filled with an eerie air and, for unknown reasons, photography inside the museum is prohibited. At the start of the visitors’ route are plaster-molded faces and hands of old women sticking out from the walls. The individual audio guide narrates in a depressing voice.

“Look at the girl on the left wall. Not knowing what cruel fate may await her, she is heading somewhere with her head down. And on the right wall a victim, who has become old after having gone through painful years, is staring at you. These works are plaster moldings of real victims’ faces and hands. Don’t you feel as if the victims were talking to you? That’s their desperate cries filled with pains and sorrow and they are whispering, “Listen to me. Listen to my story!”

“The pictures on the staircase wall depict the memories of the comfort women who were victimized by the Japanese military—how they were abducted by Japanese soldiers and transferred aboard a ship to far-off foreign land. These pictures vividly convey how scared the girls were on the way to unknown places beyond vast, almost endless sea.”

The audio guide goes on, criticizing Japan and concluding that the comfort women were “sex slaves” incorporated into the Japanese state structure.

“One important thing is that the ‘comfort women’ are used to clarify historical fact, but as a matter of fact, they were nothing but ‘sex slaves’.”

“The issue of the comfort women for the Japanese military was a crime born with the war and aggravated in the war. It is the extreme example of how dreadfully a war destroys people’s living and especially, the life of women. Above all, in a sense that such crime was committed by a state power called the Japanese Government in a systematized way, it makes the issue graver and more serious.”

“All of the victim states in Asia held International Women’s Tribunal for War Crimes to judge the Japanese military sex slaves and brought in a verdict of guilty to Emperor Hirohito in the name of the entire women in the world.”

The claim that this crime was committed by a state, the Japanese Government, in a systematic fashion is a sheer lie. The forced abduction of comfort women by the Japanese military is a fallacy, as mentioned earlier. The International Women’s Tribunal for War Crimes was nothing more than a sham trial, held by a group of anti-Japanese activists. This museum, which insults the Emperor Showa, the state symbol of Japan, and degrades the Japanese people, is nothing more than a racist facility.

### **3. Examples of anti-Japanese actions**

As Korean children grow up, minds filled with the previously mentioned “education”, they are naturally inclined to engage in anti-Japanese actions, in both public and private matters.

#### **3-1. Examples of anti-Japanese actions of the Korean Government**

##### **3-1-1. Ill-treatment against Japanese fishermen due to the Syngman Rhee Line**

On January 18, 1952, immediately before the San Francisco Peace Treaty, which recognizes the recovery of Japan’s sovereignty, came into effect, Korea unilaterally established a military border (the Syngman Rhee Line) on the high seas in the Sea of Japan in order to monopolize marine resources, enlarge its territory. Korea designated the waters within the Line as its exclusive economic zone (EEZ). The Line included Takeshima Island, which is a part of Shimane Prefecture, Japan. The Syngman Rhee Line is illegal by international law and the Japanese Government does not recognize it. However, the Korean Government claims to be right in this matter and Korean coastguard ships have attacked at random Japanese fishing boats sailing outside the Syngman Rhee Line, capturing Japanese fishermen on board and forcibly taking them to the port of Pusan. Unlawful crackdowns by the Korean coastguard has been extremely severe and resulted in the deaths of many Japanese fishermen from shootings and injury from violent treatment.

The *History of Countermeasures by Japanese and Korean Fisheries*, published by Japanese and Korean Fisheries Consultation, contains detailed records of the time. Illegally abducted and imprisoned Japanese fishermen faced cruel torture such as by clubbing, were forced to make confessions of guilt, and were sentenced in kangaroo courts. Japanese fishermen were completely denied their basic human rights, something that is totally unthinkable in any civilized state.

The Japanese fishermen were held in extremely miserable prisons. Twenty or so men were packed into one multi-inmate cell. They had to pile on top of one another in order to sleep. Food was filthy beyond words: moldy wheat and rotten fish were regularly served. Most food was not fit for human consumption. Almost all the detainees suffered from malnutrition, on the brink of death. Eventually, many detainees died of starvation.

