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‘Big Brother’ at Brothers Home: Exclusion and Exploitation of Social Outcasts in South Korea

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Abstract: *This article exposes human rights violations committed at Brothers Home in Busan, South Korea in the 1970s and 1980s, identifying their structural causes and discussing Korean society’s efforts to address them. From 1975 to 1987, Brothers Home was the largest group residential facility for the homeless, the ill, the disabled, and the poor—a program that was even commended by the Korean government. However, over the years, various human rights abuses led to the death of 657 residents. While these violations remained hidden from public view for almost 25 years, survivors and supporters waged a long battle to bring them to light. Recently, the Truth and Reconciliation Commission investigated and confirmed the human rights violations as state violence . In this essay, the authors assess the significance this case holds for Korean society.*

Keywords: *Brothers Home; Human Rights Violations; Truth and Reconciliation Commission of the Republic of Korea; State Violence; Homelessness*

Introduction

On 23 August 2022, the Truth and Reconciliation Commission (TRC) of the Republic of Korea— a government agency created in 2005 to probe human rights violations by the state before Korea’s democratization—concluded that human rights violations had been committed between 1975 to 1987 at Brothers Home, a group residential center for homeless people in Busan. These abuses included confinement, isolation, forced unpaid labor, and various forms of violence. This conclusion by the TRC meant that the state’s culpability was officially acknowledged. The following day, Jung Keun-sik, chairman of the TRC, formally announced this decision, and the news was widely covered by major domestic and international media outlets, which also published follow-up articles on the story.[1]

Details of the horrific incidents that had taken place years earlier at Brothers Home shocked South Korean society. This outcry represented the culmination of a long campaign led by survivors’ organisations and supported by civic groups that called for a public inquiry. Of equally critical importance was the launch of the second Truth and Reconciliation Commission on 10 December 2020, a development that was made possible by a consensus across society and among politicians that human rights violations at facilities such as Brothers Home should be properly addressed.[2] Immediately after taking office, Chairman Jung Keun-sik also specified that establishing the truth about state violence committed at these

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facilities was a priority for the Commission.[3]

This article, written with the aim of helping overseas readers to understand the Brothers Home case is structured in four parts. In the first, we categorize and explain the human rights violations that occurred at the facility; in the second, we examine the role of civil society and of the parties involved in exposing and dealing with the situation; in the third, we consider the case's social significance; and, finally, in the fourth, we discuss what remains to be done. The authors formed a research team to study the case in 2017, and either directly or indirectly participated in investigations into the case, as well as in the social movement calling for a public inquiry. We began our work after receiving a large amount of data from a support group of lawyers, scholars, activists, and survivors. The approach taken was multi-dimensional, including arranging and analyzing data, conducting interviews with survivors, categorizing incidents at Brothers Home by type, and identifying social structural factors as well as micro-mechanisms. The results of our inquiry were published in 『절멸과 갱생 사이: 형제복지원의 사회학』[*Between Extermination and Rehabilitation: A Sociology of Brothers Home*](Brothers Home Research Group 2021). Members of the team also worked on the study of the human rights violations in the group residential facilities at the request of the TRC in 2021 (this project was led by Kim Jae-hyung, cf. Kim et al 2021). These studies were key in uncovering human rights violations, not only at Brothers Home, but also at other group residential facilities across the country.

Human Rights Violations at Brothers Home

Rapid growth in the populations of large cities was one of the most striking features in the urbanization in mid-20th century South Korea. The end of the World War II (WWII) and the Korean War (1950–53) caused refugees to move to large cities, resulting in the number of people in Busan, the nation's leading port city, growing nearly five-fold from 0.28M in 1945 to 1.05M in 1955, then tripling again to 3.5M in 1985. Government officials considered many of these new arrivals, generally those without stable jobs and homes, as 'vagrants', despite the fact that many did not exactly fit this description. They often lived in huts and did odd jobs for a living, yet urban elites kept demanding that local and central governments segregate or expel them from cities. Until the late 1950s, these requests went unanswered, as the Korean authorities in that period relied on foreign aid for 90 per cent of their social welfare budget and were unable to take measures to deal with this issue(Kim 2019: 49-53).

The situation changed once Park Chung-Hee's military regime was established in 1961. After the coup, the new authorities locked up approximately 68,000 vagrants, with about 1,800 forced to work on undeveloped lands from 1962 until 1966, in the name of social cleansing (Choo 2018: 210). The military junta attempted to 'cleanse' society by locking up urban vagrants because they were seen as symbols of the 'poverty' and 'disorder' of cities. Starting around 1960, the Seoul metropolitan government established municipal facilities for orphans, vagrants, and prostitutes. In 1962, the city of Busan entered into a contract with a group residential facility named *Yonghwasook* to accommodate vagrants. Other large cities such as Daegu, Daejeon, and Gwangju also established vagrancy detention facilities. Another military junta led by Chun Doo-hwan came to power in a coup in 1980 and put even greater emphasis on social cleansing and incarcerating vagrants. Around the time that hosting of the 1988 Seoul Olympics was confirmed in 1981, the number of vagrants incarcerated began to rise, reaching 14,131 in 1983 and over 16,000 in 1986, according to the

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Yearbook of Health and Social Statistics.

