

# Twenty Years of R2P: Imperfect Pathways for Atrocity Prevention and Protection in North Korea

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## Introduction

The Democratic People's Republic of Korea (DPRK) stands as one of the most intractable contexts for implementing the Responsibility to Protect (R2P), highlighting both persistent and evolving challenges to protecting populations from atrocity crimes. The groundbreaking 2014 Commission of Inquiry (COI) on human rights in the DPRK found that crimes against humanity were being committed “pursuant to policies established at the highest level of the State”, and included extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution, the forcible transfer of populations, enforced disappearances, and “knowingly causing prolonged starvation”.<sup>1</sup> Couching its recommendations in Pillar 3 of the R2P normative framework, the COI concluded that, “[t]he international community must accept its responsibility to protect the people of the Democratic People's Republic of Korea from crimes against humanity, because the Government...has manifestly failed to do so.”<sup>2</sup>

In September 2025, the United Nations Office of the High Commissioner for Human Rights (OHCHR) issued a ten-year follow up to the COI report that found that, despite some legal and administrative reforms, the overall human rights situation in the DPRK has deteriorated over the past decade.<sup>3</sup> Political prison camps remain operational, systems of forced labour have expanded, and authorities have leveraged new technologies to deepen state surveillance and tighten repressive control over the population. In short, North Koreans continue to be subjected to crimes against humanity that are embedded in Pyongyang's system of totalitarian control that “seeks to dominate every aspect of its citizens lives and terrorizes them from within”.<sup>4</sup>

The following brief examines the longstanding challenges to operationalizing R2P in the DPRK context and highlights recent dynamics that have further complicated international responses. While many DPRK human rights advocates may question the efficacy of R2P in light of the country's worsened human rights situation, the final section considers how the principle has nonetheless shaped international response and identifies potential, if imperfect, pathways for advancing protection and accountability in an environment defined by entrenched state control, geopolitical divisions, and extreme government recalcitrance.

### DPRK as a ‘hard case’ for international protection: longstanding challenges

A key premise of R2P is that when a state manifestly fails to protect its population, the international community has a responsibility to take remedial action. While the UN General Assembly, Human Rights Council and other bodies have roles to play, the UN Security Council (UNSC) is the primary institution empowered to authorize binding measures to constrain state behaviour, such as referring situations to the International Criminal Court (ICC), imposing targeted sanctions, or mandating military operations. However, Security Council decision-making is constrained by the veto power, and Russia and China have consistently opposed or watered down the authorization of stronger measures to hold DPRK authorities accountable for atrocity crimes and compel policy changes. This problem is not unique to the DPRK—the

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<sup>1</sup> United Nations Human Rights Council, *Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, A/HRC/25/63 (2014), <https://www.ohchr.org/en/hr-bodies/hrc/co-idprk/commission-inquiry-human-rights-dprk>.

<sup>2</sup> *Ibid*, p.16, para.86.

<sup>3</sup> Office of the High Commissioner for Human Rights, “DPRK: UN report finds 10 years of increased suffering, repression and fear,” United Nations, 12 September 2025, <https://www.ohchr.org/en/press-releases/2025/09/dprk-un-report-finds-10-years-increased-suffering-repression-and-fear>.

<sup>4</sup> United Nations Human Rights Council, *Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, A/HRC/25/63 (2014), p.15, para.80.

UNSC has been at an impasse over most atrocity situations in recent years, such as Gaza, Ukraine, Myanmar, and Syria, among others.

At the same time, the challenge of atrocity prevention in the DPRK is not simply a function of geopolitical divisions in the UN Security Council. It also reflects deeper dilemmas and complex operational constraints arising from the nature of the abuses, the system that sustains them, and the intersection between humanitarian and broader security concerns, namely:

#### *The challenge of responding to chronic 'peacetime' atrocities*

Conventional international responses to atrocity crises are typically designed to disrupt escalation, deter perpetrators, or provide emergency civilian protection. These measures can be poorly suited to responding to chronic 'peacetime' atrocity settings such as the DPRK,<sup>5</sup> where international crimes are intrinsic to state ideology and embedded in the laws, institutions, and mechanisms of control that sustain it. Compared to armed conflict or militarized attacks, there are fewer clear entry points or multilateral policy tools for civilian protection in situations of especially grave but slow-burning violence, where atrocity prevention relies less on international emergency response than on long-term strategies to disrupt and transform entrenched systems of repression.

