



Korean Peninsula Research Club

Individual Submission
For the Fourth Cycle of the Universal Periodic Review of the
Republic of Korea
42nd session (23 January – 3 February 2023)

About Contributing Organization

Korean Peninsula Research Club (KPRC): is a non-governmental, non-profit student research association based in Hankuk University of Foreign Studies, ROK. Established in 2018, KPRC focuses on an extensive range of Korea-focused research ranging from inter-Korea relations and diplomatic trends to North Korean socio-cultural politics, economy and human rights. KPRC's mission is to raise awareness about inter-Korea issues, particularly with younger individuals. KPRC has held academic seminars, conducted awareness campaigns, and recently hosted the first ever interactive dialogue event with North Korean defectors on campus. KPRC has also received substantial public and media attention for holding a North Korean human rights exhibition for the first time at Hankuk University in 2018, the time of the historical Peace Mood.

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I. Introduction & Background

1. Since the Korean War reached an armistice, the DPRK – led originally by Kim Il-Sung and later by his son Kim Jong-il and grandson Kim Jong-un – have committed various, egregious human rights violations in disregard of established international human rights law.¹ In particular, the carrying out of enforced disappearances within North Korea and beyond its borders is official DPRK state policy, which the government commits with impunity.² Along with the thousands of its own citizens forcibly detained or abducted by the DPRK, individuals from over 10 countries, including 516 South Korean nationals, have been subject to enforced disappearances by the DPRK.³

2. The postwar abduction issue did not enter the spotlight in the ROK until February 2000, when abductee families sent petitions for the repatriation of victims and urged a prompt resolution of this matter to the Ministry of Unification. During the Inter-Korea Summit Talks on June 15, 2000, subject to Subsection 3 of the North-South Joint Declaration, 63 long-term political prisoners in the ROK were repatriated to the DPRK.⁴ This promptly led to abductee families actively demanding for verification of whether those abducted were living or deceased and repatriation for those living. From then onward, the public, media, and civic organizations including ‘Network for North Korean Democracy and Human Rights’ (NKnet) and ‘Citizens’ Coalition for Human Rights of Abductees and North Korean Refugees’ (CHNK) began to support family reunification and the abduction issue.

3. However, despite the threats to life and liberty of those forcibly disappeared, along with the immense emotional and psychological damage carried by abductee families, the ROK has little to show in terms of efforts to investigate cases of enforced disappearances of South Korean nationals by the DPRK and to bring justice to those affected. While modern cases of extraterritorial abductions are rare, precedent does exist for effective responses by victim countries. Japan, responding to enforced disappearances of Japanese nationals by the DPRK, provides an example of what implementation of UPR and stakeholder recommendations for victims and victim nations could involve.

4. While Japan has been negotiating with the DPRK on the abduction issue since 2002, civic organizations and member states recognized that Japan could be doing more for abductees and their families. In the first UPR cycle (2008), Albania called upon Japan to consider ratifying the International Convention for the Protection of All Persons from Enforced Disappearance (CED), which Japan ratified in 2009. In the second UPR cycle (2012), Uruguay recommended that Japan allow the Committee on Enforced Disappearances (CPED) to consider violations of the CED, which Japan also supported. As well as this, various stakeholder submissions during each of the three UPR cycles recommended that Japan recognize the validity of the CED and other international conventions under domestic law, adding pressure to the Japanese government on the abduction issue.⁵

5. This pressure has led the Japanese government to conduct an in-depth investigation on DPRK suspects and Japanese victims, and make diplomatic statements to the international community, including high-level meetings with the president of the United States.⁶ Along with raising public awareness through nationwide abduction awareness campaigns, Japan has also persistently attempted to negotiate with the DPRK for the further damages for its enforced disappearance cases, and as a result, the DPRK has not only apologized for previous abductions of Japanese nationals but has also delivered the whereabouts of 13 victims. The DPRK has also promised to punish officials involved, to avoid a recurrence of Japanese national abductions, and to provide accommodations for family visits and repatriation, although the DPRK has not yet repatriated abductees.