For the two military governments, vagrants represented backwardness that had to be cleansed from society that was being rapidly transformed by economic growth. For Busan, the largest industrial city, the unindustrious needed to be controlled and disciplined. Brothers Home grew in this context. In 1975, the city of Busan entrusted the operation of the home to Park In-geun (1930-2016), a retired military man and a sanctimonious Christian social worker.

Brothers Home was established as an orphanage in 1960, but became an accommodation facility for vagrants in the early 1970s. After entering contract with the local government, it began to be used to detain people who had caught the eye of the police or public officials, or even some who had been abducted off the street by members of the facility's management, since they had the policing authority's cooperation and the local government provided them subsidies on a per person basis. Its 'residents' included office workers who had fallen asleep outside after drinking too much, children waiting to take trains to visit relatives, teenagers on their way home, people with disabilities, and hospital patients. In the early 1980s, more than 3,000 people were being confined in the facility at one time. From 1975 to 1987, when the facility finally closed, it is estimated that a total of about 40,000 people had been confined at the group residence (Truth and Reconciliation Commission 2023: 56-57).

The policy of confining citizens on such a large scale is shocking, but the human rights violations people experienced at the facility were even more appalling. Violence was perpetrated daily in the name of management and education, with serious injuries being common. Many people died; at present, the number of confirmed deaths stands at 657 (Truth and Reconciliation Commission 2023: 254-256). Women and children were victims of sexual violence, and infants were sold abroad through adoption agencies. Those who could not adapt to the strict regime, including the elderly, people with disabilities, and those suffering from disease, faced more severe violence. This indiscriminate ferocity left severe physical and mental scars, and many survivors are still suffering from the trauma. In this part of the essay, we will explain the different types of human rights violations that took place at Brothers Home.

Indiscriminate Apprehension and Confinement

Oh Seong-oh (pseudonym), a young boy in the first year of middle school, was stopped by the police on his way home from school for wearing inappropriate clothes (for this story, see Joo 2017). The policeman, who was smoking in front of a small police station, called him over and dragged him into the building. Once inside, the officer asked Seong-oh if he was a thief and then proceeded to search his bag, where he discovered some bread and milk. Accusing the boy of stealing, the policeman demanded that he confess. When the boy refused, the officer stripped off his pants, pulled his genitals, and burned them with a lighter. A van was called and Oh Seong-oh was bundled into the vehicle and transported to Brothers Home.

This case was not exceptional. As mentioned above, ordinary people were sent to the facility after being seized by police officers or facility staff. These indiscriminate detentions were illegal even under the law as it existed then. In those early years, the legal basis the police used to clamp down on these people was the Act on the Execution of Duties by Police Officers of 1953, which authorized police officers to send citizens in need to police stations, hospitals, and other relief agencies. However, the law stipulated that consent had to be obtained from the citizen concerned.

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Moreover, the police were required to immediately notify relatives of such detainees. However, according to victim testimonies, the police rarely followed these procedures (Kim et al 2021: 18-19). Indiscriminate apprehension of so-called vagrants accelerated in 1975 with the adoption of Directive No. 410 by the Ministry of Home Affairs (Brothers Home Research Group 2021: 117). Despite being a guideline for government departments rather than a statute, the directive placed greater restrictions on individual freedoms than the Constitution and higher laws allowed. Based on this directive, the police and public officials periodically cracked down on what they perceived as vagrancy and sent those detained to group residential facilities. Even though the directive did not give civilians any authority to detain people, the Brothers Home team regularly engaged in illegal round-ups and incarceration. The police and the government turned a blind eye to—or even sometimes actively encouraged—their illegal activities.

On 8 October 1981, President Chun Doo-hwan, who had seized power through a coup d'état the previous year, ordered that by the time of the 1988 Seoul Olympics there should be no 'beggars' (걸인) or homeless people on the streets of Seoul.[4] Based on the presidential order, the Prime Minister's Administrative Coordination Office issued the Measures for the Protection of Beggars. This measure triggered further indiscriminate crackdowns on and detainment of vagrants by the police and other public officials nationwide. A fact-finding report released in 1987 by the New Korean Democratic Party even revealed the existence of a Busan police internal guideline that awarded to a policy officer two to three work performance points for detaining a vagrant person, and five for sending them to Brothers Home (Shinmindang 1987: 3). Under the President's orders and encouraged by these internal policies, the police began to ramp up their attacks on vagrant people. In the process, simple passers-by like Oh Seong-oh were swept up and sent to the facility.

Figure 1: Apprehension and confinement by the police and staff of the Brothers Home. Source: Brothers Home Foundation (2010b: 87-88).

Conditions at Brothers Home

In 1961, the Protection of Minimum Living Standards Act set out to ensure assistance to those who needed social protection. Article 4 stated that 'the level of protection guaranteed by this law is the maintenance of health and a minimum standard of cultural life.' Based on this law, the Ordinance for the Standard of the Establishment of Residential Care Facilities of 1962 and the Enforcement Ordinance of Social

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Welfare Services Act of 1970 specified minimum standards that group residential facilities had to meet. The above-mentioned Ministry of Home Affairs Directive No. 410 of 1975 specified that group residential facilities should follow the standards set out in the Ordinance for the Standard of the Establishment of Residential Care Facilities. Article 3 of the Ordinance, in particular, lists the essential standards for group residential facilities. For example, Paragraph 2 (bedroom facilities) stipulates that 'each ward should allow for 2.5 square meters per occupant' and stipulates that no more than eight people can occupy one room. The residents' living space should also have proper heating, ventilation, damp-proofing, and access to both natural and artificial light (Kim et al 2021: 22-25).

