

**Mandates of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; the Special Rapporteur in the field of cultural rights and the Special Rapporteur on violence against women and girls, its causes and consequences**

Ref.: AL KOR 4/2024  
(Please use this reference in your reply)

15 November 2024

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Special Rapporteur in the field of cultural rights and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 54/8, 55/5 and 50/7.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged decision of Dongducheon city government to demolish the historical site of the Sexually Transmitted Disease Management Center, a former public facility where serious human rights violations were committed for several decades against so-called "comfort women"**.

According to the information received:

*Historical context*

Between the end of the Korean War until the early 1990s, more than a million Korean women were reportedly forced or decoyed into government-endorsed prostitution for the United States (hereinafter "US") military. The women, known as "comfort women", worked in designated zones around US bases called "Gijichon", which translates as camp town. The zones were allegedly regulated by the Government of the Republic of Korea and policed by the US Army. Dongducheon, with up to 7,000 registered "comfort women", was the largest of these zones. The Sexually Transmitted Disease Management Center of Dongducheon, located at the foot of Mount Soyo, Gyeonggi Province, was established and operated by the Government of the Republic of Korea from 1973 to 1996, under pressure of the US government to reduce the rate of sexually transmitted diseases (STDs) of its soldiers.

The management center served as a detention center for women who failed mandatory STD screenings. The victims were forcibly confined in this center, where they had to endure severe side effects from high doses of penicillin that were administered without proper prior testing or consent. The rights and health of women in the facility were disregarded, which posed significant threat to their lives. The Sexually Transmitted Disease Management Center of Dongducheon was the last of six facilities still to be operating in the 1990s and its abandoned building remains in place.

### *Decision of the Supreme Court*

On 29 September 2022, the Supreme Court of Korea ruled in favor of 100 victims in the “State Compensation Claim for US military ‘Comfort Women’ in Gijichon”. The court’s decision ruled that the operation of the Gijichon and STD management centers constituted state-led violence aimed at boosting the morale of US troops and obtaining foreign currency, with the ‘comfort women’ being the victims of that violence. The Court found the Government of the Republic of Korea guilty of “justifying and encouraging” prostitution camp towns and for the “systematic and violent” way it detained the women and forced them to receive treatment for sexually transmitted diseases.

Despite the ruling, the Government of the Republic of Korea has not to date taken any legislative or administrative measures to restore the dignity and honor of the ‘Gijichon comfort women’ or offer official public apology to the victims.

### *Planned demolition of the site of the Sexually Transmitted Disease Management Center of Dongducheon*

In 2020, a civil society report established that the Old STD Management Center of Dongducheon is a “structure of historical significance that needs to be preserved as modern architectural heritage” and requested the Gyeonggi Province to purchase it and transform it into the Gyeonggi Women’s Rights and Peace Museum.

In February 2024, the Dongducheon city government announced a plan to dismantle the building to expand and develop the Mount Soyo tourist area.

On 12 August 2024, 59 civil society organizations established a joint committee and called for the immediate cessation of the plans to demolish the building in view of its symbolic and historic value.

On 6 September 2024, the Dongducheon City Council passed the city’s second supplementary budget, which includes the provision of 220 million KRW for the demolition of the old STD Management Center as part of its tourism development plan for the Mount Soyo area.

On 8 and 13 October 2024, the Dongducheon city government attempted to demolish the centre. Civil society organizations and victims stopped the attempts by holding assemblies in the location.

Reports indicate that the Dongducheon city government has not revised its demolition plan despite the ongoing opposition from victims and civil society, and that national and local authorities have failed to assess the heritage value of the building and undertake designation procedures to legally protect it from indiscriminate development.

Without prejudging the accuracy of the above-mentioned allegations, we express grave concern about the decision of the Dongducheon city government to demolish the historical site of the STD Management Center of Dongducheon, a

former public facility where serious human rights violations were committed for several decades against so-called “comfort women”. We note with concern that the planned demolition would lead to the destruction of a site of historical significance for the documentation and memorialization of serious human rights violations and is contrary to the will of victims, who have firmly and publicly opposed the plan and claimed this site as a meaningful site of heritage. We recall that the dismantling of this historic site would imply a flagrant contravention of the State's duties to investigate, memorialize and ensure the safeguarding of evidence of the serious human rights violations committed on the site, as well as the duty to ensure the effective participation of those concerned and of victims in the whole process of identification, selection, classification, interpretation, preservation/safeguard, stewardship and development of cultural heritage, and in any decision-making processes that affect their rights.

