

# Introduction

To the Truth and Reconciliation Commission

2023



진실·화해를위한과거사정리위원회  
Truth and Reconciliation Commission, Republic of Korea

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# I . General Information

## 1. Functions and Characteristics of the Commission

### Composition

- (Inauguration) The Truth and Reconciliation Commission was founded in accordance with the revised Framework Act on Settling the Past Affairs for Truth and Reconciliation (December 10, 2020).
- (Composition) Nine members\* (three standing Commissioner, six non-standing Commissioner) (two-year term, reappointment possible)
  - \* One appointed by the President, eight elected by the National Assembly (four each nominated by the ruling and opposition parties)
- (Characteristics) As an independent national agency, not affiliated with the Presidential Office, it independently performs truth-finding tasks.
- (Period of activity) Three years after initiation of the investigation (May 27, 2021) (extendible within one year)

### Functions

- Select potential targets for truth-finding investigation, decide whether to initiate an investigation, proceed with the investigation, and determine whether to clarify the truth
- Research for reconciliation and other tasks deemed necessary by the Commission

### Scope of Investigations

#### **[Article 2 of the Framework Act on Settling the Past for Truth and Reconciliation]**

- Independence movements against Imperial Japan which were carried out during Japanese occupation or immediately prior to that period;
- History of overseas Koreans after the Japanese occupation until the enforcement date of this Act;

- Mass civilian deaths, injuries, and missing persons from August 15, 1945 to the period prior to, during, and immediately after the Korean War;
- Grave human rights violations and alleged fabrications from August 15, 1945 to the period of authoritarian rule;
- Casualties and damage by hostile forces from August 15, 1945 to the period of authoritarian rule;
- Cases of historical significance, for which the Truth and Reconciliation Commission deems that clarifying the truth is necessary.

**[Article 3 of the Act on the Honor Restoration of and Compensation to Persons Related to the March 15 Masan Uprising]**

- Events around the March 15 Masan Uprising that took place between March 15 and April 13, 1960 in protest against fraudulent elections on March 15, 1960.

◇ **NOTE**

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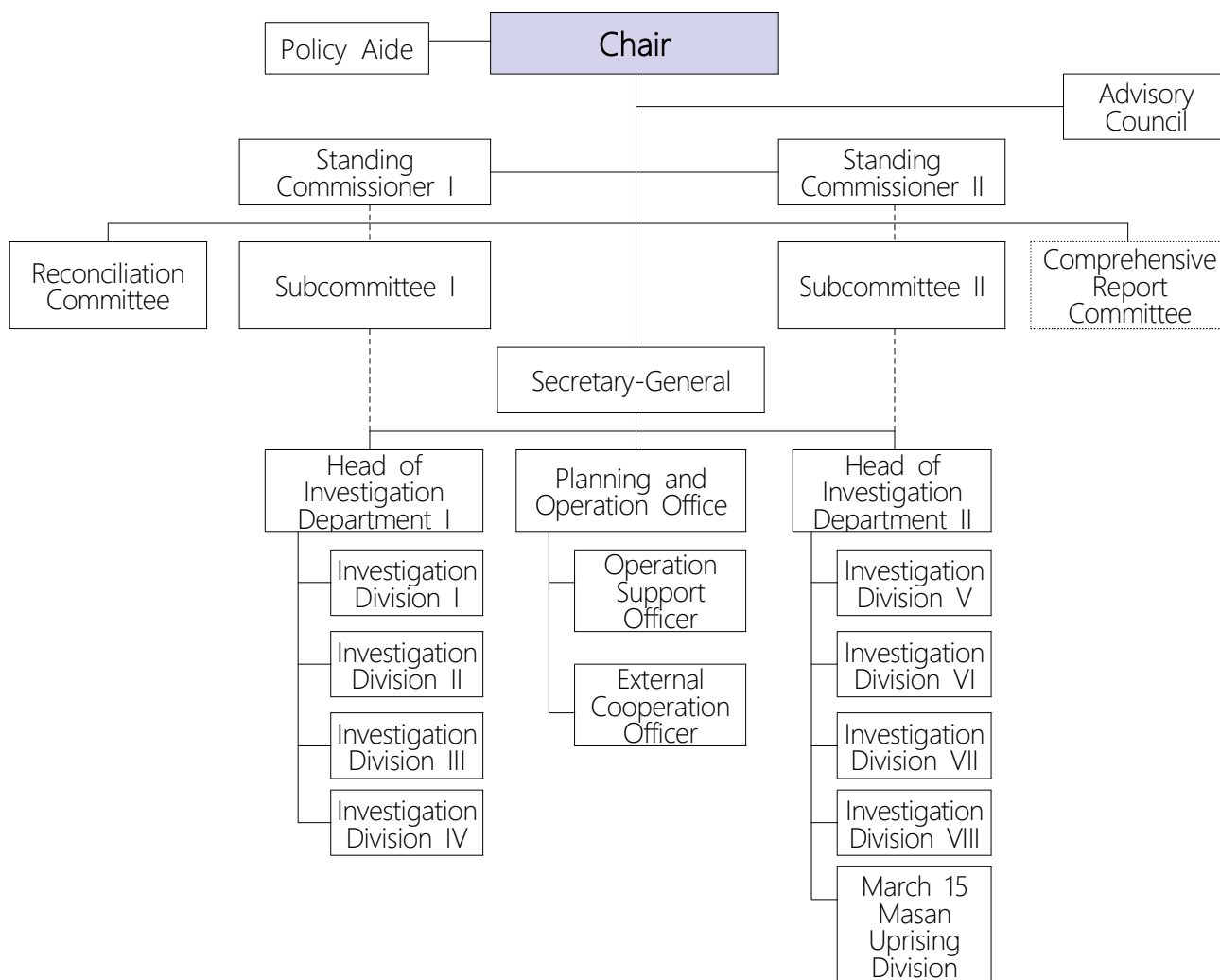
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## 2. Organization