In December 1985, the number of inmates at Brothers Home reached 3,000, despite a maximum capacity of 500. This meant that there were more than 90 people living in each room (Truth and Reconciliation Commission 2023: 162). Moreover, contravening the regulations, the rooms were not properly equipped with heating, ventilation, or other basic amenities. Overcrowding in such inadequate conditions alone constituted a serious human rights violation. Worse, once detained, inmates could not leave the facility of their own volition and, since it was surrounded by high walls patrolled by guards, escape was difficult. Those few who did were generally recaptured with the assistance of local residents. These conditions led to further human rights violations, as we shall see in the following section.

Beatings and Torture

The conditions described above contributed to the violence that occurred on a daily basis at the facility (Kwak 2019: 207-221). The management system fuelled this violence. There was no professional staff employed to manage the 3,000 inmates. To save on labor costs, the facility's director, Park In-geun, entrusted the management and control of the population to a few selected inmates. There was one 'commander' below the director, and below him the population was divided into 'platoons', each of which had a leader, general secretary, and team leaders. Apart from the director, all were inmates. In the absence of professional managerial staff, the inmates in leadership positions turned to violence to control the people entrusted to them.

Because inmates had been detained without a legitimate, much less legal, reason, they would often protest at their treatment. To force them into compliance, they were subjected to violence as soon as they arrived. Right after their arrival, the inmates were forced to learn the rules of Brothers Home, and to memorize Bible verses and hymnal songs. They were also shown videos praising Park In-geun. The inmates in leadership positions periodically inspected the other inmates to test whether they had properly memorized the material, and those who did not pass were punished with beatings and sleep deprivation. This violence was designed to break inmates' will to resist and force them to accept the way of life inside the facility.

After passing through this initial training, the inmates were assigned to a platoon and a ward, where they would be disciplined with collective punishments. If one member of a platoon made a mistake, or if the platoon was deemed to lack 'discipline', all of its members were beaten or tortured. Every day, officers disciplined the inmates with a range of punishments, each of which had descriptive names such as 'Hiroshima', 'ferry', 'Han River Railway Bridge', 'electric lines', 'chili powder', 'Wonsan bombing', 'backwards desk', and 'riding posture'. These punishments mainly involved holding one's body in an uncomfortable or painful position for longer than anyone could bear. When one inevitably failed to hold the

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position and moved the body out of exhaustion or pain, they would be severely beaten. Such violence was routinely inflicted on inmates several times a day under the pretext of establishing discipline within the facility, and due the lack of supervision from professional managerial staff, there was no limit. The intensity of the violence increased when inmates in leadership positions deemed it necessary, or when they lost control of their emotions. As such, severe physical injuries, psychological distress, and even deaths were a frequent occurrence. Although not all 657 confirmed deaths at Brothers Home were the result of violence, testimonies suggest many were. Many testimonies report that the director beat and killed inmates in his office. Those who died were either buried in secret within the premises, sold to nearby hospitals to be dissected, or cremated and buried in public cemeteries. Since autopsies were treated as a mere formality, the perpetrators faced neither investigation nor punishment.

Platoon officers often sexually abused children and adolescents.[5] In the early days of our investigation, sexual violence against female prisoners by male officers was only a rumor, but recently female victims have begun to testify about their experiences. In some cases, officers raped children indoors during daytime while other prisoners were out. For those quarters occupied specifically by children and youth platoons, however, platoon commanders, team leaders, and other officers perpetuated sexual violence repeatedly. Homosexual violence in particular was focused on a small number of victims who had been labeled as 'ttongti' (똥티), which seems to stem from the term 'ttong', the Korean word for excrement. Through this sexual violence, the perpetrators confirmed their positions of power and derived sexual pleasure. Many victims were not yet sexually aware and remembered it as a very painful experience of violence, rather than sexual exploitation.

Forced Labor and Wage Theft

Brothers Home's official objective was to increase vagrant people's self-sufficiency. This was closely related to the government's policy on poverty alleviation (So 2020). In 1968, the South Korean government enacted the Act on Temporary Measures for Self-Sufficiency Guidance Project and identified self-sufficiency of the poor, including vagrant people, as an important policy goal. Through this law, the government was looking to address poverty by means of 'work and employment projects' in which only 'poor people capable of working' could participate to receive due wage. After criticism that the existing law lacked independent authority, in 1970 the government enacted the Social Welfare Service Act as the primary law, and shifted its goal to providing support through vocational training. Social welfare facilities began to take advantage of this law to secure finance for their operation by dispatching their residents to work at private businesses, on the pretext that they were receiving vocational training.

