



DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

# BASELINE ASSESSMENT OF R2P IMPLEMENTATION



 [r2pasiapacific.org](http://r2pasiapacific.org)

 [r2pinfo@uq.edu.au](mailto:r2pinfo@uq.edu.au)

The following Baseline Assessment Annex provides an overview of the Democratic People's Republic of Korea's efforts in implementing R2P as of 2019. For a full description of the methodology used in this study, see Part II of 'Implementing the Responsibility to Protect in the Asia Pacific: An Assessment of Progress and Challenges', available [here](#).

**Photo Acknowledgement:** Tomas Van Houtryve, 2007-2008, at [http://content.time.com/time/photogallery/0,29307,1903919\\_1895454,00.html](http://content.time.com/time/photogallery/0,29307,1903919_1895454,00.html).

# DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

A systematic perpetrator of crimes against humanity, the Democratic People's Republic of Korea (DPRK or North Korea) performs poorly in areas relating to the protection of its population from atrocity crimes. Millions of North Koreans have died as a result of either direct killing and torture by the government or government-induced famine.

The three indicators in which the DPRK rate 'Weak' rather than 'Very Weak' concern participating in peer review processes (in recognition of at least participating in the Universal Periodic Review process of the Human Rights Council), the fact that the government has control over its military, and it participates in some dialogue on R2P (it provided statements at the Informal Interactive Dialogues of the General Assembly on R2P in 2009, 2011, 2014 and 2018).

In terms of international law and human rights, the DPRK ratified seven of the twelve key international legal instruments most relevant to R2P. However, it has voiced reservations about many of them and utterly failed to uphold their core principles in practice. The domestic promotion and protection of human rights is practically non-existent. For example, it is one of the few countries worldwide that is not a member of the International Labour Organisation and in 2015 the UN's Special Rapporteur on human rights in North Korea reported that labour conditions in the DPRK amount to human rights violations. Whilst it has participated in some peer review processes, the DPRK is classified by the Human Rights Council as a non-reporting state for the non-submission of various reports and has not accepted individual complaints procedures or inquiry procedures. Despite constitutional claims that the courts are independent, in practice the Party and the Supreme Leader create law

and determine the constitution; hence, there is no independent judiciary. While the DPRK has ratified the Genocide Convention (1948) and the Geneva Conventions (1949), there is no specific reference to acts such as genocide, ethnic cleansing, crimes against humanity or war crimes within its domestic law, and there is clear evidence of the systematic commission of crimes against humanity. The law provides little to no protection for vulnerable groups, especially in the context of sexual and gender based violence.

Whilst authorities have maintained effective control over the security forces, widespread impunity runs deep, abuses are not investigated, and the security forces are used to smother any opposition to the regime. There is no civil society to speak of and no independent press. The DPRK has voted against all General Assembly resolutions relating to R2P and has taken no steps to build dialogue in the region on human protection matters. In regards to peacekeeping, the DPRK has not contributed to UN peacekeeping operations and has voiced strong opposition to international action to prevent atrocity crimes.

# DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Assessment	Indicator
<b>Weak</b>	Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council
	Ensure a legitimate, effective and civilian controlled security sector
	Participate in international, regional and national discussions on the further advancement of R2P
<b>Very Weak</b>	Protection of populations from atrocity crimes
	Reduction of atrocity crime risks
	Dealing with past atrocities
	Appoint national R2P Focal Point
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect
	Sign, ratify and implement relevant instruments of international law
	Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court
	Establish and maintain National Human Rights Institutions in accordance with the Paris Principles
	Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination
	Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations
	Ensure equal access to justice
	Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity
	Take measures to counter and prevent violent extremism
	Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence
	Protect individuals and groups fleeing atrocity crimes and their risk, in accordance with International Refugee Law
	Conduct a national assessment of risk and resilience
	Cultivate and protect an active, diverse and robust civil society
	Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness
	Prevent nationals committing atrocity crimes overseas
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect
	Encourage and assist States to fulfil their R2P in situations of emerging and ongoing crisis, such as good offices and preventive diplomacy
	Strengthen regional and international networks for atrocity crime prevention
Strengthen the role and capacity of regional organisations	