◆ **Organization: 1 secretariat, 1 office, 2 departments, 1 aide, 2 officers, 8 divisions, and 1 team**

\* Subcommittee I, Subcommittee II, Reconciliation Committee, Comprehensive Report Committee, Advisory Council

### □ Organizational chart



### □ Quota/current number of members

(As of January 2023)

Total (Quota/ current number)	Quota			Employed out of the quota			
	Political service	Special service	National service	Local position	Defense (Non-sep- arately prescribe d)	Profession- al	Office assistance
217/212	3/2	78/77	55/52	41/41	2/2	16/16	22/22

## II. Current Status of Truth-Finding Investigations

### 1. Current Status of Applications Received for Truth-Finding Investigations and Processing

(Unit: No. of cases, as of January 1, 2023)

Classification	Applications		Investigations in progress			Cases closed					
	applications No. of	applicants No. of	Investigations launched	Ex officio investigations	Preliminary investigations	Truth clarified	Investigated (confirmed)	Impossible to investigate	Dismissed	Others	
<b>Total</b>	<b>20,092</b>	<b>22,266</b>	<b>10,006</b>	<b>5</b>	<b>7</b>	<b>992</b>	<b>187</b>	<b>13</b>	<b>3,375</b>	<b>1,326</b>	
Application	Independence movement against Japan	129	130	36	-	1	3	-	1	33	11
	History of overseas Koreans	-	-	-	-	-	-	-	-	-	-
	Mass civilian casualties	9,957	10,256	6,535	-	-	286	84	1	545	1,071
	Grave human rights violations and alleged fabrications	2,435	4,023	969	-	2	198	3	9	119	32
	Cases related to hostile forces	3,885	4,032	1,998	-	-	455	100	-	221	172
	Cases with final ruling made	453	568	137	-	4	34	-	2	42	7
	Cases of historical significance	202	202	93	-	-	-	-	-	1	1
	Cases related to March 15 Masan Uprising	339	339	228	-	-	16	-	-	1	4
	Others	2,692	2,716	10	-	-	-	-	-	2,413	28
Ex officio	Mass civilian casualties	-	-	-	1	-	-	-	-	-	-
	Cases related to hostile forces	-	-	-	2	-	-	-	-	-	-
	Cases with final ruling made	-	-	-	1	-	-	-	-	-	-
	Cases related to March 15 Masan Uprising	-	-	-	1	-	-	-	-	-	-