In the 1980s, social welfare facilities became more important for the government's self-sufficiency-focused policy. In particular, the Measures for the Protection of Beggars prepared in 1981 by the Prime Minister's Administrative Coordination Office stipulated that accommodation facilities, such as camps for vagrants, should be established in large cities across the country, and that vocational training be provided to those living there. This series of legal and administrative changes allowed social welfare facilities to institutionalize the practice of using inmate labor for profit-making businesses. The inmates were being put to work under the guise of vocational training, and this 'training' was subsidized by the government.

Brothers Home took advantage of the government's social welfare system to make a

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profit. This practice dates to a period before the facility was known as Brothers Home, when inmates at what was then Brothers Orphanage, made locks for sale in the market. The facility set up a pig and poultry farm to raise more income around 1970. In 1977, the operation moved to Jurye-dong and began a new profit-making business called the *New Village Vocational Training Agency*.

Under this business model, inmates performed work for a variety of small businesses and made products to order, including shoes, wooden products, balloons and cotton shirts. Fishing tackle produced at the center was even exported to Japan. Most of the workers were children, who would be punished if they failed to perform satisfactorily. Those forced to work did so for low wages, and most did not even receive the full amount they were owed.

In the early 1980s, Brothers Home started a driving school for inmates under the name 'The Waifs and Vagrants' Employment Instruction Project'. This was motivated by Article 2, Paragraph 4 of the Social Welfare Service Act. This project received over 1.9 billion won in subsidies from the government. The facility's management reported that 766 people completed the training course over 5 years, and that 318 people obtained a driving license. However, according to testimonies, only a small number of people were able to receive training, and it seems that few actually obtained any kind of qualification.

The construction and maintenance of the center's facilities also relied on exploitation of the inmates. Indeed, most of the labor required for the relocation and expansion of Brothers Home was undertaken by inmates. According to Park In-geun's writing, a total of twenty-three buildings, including twelve laboratories, one kitchen and restaurant, one hospital, one office, one warehouse, and seven New Village Vocational Training Agency Centers, were constructed entirely by a workforce of seventy-five inmates. This self-sufficiency method of construction was noted by the Chun Doo-hwan administration, who admired its efficiency. Soon, the way the facility was built became the archetype for constructing residential facilities for homeless people.

In accordance with the 1981 Measures for the Protection of Beggars, Brothers Home demolished the center's existing buildings and constructed larger ones solely through inmate labor. The state and the facility management regarded this inmate labor as 'voluntary work' and part of being 'self-sufficient'. However, in reality, the inmates' labor was being forcibly mobilized and exploited in order to control the poor and reduce the cost of group residential facilities.

Figure 2: Complete view of Brothers Home in the 1980's. Source: Brothers Home Foundation (2010a: 275).

Chemical Restraints and Psychotropic Medication at Brothers Home

Rumours have long circulated that Brothers Home used psychotropic drugs to control its inmates. In addition to its residential buildings, there were other premises, including buildings dedicated to the treatment of patients with mental illnesses. This 'psychiatric hospital' consisted of three buildings, two of which were wards for administering medication to patients

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deemed to be suffering from mental disorders. The third contained a ‘psychiatric ward’ that held three types of inmates: those who resisted or did not follow commands, those who failed to adapt to the rules of Brothers Home, and those suffering from convulsions or seizure-like symptoms caused by physical pain (Kim 2022: 32-47). Medically unqualified members of the management team branded inmates who did not follow facility rules satisfactorily as 'idiots', diagnosed people with 'seizures', and sent both groups to the ‘psychiatric ward’. It is worth noting that at that time the Ministry of Health and Social Affairs' ‘Operation Guidelines for Residential Homes for People with Mental Illness’ included ‘those who may cause harm to society’ in the category of people who may require mental health care.

According to testimonies, inmates were forcibly administered two kinds of psychiatric medication at the 'psychiatric ward': 'red pills' and 'wacko pills'. The red pills were chlorpromazine, and those who have had it testified that they experienced "haziness" and felt ‘like a real idiot’ for around eight hours afterwards. In 1986, Brothers Home purchased 250,000 tablets of chlorpromazine, enough for 342 people to take the antipsychotic medication twice daily for one year; a huge order considering there were 395 inmates at the group residence’s psychiatric facility. Chlorpromazine can have fatal side effects if incorrectly administered and its use should be carefully managed by specialists, but at Brothers Home it was seriously over-prescribed. We can conclude that the facility used psychotropic medication to control inmates. Perhaps even more shocking is that one survivor testifies to witnessing a member of the management team raping a woman whilst she was tied down to a bed in the psychiatric ward. This testimony raises suspicion that psychiatric medications may have been used in acts of sexual violence against women (Kim 2022: 38-40).

The Investigation Process

The Immediate Aftermath of the Brothers Home Incident in 1986

The existence of serious human rights violations at Brothers Home became known to the outside world accidentally in late-1986. Prosecutor Kim Yong-won at the Ulsan District Prosecutor's Office witnessed forced labour and initiated an investigation on corruption, unlawfulness and human rights violations at the facility from early 1987 to mid-1989. The government systematically tried to cover up and play down the case's severity, because at that point in early 1987, Chun Doo-hwan's military dictatorship faced growing public pressure for democratization. Originally, the prosecution sought a 15-year prison sentence and fine of around 600 million won for Park In-geun, the facility director. However, with the Chun Doo-hwan administration putting pressure on the prosecution and court, Park In-geun ended up with no fine and only two years and six months’ prison sentence. After the torture and death of Seoul National University student Bak Jong-cheol at the hand of police in January 1987 and the subsequent June Democratic Uprising, South Korean society's interest in the case quickly faded. The New Korean Democratic Party (the main opposition party) did dispatch a fact-finding team to Busan and even produced an investigation report, but there were concerns within the party that the case could divert attention away from what happened to Bak Jong-cheol (Choi 2018: 31, 2019: 97).