From 1954 onward, Japanese fishermen who completed their prison terms were not released. With their hope of returning home crushed, their physical and mental endurance failed. Some were driven

insane. Their families waiting at home in Japan suffered heavy economic and psychologic burdens. A wife of one of the detainees could no longer hold herself together and went mad and another committed suicide.

Until a fishery agreement between Japan and the Republic of Korea was signed in 1965, following the Treaty on Basic Relations between Japan and the Republic of Korea, 3,929 Japanese fishermen were illegally abducted and detained by Korea and 328 ships were unlawfully captured. There were 44 casualties (including 29 deaths) by assaults at the time of capture and 84 fishermen were permanently disabled. In total, material losses amounted to approximately 9 billion yen. (Sources: *The History of Fishery Countermeasures by Japanese and Korean Fisheries* published by the Fishery Consultation between Japan and Korea.) Not a word of apology nor compensation has been issued from Korea to this day.

### **3-1-2. Unilateral abandonment of the agreement between Japan and Korea regarding the issue of the comfort women**

The Governments of both Japan and the Republic of Korea confirmed that “the issue of comfort women has been resolved finally and irreversibly,” on December 18, 2015:<sup>5</sup>

- (1) As Prime Minister of Japan, Prime Minister Abe expresses anew his most sincere apologies and remorse to all the women who underwent immeasurable and painful experiences and suffered incurable physical and psychological wounds as comfort women.
- (2) The Government of the ROK establishes a foundation for the purpose of providing support for the former comfort women and its funds will be contributed by the Government of Japan as a one-time contribution through its budget, and projects for recovering the honor and dignity and healing the psychological wounds of all former comfort women will be carried out under the cooperation between the Government of Japan and the Government of the ROK.
- (3) While stating the above (1), the Government of Japan confirms that this issue is resolved finally and irreversibly with this announcement, on the premise that the Government will steadily implement the measures specified in (2) above. In addition, together with the Government of the ROK, the Government of Japan will refrain from accusing or criticizing each other regarding this

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<sup>5</sup> Announcement by Foreign Ministers of Japan and the Republic of Korea at the Joint Press Occasion December 28, 2015 [https://www.mofa.go.jp/a\\_o/na/kr/page4e\\_000364.html](https://www.mofa.go.jp/a_o/na/kr/page4e_000364.html)

issue in the international community, including at the United Nations.

The Japanese Government faithfully and steadily carried out all of the measures mentioned above.

However, the Korean side did not observe the agreement and unilaterally nullified Paragraph (3), that “the issue of comfort women is resolved finally and irreversibly and that together with the Government of the ROK, the Japanese Government will refrain from accusing or criticizing each other regarding this issue in the international community, including at the United Nations,” as demonstrated by the following acts:

1) According to *Hangyore News* dated June 30, 2017,<sup>6</sup> an exhibit titled *Special Featured Exhibition of the Japanese Military Comfort Women* was sponsored by the Korean Government from July to August 2017. The exhibit circulated several cities, starting from the Historical Museum of the Republic of Korea in Seoul to cities of Zenju, Taejon and Taegu. This act on the part of the Korean Government revives the issue of comfort women, which was “finally and irreversibly resolved”, and, therefore, a breach of Paragraph (3) of the agreement between Japan and Korea.

2) *Seoul Yonhap News* dated July 11, 2017<sup>7</sup> reports:

On July 11, Director Jong Hyon-bek of the Ministry of Gender Equality and Family, while visiting the press room to announce her assumption of office, made a statement regarding the prospective application to register as UNESCO’s “Memory of the World” materials related to the former Japanese military comfort women by civil bodies in Korea and China: “Since the issue of comfort women is no longer a concern exclusively between Korea and Japan, but international one, hopefully international support will be available in realizing the register.” Prior to this, on July 10, when she interviewed former comfort women on her visit to the House of Sharing (in Gwangju, Gyeonggi), where former Japanese military comfort women live together, she told them that the Korean Government will support the register to UNESCO.

It is clearly against Paragraph (3) of the agreement between Japan and Korea for the Korean Government to support the register of the issue of comfort women to the UNESCO’s “Memory of the World.”