#### *Perceived tensions between 'hard' security and humanitarian concerns*

The global response to the DPRK is also complicated by the dual military and humanitarian threats the regime poses. International efforts have tended to prioritize denuclearization and regional stability over human protection, as Pyongyang perceives efforts to foreground human rights accountability as a direct threat to regime survival and often responds by doubling down on its nuclear and missile programmes. In light of this, UN Special Rapporteurs, concerned States, and civil society advocates have sought to elevate human rights concerns by emphasizing how Pyongyang's abuses enable it to pursue its ballistic and nuclear weapons programs.<sup>6</sup> Yet the core challenge remains: how to reconcile strategic stability with human protection in a bellicose and highly militarized, closed authoritarian context where traditional diplomatic and humanitarian tools have limited leverage.

#### *Engagement versus Accountability*

Amidst perennial UNSC gridlock, a trend in R2P scholarship is a shift toward 'principled pragmatism' that underscores that advancing R2P requires focussing less on ideal prescriptions and more on practical, achievable measures that can uphold the norm's core purpose: tangibly improving protection outcomes for at-risk populations.<sup>7</sup> In the DPRK context, even among R2P supporters and human rights advocates, there is not a clear consensus on what this entails. While there is broad agreement that the scale and gravity of violations amount to atrocity crimes, there is not a firm, shared understanding of what constitutes the most effective response. In other words, agreement that *something* ought to be done does not extend to *what* should be done or *by whom*. Some actors prioritize justice and accountability mechanisms, while others view engagement as the more promising

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<sup>5</sup> Serena Timmoneri, "Responsibility to Protect and 'peacetime atrocities': the case of North Korea", *The International Journal of Human Rights* 19(8) (2015):1290–1302, doi.org/10.1080/13642987.2015.1082842.

<sup>6</sup> Lina Yoon, "North Korea's Rights Crisis, Not Just Missiles, needs Global Attention", Human Rights Watch, 19 March 2026, <https://www.hrw.org/news/2026/03/19/north-koreas-rights-crisis-not-just-missiles-needs-global-attention>.

<sup>7</sup> Jason Ralph, "What Should be Done? Pragmatic Constructivist Ethics and the Responsibility to Protect," *International Organization* 72(1) (2018):173-203, <https://doi:10.1017/S0020818317000455>; Adrian Gallagher, "To Name and Shame or Not, and If So, How? A Pragmatic Analysis of Naming and Shaming the Chinese Government over Mass Atrocity Crimes against the Uyghurs and Other Muslim Minorities in Xinjiang," *Journal of Global Security Studies* 6(4) (2021) ogab013, <https://doi.org/10.1093/jogss/ogab013>.

protection pathway, arguing that intense pressure risks entrenching the worst isolationist impulses of the regime and further imperilling ordinary citizens.

### *The DPRK accountability challenge*

Even for those who view justice and accountability as central to curbing state violence, the DPRK presents distinct obstacles. Pathways for international accountability for atrocity crimes in the DPRK are more limited than other situations for two key reasons (beyond the obvious limitation that the ICC does not have jurisdiction over territorial crimes as the DPRK is not a signatory to the Rome Statute).<sup>8</sup>

First, unlike genocide and war crimes, there is currently no dedicated treaty on crimes against humanity. By contrast, the codified obligation to prevent under the 1948 Genocide Convention has forged legal pathways for parties to pursue state accountability before the International Court of Justice (ICJ), as demonstrated in the *Gambia v. Myanmar* and *South Africa v. Israel* cases. As advocates for the ongoing process to negotiate a crimes against humanity treaty have highlighted,<sup>9</sup> without a comparable treaty framework for these crimes, opportunities for holding perpetrating states accountable are far more constrained. This pertains to ICJ proceedings, but also to universal jurisdiction cases: globally, there is far less domestic codification of crimes against humanity than genocide or war crimes.