To handle the situation, the government decided to release most of inmates, but without any official apologies or supportive measures. Still, approximately 700 inmates were retained and transferred to other facilities. After being released, inmates from the center tried to inform the world about what had happened at Brothers Home, but Korean society paid no

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more attention to them. Some former inmates tried to file a lawsuit against the city of Busan and the police, but the city successfully pressured them to withdraw it (Truth and Reconciliation Commission 2023: 280-285). In 1987, when a former inmate made a phone call to the Civil Service Office complaining of injustice, a detective from the Information Division of the Busanjin Police Station and a public official from the Busan Municipal Health and Social Affairs Bureau went to meet them. By the next day this former inmate had promised not to file any complaints or make any accusations against the city of Busan. In a similar incident, the father of a child who had been confined in Brothers Home at the age of ten filed a complaint with the Ulsan Branch of the Busan District Prosecutor's Office in February 1987, requesting punishment for those involved in the forced confinement. However, the city of Busan officials visited the father and persuaded him to withdraw his complaint. That various government offices and branches were engaging in a well-coordinated campaign to silence the complaints suggests that the Agency for National Security Planning (now named the National Intelligence Service) and the military counter-intelligence agency (*bangcheopdae*) were involved, although there is no direct evidence.

In 1987, the case had initially provoked widespread outrage. However, the Chun Doo-hwan regime's cover-up meant it was not properly investigated, and the perpetrators, including Park In-geun, received only minor punishment. In addition, the uprising of June 1987 drew public interest away from the case. Park In-geun's family closed Brothers Home and built Siloam's House, a residential care home for people with severe disabilities. In 1995, they sold the original site of Brothers Home to a construction company for 22.7 billion KRW, which was attributed to ongoing corrupt relationships with the city of Busan. The Busan city government didn't take any measure for restitution of benefit, and authorized the Brothers Home Foundation to convert the gain into other profit-making businesses.

After the land was sold, the buildings were demolished and an apartment complex was built instead. Human remains were discovered in this process, but all those found were treated as if they had no living relatives. The cause of their deaths was never investigated and the remains were lost forever. Many surviving victims, having received no compensation or support, never recovered from their wounds and trauma, and went on to live in a state of social isolation as the perpetrators escaped proper investigation and punishment for their crimes. Even the first Truth and Reconciliation Commission, which was created in 2005 to investigate human rights abuses committed under Japanese rule and subsequent authoritarian regimes, stopped short of investigating issues such as Brothers Home. Although there were complaints about human rights violations at other group residential facilities, these were dismissed and not recognized as cases of state violence. Indeed, the Brothers Home case was not widely known in South Korean until 2012.

The Survivors' Campaign for a Public Inquiry

The campaign for an investigation into events at Brothers Home began in 2012, about 15 years after the facility had closed down, when Han Jong-seon, a survivor, held a one-person demonstration in front of the National Assembly building. Although this one-man protest itself did not attract many people's attention, Professor Jeon Kyu-chan of the Korea National University of the Arts heard about Han Jong-seon's story and began to look into the case. That same year, Jeon Kyu-chan and Han Jong-seon teamed up with Park Rae-gun, an important human rights activist in South Korea, to publish *Saranameun ai: urineun*

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eotteoke gongmojaga doeeonna (*The Child Who Survived: How We All Become an Accomplice).* The book attracted attention, and the campaign for a public inquiry began to take off.

The following year, in 2013, human rights lawyers, campaigners for the deinstitutionalization, and scholars with experience working on public inquiries came together to form the 'Brothers Home Incident Measures Committee'. This year also saw the formation of the 'Brothers Home Survivors' Group'. The goal of these organizations was to persuade legislators to pass a special law that would set in motion the process of clarifying the truth about human rights violations at the facility. This goal was influenced by the example set by the laws and committees created in the mid-2000s to address human rights violations under Japanese colonial rule, in connection with the Korean war, and during the authoritarian regimes that followed. In 2014, a proposal to enact the Special Act on Brothers Home was proposed by assembly member Jin Sun-mee (of the Democratic Party of Korea) at the 19th National Assembly, but it failed to pass. In 2016, Jin Sun-mee re-proposed the special law at the 20th National Assembly, but this too, failed to pass.

When the initial goal of using legislation to initiate a public inquiry stalled, the survivors' group stepped up their efforts to raise awareness about the case. In April 2015, some of the survivors had their heads shaved in a demonstration, and in December, Han Jong-seon began a hunger strike. Next, in September 2017, survivors of abuse in Brothers Home sought to raise awareness by walking the 500 kilometers from the Brothers Home site in Busan all the way to the Blue House in Seoul (Kim 2017). The walk took about two months and brought the survivors closer together. It also helped further stimulate public interest in the case and put the survivors' group at the center of the campaign for a public inquiry into events at the facility. In November 2017, survivors Han Jong-seon and Choi Seung-woo began a sit-in in front of the National Assembly building, demanding enactment of the 'Special Act on Brothers Home.'