	Support the development and work of regional human rights and other preventive capacities
	Support atrocity prevention through development and assistance partnerships
	Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P
	Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system
	Support preventive actions on atrocity crimes
	Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate)
	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping
	Support the Kigali Principles
	Support UN Security Council veto restraint on issues relating to atrocity prevention

## DPRK Score: 2

According to a UN Commission of Inquiry, the DPRK commits systematic crimes against humanity against its own population. One of the most repressive states in the world, the DPRK is manifestly failing to protect its own population and actively works to block efforts to promote human protection. It is the region's worst performer by a considerable margin.

Democratic People's Republic of Korea (North Korea)  
North Korea: Baseline Assessment of R2P Implementation

Thematic Area	Indicator	Assessment	Notes
Basic Compliance	Protection of populations from atrocity crimes.	Very Weak	The Democratic People's Republic of Korea (DPRK) has consistently and systematically committed crimes against humanity against its own citizens. The isolated and secretive nation is nevertheless well known for human rights abuses and the authoritarian rule of the Kim dynasty. The international community, including various UN organs, human rights advocates and other national governments have noted the near complete disregard for the suffering of North Korean citizens by the government. Regarding R2P, it has taken little to no steps in promoting and furthering the norm or policies related to it. <sup>1</sup>
	Reduction of atrocity crime risks.	Very Weak	The policies and decisions that lead to the commission of crimes against humanity and other forms of harm on DPRK citizens have their source at the highest levels of government in the Kim regime. The chances of further crimes occurring are high, indeed, it could be said they are inevitable.
	Dealing with past atrocities.	Very Weak	Past atrocities are remembered in the DPRK, but there is no reconciliation, forgiveness or commemoration for the sake of healing aggrieved parties. Instead atrocities committed during the Korean War are immortalised and used to further the political goals of the Kim regime and establish decades-long feelings of hatred and revenge towards American, South Korean and foreign interference in the population at large. <sup>2</sup>
Policy Mechanisms	Appoint national R2P Focal Point.	Very Weak	The DPRK has not appointed an R2P focal point. <sup>3</sup>
	Incorporate atrocity crime risks and dynamics into conflict analysis and/or development partnerships.	Very Weak	There is no evidence of the government incorporating atrocity crime risks into conflict analysis.
	Establish domestic mechanisms to hold the government accountable for upholding its responsibility to protect.	Very Weak	No domestic mechanisms are in place to ensure the government upholds its responsibility to protect.
International Human Rights Obligations	Sign, ratify and implement relevant instruments of international law.	Very Weak	The DPRK has ratified seven of the twelve key international human rights laws (IHRL) most relevant to R2P. Yet, it has voiced reservations about many of them and has utterly failed to uphold the core principles in practice. The treaties ratified are: <sup>4</sup>

<sup>1</sup> For more information, see: Asia Pacific Centre for the Responsibility to Protect (APR2P), 2016. *Atrocity Crimes Risk Assessment Series: Democratic People's Republic of Korea*, [https://r2pasiapacific.org/files/631/Risk\\_Assessment\\_dprk\\_vol2\\_december2016.pdf](https://r2pasiapacific.org/files/631/Risk_Assessment_dprk_vol2_december2016.pdf); Human Rights Watch (HRW), 2018. *North Korea: Events of 2018*, <https://www.hrw.org/world-report/2019/country-chapters/north-korea>; Australian Government Department of Foreign Affairs and Trade, n.d. *Democratic People's Republic of Korea (North Korea) country brief*, <https://dfat.gov.au/geo/democratic-peoples-republic-of-korea/Pages/democratic-peoples-republic-of-korea-north-korea-country-brief.aspx>.