Second, though the Rome Statute definition of crimes against humanity pertains broadly to widespread and systematic attacks, legal precedents for holding states accountable for 'peacetime' crimes against humanity have tended to center on systematic identity-based, rather than political, persecution (such as the prosecution of South Africa's racial apartheid regime, or emerging proceedings concerning Israel's persecution of Palestinians or the Taliban's gender-based persecution in Afghanistan). The closest contemporary parallel to DPRK's severe authoritarian repression, forced labour, surveillance, and mass political detention may be China's treatment of Uyghurs and other Turkic Muslims. Yet even in that case, persecution is targeted at protected racial/ethnic/religious groups rather than political group.

The point being: though it is not altogether uncharted legal territory, the procedural, evidentiary, and jurisdictional pathways for state accountability for 'peacetime' atrocities, carried out through sweeping systems of surveillance, detention, and coercive control of a large domestic population, remain relatively underdeveloped in international jurisprudence. The nature of DPRK's criminality and jurisdictional limits do not preclude accountability, but they do make it more challenging.<sup>10</sup>

### **Emerging Dynamics that further Complicate International Protection Efforts**

Alongside these longstanding challenges and dilemmas for R2P 'Pillar 3 protection' in the DPRK, there are also emerging issues that reduce external leverage and complicate efforts to monitor, prevent and respond to atrocity crimes:

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<sup>8</sup> Kim So-hyun, "International Criminal Court says it has no jurisdiction over NK leader," *The Korea Herald*, 6 December 2019, <https://www.koreaherald.com/article/2174316>.

<sup>9</sup> Human Rights Watch, "Toward a Crimes Against Humanity Treaty," Human Rights Watch, 9 October 2024, <https://www.hrw.org/news/2024/10/09/toward-a-crimes-against-humanity-treaty>.

<sup>10</sup> Stephan Sonnenberg and Patricia Goedde, "Accountability for Human Rights Crimes in North Korea: Jurisdictional Dilemmas in South Korea," *Asian Perspective* 47(3) (2023): 513-541, <https://dx.doi.org/10.1353/apr.2023.a905236>.

### *Political ‘triage’ in the face of multiple atrocity emergencies*

While the COI concluded that the “gravity, scale and nature” of violations in the DPRK “does not have any parallel in the contemporary world”,<sup>11</sup> the political reality is that the DPRK has competed for international attention and resources within an overstretched protection agenda. In recent years, crises such as Gaza, Ukraine, Sudan, and Myanmar—situations of intense warfare, aerial bombardment of civilians, multiple horrific massacres, and largescale forced displacement—tend to dominate resources and political bandwidth, wherein a ‘tyranny of the urgent’ sidelines protracted atrocity situations like the DPRK.

### *More limited entry points following COVID-19*

Given the nature of atrocities, there is a strong case that upholding R2P in the DPRK requires a long-term, structural prevention strategy. Yet, this is fraught with difficulty due to Pyongyang’s extreme political and economic isolation and the regime’s rigid ideology that sustains gross and systematic human rights abuses. These challenges have intensified dramatically since the onset of COVID-19. The regime’s self-imposed border closure, initially justified under pandemic control measures, have intensified repression and restrictions, and effectively halted most cross-border trade, ceased humanitarian aid, diminished international staffing presence, and cut off the flow of independent information from inside the country.<sup>12</sup> This has left DPRK more closed and insular than at any point in recent history, and undermined humanitarian or economic entry points for structural atrocity prevention.

### *‘Do No Harm’: increased risk in engaging with DPRK citizens*

In recent years the regime has invested in advanced digital surveillance tools, including facial recognition systems and mobile data tracking, which have tightened control on the population and further restricted access to information and communication with the outside world.<sup>13</sup> Alongside these measures, DPRK authorities have expanded the application of the death penalty to cover acts such as consuming and sharing foreign media content, including films and television.<sup>14</sup> In addition to heightening DPRK citizens’ fear and repression, the measures have amplified dilemmas for international engagement, as even limited contact can expose DPRK citizens to severe punishment and compound atrocity risks.