We recall in this regard that all branches of government, whether executive, legislative or judicial, and all government entities, irrespective of their level -national, regional or local- must comply with the obligation to protect human rights, including the obligation to ensure the historical preservation of sites of memorialization of grave human rights violations, including sexual and gender-based violence, and that failure of such entities to comply with these obligations may engage the responsibility of the Republic of Korea. In this connection, we recall that the State’s duty to guarantee the preservation of collective memory concerning gross human rights violations, is an essential element of the reparation due to the victims, of the guarantees of non-repetition of past violence, and of the right to participate in cultural life. This obligation entails the duty to adopt memorialization processes to recognize, remember, preserve and transmit information about the violations suffered, in full respect for the dignity of the victims and in effective consultation with them. These measures must be aimed at preserving the collective memory from oblivion and, in particular, at preventing the emergence of revisionist and negationist theses.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the measures adopted by your Excellency's government, including at departmental, local and national levels, to ensure the preservation and integrity of the building of the old Sexually Transmitted Disease Management Center of Dongducheon and the right of all to know, access and interact with the site and the history of human rights violations it represents, particularly in view of the demolition plans of the Dongducheon City government.
3. Please provide information on the status of the demolition plans of Dongducheon City government and how they are compatible with the

human rights obligations of the Republic of Korea, in particular to consult meaningfully and involve all relevant stakeholders in the decision on the future of the site, and to preserve the historical memory and evidence of serious human rights violations.

4. Please provide information on the measures taken by your Excellency's Government to inform and educate departmental, local and national authorities about the obligation to preserve the integrity of sites of memory and evidence of past serious human rights violations, including the old Sexually Transmitted Disease Management Center of Dongducheon.
5. Please provide information on the measures adopted by your Excellency's government, including at departmental, local and national levels, to recognize the status of the old Sexually Transmitted Disease Management Center of Dongducheon as a site of historical memory and to advance with the requested transformation of the site into a museum.
6. Please provide information on the ways in which your Excellency's Government has engaged civil society organizations, particularly those representing victims and their interests and how their views have been taken into consideration.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please note that a copy of this letter will be sent to the Government of the United States of America.

Please accept, Excellency, the assurances of our highest consideration.

Bernard Duhaime  
Special Rapporteur on the promotion of truth, justice, reparation and guarantees of  
non-recurrence

Alexandra Xanthaki  
Special Rapporteur in the field of cultural rights

Reem Alsalem  
Special Rapporteur on violence against women and girls, its causes and consequences

## **Annex**

### **Reference to international human rights law**

In relation to the allegations and without implying in advance a conclusion on the facts, we would like to draw the attention of your Excellency's Government to the international standards and norms applicable to the matters set out above.

We would like to recall article 2 of the International Covenant on Civil and Political Rights (ICCPR), which sets out the duty of States to ensure that any person whose rights were violated has an effective remedy, and article 15 of the International Covenant on Economic, Social and Cultural Rights, which establishes the right of everyone to take part in cultural life, both acceded by the Republic of Korea on 10 April 1990.

In addition, we would like to recall that, according to article 4 of general comment No. 31 of the Human Rights Committee, the obligations contained in the Covenant are binding on every State as a whole and that all branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level - national, regional or local - are in a position to engage the responsibility of the State Party.

We also draw the attention of your Excellency's Government to Human Rights Council resolution 33/19 on human rights and transitional justice, which recognizes that processes of preservation of historical memory and the preservation of archives and other reliable evidence concerning gross violations and serious violations of international humanitarian law serve to ensure that such crimes are never forgotten and contribute to the prevention of their recurrence. It also recognizes the fundamental role played by civil society, through its engagement, advocacy and participation in decision-making processes, in preventing gross violations of human rights and serious violations of international humanitarian law or in addressing their consequences through the promotion of the right to truth, justice, reparation and guarantees of non-repetition.