<sup>2</sup> For example: Harden, Blaine, 2015. 'The U.S war crime North Korea won't forget'. *The Washington Post*, 24 March. Available at: [https://www.washingtonpost.com/opinions/the-us-war-crime-north-korea-wont-forget/2015/03/20/fb525694-ce80-11e4-8c54-ffb5ba6f2f69\\_story.html?utm\\_term=.7ea477cd282c](https://www.washingtonpost.com/opinions/the-us-war-crime-north-korea-wont-forget/2015/03/20/fb525694-ce80-11e4-8c54-ffb5ba6f2f69_story.html?utm_term=.7ea477cd282c).

<sup>3</sup> Global Centre for the Responsibility to Protect (GCR2P), 2018. *Global Network of R2P Focal Points*, [http://www.global2p.org/media/files/regional-breakdown\\_global-network-of-r2p-focal-points-2.pdf](http://www.global2p.org/media/files/regional-breakdown_global-network-of-r2p-focal-points-2.pdf).

<sup>4</sup> United Nations Human Rights Office of the High Commissioner (UNOHCHR), n.d. *View the ratification status by country or by treaty*, [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=119&Lang=EN](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=119&Lang=EN); United Nations Treaty Collection (UNTC), 2019. *1. Convention on the Prevention and Punishment of the Crime of Genocide*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtsg\\_no=IV-1&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-1&chapter=4&clang=en); UNTC, 2019. *8. Arms*



- *Convention of the Prevention and Punishment of the Crime of Genocide* (Ratification/Accession: 1989)<sup>5</sup>
- *Geneva Conventions* (Ratification/Accession: 1957)
- *Geneva Protocol I* (Ratification/Accession: 1988)
- *International Covenant on Civil and Political Rights* [ICCPR] (Ratification/Accession: 1981)
- *International Covenant on Economic, Social and Cultural Rights* [ICESCR] (Ratification/Accession: 1981)
- *Convention on the Elimination of All Forms of Discrimination Against Women* [CEDAW] (Ratification/Accession: 2001)
- *Convention on the Rights of the Child* [CRC] (Ratification/Accession: 1990).

It has neither signed or ratified the *Convention against Torture and Other Cruel, Inhuman or Degrading Punishment* [CAT], *Convention on the Elimination of All Forms of Racial Discrimination* [CERD], the *Arms Trade Treaty* [ATT], the *1951 Refugee Convention* and its *1967 Protocol*, and the *Rome Statute of the International Criminal Court*.

Sign and ratify the Rome Statute of the International Criminal Court and cooperate fully with the Court.	Very Weak	The DPRK is not a state party to the <i>Rome Statute of the International Criminal Court</i> . <sup>6</sup>
Establish and maintain National Human Rights Institutions in accordance with the Paris Principles.	Very Weak	There is no national human rights institution, in accordance with the Paris Principles or otherwise, in North Korea.
Ensure domestic promotion and protection of human rights, focusing on the elimination of discrimination.	Very Weak	The domestic legal framework for the safeguarding of human rights in North Korea remains extremely weak to the point of non-existence. Internationally, the DPRK remains one of the few countries worldwide that refuses to join the International Labour Organization. <sup>7</sup>

The DPRK has a long and demonstrated record of activities that violate or severely restrict human rights and humanitarian law.<sup>8</sup> North Korea discriminates against individuals and their families

*Trade Treaty*, [https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=XXVI-8&chapter=26&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XXVI-8&chapter=26&clang=en); United Nations High Commissioner for Refugees (UNHCR), 2015. *States Parties to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol*, <https://www.unhcr.org/protect/PROTECTION/3b73b0d63.pdf>; International Committee of the Red Cross (ICRC), n.d. *Treaties, States Parties and Commentaries: Democratic People's Republic of Korea*, [https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp\\_countrySelected=KP](https://ihl-databases.icrc.org/applic/ihl/ihl.nsf/vwTreatiesByCountrySelected.xsp?xp_countrySelected=KP); International Criminal Court, n.d. *The States Parties to the Rome Statute*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#D](https://asp.icc-cpi.int/en_menus/asp/states%20parties/Pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#D).