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<sup>6</sup> <http://www.hani.co.kr/arti/society/women/800936.html>

<sup>7</sup> <http://www.wowkorea.jp/news/korea/2017/0711/10193708.html>

- 3) *The Sankei News* dated February 23, 2018<sup>8</sup> reported the following:

[Geneva, reported by Mitsui Mina] At the United Nations European Headquarters, on the 22<sup>nd</sup>, an investigation on Korea was held at the Committee on the Elimination of Discrimination against Women. Director Jong Hyon-bek of the Ministry of Gender Equality and Family stated that the Korean Government is planning to open the Research Institute on Comfort Women (provisionally named) in August this year to growing interest in the issue of comfort women.

Ms. Jong stated that in Korea, August 14 is designated as Commemorative Day, to praise former comfort women, stating that, “Pains those former comfort women experienced are directly connected to human rights. And to convey this message is our political priority.” She also said, “Efforts are being made to collect materials related to comfort women and sex slaves from all over the world. Using the new research institute, we will commemorate the issue of comfort women and pass it on to next generations to come.” She emphasized, “it is important to teach the issue as the subject of history to young students.”

The above statement by Director Jong of the Ministry of Gender Equality and Family brought up the issue of comfort women to the United Nations. This is also clearly against Paragraph (3) of the agreement reached by Japan and Korea, breaking a promise made between the Governments of Japan and Korea.

- 4) In a regular session of the Korean Assembly held on November 24, 2017, a law was adopted which designates August 14 every year as “Commemorative Day” to praise former comfort women. The law<sup>9</sup> stipulates that commemorative events be held to disseminate, domestically and internationally, the issue of the comfort women and remembrance, and efforts to carry out events and disseminative activities are made compulsory to national and local governments.

It is against Paragraph (3) of the agreement between Japan and Korea to make dissemination of the issue of comfort women compulsory.

- 5) According to the *Seoul Yonhap News* dated February 27, 2018,<sup>10</sup> Director Hong Keiwa of the Korean Ministry of Foreign Affairs gave a speech at the United Nations Human Rights Council

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<sup>8</sup> <https://www.sankei.com/photo/daily/news/180223/dly1802230007-nl.html>

<sup>9</sup><http://japanese.yonhapnews.co.kr/relation/2017/11/24/0400000000AJP20171124002000882.HTML>

<sup>10</sup><http://japanese.yonhapnews.co.kr/relation/2018/02/27/0400000000AJP20180227000100882.HTML>

held in Geneva, Switzerland on February 26 (local time), 2018, saying, “The mistake shall not be repeated,” referring to the issue of the former Japanese military comfort women. This is clearly against the agreement.

6) *The Sankei News* dated August 10, 2018 reports:<sup>11</sup>

[Seoul, reported by Sakurai Norio] The Korean Government’s Japanese Military “Comfort Women” Research Institute was established on the 10<sup>th</sup> in Seoul, and an opening ceremony was held. Professor Kim Chan-nok of Keipei University was appointed head of the institute. Professor Kim is an advocate of “immediate nullification” of the agreement between Japan and Korea. [omitted.] The Institute collects materials pertaining to the issue of comfort women domestically and internationally, promotes data-basing and supports work to designate those materials held worthy of preservation as “national archives.” They are also to translate testimonies of former comfort women into foreign languages and to disseminate the testimonies to the international community.

It is clearly against the agreement for a Korean governmental organ to translate former comfort women’s testimonies into foreign languages and to disseminate such testimonies. In addition, the Korean Government built a commemorative monument for former comfort women and others within the national cemetery using government funds.

7) President Moon Jae-in himself referred to the issue of comfort women in his speech at the United Nations.

According to *the Sankei News* dated September 27, 2018,<sup>12</sup> President Moon Jae-in, in his general remarks at the United Nations General Assembly on September 26, referred to the issue of comfort women and stated, “Korea directly experienced disasters of the Japanese military comfort women,” practically condemning Japan on this issue.

### **3-1-3. Prohibition of Japan’s naval ensign on Japan Maritime Self-Defense Force ships**

In September 2018, the Korean Government asked Japan not to fly the ensign of the Japan Maritime Self-Defense Force, which is respected by the navies of many countries, including the United States, at the international ship-viewing ceremony that was scheduled to be held in Korea. The ship-viewing

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<sup>11</sup> <https://www.sankei.com/world/news/180810/wor1808100030-nl.html>

<sup>12</sup> <https://www.sankei.com/world/news/180927/wor180927-nl.html>

ceremony was previously held in Korea in 1998 and 2008. On those occasions, there was no such request from Korea.

