

Yoon Suk-yeol Government's Policy Tasks regarding Separated Families

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Abstract

The aging separated families and the inexorable increase in the number of their deaths make full confirmation of the life or death of their relatives in North Korea the most pressing priority. Considering the COVID-19 situation in North Korea, the new government in South Korea should first pursue non-face-to-face exchange and step up diplomacy with countries around the world to improve their understanding of the issues of separated families and encourage them to take greater interest in the issues. While continuing efforts to resolve the issues of POWs, abductees, and detainees, the Republic of Korea (ROK) should consider proposing the adoption of a resolution to create a “UN Special Rapporteur on involuntary separation of families.” Aside from support for exchange expenses and funding, it should devise ways to improve NGOs’ capabilities. It needs to expand the scope of policy targets from separated family members in South and North Korea to the Korean diaspora. It is time to set up and implement a plan for commemoration projects in preparation for the passing of the first-generation separated families.

※ The views expressed in this paper are entirely those of the author and are not to be construed as representing those of the Korea Institute for National Unification (KINU).

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Full Confirmation of Life or Death

The advanced age of the first generation of separated families and the inexorable increase in the number of their deaths are among the most urgent issues for separated families. As of 2016, the number of deaths of registered separated family members surpassed the number of survivors, and the number of deaths is on the rise every year. As of April 30, 2022, 133,636 persons were registered in the government-run Integrated Information System for Separated Families as members of separated families, of whom 88,794 persons had passed away, leaving 44,842 survivors (Table 1). Among the survivors, 67.1% are in their 80s or older: 30.3% (13,558 persons) are in their 90s or older and 36.8% (16,521 persons) are aged 80 to 89 (Table 2). The third survey of families separated during the Korean War, conducted in 2021 by the Ministry of Unification in accordance with the Act on Inter-Korean Confirmation of the Life or Death of Separated Families and Promotion of Exchange (hereinafter referred to as the “Act on Inter-Korean Separated Families”), found that 82% of 47,004 people surveyed had yet to confirm whether their relatives in the North were still alive. This clearly shows that full confirmation of life or death is the most pressing priority of all the issues facing separated families. The United Nations repeatedly mentioned the “urgency and importance of the issue of separated families” in North Korean human rights resolutions adopted since 2017 by the UN Human Rights Council and since 2018 by the UN General Assembly. The UN reinforced the expression from “noting”¹⁾ to “stressing”²⁾ the urgency and importance of the issue of separated families.

1) For example, a UN HRC resolution adopted in 2018 included the following: “**Noting the urgency and importance of the issue of separated families** and the requests of the Republic of Korea for confirmation of the fate of family members,…” UN Doc. A/HRC/37/L.29 (2018).

2) For example, a UN HRC resolution adopted in 2021 included the following: “**Stressing the urgency and importance of the issue of separated families**, including affected Koreans worldwide,…” UN Doc. A/HRC/46/L.7 (2021).

〈Table 1〉 Statistics on Separated Families After 2016

(As of April 30, 2022)

Year	Number of applicants	Number of survivors	Number of deaths
2016	131,143	62,631	68,512
2017	131,344	59,037	72,307
2018	133,208	55,978	77,221
2019	133,370	52,730	80,640
2020	133,406	49,452	83,954
2021	133,619	46,215	87,404
2022.3	133,636	44,842	88,794

Source: "Status of Exchange Between Inter-Korean Separated Families" at the Integrated Information System for Separated Families <<https://reunion.unikorea.go.kr/reuni/home/pds/reqststat/list.do?mid=SM00000129>> (Accessed June 3, 2022).

〈Table 2〉 Statistics on Survivors

(As of April 30, 2022)

Category	Aged 90 or over	Ages 80-89	Ages 70-79	Ages 60-69	Aged 59 or under	Total
Number of survivors	13,558	16,521	8,282	3,959	2,522	44,842
Percentage(%)	30.3	36.8	18.5	8.8	5.6	100

Source: "Status of Exchange Between Inter-Korean Separated Families" at the Integrated Information System for Separated Families <<https://reunion.unikorea.go.kr/reuni/home/pds/reqststat/list.do?mid=SM00000129>> (Accessed June 3, 2022).