<sup>5</sup> For information on the DPRK's violation of the *Genocide Convention*, see: Park, Robert, 2012. *Genocide in North Korea*, <https://worldpolicy.org/2012/02/06/genocide-in-north-korea/>.

<sup>6</sup> International Criminal Court, n.d. *The States Parties to the Rome Statute*, [https://asp.icc-cpi.int/en\\_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#D](https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx#D).

<sup>7</sup> International Labour Organization, 2019. *Alphabetical list of ILO member countries (187 countries)*, <https://www.ilo.org/public/english/standards/relm/country.htm>.

<sup>8</sup> See for example: U.S Department of State, 2016. *Democratic People's Republic of Korea: 2016 Human Rights Report*, <https://www.state.gov/documents/organization/265556.pdf>; HRW, 2016. *North Korea: Events of 2015*, <https://www.hrw.org/world-report/2016/country-chapters/north-korea>; UNOHCHR, 2019. *Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea*, <https://www.ohchr.org/en/hrbodies/hrc/coidprk/Pages/CommissionInquiryonHRinDPRK.aspx>.

on political grounds in key areas such as employment, residence status and schooling through *songbun*. *Songbun* is a caste system, which groups people into ‘loyal’, ‘wavering’ or ‘hostile’ classes. These three broad categories are further broken down into approximately 50 more specific categories, although this number has been known to fluctuate over the years.<sup>9</sup> *Songbun* applies not just to individuals in the present time, but also on a familial and intergenerational level. As such, punishment for acts against the DPRK or the Worker’s Party of Korea (WPK) are shared amongst all members of the family. Thus, children and grandchildren of a perpetrator will be punished for the crimes of their forebears. Under the *songbun* system punishment results in systematic discrimination in the access to basic needs and rights such as food, education, healthcare or the right to choose one’s profession. This discrimination, the UN’s Commission of Inquiry (COI) has found, marginalises those of lower *songbun* and locks significant segments of the population into disadvantage.<sup>10</sup>

The UN’s Special Rapporteur on human rights in North Korea, Marzuki Darusman, stated in a report to the UN General Assembly in 2015 that labour conditions in the DPRK amount to human rights violations.<sup>11</sup> In 2014 the report of the COI stated that systematic, widespread, and gross human rights violations were being committed by the government. These included murder, enslavement, torture, imprisonment, rape, forced abortion and other sexual violence, and together they constituted crimes against humanity.<sup>12</sup>

The DPRK government does not acknowledge these crimes, except for a rare exception where Kim Jong-Il has admitted that his country carried out a number of abductions and forced disappearances of Japanese citizens in the past.<sup>13</sup>

Participate in international peer review processes, including the Universal Periodic Review (UPR) of the UN Human Rights Council.

Weak

The UNHRC classifies the DPRK as a non-reporting state, as two of its three overdue reports on treaty implementation are overdue by more than ten years.<sup>14</sup>

The DPRK has not accepted complaint or inquiry procedures from members of the international community as part of these review processes that raise issues of torture, civil and political rights, migrant workers, forced disappearances and people with a disability. That being said, the DPRK did participate in the 2<sup>nd</sup> round of the UPR, reviewing the *Optional Protocol to the Convention on the*

<sup>9</sup> HRW, 2016. *North Korea: Events of 2015*.

<sup>10</sup> United Nations, Human Rights Council (HRC), Report of the detailed findings of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, 7 February 2014, A/HRC/25/CRP.1, p. 93.