II. Government Efforts, Ongoing Challenges, and Victims’ Concerns

¹ Human Rights Watch. “North Korea: Events of 2021.” In *World Report 2022*, 2021. <https://www.hrw.org/world-report/2022/country-chapters/north-korea>.

² Robertson, Phil. “Justice Needed for North Korea’s ‘Disappeared.’” *Human Rights Watch* (blog), August 30, 2017. <https://www.hrw.org/news/2017/08/30/justice-needed-north-koreas-disappeared>.

³ Amnesty International. “Impunity for Enforced Disappearances in Asia Pacific Region Must End,” August 30, 2007, 3.

⁴ UniKorea. “North South Joint Declaration.” Accessed July 14, 2022. <https://dialogue.unikorea.go.kr/ukd/c/ca/usrtalkmange/View.do>.

⁵ UPR Information. “Japan: UPR Cycles.” Accessed July 14, 2022. <https://www.upr-info.org/en/review/japan>.

⁶ UPR Information. “Japan: Stakeholder Summary.” Accessed July 14, 2022. <https://upr-info-database.uwazi.io/en/library/>

1. Legal System

1.1 Act on the Compensation and Support for Victims of Abductees in North Korea after the conclusion of an Agreement on Military Armistice (Special Act on Postwar Abductees)

6. This act was enacted on April 27, 2017 to confirm the life and repatriation of abductees, to clarify that family reunions and stable resettlement of returned abductees are the state's responsibility, to compensate the abductees and their families, and to support their resettlement in the ROK as soon as possible.⁷ Under Article 29, the Ministry of Unification has been providing subsidies to the “Postwar Abductees Family Union” (referred to as the “family union”) as a group supporting project for the victim families since 2012. Under Article 6, compensation can be given to the following victims: 1) returned abductees who have been abducted for more than 3 years, and 2) families of abductees who have died or suffered from state power, decided by a deliberation committee under the Minister of Unification (formerly the Prime Minister before its revision in December 2018).

1.2 North Korean Human Rights Act (NKHRA)

7. On March 3, 2016, the NKHRA was enacted in the ROK and came into force on September 4, 2016, with the purpose of contributing to the protection and improvement of North Koreans human rights by pursuing the right to liberty and right to life prescribed in the UDHR and other international conventions on human rights.⁸ Article 3 defines the term “North Korean” as persons who have their domicile, lineal ascendants and descendants, spouse, workplace, and other bases of living north of the Military Demarcation Line. Therefore, the term “North Korean” stated on the NKHRA explicitly includes people who are abducted by the DPRK. Article 7 stipulates the promotion of inter-Korean dialogue on human rights, especially in regards to the promotion of human rights in the DPRK. According to the *2018 Pyongyang Joint Declaration*, “South and North Korea have decided to further strengthen humanitarian cooperation to fundamentally resolve the issue of separated families.” Except for the separated families, matters related to North Korean human rights issues, especially pertaining to enforced disappearance by the DPRK, have never been discussed by the ROK after the *2018 Pyongyang Joint Declaration*.

8. Article 9 stipulates international cooperation for the improvement of human rights in DPRK. The first paragraph of this article requires that the State shall cooperate with international organizations, foreign governments, etc. in implementing human exchanges and the exchange of information for the improvement of human rights in DPRK; and shall also endeavor to raise the international community’s awareness on improving human rights in the DPRK. Nonetheless, the ROK has made little effort to request international cooperation to improve human rights in DPRK. Despite the NKHRA being enforced on September 4 2016, the establishment of the *North Korean Human Rights Foundation* specified in Article 10 has still not been implemented. This foundation would investigate the realities of North Korean human rights and conduct research and policy development related to the promotion of North Korean human rights using inter-Korean human rights dialogue and humanitarian aid. On behalf of the victim’ families, Choi Sung-ryong, chairman of the Association of Victims of Postwar Abductees, calls for an amicable agreement at the National Assembly to establish the *North Korean Human Rights Foundation* as soon as possible, as well as the victim-centered participation in the process of establishing this institution.