### *New challenges arising from deeper Pyongyang-Moscow relations*

While China has long been regarded as Pyongyang’s principle external influence and patron, Russia has re-emerged as an increasingly prominent political, military, and economic partner.<sup>15</sup> The DPRK has reportedly supplied munitions and deployed personnel for Russia’s

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<sup>11</sup> United Nations Human Rights Council, *Report of the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea*, A/HRC/25/63 (2014), p.15, para.80.

<sup>12</sup> Human Rights Watch, “North Korea: Escapees Describe Covid-Linked Repression,” Human Rights Watch, 5 March 2025, <https://www.hrw.org/news/2025/03/05/north-korea-escapees-describe-covid-linked-repression>.

<sup>13</sup> Martyn Williams and Natalia Slavney, “Digital Surveillance in North Korea: Moving Toward a Digital Panopticon State,” 38 North, 16 April 2024, <https://www.38north.org/reports/2024/04/digital-surveillance-in-north-korea-moving-toward-a-digital-panopticon-state/>.

<sup>14</sup> Jean Mackenzie, “North Korea executing more people for sharing foreign films and TV, UN finds,” BBC, 12 September 2025, <https://www.bbc.com/news/articles/ckgqdz17ye3o>.

<sup>15</sup> Soumya Narain and Bishwajit Acharya, “North Korea is the big beneficiary in its military partnership with Russia,” Australian Strategic Policy Institute, 6 February 2025, <https://www.aspi.org.au/north-korea-is-the-big-beneficiary-in-its-military-partnership-with-russia/>.

war in Ukraine in exchange for fuel<sup>16</sup> and military technology.<sup>17</sup> The deepening ties provide DPRK with vital economic lifelines as well as added diplomatic cover in the UN Security Council—most prominently demonstrated in March 2024 when Russia vetoed the renewal of the mandate of the Panel of Experts that monitors the enforcement of UN sanctions against the DPRK.<sup>18</sup> This shifting geopolitical alignment reinforces Pyongyang’s sense of impunity and further complicates multilateral strategies aimed at accountability, non-proliferation, and atrocity prevention.

### *US retreat threatening the survival of the DPRK human rights ecosystem*

The US government, through its foreign assistance programs and National Endowment for Democracy (NED) grants, has longed sustained a network of NGOs working on human rights in the DPRK, who provide critical documentation, advocacy, and survivor support functions. The Trump administration’s decision to abruptly terminate USAID programs; severely downsize the US State Department’s Bureau of Democracy, Human Rights and Labor; and freeze related human rights and democracy promotion funding streams have severely impacted this community.<sup>19</sup> The survival of several NGOs is now uncertain, and their ability to collect testimonies, preserve evidence, and assist escapees has sharply declined, which in turn disrupts the flow of information to UN mechanisms and accountability processes.<sup>20</sup> The long-term consequences may be weaker international scrutiny of ongoing crimes against humanity and erosion of the few channels for accountability for Pyongyang’s conduct.<sup>21</sup>

## **R2P: Imperfect Pathways for advancing protection in the DPRK**

What, then, are the prospects for atrocity prevention in the DPRK? What measures can states, individually and collectively, take to advance the goals of R2P—to constrain state violence and provide some measure of protection for DPRK citizens at risk of atrocity crimes?

### *Build coalitions to focus and sustain international attention*

As noted, the COI expressly framed the DPRK’s human rights situation within the language of R2P, concluding that the state was manifestly failing to protect its population and the international community should step up to take protective action. This framing helped provide the normative and political impetus for the UN General Assembly’s 2014 resolution that urged the UNSC to act.<sup>22</sup> Despite resistance from Russia and China, the Security Council took the unprecedented step to formally place the DPRK’s human rights record on its agenda and held

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<sup>16</sup> Jean Mackenzie, “Satellite images show Russia giving N Korea oil, breaking sanctions,” BBC, 22 November 2024, <https://www.bbc.com/news/articles/cjr4pr0gyyzo>.

<sup>17</sup> Anton Sokolin, “Russia gave North Korea advanced air defenses over Ukraine war support: Report,” NK News, 30 May 2025, <https://www.nknews.org/2025/05/russia-gave-north-korea-advanced-air-defenses-over-ukraine-war-support-report/>.