<sup>11</sup> Associated Press, 2015. ‘North Korea putting thousands into forced labour abroad, UN says’. *The Guardian*, 29 October. Available at: <https://www.theguardian.com/world/2015/oct/29/north-korea-workers-forced-labour-abroad-un-report>.

<sup>12</sup> United Nations, HRC, Report of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, 1 February 2014, A/HRC/25/63.

<sup>13</sup> Marzuki Darusman, 2016. *End of mission statement to Japan of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea*, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16981&LangID=E>.

<sup>14</sup> UNOHCHR, n.d. *Late and non-reporting States*, [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/LateReporting.aspx](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/LateReporting.aspx).



		<p><b>Rights of the Child</b> regarding issues of the sale of children, child prostitution and child pornography. In this review it accepted 113 out of 168 recommendations, so it in turn could expedite the ratification of the Convention on the Rights of Persons with Disabilities which it had signed in 2013.<sup>15</sup></p>
Cooperate fully with UN Human Rights mandate holders and those of relevant regional organisations.	Very Weak	<p>The DPRK has had little to do with human rights over the years. There is no standing invitation to UN special mandate holders and the DPRK is not a member of the Human Rights Council.<sup>16</sup></p> <p>However, it should be mentioned in 2017 the first visit by a special mandate holder was undertaken in North Korea, focusing on the situation in the country on persons with disabilities. While it was encouraging to see the regime open to the Special Rapporteur, the restricted nature of the visit still leaves much to be desired in DPRK cooperation with the UN.<sup>17</sup></p>
Ensure equal access to justice.	Very Weak	<p>The constitution states that courts are independent and will carry out judicial proceedings in strict accordance with the law. However, in practice the constitution is not the supreme law of the land. Rather, it is the Party and the Supreme Leader who creates law and determines the constitution.<sup>18</sup> The state and military effectively operate above the law and are controlled only by the dictates of the Supreme Leader. This results in a discretionary judicial process whereby some criminal cases are subjected to the judicial process while others are denied the basic element of procedural justice.<sup>19</sup> There is a total lack of accountability on the part of the government and security services, with no institutionalised complaint mechanism for victims to address the matter through legal means. Hence, impunity reigns.<sup>20</sup></p>
Criminalise incitement to commit genocide, war crimes, ethnic cleansing and crimes against humanity.	Very Weak	<p>As previously mentioned, North Korea has signed both the <i>Geneva Conventions</i> and the <i>Genocide Convention</i>. Yet, there is no specific reference to acts such as genocide, crimes against humanity, war crimes or ethnic cleansing in domestic law.<sup>21</sup></p> <p>Instead of criminalising these crimes, the COI found that the DPRK commits crimes against humanity through policy mechanisms implemented at the highest level of government.<sup>22</sup></p>
Take measures to counter and prevent violent extremism.	Very Weak	<p>The DPRK has done nothing to counter or prevent violent extremism. In fact, violence and terror have been hallmarks of the Kim regime from the beginning, with the DPRK being labelled as a</p>

<sup>15</sup> United Nations, HRC, Role and achievements of the Office of the United Nations High Commissioner for Human Rights with regard to the situation of human rights in the Democratic People's Republic of Korea, 1 February 2016, A/HRC/31/38.

<sup>16</sup> For more information, visit: UNOHCHR, 2019. *Democratic People's Republic of Korea Homepage*, <https://www.ohchr.org/en/countries/asiaregion/pages/kpindex.aspx>.

<sup>17</sup> For more information see: United Nations, HRC, Report of the Special Rapporteur on the rights of persons with disabilities on her visit to the Democratic People's Republic of Korea, 8 December 2017, A/HRC/37/56/Add.1.

<sup>18</sup> Gause, Ken, 2012. *Coercion, Control, Surveillance, and Punishment: Examination of the North Korean Police State*, p. 13, [https://www.hrnk.org/uploads/pdfs/HRNK\\_Ken-Gause\\_Web.pdf](https://www.hrnk.org/uploads/pdfs/HRNK_Ken-Gause_Web.pdf); U.S Department of State, 2016. *Democratic People's Republic of Korea: 2016 Human Rights Report*, p. 8.