Pursuing Non-Face-to-Face Exchange and Strengthening Diplomacy with Individual Countries

To address the issues of separated families, the government should pursue not only confirmation of life or death but also exchange in various ways including exchange of letters and regular face-to-face reunions on a larger scale. In the Panmunjeon Declaration of April 27, 2018, South and North Korea agreed to endeavor to resolve all the humanitarian matters including reunions of separated family members and agreed to proceed with reunion programs for the

separated families on the occasion of National Liberation Day on August 15, 2018 (Article 1 (5)). Accordingly, 170 families (833 persons) were reunited on Mt. Geumgang on August 20-26, 2018. At present, however, the COVID-19 situation in the North has rendered face-to-face meetings difficult. The government must first carry out non-face-to-face exchange including exchange of video messages and video reunions and then pursue exchange by other means and expand the scale when the COVID-19 situation becomes somewhat mitigated. In this regard, in the Pyeongyang Joint Declaration of September 19, 2018, South and North Korea agreed to step up humanitarian cooperation to fundamentally resolve the issue of separated families, open a permanent facility for family reunion meetings in the Mt. Geumgang area and to resolve the issue of video meetings and exchange of video messages among the separated families as a matter of priority through Inter-Korean Red Cross talks (Article 3). Accordingly, the South renovated the video reunion centers to prepare for reunions (March-May, 2019), produced video messages necessary for exchange, and obtained exemptions to U.S. and UN sanctions on North Korea (July 2018 and March 2019).

The ROK government should elicit a response from the North through direct inter-Korean dialogue and cooperation with the international community. This requires bolstering diplomacy with individual countries regarding separated families because many countries have little understanding of and interest in the issue of separated families on the Korean Peninsula despite the South Korean government's efforts to resolve the issue and the UN's adoption of North Korean human rights resolutions. In the third Universal Periodic Review (UPR) of the Democratic People's Republic of Korea (DPRK) in 2019, UN member countries made 199 recommendations to North Korea. Among the countries, however, it was only South Korea that urged North Korea to work together to fundamentally resolve the issue of separated families. The government should bear in mind that "it shall seek to settle humanitarian problems caused by the division of the Korean Peninsula" as stipulated in the Article 9 (1) of the

Development of Inter-Korean Relations Act.

Resolving the Issues of “Special Separated Families” and Proposing the Creation of a UN Special Rapporteur on Involuntary Separation of Families

The government should strive to resolve the issues of abductees, POWs, and detainees (so called “special separated families”). It needs to actively explore solutions through international cooperation in that abductions by North Korea occurred in other countries, not just in South Korea. The Commission of Inquiry (COI) on human rights in the DPRK, in a report released in February 2014, noted that, “since 1950, the Democratic People’s Republic of Korea has engaged in the systematic abduction…Well over 200,000 persons…may have become victims of enforced disappearance.” The UN’s interest in the issue of separated families has increased to the extent that it handles the issue of POWs. The UN General Assembly first specified the issue of POWs in its 2021 resolution on human rights in the DPRK.³⁾ The government needs to double efforts to ensure consular access and release of six South Korean residents detained in the North. Besides inter-Korean efforts to resolve the issue, the government should find ways to use other UN human rights mechanisms including the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearance. It also should actively seek a way to use the “protecting power system.” The U.S. and Canada designated Sweden as a protecting power to meet and release their nationals detained in North Korea. To address the issue of separated families including special separated families, it needs to consider proposing the adoption of a resolution on the creation of a UN Special Rapporteur at the UNHRC for each topic. In line with UN examples, the title may be a UN Special Rapporteur on involuntary separation of families. The UN Human Rights Office in Seoul published a report titled “Torn Apart: The Human Rights Dimension of the Involuntary Separation of

3) The relevant part is as follows: “… Noting with concern the allegations of continued violations of the human rights of unrepatriated prisoners of war and their descendants, …”

Korean Families” in 2016.