In later years, as anti-Japanese sentiment strengthened through anti-Japanese education, the ensign of the Japan Maritime Self-Defense Force came to be wrongly regarded as a symbol of militarism, a belief that spread across Korea. Catering to such anti-Japanese public opinion, the Korean Government asked Japan to refrain from flagging their ships, which is an extremely rude request, totally ignoring basic international protocol.

The Japan Self-Defense ships are to hoist their ensign as stated in Japanese laws, including Self-Defense Forces law, and, according to international law, the ensign is an “external sign” that indicates that the ship is a part of a specific state’s armed forces. Moreover, the Maritime Self-Defense Force ensign embodies the pride of those who belong to the Maritime Self-Defense Force. Even the United States Navy, a belligerent in World War II, duly respects the Japan Maritime Self-Defense Force ensign. Receiving a request that is extremely lacking in common sense, Japan had no alternative but to decline in participation in the viewing ceremony.

Though Korea requested participating states to hoist only their national flags and the Korean national flag, the Korean Naval ship carrying President Moon Jae-in hoisted an “anti-Japanese flag” at the ship-viewing ceremony held on October 11.<sup>13</sup> The participating navies refused the request of Korea and paraded hoisting their respective navy ensigns.

In the end, this incident was brought about by a Korean sense of fear, a persecution complex against Japan, and the event tremendously damaged the pride of the Japanese people.

### **3-2. Examples of anti-Japanese actions by the Korean judiciary**

#### **3-2-1. Constitutionality in the cases of confiscation of assets owned by descendants of Korean “Japanophiles”**

In Korea, the Special Law on the Inspection of Collaboration for Japanese Imperialism (hereinafter “special law”) was promulgated on March 22, 2004, and under this law, an investigatory committee on assets of “pro-Japanese collaborators” was officially established, reporting directly to the President.

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<sup>13</sup> <https://www.sankei.com/politics/news/181012/plt1810120018-nl.html>

The committee listed up to 168 persons who were alleged to have cooperated with Japan during Japan's Annexation of Korea, and it was decided to confiscate inherited assets, including land, worth 2,106 won at the time, which presumably their ancestors had obtained "through pro-Japanese collaboration" from 168 descendants of the listed persons and return them to the state. (From *Investigation of Japanophiles' Assets—Four Years' Activities*, published by the Investigatory Committee.)

This special law is a retroactive law, which is inconceivable in a modern state, and against Article 13 of the Korean Constitution as stated below:

2) No person shall be restricted in the suffrage nor deprived of his assets based on the retroactive legislation.

3) No person shall be subject to disadvantageous treatment due to the conduct by his relative(s), not his own.

However, the Korean Constitution Court ruled, on August 4, 2013, "It is constitutional to make the assets given to those who received peerage from Japan a subject of confiscation." So long as Japan is involved, the Constitutional Court ruled that it is "constitutional" to have a person's assets confiscated due to one's ancestors' conducts, allow a retroactive law, and totally disregard what is written in the Constitution. This is clearly a case of judiciary bias, targeting only Japan and pandering to anti-Japanese public opinion.

### **3-2-2. Verdict ordering Japanese companies to pay compensation**

All matters concerning demands to compensation were resolved "completely and finally" by "agreements on the rights of demanding and economic cooperation" with the conclusion of the Treaty on Basic Relations between Japan and Korea in 1965. And until this particular case arose, Korea adhered to the agreements. However, in a trial against Japanese companies Shin-Nittetsu (currently Shin Nittetsu Jukin) and Mitsubishi Heavy Industries held in May 2012, the Korean Supreme Court ruled that an individual's demand for compensation is "valid" and dismissed the original verdict, which ruled against the plaintiff, and returned the case to the High Court. The following is the view of the Korean Supreme Court:

"The Japanese court verdicts were based on the assumption that application of the National Mobilization Act to the plaintiff was effective on the understanding that colonial rule was legal, but



this recognition is clearly against the basic values held by the Korean Constitution that deemed Japanese rule to have been an illegal occupation and that the National Mobilization Act itself was illegal.”