2. Commissions

9. Under the Act on Compensation and Support for Abductees after the conclusion of the Military Armistice Agreement, Article 6 established the “Deliberation Committee on Compensation and Support for Abduction Victims” as an institution to deliberate on the truth, compensation, and support

⁷ “군사정전에 관한 협정 체결 이후 납북피해자의 보상 및 지원에 관한 법률 | 국가법령정보센터 | 법령 > 본문.” Accessed July 14, 2022. <https://www.law.go.kr/LSW/lsInfoP.do?efYd=20211021&lsiSeq=231711#0000>.

⁸ “대한민국 영문법령.” Accessed July 14, 2022. https://elaw.klri.re.kr/kor_service/lawView.do?hseq=38344&lang=ENG.

for post-war abductees. Consolatory payment was given to individual applicants after an on-site investigation and a committee deliberation process, in order to rehabilitate the reputation of affected families. A total of 428 cases were recognized, and approximately 41.8 billion won was paid to compensate damages. In order to actively inform the government's policy of supporting abductees, the committee creates guidebooks and regional policy briefings, and operates a regional mobile civil service office, considering that most of the abductees' families are elderly and local residents. Recognizing the need to inform the public of the victims' suffering and provide support for programs to heal their pain, the committee provides financial support to the victims in poor economic conditions and promotes consolation visits and medical support.

10. However, although it is included in the work scope of the committee, the planned investigation to discover the truth of abductees and restore their honor is not being carried out. In addition to the deliberation of compensations, a fact-finding survey on the abduction issue and the infringement of the rights of abductees, rehabilitation projects are currently not being promoted. Even if the government and the committee were to plan various programs for the victims, it is hard to achieve valuable results if these issues are not recognized by the public. Therefore, to ensure the opportunity to inform the public on the suffering that these abductees have carried and to help alleviate their pain, the ROK should provide various forms of support, including financial as well as national public support for the plight of victims.

3. Summit and Negotiation with the DPRK

11. Practical negotiation efforts between the ROK and the DPRK to resolve the abduction issue have progressed since the Inter-Korean Summit Talks held on June 15, 2000. The ROK government recognized the abduction issue as the nation's basic responsibility to protect its nationals and promoted it as one of the top priorities for DPRK policy, focusing on confirming the life and death of abductees and family reunions at the humanitarian level through Inter-Korean Summit Talks and Red Cross Talks. At the 4th Red Cross Talks in September 2002, the resolution of the confirmation of life and death and the recognition of POWs and abductees was agreed under the phrasing of "those who were not known in their whereabouts from the war." So far, a total of 54 abductees have been confirmed to be alive or dead, and 19 survivors have reunited with their families in the South at the family reunion event. However, the maximum number of reunions through this "within the boundaries of separated families" solution was only 4 reunions, and DPRK maintained its previous position that "there are no abductees in North Korea at all," showing the limitations to this fundamental solution of the abduction issue.

12. In addition, during the 2018 Inter-Korean Summit, the ROK and DPRK agreed on denuclearization and peaceful unification, but did not discuss the issue of confirming the life or death of abductees. This does not comply with Article 2, Paragraph 2 of the Constitution of the Republic of Korea, which states "It shall be the duty of the State to protect citizens residing abroad as prescribed by Act", and Article 4, Paragraph 2 of the Act on the Confirmation of Life and Death and Promotion of Relationship of Separated Families in North and South Korea (Responsibility of the State), which states "The State shall seek means to quickly and effectively confirm the life and death of separated families and expand relationships between the South and North Korea."

13. The family union called upon the ROK government to strengthen its investigation on the abductees' families, as the negotiations should include confirmation of their lives, reunions and repatriation.