<sup>18</sup> Victor Cha and Ellen Kim, “Russia’s Veto: Dismembering the UN Sanctions Regime on North Korea,” Center for Strategic & International Studies, 29 March 2024, <https://www.csis.org/analysis/russias-veto-dismembering-un-sanctions-regime-north-korea>.

<sup>19</sup> Gabriela Bernal, “How US funding cuts could exacerbate North Korea’s humanitarian crisis,” The Lowy Institute – the Interpreter, 6 March 2025, <https://www.loyyinstitute.org/the-interpreter/how-us-funding-cuts-could-exacerbate-north-korea-s-humanitarian-crisis>.

<sup>20</sup> William Gallo, “North Korea rights group face collapse amid US funding halt,” Voice of America English News, 20 February 2025, <https://www.voanews.com/a/north-korea-rights-groups-face-collapse-amid-us-funding-halt/7981751.html>.

<sup>21</sup> Danielle Chubb, “Another US funding cut threatens human rights in North Korea – and hands more power to a dictator,” The Conversation, 4 March 2025, <https://theconversation.com/another-us-funding-cut-threatens-human-rights-in-north-korea-and-hands-more-power-to-a-dictator-251239>.

<sup>22</sup> Alex J. Bellamy, “A chronic protection problem: the DPRK and the Responsibility to Protect,” *International Affairs* 91(2) (2015): 225-244, <http://www.jstor.org/stable/24538910>.

annual debates on the matter from 2014 to 2017. Momentum for this waned in the first Trump administration, largely due to a policy shift that prioritized denuclearization talks with Pyongyang. During the Biden administration, in August 2023, the Security Council held its first formal meeting on DPRK's human rights situation in over five years (at the request of Japan, Albania, and the US),<sup>23</sup> and another open Security Council briefing was held in June 2024 on the linkages between forced labour and the DPRK's weapons program (at the request of Japan, the Republic of Korea (ROK), the United Kingdom, and the US).<sup>24</sup>

As statements in these Security Council sessions attest, R2P has continued to provide a common language and framework for underscoring that the situation in DPRK remains so grave as to warrant international scrutiny and response. Yet, the record also shows that US support has been pivotal for placing the DPRK's human rights situation on the UNSC's agenda.<sup>25</sup> Amid the second Trump administration's retreat from human rights diplomacy, more coordinated action by middle powers, likeminded states, and civil society is needed to help to ensure that crimes against humanity in the DPRK remain a live issue in the UNSC, even in the absence of US leadership.

### *Activate actors and channels beyond the UNSC*

In the face of geopolitical deadlock, other UN bodies, Member States and civil society actors have been compelled to pursue complementary strategies for accountability,<sup>26</sup> such as the establishment of the OHCHR field office in Seoul to document ongoing violations, the continued work of the Special Rapporteur, US<sup>27</sup> and European Union<sup>28</sup> Magnitsky-style sanctions, and legal proceedings in national courts.<sup>29</sup> The determination to activate alternative mechanisms to advance international oversight and accountability was witnessed following the disbanding of the Panel of Experts monitoring UN sanctions on the DPRK due to Russia's veto. Months later, in October 2024, the US, Japan, and the ROK announced the formation of the Multilateral Sanctions Monitoring Team to serve this function.<sup>30</sup> Civil society organizations and human rights advocates have similarly called for the UN General Assembly to fill the protection void left by the Security Council, and to create a new mechanism to report on and investigate the interconnections between DPRK's human rights violations and weapons programmes.<sup>31</sup> Support for this action underscores a core premise of R2P: the collective

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<sup>23</sup> UN Meetings Coverage and Press Releases, "Democratic People's Republic of Korea Increasingly Repressing Its Citizen's Human Rights, Freedoms, High Commissioner Warns Security Council," United Nations, 17 August 2023, <https://press.un.org/en/2023/sc15387.doc.htm>.

<sup>24</sup> UN News, "Life in DPR Korea still 'daily struggle devoid of hope' warns human rights chief," United Nations, 12 June 2024, <https://news.un.org/en/story/2024/06/1150961>.