As pointed out at the beginning, “Japan’s Annexation of Korea” was perfectly legal. In the first place, the Korean Constitution is an after-the-fact legal document and cannot be used to judge events that occurred during Japanese rule. They say that the initial Korean court verdict was against the basic values held by the Korean Constitution, but the Korean Constitution was enacted in 1948 and has been amended as many as nine times since its initial enactment.

If the Korean Supreme Court’s view is right, and Korea wishes to abandon the treaty and demand compensation from foreign countries, it should enact a new Constitution or amend the current Constitution and then judge matters that are “against the basic values of the Constitution.”

The Korean Supreme Court issued such an extraordinary verdict because even the highest judiciary organ in Korea puts anti-Japanese sentiment before the Constitution, international laws and treaties. Such a state is hardly capable of winning trust from other states. Korea is so busily involved in instigating hate towards Japan through anti-Japanese education that we cannot help but point out that in Korea, even the judiciary deviates from common sense notions such as a government based on laws and that discrimination against Japan has permeated all over Korea.

Professor Park Yu-ha of Sejong University was found guilty in Seoul High Court on October 27, 2017. This is a familiar example. Based on research, Professor Pak pointed out that “professional prostitutes” were among the former Japanese military comfort women. But she was found guilty of “defamation of character” and charged a fine of 10 million won. In this case, again, hate against a specific people (the Japanese people) comes before law—this is the true state of Korea, wherein even free academic inquiry is suppressed.

### **3-2-4. The Yasukuni Shrine arsonist is a political criminal**

A suspect named Liu Qiang (an ethnic Chinese), who was serving prison time on a charge of throwing Molotov cocktails into the Japanese Embassy in Seoul in January 2012, confessed during interrogation that he set fire to Yasukuni Shrine in Japan in December 2011. Yasukuni Shrine is a sacred site, where those killed in service of the State are enshrined. Yasukuni Shrine would be the equivalent to Arlington National Cemetery in the US. Naturally, the Japanese Government asked for the transfer of the suspect from Korea to Japan, based on an extradition treaty between Japan and Korea. However, the Korean

High Court viewed suspect Liu as a “political criminal” and sent him back to China. Their reason was that “the arson was committed for the political purpose of having Japan change its policy and, therefore, it is classified as a political crime, in which Korea can refuse transfer.” It is not logical at all to regard an arsonist as a “political criminal”, and, here again, it is plain that so long as Japan is concerned, there is no need to observe international treaties,

### **3-2-5. No need to return the Buddhist statue stolen from a Japanese temple**

In October 2012, a Korean burglary gang stole “Sitting Statue of Kanzeon,” a prefectural-designated cultural asset, from Kannon-ji Temple in Tsushima City, Nagasaki Prefecture and took it home to Korea. The gang was arrested in Korea and the Buddhist statue was retrieved. Despite a request from Japan for the return of the statue, the Taejon District Court temporarily ruled that until Japan proved that it obtained the statue through legal means, the statue would not be returned. To this day, the statue has yet to be returned to Japan. However, it is almost impossible to find out how the statue was obtained in the fourteenth century. To be consistent with the Korean court’s temporary decision, if Egyptians and others stole their former national treasures from The British Museum or The Louvre and brought them home, they would not have to return the treasures until it was proven that Great Britain and France obtained them legally. To steal a Buddhist statue, however, is clearly theft and the statue should be returned to Japan. Besides, it is clearly against laws that ban illegal export/import of cultural assets (UNESCO Treaty), and duties to return stolen cultural assets. (Even if the Buddhist statue had been plundered by Japan in the 14<sup>th</sup> century, the UNESCO Treaty does not apply to acts which had taken place before the Treaty took effect.)

Clearly, not complying with Japan’s proper requests to return the Buddhist statue is against common sense and laws and plain discrimination against Japan.

### **3-3. Examples of anti-Japanese actions by citizens**

#### **3-3-1. Anti-Japanese civil organization VANK<sup>14</sup>**

In Korea, there is a civil group that openly proclaims that “they will ‘exclude’ Japan from Asia.” That is Voluntary Agency Network of Korea (a.k.a. VANK).