4. Public Awareness

14. According to the ROK Ministry of Education's most recent "Overview of Elementary and Secondary School Curriculum" and "Overview of High School Curriculum," the History and Korean History curricula do not mention the DPRK's human rights issues. The Korean History curriculum

includes only the contents of the DPRK's system, and the textbook fails to mention human rights issues in DPRK. It also does not mention abductions by the DPRK at all.

15. The family union is hoping for the revision of ROK school curricula to include the DPRK enforced disappearance issue, as a starting point of an active discussion within the younger generation.

16. The family union requests an official public apology to all the victims after the deliberation of the content, extent, and formality of the apology. The apology shall officially be recorded and transparently accessible to the public to raise public awareness.

5. Cooperation with the International Community

17. The ROK parliament passed the CPED on June 21, 2022.

18. The ROK government assisted the submission of a petition soliciting efforts to check and ascertain the survival of the abductees to the North to the UN WGEID. So far, 55 petitions concerning the post-war abductees have been submitted to the WGEID. North Korea has replied to 26 of the 27 cases that have been delivered to it among the 55 petitions. However, North Korea has persistently criticized the activities of the WGEID, stating, "The issue related to abductees to the North is a political maneuver and is thus irrelevant to the humanitarian mission of the WGEID." Meanwhile, the South Korean government has striven to improve the human rights of North Koreans by actively supporting and cooperating with the activities of the UN Human Rights Office in Seoul, which opened in June 2015. Despite active discussions on enforced disappearance by the DPRK within the international community, the ROK government's active cooperation in these discussions is insufficient, along with its actions.

III. Recommendations for the Republic of Korea

Legal System

19. Recommendation 1: Investigate the truth of abductees and promote the restoration of honor
The Deliberation Committee on Compensation and Support for Abducted Victims shall investigate the actual conditions of the abduction issue and investigate the infringement of the rights of the abductees other than the deliberation of compensation. Based on this, promote honor recovery projects, including memorializing victims.

20. Recommendation 2: Immediately enforce the already enacted North Korean Human Rights Act and guarantee the participation of victims in all procedures.

- 1) In accordance with Article 7 of the NKHRA, discuss human rights dialogue between both Koreas, with the issue of abduction as one of the major issues.
- 2) In accordance with Article 9 of the NKHRA, ask for international cooperation on human rights issues in the DPRK. In particular, inform the international community of postwar abductions by the DPRK.
- 3) In accordance with Article 10 of the NKHRA, establish the "North Korean Human Rights Foundation" as soon as possible.

Summit and Negotiation with the DPRK

21. Recommendation 3: Enforce its duty on the protection of nationals, especially on the protection of life and property stated in the ROK constitution.

22. **Recommendation 4: Clearly mention the abduction issue as a major issue** during negotiations with DPRK.

23. **Recommendation 5: Discuss the issue of abductees at the Inter-Korean Red Cross Talks**

- 1) Call for the carrying information on the life and death of abductees after the war, punishment for officials, and family visits.
- 2) Send a fact-finding team onsite to interview the survivors of abductions and try to gather information about the unidentified person.
- 3) Respect the free decision-making of the abductees and ask for their return.

Public Awareness

24. **Recommendation 6: Include human rights in the DPRK**, including the issue of enforced disappearances, **in the curriculum** of History and Korean History in Korean textbooks, and discuss with civic groups and experts related to North Korean human rights, including victim family unions, in determining which information are facts.

25. **Recommendation 7: Make an official public apology** to all the victims after the deliberation of the content, extent, and formality of the apology. The apology shall officially be recorded and transparently accessible to the public to raise public awareness.

Cooperation with the International Community

26. **Recommendation 8: Request the international community to cooperate** on the issue of abduction.

27. **Recommendation 9: Actively inform the international community on North Korea's enforced abduction issue** and form a consensus on Korean victims of enforced disappearance within the international community.

28. **Recommendation 10:** As a prospective member the International Convention for the Protection of All Persons from Enforced disappearances, **call for clarification of the responsibility to abductees**. Take advantage of the diplomatic opportunities of the member states to ask for their solid understanding and support.