As a result, support for addressing the case began to emerge in the institutional sphere (Kim 2018). In 2018, the Ministry of Justice's special commission on past misconduct by the prosecution acknowledged the state's culpability in improper investigations of the case in 1987, an investigation that came under external pressure from the government. The commission recommended that the government issue an official apology and order a public inquiry. Afterwards, Public Prosecutor General Moon Moo-il apologized to the survivors on behalf of the prosecution, and filed an emergency appeal with the Supreme Court asking for a new verdict on the grounds that there had been an error in the trial process. The National Assembly also proposed an amendment to the Framework Act on Settling the Past Affairs for Truth and Reconciliation to investigate the Brothers Home case and other historical issues. In March 2019, the Busan Metropolitan City Council passed the Ordinance on the Restoration of Honor and Support for Victims of the Brothers Home in Busan Metropolitan City and conducted the investigation this ordinance required, releasing their final report in May 2020.

Over this entire period, Han Jong-seon and Choi Seung-woo had kept up their sit-in. demanding enactment of the special act. Then, in November 2019, two years after he had begun the sit-in protest, Choi Seung-woo climbed up onto the subway elevator building in front of the National Assembly and began a hunger strike there. He eventually collapsed from exhaustion, but this was not the end of his efforts. In May 2020, with the assembly slow to pass the amendment despite coming to the end of their four-year term, Choi Seung-woo chose to climb to the roof of the National Assembly Hall to begin a second hunger strike. Finally,

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the amendment was passed into law at the last plenary session of the National Assembly.

Figure 3: Victims of Brothers Home starting nation-wide march from Busan to Seoul. Source: News released from 'Beminor' (2017).

Activities and Limitations of the Truth and Reconciliation Commission

The Truth and Reconciliation Commission is an independent investigative body that was relaunched in December 2020 'to investigate and uncover the truth about the anti-Japanese independence movement, overseas Koreans, mass atrocities during the Korean War, various human rights violations that occurred during Korea's authoritarian rule and killings by hostile forces'. Its remit includes investigation into Brothers Home and other group residential facilities The Truth and Reconciliation Commission agreed on 27 May 2021 to initiate an investigation into the Brothers Home case, and by August of 2022, a total 544 survivors had applied for an investigation (Ha 2022: 99-101). The Commission proceeded to look into the following five areas: the constitutionality and legality of regulations for confining homeless people, including Ministry of Home Affairs Directive No. 410; the legality of the process through which people were brought in to the facility; human rights violations within the home; suspicions about problems with healthcare and the way deaths were handled; and the government's unjust policy on homelessness and responsibility for suppressing the truth. The Commission's findings revealed state culpability in all five areas.

Based on the results of this investigation, the Commission recommended the government, National Assembly, and Busan Metropolitan City take the following actions: that the state officially apologize in order to restore the honor of the victims and bereaved families for wrongdoings related to Brothers Home; that in order to remember the victims and help prevent a recurrence, the state would install monuments and memorial facilities communicating the truth about the human rights violations at the facility along with the state's official apology; that the state would seek ways to heal the victim's and bereaved families' trauma; that the state would formulate a plan to recover the inmates' unpaid wages, economic support, and preferential treatment provided by the state from the former Brothers Home managers.[6] This should be used to compensate for damages and restore the former inmates' rights. As part of the Commission's recommendation that the state provide services to heal and manage the long-term effects and trauma suffered by survivors, it followed that Busan in particular should establish a budget, system, and regulations related to assisting victims of Brothers Home. Finally, it recommended that the National Assembly quickly consent to the ratification of the UN International Convention for the Protection of All Persons from Enforced Disappearance.

However, the Truth and Reconciliation Commission's recommendations are not being implemented immediately. Even if the damages are recognized by the Commission, the victims

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must file a lawsuit against the government in order to receive reparations and compensation, because there have been no provisions made for compensation in the amendment to the Framework Act on Settling the Past Affairs for Truth and Reconciliation. Victims who have been recognized by the commission are currently preparing a lawsuit, but unless the National Assembly revises the amendment, the trial will likely be a long process.

Nonetheless, the Commission's establishment of the truth about Brothers Home can be considered historic, as it meant the government's responsibility for the incidents was finally officially recognized. Furthermore, the commission also clarified the truth about human rights violations at Seongam Academy, a notorious concentration camp for 'vagrant' boys with a history stretching from the Japanese colonial period until 1982, and opened up a path for addressing human rights violations at group residency facilities across the country. Also, victims have been able to use this decision as leverage in their lawsuits against the government.