VANK was established in 1999 and has about two hundred thousand members. Based on the concept

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<sup>14</sup> Voluntary Agency Network of Korea <http://vankstory.prkorea.com/>

that Koreans are superior, they disseminate a biased history that puts Korea in the most favorable light. Above all, they are most passionate about their “Discount Japan [defile Japan] Campaign,” which has now become a national campaign. In this campaign to degrade Japan, every possible means and measures are taken, day and night, including irresponsible dissemination of fabricated “facts” on the Net, slandering Japan and making wild claims such as, “The issue of comfort women and Dokdo (Takeshima Island) are threats against world peace.” They are stoking the flames of a global diplomatic war between Japan and Korea.

VANK’s activities are heartily supported by the Korean Government and major Korean companies. The Korean Government financially supported VANK for four years, beginning in 2005, using the taxpayers’ money. In February 2013, VANK President Pak Gi Tae was awarded the Korean Presidential Prize. (Above paragraphs based on the *Yomiuri Newspaper, morning edition* dated November 14, 2013.)

Presently, VANK engages in anti-Japanese activities in cooperation with the Korean Government. For example, regarding the appellation “the Sea of Japan,” which has been an internationally recognized appellation among Europeans and Americans since the beginning of the 19<sup>th</sup> century, VANK supports the Korean Government’s scheme to forcibly change the appellation to the “East Sea”. VANK has worked with maps and atlas publishers worldwide. (*The Sankei Newspaper* dated June 29, 2017.)<sup>15</sup>

Also, VANK has been conspicuously working to promote vile racism against Japanese people. This is in violation of Article 2-1 of ICERD, which stipulates that “Each State party shall not sponsor, support nor vindicate racial discrimination committed by any individual or group.” In Korea, the fact is that through anti-Japanese education conducted in Korea, both public officials and citizens are thoroughly committed to racial discrimination against the Japanese.

### **3-3-2. Installation of comfort-woman statues in front of foreign consulates**

On December 12, 2011, The Korean Council for the Women Drafted for Military Sexual Slavery by Japan (“Council for Draftees”)<sup>16</sup> installed, without legal permission, a statue of a comfort woman on the pavement in front of the Japanese Embassy in Seoul, in commemoration of its 1000<sup>th</sup>

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<sup>15</sup> <https://www.sankei.com/world/news/170628/wor1706280039-n3.html>

<sup>16</sup> The Korean Council for the Women Drafted for Military Sexual Slavery by Japan  
<http://womenandwar.net/kr/>

demonstration of a national campaign to resolve the Japanese military “comfort women” issue (a.k.a. Wednesday demo) and condemning Japan regarding the comfort women issue. In addition, on December 30, 2016, a similar statue of a comfort woman was installed by a civil group in front of the Japanese Consulate in Pusan.

Demonstrations and installation of comfort woman statues in front of Japanese consulates clearly breaches the Vienna Convention on Diplomatic Relations Article 22-2, concluded to protect the safety, peace and dignity of foreign consulates. It stipulates that: State parties shall be held responsible for taking all the appropriate measures to protect against invasion and destruction and against interruption of peace and safety and against infringement on dignity of the consulates.” However, the Seoul City Assembly approved a rule to prevent the removal of the comfort woman statue in front of the Japanese Embassy, and the Jong-ro district of Seoul designated the statue as the district’s first “public formative matter.”

Over the issue of the comfort women, the agreement concluded by the Governments of Japan and the Republic of Korea in 2015 stated that that the Korean Government will make efforts to resolve the issue of the statue “in an appropriate manner,” but things are instead moving in the opposite direction.

We cannot help but conclude that one of the major reasons why the Korean Government makes much of anti-Japanese public opinion within the country, while making little of the agreement with Japan, is that Korean racism against Japanese is widespread, a product of Korean anti-Japanese education, allowing Koreans to believe think that they need not keep their agreements made with the Japanese.

### **3-3-3. History-fabricating film *Battleship Island* insults the Japanese people**

In July 2015, “Gunkan-jima” [“Battleship Island”] (officially named “Hashima”), located southwest of Nagasaki, was inscribed on the UNESCO World Heritage List for its coal-mining facilities.