Furthermore, we recall that principles 2 and 3 of the updated set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity of February 2005 establish the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes, as well as the duty of the State to remember them. They also stress that people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State's duty to preserve archives and other evidence concerning violations of human rights and to facilitate knowledge of those violations. Such measures shall aim at "preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments".

In addition, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted by General Assembly resolution 60/147, stipulates that memorialization processes are part of the right to

reparation. Principle 22(g) specifies that “satisfaction”, one of the forms of reparation owed to victims of serious human rights violations, should include, inter alia,: verification of the facts and full and public disclosure of the truth; an official statement or a judicial decision restoring the dignity, reputation and rights of the victim and of persons closely connected with the victim; a public apology, including acknowledgement of the facts and acceptance of responsibility; commemorations and tributes to the victims; and the inclusion in training and educational material of accurate information on the violations that occurred.

In line with this, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence noted in his report on memorialization processes (A/HRC/45/45) that memory processes cut across all aspects of full reparation, especially the dimensions of satisfaction and guarantees of non-recurrence, as a new obligation arising from the violations committed. Memorialization should be aimed at preserving and transmitting to present and future generations accurate and comprehensive accounts of past human rights violations and the harm suffered by all victims, with a view to informing society, restoring the dignity of victims, promoting healing and reconciliation, and preventing the recurrence of violations. He also stressed that good uses of memory aim to create the conditions for a debate within society about the causes, direct and indirect responsibilities, and consequences of past crimes and violence, which will allow it to limit the spectrum of permitted lies. The Special Rapporteur further noted that memory is a vital tool for enabling societies to emerge from the cycle of hatred and conflict and begin taking definite steps towards building a culture of peace and to help change toxic cultures of political violence. He warned that memory processes cannot, under any circumstances, deny or attempt to diminish the importance of the violations and crimes committed that were established by truth commissions and/or judicial proceedings (paragraphs 107-108). At the same time, he stressed that the voices of the victims must occupy a privileged space in the construction of memory, as this will help to counteract denialist and/or revisionist attempts and manipulations by perpetrators of violations and by groups or political interests seeking to revive violence (paragraph 109).

The Committee on Economic, Social and Cultural Rights noted the obligation of States to respect and protect cultural heritage in all its forms. Cultural heritage must be preserved, developed, enriched and transmitted to future generations as a record of human experience and aspirations, in order to encourage creativity in all its diversity and to inspire a genuine dialogue between cultures. Such obligations include the care, preservation and restoration of historical sites, monuments, works of art and literary works, among others (general comment 21 (2009), E/C.12/GC/21, para. 50). In this connection, we would like to draw your Excellency’s Government’s attention to the reports of successive Special Rapporteurs in the field of cultural rights relating to the right of access to and enjoyment of cultural heritage (A/HRC/17/38) and to the protection of cultural heritage (A/HRC/31/59 and A/71/317).

They stressed the significance of accessing and enjoying cultural heritage by individuals and communities as part of their collective identity and development processes. They underscored that the right to participate in cultural life implies that individuals and communities have access to and enjoy cultural heritages that are meaningful to them, and that their freedom to continuously (re)create cultural heritage and transmit it to future generations should be protected.

As cultural heritage represents values linked with the cultural identity of individuals and groups, access to and enjoyment of cultural heritage also include “contributing to the identification, interpretation and development of cultural heritage, as well as to the design and implementation of preservation/safeguard policies and programmes”.

The mandate holders stressed that the right of access to and enjoyment of cultural heritage includes: (a) the right to know, understand, enter, visit, make use of, maintain, exchange and develop cultural heritage, as well as to benefit from the cultural heritage and the creation of others, and (b) the right to participate in the identification, interpretation and development of cultural heritage. In this connection, they have recommended that States recognize and value the diversity of cultural heritages present in their territories and under their jurisdiction, and acknowledge, respect and protect the rights of individuals and groups to feel associated (or not) with specific elements of cultural heritages; to access, enjoy and continuously (re)create the cultural heritages that are meaningful to them; and to transmit this heritage to future generations.