Remaining Tasks

As the issues surrounding group residential facilities have deep roots dating back to the Japanese colonial era, the efforts to address them come upon numerous obstacles that are embedded in the South Korean state and society. One of them can be seen in the ways that the Truth and Reconciliation Commission is empowered by Parliament to investigate cases only if they are reported by victims. This arrangement makes it very difficult to bring out the truth, much less reconciliation, about abuses committed or facilitated by the state, as victims who have experienced abuse by the state are unlikely to be able to trust a state entity enough to report the state-perpetrated human rights violations they experienced to it. Furthermore, victims of abusive group residential facilities who have experienced long periods of confinement, perhaps for their entire lifetime, may suffer from social exclusion due to the educational deprivation or trauma created in their time at these residential facilities. Not only does their social exclusion alienate them so as to make it impossible for them to carry out official procedures, such as filing a complaint with the TRC, but it also makes it all the more difficult for them to group together the same way as the Brothers Home survivors managed to. Furthermore, some of the victims have difficulty expressing their opinions due to the disabilities caused by their confinement. Those who still live in facilities where external help is hard to access will be excluded from attempts to address past injustices so long as the present practice continues to rely on survivors to report their experiences. As such, the TRC, which is limited to a three-year period and initiates investigations based on the principle of victims' reporting, is hindered by an institutional flaw created by the national legislature.

Human rights violations in Brothers Home were not solely the result of deviation of the owner, but systematically caused by the military regime's policy of social exclusion during South Korea's period of development, as the second section demonstrated. The problem of group residential facilities in Korea, symbolized by the Brothers Home case, is deeply rooted in the discrimination and exclusion of people suffering from poverty, disabilities, or disease. As South Korea has relentlessly pursued rapid modernization, it has rendered the socially underprivileged invisible. The urban poor, people with disabilities, and those suffering from illness were not provided with social services or medical aid they needed. Instead, they were excluded from public spaces through confinement to facilities far removed from the public eye. Furthermore, these people's labor was utilized, more or less invisibly, to benefit the owner of the group residential facilities. By arbitrarily labelling people as vagrants and

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disciplining them with gross human rights violations, these group residential facilities served as an integral part of the developmental state to control and discipline lower-class populations in urban areas. Under the auspices of the authoritarian regime, these facilities expanded like a lucrative business stretching their area into other welfare-related institutions, such as psychiatric hospitals, psychiatric residential homes, hospitals for the elderly, and nursing homes. The current success of South Korea, whose culture now enjoys worldwide attention and which has become a favored tourist destination for people from around the world, have been built on the suffering of this invisible group.

These kinds of exclusionary practices did not disappear with South Korea's democratization, but continues in other forms as a range of groups, including people with disabilities, those with serious mental health issues, the elderly, and refugees, are isolated in various institutions and excluded from society even now. Furthermore, other group residential facilities that were established during the authoritarian regime continue to operate today, leading to continuing human rights problems. It is thus critical that South Korean society seriously confront the group residential facilities problem not as an issue of the past, but as an ongoing concern of society now and into the future. At the same time, the problem of group residential facilities is not unique to South Korea—rather, it is one experienced throughout the whole of Asia. We hope that our research on Brothers Home and the efforts to deal with the issues raised by it will be of help to others living in different parts of Asia.

References

Beminor 비마이너. 2017. "진정한 자유 찾아 부산에서 청와대까지" [From Busan to the Blue House in search of true freedom] (September 6)

Brothers Home Foundation 형제복지지원재단. 2010a. 형제복지원 운영자료집 제6권 [Operation Documents of Brothers Home vol.6], 형제복지지원재단 [Brothers Home Foundation].

Brothers Home Foundation 형제복지지원재단. 2010b. 형제복지원 운영자료집 제7권 [Operation Documents of Brothers Home vol.7], 형제복지지원재단 [Brothers Home Foundation].

Brothers Home Research Group in Department of Sociology SNU 서울대 사회학과 형제복지원연구팀. 2021. 절멸과 갱생 사이 [*Between Extermination and Rehabilitation: A Sociology of Brothers Home*]. 서울대학교출판문화원 [SNU Press].

Choo Ji-Hyun. 추지현. 2018. "박정희 정권의 '사회악' 호명— 형사사법의 효율성 확보 전략을 중심으로" [Ideological Interpellation of 'Folk Devil' in the Park Chung-hee Regime: Strategy for Efficiency of Criminal Justice]. 사회와 역사[Society and Hisotry] 117: 201-235.

Choi Jong Sook. 최종숙. 2018. "민주화 이후 과거청산과 소수자 인권운동 : 형제복지원사건을 중심으로" [Transitional Justice and Minority Human Rights Movement after Democratization: Focusing on the Brothers Home Incident], 민주화운동기념사업회 보고서 [Korea Democracy Foundation Research Report].

Choi Jong Sook. 최종숙. 2019. "형제복지원사건 진상규명운동의 등장: 당사자운동주체 형성에서 지식인 활동가의 역할을 중심으로" [The Appearance of the Fact-Finding Movement of the Brother Asylum: Focused on the role of intellectual activists for making the movement subject], 담론201 [Damron201] 22(1): 81-119.

Ha, KeumChul. 하금철.2022. "국가의 형제복지원 문제 해결 노력의 의의와 한계" [The Significance and Limitations of National Efforts to address the Brothers Home Incident]. 1970-80년대 한국

https://doi.org/10.1017/S1557466023028486 Published online by Cambridge University Press

의 사회적 배제와 인권문제: 집단수용시설의 사회사 [Social Exclusion and Human Rights Problems during 1970-80's in Korea: Social History of Group Residential Facilities], Symposium, held in Academy of Korean Studies, Seongnam, 27 October.