<sup>19</sup> United Nations, HRC, A/HRC/31/38, p. 62.

<sup>20</sup> *Ibid.*, p. 201.

<sup>21</sup> International Coalition for the Responsibility to Protect (ICRtoP), n.d. *Crisis in North Korea*, <http://www.responsibilitytoprotect.org/index.php/crises/crisis-in-north-korea>.

<sup>22</sup> United Nations, HRC, A.HRC/25/63, para. 75.

proponent or ‘exporter’ of terrorism and violence. Throughout the Cold War, North Korean agents were responsible for attacks on presidents of South Korea, bombings of South Korean officials in Myanmar and the downing of a South Korean airliner in 1987 that killed 115 people.<sup>23</sup> DPRK military advisors and soldiers operated in approximately 30 countries, providing training and supplies to communist or pro-communist groups and regimes. This included links to infamous terrorist organisations such as the Japanese Red Army, the Baader-Meinhof Gang and the Palestinian Liberation Organisation.<sup>24</sup>

Furthermore, the Kim regime, through a plethora of evidence and open admission, has over the years abducted a number of foreign nationals, many from Japan, and brought them to North Korea. This was done to teach agents of the state different languages and customs, and thus ensure their espionage and terrorist activities would be more refined and effective against their enemy, nominally South Korea.<sup>25</sup>

Enact and implement laws protecting vulnerable groups, particularly in relation to sexual and gender-based violence.

Very Weak

Acts of gender-based violence have occurred since the beginning of state-sponsored abductions in the 1950s and have continued, with women being especially targeted and subject to sexual exploitation.<sup>26</sup> Inside *kwanlisos*, or political prison camps, some women are offered additional food or less arduous work in exchange for sexual favours. Although not official prison policy it is reportedly a widespread practice and insofar as it is conducted under conditions of coercion, it has been classified as rape by international human rights lawyers.<sup>27</sup> There are also reports of trafficking in women from the DPRK to China to be forcibly married to Chinese men, or to be otherwise sexually exploited. This is carried out under threats of forceful repatriation, where these women would face all the punishments directed to people who flee the country.<sup>28</sup>

Given the gravity of abuses documented by human rights agencies, the lack of an independent judiciary and the government’s limited cooperation with international and regional human rights mechanisms, relevant IHRL (i.e. CEDAW) the DPRK has signed seems to provide no protection in practice.

Protect individuals and groups fleeing atrocity crimes and their

Very Weak

North Korea has neither signed or ratified the *1951 Refugee Convention* or its *1967 Protocol*. Currently and historically, the DPRK is a source

<sup>23</sup> Calamur, Krishnadev, 2017. ‘North Korea’s Terrorism Designation Isn’t Entirely About Terrorism’. *The Atlantic*, 20 November. Available at: <https://www.theatlantic.com/international/archive/2017/11/north-korea-state-sponsor-terrorism/546386/>.

<sup>24</sup> Plunk, Daryl M, 1988. ‘North Korea: Exporting Terrorism’. *Heritage Foundation Reports*, no. 74, <https://www.heritage.org/terrorism/report/north-korea-exporting-terrorism>.

<sup>25</sup> Borowiec, Steven, n.d. ‘The Sad but True Story of North Korea’s Abduction Project’. *Asia Society*. Available at: <https://asiasociety.org/korea/sad-true-story-north-koreas-abduction-project>; Boynton, Robert S., 2015. ‘North Korea’s Abduction Project’. *The New Yorker*, 21 December. Available at: <https://www.newyorker.com/news/news-desk/north-koreas-abduction-project>; Japanese Ministry of Foreign Affairs, n.d. *Abductions of Japanese Citizens by North Korea*, [https://www.mofa.go.jp/region/asia-paci/n\\_korea/abduction/index.html](https://www.mofa.go.jp/region/asia-paci/n_korea/abduction/index.html).