<sup>25</sup> Robert R. King, "The UN Security Councils First North Korean Human Rights Session since 2017", Center for Strategic and International Studies, 30 August 2023, <https://www.csis.org/analysis/un-security-councils-first-north-korean-human-rights-session-2017>.

<sup>26</sup> United Nations Human Rights Council, "Promoting accountability in the Democratic People's Republic of Korea," *Report of the Office of the High Commissioner for Human Rights, A/HRC/52/64*, (2023), <https://docs.un.org/en/A/HRC/52/64>.

<sup>27</sup> U.S. Department of the Treasury, "Treasury Sanctions North Korean Officials and Entities in Response to the Regime's Serious Human Rights Abuses and Censorship," Press Releases U.S. Department of the Treasury, 10 December 2018, <https://home.treasury.gov/news/press-releases/sm568>.

<sup>28</sup> Ramon Pacheco Pardo and 38 North, "Pressure and Principles: The EU's Human Rights Sanctions on North Korea," 38 North, 26 March 2021, <https://www.38north.org/2021/03/pressure-and-principles-the-eus-human-rights-sanctions-on-north-korea/>.

<sup>29</sup> Peter Ward, "(Brief 2025-05) Accountability for North Korean Human Rights Abuses," Sejong Institute, 10 March 2025, <https://www.sejong.org/web/board/22/egoread.php?bd=24&seq=12187>.

<sup>30</sup> Multilateral Sanctions Monitoring Team, "Joint Statement on Establishing Multilateral Sanctions Monitoring Team (MSMT) For Implementation of UN Security Council Resolutions regarding the DPRK," <https://www.mofa.go.jp/files/100739699.pdf>.

<sup>31</sup> John Sifton, "Moving North Korea Beyond Deadlock at the UN," Human Rights Watch, 14 June 2024, <https://www.hrw.org/news/2024/06/14/moving-north-korea-beyond-deadlock-un>.

responsibility to protect does not end with the UNSC inaction, but requires actors to find creative and novel diplomatic, legal, and operational pathways to advance protection and prevent atrocities.

### *Mobilize resources for civil society-led prevention*

The COI's groundbreaking recognition and naming of atrocities in the DPRK played a critical role in mobilizing resources for documentation, advocacy, and the pursuit of accountability. As noted, this work is now being undermined by the closure of USAID programs, along with UN budget constraints (and efforts by some countries to slash UN human rights funding even further within broader uncertainty surrounding the UN80 process). In this context, upholding R2P requires renewed and diversified investment in the DPRK human rights ecosystem to support survivors and prevent further erosion of international accountability efforts.

### *Identify and address DPRK's complicity in global protection crises and atrocities abroad*

The DPRK's involvement in atrocity crimes extends well beyond its borders. DPRK weapons, munitions, and bomb guidance kits trafficked to Myanmar have been used by the junta to carry out indiscriminate airstrikes and attacks on civilian populations—actions which the UN and other actors have assessed as likely constituting war crimes and crimes against humanity.<sup>32</sup> Since late 2024, DPRK combat units have been deployed to support Putin's war efforts against Ukraine that are notorious for their serious violations of international humanitarian law. These actions demonstrate the continued need for coordinated sanctions on DPRK's military and financial networks *as well as* for sustained advocacy that underscores that addressing atrocity crimes in the DPRK is part of a comprehensive prevention strategy to disrupt the 'transnational atrocity supply chain' that connects some of the worst perpetrating regimes in the world today.

### *Support the crimes against humanity treaty negotiations*

Supporting the crimes against humanity treaty negotiations that are now underway at the UN offers a concrete way to advance accountability in the DPRK context.<sup>33</sup> Active support for treaty negotiations signals political commitment to R2P, as the treaty would close a major accountability gap and open additional avenues to hold DPRK authorities accountable for atrocity crimes, even where the UNSC remains paralysed.