This is a heritage that we should be duly proud of for as the island contributed to the modernization of Japan. However, during the process of having the facilities inscribed on the list of World Heritage, Korea wrongly claimed that, “The fact that Korean workers were most cruelly treated here at the coal-mining facilities is covered up,” resorting to all possible means and measures, with officials and civilians altogether, to prevent registration. Moreover, after inscription, Korea continued to defile this heritage, and produced a film titled *Battleship Island*, a terrifying film which thoroughly distorted historical fact. On July 2017, the film was released to the public.

At the beginning of the film, “drafted factory workers” and “comfort women” are shown being transported to Shimonoseki, Yamaguchi Prefecture, packed by Japanese soldiers into windowless freight cars. The impression here is that Japan committed atrocities, equivalent to that of the Jewish Holocaust. Elementary school-aged girls are shown undergoing venereal disease exams and drafted Korean workers are shown undergoing cruelties beyond description. The film shows comfort women being brutally murdered. Nearing Japan’s surrender, the coal mining company decides to murder all the Korean workers to conceal its cruelty. At the end of the film, drafted Korean workers and comfort women with guns in their hands knock down Japanese soldiers and escape from the island aboard a coal-transporting ship. The director of this film, Ryoo Seung-wan, asserts that the film is “based on historical fact,” and that the film was shown not only in Korea, but also in the U.S. and Canada, and is slated for viewing in Southeast Asia.

However, what this film conveys is entirely fictitious. Former inhabitants of Hashima were furious at the film’s sheer distortion of history and established the Society of Hashima Islanders for Pursuing True History. The Society disseminated correct information to recover the honor of the island. In fact, there were no cruelties nor discrimination against Korean workers at Hashima coal mine, and, to the contrary, Japanese and Korean miners cooperated and worked together as one friendly community, sharing their destiny. Japanese and Korean children were good friends and studied together in the same elementary school. When the war ended and Korean workers were evacuated from the island, company ships sent them back to the Peninsula. A former islander recalls the departure: “Both Japanese and Koreans were very sad to say goodbye to each other. Finally, when Koreans were leaving Hashima aboard the company ships, every one of us Japanese gathered at the sea-wall, waving our hands and Koreans, too, waved their hands until they were no longer visible.” This is the truth. At that time, warm, heartfelt feelings filled the air. The film *Battleship Island* distorts history and degrades the Japanese people through “images on the screen.” This film is an extreme example of racial degradation and should not be expressed.

#### **3-3-4. Old man murdered for making a pro-Japanese remark**

According to the *Segye Ilbo* dated September 12, 2013,<sup>17</sup> an honest, ninety-five-year-old man, who said, “the days under Japanese Occupation were not so bad,” was beaten to death, on account that the old man vindicated Imperial Japanese rule. The article reads:

One day last May, Mr. Ko so-and-so (aged 38) had a quarrel with Mr. Pak so-and-so (aged 95) in the

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<sup>17</sup> <http://www.segye.com/newsView/20130912002907>

park in the Jang-ro district in Seoul. Mr. Ko was drunk and could not restrain his anger, hearing Mr. Pak say, “Japan’s colonial rule was a good thing.” Soon enough, Mr. Ko kicked Mr. Pak very hard and took the 80-centimeter-long cane Mr. Pak used to support himself and hit the latter on the head with the stick over and over again. Mr. Pak was immediately carried to hospital. At first, the court treated the incident as a simple case of violence, but during the trial, Mr. Pak, hospitalized and under medical treatment, died, which raised the seriousness of the crime. [omitted.] The Seoul District Court changed Mr. Ko’s charge to manslaughter and sentenced him to five-year imprisonment.

It was a very sad case, but surprisingly, it was not Mr. Pak, who died, but Mr. Ko that gained sympathy and was vindicated by a majority of Koreans.<sup>18</sup> “In the first place, the old man was guilty at the point when he praised Imperial Japan and deserved to be killed,” “We should give Mr. Ko a medal of honor,” and so on. Mr. Ko is treated almost like a hero. Through anti-Japanese education, racism and hate against Japanese whirl throughout Korea. In Korea, you cannot tell the truth unless you are ready to be beaten to death. What a horrible country Korea is! The thought makes us shudder.