<sup>26</sup> United Nations, HRC, A/HRC/25/CRP.1, para. 318.

<sup>27</sup> Hawk, David, 2012. *The Hidden Gulag*, 2<sup>nd</sup> ed., p. 34, [https://www.hrnk.org/uploads/pdfs/HRNK\\_HiddenGulag2\\_Web\\_5-18.pdf](https://www.hrnk.org/uploads/pdfs/HRNK_HiddenGulag2_Web_5-18.pdf).

<sup>28</sup> United Nations, HRC, A/HRC/25/CRP.1, paras. 1054-1056. See also: United Nations, HRC, A/HRC/31/38, p. 8.

	risk, in accordance with International Refugee Law.		<p>country of refugees rather than a host country, where many defectors of the regime flee human rights abuses to seek safety in several countries, mostly South Korea or China.</p> <p>These defectors flee for economic and political reasons, and China considers them economic migrants looking for better employment opportunities. Yet, the UN High Commissioner for Refugees considers them ‘persons of concern’, due to them being unable to discern their true status and evidence that those who are returned to the DPRK face punishment at the hands of the authorities for leaving.<sup>29</sup> China has long supported the DPRK in returning defectors to probable punishment, which stands in violation of the principle of non-refoulement.<sup>30</sup></p>
Domestic Implementation	Conduct a national assessment of risk and resilience.	Very Weak	There is no evidence of a national assessment having been undertaken.
	Cultivate and protect an active, diverse and robust civil society.	Very Weak	<p>The constitution provides for the freedom of speech and the press,<sup>31</sup> but in practice the government prohibits the exercise of these rights.</p> <p>The media is almost completely state-controlled. The Korean Central New Agency (KCNA) is the sole source of official news for the print and broadcast mediums. The DPRK is classified as one of the most restricted in the world and ranks second last in the Press Freedom Index.<sup>32</sup> Foreign media are rarely given press visas, with DPRK officials closely monitoring foreign journalists within their borders.<sup>33</sup> All media content is heavily censored and must adhere to directives issued by the WPK. Telephone calls are monitored and mostly confined to domestic connections for citizens. Citizens are punished for watching and listening to foreign broadcasts including foreign films and soap operas, with a common punishment being sent to a concentration camp.<sup>34</sup></p> <p>Internet access for citizens is highly limited and tightly controlled, open only to select high-ranking officials and other designated elites, including selected university students. A tightly controlled and regulated ‘intranet’ is reportedly available and available to a slightly larger group of users. The Korea Computer Centre, which acts as the gatekeeper for the intranet, granted access to only information it deemed acceptable.<sup>35</sup> In 2013 foreign tourists were banned from accessing the internet and for a period of time mobile telephones were</p>

<sup>29</sup> United Nations, HRC, A/HRC/31/38, p. 201.

<sup>30</sup> Ibid., p. 7; Cohen, Roberta, 2007. *Human Rights and the North Korean Refugee Crisis*, <https://www.brookings.edu/on-the-record/human-rights-and-the-north-korea-refugee-crisis/>; Tanaka, Hiroyuki, 2008. *North Korea: Understanding Migration to and from a Closed Country*, <https://www.migrationpolicy.org/article/north-korea-understanding-migration-and-closed-country>; HRW, 2018. *North Korea: Events of 2017*, ‘Border-Tightening’, <https://www.hrw.org/world-report/2018/country-chapters/north-korea>.

<sup>31</sup> The Democratic People’s Republic of Korea, Supreme People’s Assembly. *Korea (Democratic People’s Republic of)’s Constitution of 1972 with Amendments through 1998, Article 67*. Pyongyang, 1972.