Given the largely irreversible nature of the destruction of cultural heritage, which is a *prima facie* violation of cultural rights, effective efforts must be made to prevent and stop it (A/71/317, para. 5). The Special Rapporteur in the field of cultural rights stressed the duty of States not to destroy, damage or alter cultural heritage, at least not without the free, prior and informed consent of concerned communities, as well as their duty “to take measures to preserve/safeguard cultural heritage from destruction or damage by third parties” (A/HRC/17/38, paras. 8 and 80 a) and b).

Furthermore, the 2003 UNESCO Declaration concerning the Intentional Destruction of Cultural Heritage stresses the responsibility of States to take all appropriate measures to protect cultural heritage in conformity with the principles and objectives of, *inter alia*, the 1972 Convention for the Protection of the World Cultural and Natural Heritage, acceded by your Excellency’s Government on 14 September 1988, the 1968 Recommendation concerning the Preservation of Cultural Property Endangered by Public or Private Works, the 1972 Recommendation concerning the Protection, at National Level, of the Cultural and Natural Heritage and the 1976 Recommendation concerning the Safeguarding and Contemporary Role of Historic Areas (section IV), as well as not to intentionally destroy their own heritage, “whether or not it is inscribed on a list maintained by UNESCO or another international organization” (section VI).

In its resolutions 33/20, 37/17 and 49/7 on cultural rights and the protection of cultural heritage, the Human Rights Council noted that “the destruction of or damage to cultural heritage may have a detrimental and irreversible impact on the enjoyment of cultural rights.” Cultural heritage is also a critical resource for safeguarding, questioning and transmitting historical knowledge and narratives of the past, and as such, are resources to ensure the right to education and training without any discrimination, as recognized in article 13 of the ICESCR.

We also wish to draw to your attention that as indicated in the report A/HRC/14/22 of the Special Rapporteur on violence against women and girls, “both the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women place upon the State the duty to prevent, investigate, punish and provide compensation for all acts of

violence wherever they occur. Article 4 of the Declaration states that women who are subjected to violence should be informed about and provided with access to the mechanisms of justice and to just and effective remedies for the harm that they have suffered, as provided by national legislation. The obligation to provide adequate reparations involves ensuring the rights of women to access both criminal and civil remedies and the establishment of effective protection, support and rehabilitation services for survivors of violence. The notion of reparation may also include elements of restorative justice and the need to address the pre-existing inequalities, injustices, prejudices and biases or other societal perceptions and practices that enabled violations to occur, including discrimination against women and girls". In this respect, she highlighted in her report that "reparations for women cannot be just about returning them to the situation in which they were found before the individual instance of violence, but instead should strive to have a transformative potential...Measures of symbolic recognition can also be crucial. They can simultaneously address both the recognition of victims and the dismantling of patriarchal understandings that give meaning to the violations." She further elaborated that "In addition to public apologies, public gestures of recognition often consist of measures to mark the conflict, the violence or the notion of reconstruction that accompanies a reparation and a reconstruction project. Such measures can be the shaping or reshaping of public space, building of monuments and museums, the changing of street names and other public spaces, etc."

The Special Rapporteur on violence against women and girls had stressed in the afore-mentioned report "The single most organized and well-documented movement for reparations for women is that for the so-called "comfort women". Since the late 1980s, survivors have come forward to bear witness and mobilize international public opinion, asking for an official apology and reparation... As victims of sexual crimes, they do not want to receive economic compensation without an official apology and official recognition of State responsibility".

Furthermore, and as recommended by the Special Rapporteur on violence against women and girls in her report on prostitution and violence against women and girls, "States have a responsibility to protect, assist and protect victims of prostitution in a gender-sensitive manner, and to provide reparations". (A/HRC/56/48). In her report, she also called on States to ensure that the experiences of victims of prostitution are recognized and that their experiences are validated. She further highlighted the need to ensure the need to "promote the right of freedom of assembly and association as victims/survivors and ensure that frontline and survivors-led organizations receive ...support...and are invited to policy discussions at all levels".