### *Coordinate action for prevention*

Despite extensive documentation of crimes against humanity in the DPRK, calls for a dedicated coordination mechanism or contact group on human rights and atrocity prevention have not materialized. Momentum for this could be built on the collective resolve and coordination capacity demonstrated by the US, Japan, and ROK in establishing the Multilateral Sanctions Monitoring Team, which could be extended or replicated to enhance coordination of bilateral Magnitsky-style sanctions and strategic support for accountability efforts. In September 2025 the US sanctioned DPRK entities for weapons trafficking linked

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<sup>32</sup> Shreyas Reddy, "New US sanctions take aim at North Korean weapon sales to Myanmar junta", *NK News*, 26 September 2025, <https://www.nknews.org/2025/09/new-us-sanctions-take-aim-at-north-korean-weapons-sales-to-myanmar-junta/>; see also Shibani Mahtani, "North Korea, China and Russia are arming Myanmar's military despite genocide accusations, U.N. report finds," *Washington Post*, 5 August 2019, [https://www.washingtonpost.com/world/asia\\_pacific/north-korea-china-and-russia-are-arming-myanmars-military-despite-genocide-accusations-un-report-finds/2019/08/05/f4dd49d0-b531-11e9-acc8-1d847bacca73\\_story.html](https://www.washingtonpost.com/world/asia_pacific/north-korea-china-and-russia-are-arming-myanmars-military-despite-genocide-accusations-un-report-finds/2019/08/05/f4dd49d0-b531-11e9-acc8-1d847bacca73_story.html).

<sup>33</sup> Chirstine Ryan, Richard Dicker, and Akshaya Kumar, "Critical Juncture for the Proposed Crimes against Humanity Treaty", *OpinioJuris*, 16 January 2026, <https://opiniojuris.org/2026/01/16/critical-juncture-for-the-proposed-crimes-against-humanity-treaty/>.

to atrocities in Myanmar.<sup>34</sup> Similar initiatives, with broader and more coordinated action among likeminded states, could more effectively operationalize the collective responsibility to protect and strengthen accountability for Pyongyang's network of abuse.

### *Support novel legal pathways for justice and accountability*

Though the ICC does not have jurisdiction over crimes committed on DPRK territory, experts have argued that Ukraine could file an official complaint to the ICC over DPRK troops supporting Russian aggression against Ukraine.<sup>35</sup> This could allow the ICC to launch an investigation into DPRK.

There are also avenues that could be further pursued through South Korean courts, in particular. For example, in July 2025 North Korean defector Choi Min-kyung filed an unprecedented lawsuit<sup>36</sup> in South Korea against Kim Jong-un and five other DPRK officials for alleged crimes against humanity related to torture and sexual violence in state-run detention facilities. This is the first recorded effort of a North Korean defector to pursue legal accountability for crimes against humanity and could serve as a precedent for further cases.

### **Conclusion**

Twenty years after the adoption of R2P at the 2005 World Summit, the experience of DPRK underscores enduring challenges and constraints to the scope and effectiveness of international protection efforts. There are no unequivocal or uncontested pathways for protection. Progress will depend on coordinated, often incremental, measures by a coalition of determined actors who are able to navigate political constraints and steadily advance prevention efforts. While the pathway is necessarily imperfect, sustained atrocity prevention measures can help disrupt patterns of abuse, support survivors, and preserve space for future accountability.

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<sup>34</sup> Thomas Pigott, "Targeting Illicit DPRK Weapons Sales to Burma and a DPRK Financial Facilitator," U.S. Department of State, 25 September 2025, <https://www.state.gov/releases/office-of-the-spokesperson/2025/09/targeting-illicit-dprk-weapons-sales-to-burma-and-a-dprk-financial-facilitator>.

<sup>35</sup> Ukrainska Pravda, "Ex-ICC president urges Ukraine to file ICC case against North Korea," Ukrainska Pravda, 19 May 2025, <https://www.pravda.com.ua/eng/news/2025/05/19/7512969/>.

<sup>36</sup> Raphael Rashid, "North Korean defector sues Kim Jong-un alleging torture and sexual violence in regime's detention facilities," The Guardian, 11 July 2025, <https://www.theguardian.com/world/2025/jul/11/north-korea-defector-to-sue-kim-jong-un>.