## 2. Investigative Directions by Case Type

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### **Civilian casualties and damage by state authorities and hostile forces**

- Clarify the historical truth by verifying whether the case really took place and if so, what happened
- Investigate the statements of applicants, etc. and conduct on-site surveys in cooperation with local governments

\* Priority is given to investigating the statements of elderly applicants and witnesses

- Conduct *ex officio* investigations into cases deemed historically significant

### **Grave human rights violations and alleged fabrications**

- Carry out investigation by classifying cases into groups that occurred in the same facility or to the same group and individual cases of human rights violations
  - Group cases: Clarify overall truth about the case before investigating each individual
  - Individual cases: In principle, handle each case in the order of receipt, year, and type

### **Independence movements against imperial Japan**

- Examine the anti-Japanese independence activities of those subject to truth-finding investigation by looking into records of that time, consulting expert advice, and conducting field surveys
- Discover relevant materials in cooperation with related organizations such as the Ministry of Patriots and Veterans Affairs and the National History Compilation Committee

### **Events around the March 15 Masan Uprising**

- Initiate truth-finding investigations according to the Act on the Honor Restoration of and Compensation to Persons Related to the March 15 Masan Uprising (effective January 21, 2022)





### III. Investigation of Overseas Adoptions

#### 1. Current Status of Applications Received

##### Current status of applications received

- As of submission deadline date (December 9, 2022), a total of 372 applications were received from nine countries including Denmark and Sweden.

(Unit: No. of cases)

Classification	Date of application					Total	
	Aug. 22	Sep. 13	Nov. 15	Dec. 2	Dec. 9		
No. of applications	52	230	24	1	65	372	
By country	Denmark	52	165	9	–	4	230
	Sweden	–	–	1	–	21	22
	USA	–	33	3	–	12	48
	Norway	–	6	5	–	10	21
	Belgium	–	13	2	–	2	17
	Netherlands	–	9	3	–	5	17
	Australia	–	–	–	–	10	10
	Germany	–	4	1	–	–	5
	France	–	–	–	1	1	2

#### 2. Overview of Initiated Investigations

##### Overview

- Date of initiation: November 29, 2022
- No. of initiated investigations: 34

## Details

- The 34 applicants were adopted overseas between 1960 and 1990 when they were infants, toddlers, or children.
  - Even though their birth parents were alive, the applicants ended up being adopted as a result of crimes such as kidnapping, or without the consent of their birth parents.
  - Their “right to know their own identity” stipulated under the UN Convention on the Rights of the Child may have been violated as they were manipulated as orphans in documents and the information on their original identity and birth family were changed or lost.
- The applicants confirmed their records that they had been adopted as they were intentionally and falsely identified as orphans or other persons even though they had biological parents.
  - The Dutch Committee on the Investigation of Intercountry Adoption (2021) decided to conduct an investigation in consideration of illegal acts and serious human rights violations against children and birth parents by the state, etc., were confirmed in the past overseas adoption process.

### ※ A total of 120,421 overseas adoptions from 1958 to 1989

No. of cases	Denmark	USA	France	Norway	Sweden	Netherl- ands	Belgium
	7,299	76,750	9,831	4,430	7,393	3,685	3,662
	Germany	Australia	Canada	Switzerl- and	Italy	Luxemb- urg	Others
	2,323	1,944	1,369	1,108	382	113	132

## Plans for the future

- Review applications for uninvestigated cases (338 cases) and decide whether to initiate investigation in the first half of 2023
- Submit final report in the first half of 2024

### **3. Issues to Be Investigated and Requests for Cooperation**

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#### **Issues to be investigated**

- Whether the overseas adoption law is unconstitutional or illegal
- Whether the state is accountable for human rights violations in the overseas adoption process
- Whether the right to identity was violated
- Whether human rights violations occurred in the process where adoptees moved to the adoptive country and obtained citizenship

#### **Request for cooperation**

- Provision of applicants' adoption documentation held by government agencies
- Provision of applicants' adoption documentation held by private adoption organizations
- Provision of materials on applicants' acquisition of Danish citizenship

◇ NOTE

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