Support for NGOs’ Capacity Building

Along with the government, NGOs play a key role in exchange among separated families. NGOs not only engage in exchange among separated families including confirmation of life or death, reunions in a third country, and exchange of letters but also make other efforts including appeal of the issue of separated families to the UN and capacity-building projects on their own. However, NGOs suffer significant constraints due to their small scale and poor funding. This has caused separated family members to have low confidence in NGOs. In this regard, the Act on Inter-Korean Separated Families includes support for NGOs’ activities involving exchange among inter-Korean separated families in the master plan for the promotion of exchange between separated families (Article 5). The government covers all or part of expenses incurred in non-governmental activities for exchange among inter-Korean separated families (Article 11). On February 3, 2017, the government revised the guidelines on the subsidization of expenses for exchange between separated families and increased the funding. It also covers all or part of the project costs and operating expenses of NGOs involved in exchange among inter-Korean separated families (Article 12). NGOs are required to enhance their capabilities and improve their expertise to pursue various activities and projects involving separated families at home and abroad, as well as exchange among separated families. To this end, the government should not only cover expenses incurred in exchange and funding but also explore ways to build NGOs’ capacity.

Expanding Policy Targets from Inter-Korean Separated Families to Korean Diaspora

North Korean human rights resolutions adopted by the UN General Assembly and the UN Human Rights Council take note of the separated families around

the world as well as those on the Korean Peninsula. The UN resolutions expressed hope for reunions of the Korean diaspora as well as reunions of inter-Korean separated families. The phrase of “Korean diaspora” first appeared in the 2014 resolution by the UN General Assembly and then in the 2015 UNHCR resolution on human rights in the DPRK. Unlike the first and second survey, the government first included separated families living abroad (1,154 persons) in the third survey of separated families in 2021 conducted by the Ministry of Unification, which is encouraging. However, the Act on Inter-Korean Separated Families defines inter-Korean separated families as those on the Korean Peninsula (Article 2). The government should expand its policy targets to separated families living abroad. In particular, it needs to find a way to work together with the U.S., which is working to resolve the issues of separated families. Since 2000, the U.S. has strived to put into law reunions of separated families living in the country. Although it has yet to be enacted, the Divided Families Reunification Families Act: H.R.826 passed the House of Representatives in July 2021. The main point of the Act is that the US government should work together with the ROK government to help separated families living in the U.S. meet their relatives in North Korea. In August 2021, the Act was renamed the Korean War Divided Families Reunification Families Act: S.2688 and was introduced in the Senate. The South Korean government needs to give consideration to rename and revise the Act on Inter-Korean Separated Families as the Act on Separated Families (tentatively named) to support reunions and exchange among separated families living abroad.

Implementing Commemoration Projects in Preparation for the Passing of the First-Generation Separated Families

It's time for the government to devise mid- and long-term policy in preparation for the passing of the first-generation separated families while striving to resolve the issues of reunions and exchange among separated families. In this regard, the government revised the Act on Inter-Korean

Separated Families on May 22, 2013 and created a provision about genetic testing to confirm family relationships for separated families (Article 8-2). It had tested 62,325 genetic samples including blood, saliva, and hair until 2020. The government also seeks to preserve the history and records of separated families. It collected 15,000 records for archives of separated families and established a digital museum for inter-Korean separated families in 2017 and 2018. Building on these experiences and outcomes, the government needs to systematically develop commemoration projects for separated families. The ROK should consider revising the Act on Inter-Korean Separated Families and incorporating commemoration projects for separated families into the master plan for the promotion of exchange between separated families. It also should consider putting into law commemoration projects for separated families by benchmarking other commemorative events. Commemoration projects have been implemented based on the legal foundations of the following legislations: the Act on the Democratization Movement Commemoration Association; the Act on Protection, Support, and Commemorative Projects for Sexual Slavery Victims for the Japanese Imperial Army; the War Commemoration Service Association Act; and the Act on Assistance to and Commemorative Programs for Miners, Nurses and Practical Nurses Sent to Germany. © KINU 2022