#### **IV. Conclusions**

The Korean people’s discrimination against the Japanese people gets worse year after year. Unnecessary frictions born between Japan and Korea today are largely due to the Korean people’s racism and discrimination against the Japanese people.

The depth and extent of Korean prejudice against Japan is illustrated by the example of the campaign to pull out the stakes to recover their national strength, which is still going on across the country. The stakes were driven into the ground for use during land surveys during Japanese rule. Koreans, however, believe that “the stakes were driven into the ground by Japan, using wind and water to shut down the Korean people’s energy.”

The Korean people’s prejudice came into being as a result of the Korean Government’s maneuvers to plant “hatred” of the Japanese people through anti-Japanese education and totally distorting history.

Such teaching, to plant hatred against other states through a fascist program of conceited education prevents the youth of the state from developing sound minds and makes it difficult to grow up with a common-sense world view and will eventually lead to isolation from the rest of the international community.

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<sup>18</sup> <https://news.v.daum.net/v/20130912144207777?f=m>

In addition, the fact that the Korean government has been educating its children with denigrating caricatures of the Japanese people, through textbooks and anti-Japanese institutions, is “hate speech” engaged by an entire state. We can only conclude that Korea’s anti-Japanese education is clearly against the purport of Article 2-1 of the ICERD.

Moreover, distorting history to fit Korean biases is a shameful act against the sublime moral code of ethics human beings have built, a threat to world peace and totally impermissible from a humane point of view.

The Korean Government, from the viewpoint of the principle of mutuality, must carry out the following three measures:

- 1) In authorizing Japanese textbooks, one consideration made is that in dealing with modern and contemporary historical matters from the viewpoints of international understanding and cooperation. For Japan to maintain this policy in the future, it is also necessary for Korea to use a similar policy, of reflection and consideration for neighboring countries, including Japan, in its textbooks.
- 2) In Japan, the act of hurling insulting words to foreigners is prohibited (The Act on the Elimination of Hate Speech<sup>19</sup>). Naturally, Korea should approve the similar law against insulting words, speech, writing and exhibits against foreigners, including Japanese.
- 3) Regarding the issue of comfort women, it has been reported that a member of the United Nations Committee on the Elimination of All Forms of Discrimination contradicted the Japanese Government.<sup>20</sup> Following the committee member’s line of discussion, the issue of the Syngman Rhee Line, which was pointed out in section III. Background 3-1-1, will not be resolved, so long as the Korean Government refuses to apologize or compensate individual Japanese victims of Korean terrorism. Therefore, the Korean Government must give sincere apologies and compensation to the Japanese fishermen who were abducted to Korea and most cruelly treated, and to their bereaved families as well, for the reason that they violated the so-called Syngman Rhee Line.

## **V. Proposed Recommendations**

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<sup>19</sup> The Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan

<sup>20</sup> <https://www.sankei.com/world/news/180830/wor1808300014-nl.html>

We request that the Committee send the following recommendations to the Government of the Republic of Korea:

- (a) Reexamine its educational policy from reasonable and unbiased viewpoints and make efforts to improve the present circumstance of anti-Japanese education which is now only incurring unnecessary conflict between Japan and Korea.
- (b) From the viewpoints of international understanding and cooperation, give necessary consideration to neighboring countries and reflect this in school textbooks in dealing with modern and contemporary historical matters.
- (c) Review descriptions in school textbooks to see if there are distortions, fabrications, racist or insulting descriptions against other peoples and correct them.
- (d) Approve an Act regulating hate speech and administer punishment if there are insulting words, speech, writings exhibits which are discriminatory or insulting against other peoples, including the Japanese people, are utilized.
- (e) Review distortions, fabrications, racist statements and insults against other peoples, including the Japanese, among exhibits displayed in the public areas like museums and historical halls, and amend them.
- (f) Make sincerest apologies and pay compensation to Japanese fishermen, together with their bereaved families, who were forcibly taken to Korea, detained and cruelly treated under the excuse that they violated the so-called Syngman Rhee Line.