Joo, Yungeong, et al. 주윤정 외. 2017, 1980년대 부랑인·장애인 관리체계와 형제복지원 사건 관련자 II [The Regulation System on the vagrancy and the disabled in 1980's and the person concered on Brothers Home case (Interview transcript]. 국사편찬위원회[National Institute of Korean History].

Kwak, Kwi Byung. 곽귀병. 2019. "총체적 기관 안에서 나타나는 폭력의 미시사회학: 부산 형제복지원 사례를 중심으로" [Micro-sociology of violence in the total institution: Focusing on the case of Hyeongje-welfare Institution]. 민주주의와 인권[Democracy and Human Rights] 19(2): 191-233.

Kim, Kwanwook. 김관욱. 2022. "부랑인 집단시설의 의료화와 약물화" [Medicalization and Pharmaceuticalization in Vagrants Facilities]. 1970-80년대 한국의 사회적 배제와 인권문제: 집단수용시설의 사회사 [Social Exclusion and Human Rights Problems during 1970-80's in Korea: Social History of Group Residential Facilities], Symposium, held in Academy of Korean Studies, Seongnam, 27 October.

Kim, Ilhwan. 김일환. 2019. "복지는 어떻게 '사업'이 되었는가:한국 사회복지법인의 역사로 본 형제복지원" [How did social welfare become 'business'?: 'Hyeongje-welfare Institution' and trajectory of social welfare foundation in Korea], 민주주의와 인권 [Journal of Democracy and Human Rights] 19(1): 39-87.

Kim, Jaehyung. 김재형. 2017. "망각된 인권, 형제복지원" [Forgotten human rights issues in Brothers Home], 창비주간논평 [Changbi Weekly Commentary]. (2017.9.6)

Kim, Jaehyung. 김재형. 2018. "형제복지원 특별법을 제정하라" [The Case for Special Law for the Brothers Home Incident]. 창비주간논평 [Changbi Weekly Commentary] (October 17)

Kim Jae-hyung, Kim Kwan-wook, Kim Il-hwan, Yeo Jun-min, Lee Myo-rang, Chu-Ji-hyeon, Hwang Ji-seong 김재형, 김관욱, 김일환, 여준민, 이묘랑, 추지현, 황지성. 2021. 집단시설 인권침해 실태조사 연구용역사업: 수도권(서울•경기•인천) 강원권: 최종보고서 [*Final Reports of Research Project on Human Rights Violations in the Group Residental Facilities in Seoul/Gyeonggi/Incheon Area*], 진실•화해를위한과거사정리위원회 [The Truth and Reconciliation Commission of Korea].

Shinmin-Party 신민당. 1987. 부산 형제복지원 사건 신민당 진상조사 보고서 [Shinmin-Party Investigation Report on the Busan Brothers Home Incident]. 신민당 [Shinmin-Party].

So, Junchol. 소준철. 2020. "정부의 '자활정책'과 형제복지원 내 사업의 변화" [State-Sponsored "Self-Sufficiency Policy" and Hyeongje-Welfare Institutional Change], 사회와 역사[Society and History], 125: 243-279.

Truth and Reconciliation Commission 진실•화해를위한과거사정리위원회. 2023. 2022년 하반기 조사보고서: 제5권 결정서 모음 [Investigation Report for the second half of the Year 2022]. 진실•화해를위한과거사정리위원회 [Truth and Reconciliation Commission of Korea].

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Notes

[1] S. Korean panel recognizes state's culpability in past abuses at Brothers Home facility, *Hankyoreh,* August 25, 2022; State panel confirms massive rights violations at Busan confinement facility decades ago, *The Korea Herald,* August 24, 2022; Past Korean governments blamed for abuses, deaths at facility*, The Korea Times,* August 24, 2022; Decades After a 'Living Hell,' Korean Victims Win a Step Toward Redress, *The New York Times*, August 25, 2022; South Korea's former governments responsible for Brothers Home atrocities*, ABC News*, August 24, 2022; South Korea military gov'ts blamed for abuses, deaths at facility, *Al Jazeera*, August 24, 2022.
[2] The first Truth and Reconciliation Commission, which ran from 2005 to 2010, was criticized for failing to resolve a large number of cases.
[3] Jung Keun-sik, Chairman of Truth and Reconciliation Commission: "People were confined at 36 Residential Facilities like Brothers Home", *Hankyoreh*, December 9, 2020.
[4] In public discourse, the distinction between 'beggars' and 'vagrants' was not always clear. The term 'beggars' emphasized the economically disadvantaged condition of the urban underclass, rather than their lack of a settled home. But in practice, two terms were often used interchangeably.
[5] Most of the same-sex sexual violence occurred between appears to have been between men. However, this could be because only male victims chose to speak about same-sex sexual violence in their testimony.
[6] This would require the government to confiscate the property purchased by the Brothers Home foundation after the disposal of the former site. However, there must be a clear legal basis for the confiscation of property, and a special law must be enacted. However, there are questions about its legal validity and practicality.

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