<sup>32</sup> Reporters Without Borders (RSF), 2019. *2019 World Press Freedom Index*, <https://rsf.org/en/ranking>. See also, Freedom House, 2017. *Freedom of the Press 2017: North Korea Profile*, <https://freedomhouse.org/report/freedom-press/2017/north-korea>.

<sup>33</sup> In May 2016 the government expelled British journalist Rupert Wingfield-Hayes. Yonhap News Agency, 2016. *Kim Jong-un is world-worst press freedom predator: RSF*, <https://en.yna.co.kr/view/AEN20161103003400315>. See also: RSF, 2018. *North Korea*, <https://rsf.org/en/north-korea>.

<sup>34</sup> RSF, 2018. *North Korea*; United Nations, HRC, A/HRC/25/63, para. 29.

<sup>35</sup> U.S Department of State, 2016. *Democratic People’s Republic of Korea: 2016 Human Rights Report*, p. 12.

banned in the country, before the government reintroduced limited access.<sup>36</sup>

The constitution provides for the right to petition,<sup>37</sup> but the government does not respect this right. The U.S Department of State reports when individuals submitted anonymous petitions or complaints about state administration, the Ministry of State Security and the Ministry of People's Security sought to identify the authors and subject them to investigation and potential punishment.<sup>38</sup> Civil society organisations other than the state-controlled WPK are virtually non-existent.<sup>39</sup>

Ensure a legitimate, effective and civilian controlled security sector.

Weak

Due to the highly authoritarian nature of the DPRK and the centralisation of the military, there is little to no evidence of security sector reform. The continued construction and testing of nuclear armaments indicate a trend of increasing military power and importance in the country.<sup>40</sup> Furthermore, the clandestine nature of the Kim regime makes it difficult to understand the actions undertaken by security services. They have been known to crack down not only on dissenters but also their families (see descriptions of the *songbun* in previous Indicators) and many of those who flee the DPRK do so for political purposes.

Thus, whilst the authorities maintain effective control of security services, widespread impunity runs deep, with the services being used as a tool of oppression against any opposition to the regime. Abuses, including torture and enslavement of citizens, are not investigated.<sup>41</sup>

Ensure the education system reflects the ethnic, national and cultural diversity of society, and sets examples of inclusiveness.

Very Weak

The DPRK has implemented compulsory schooling for the first twelve years, free for all people. However, the quality and inclusiveness of this education, given the *songbun* system and the general lack of any reliable data, is not known.

Prevent nationals committing atrocity crimes overseas.

Very Weak

As already mentioned, the DPRK is not a signatory of the *Rome Statute of the International Criminal Court*, preventing the enacting of jurisdiction to those within the country guilty of committing atrocity crimes.

A month following the release of the report of the COI, a diplomatic offensive ensued, with the DPRK releasing three American prisoners. This was in part fuelled by a draft UN resolution referring the DPRK to the International Criminal Court (ICC) for human rights violations following the publication of the COI report. Despite North Korea's actions, the UN General Assembly passed a non-binding measure calling for the DPRK to be referred to the ICC, and the UN Security Council added North

<sup>36</sup> Gallo, William, 2013. 'N. Korea Cuts 3G Mobile Web Access for Foreign Visitors'. VOA, 28 March. Available at: <https://www.voanews.com/a/north-korea-cuts-3g-mobile-web-for-foreign-visitors/1630236.html>.

<sup>37</sup> The Democratic People's Republic of Korea, Supreme People's Assembly. *Korea (Democratic People's Republic of)'s Constitution of 1972 with Amendments through 1998*, Article 69.

<sup>38</sup> U.S Department of State, 2016. *Democratic People's Republic of Korea: 2016 Human Rights Report*, p. 11.

<sup>39</sup> Taylor, Mi Ae and Mark Manyin, 2011. *Non-Governmental Organizations' Activities in North Korea*, p. 2, <https://fas.org/sgp/crs/row/R41749.pdf>.

<sup>40</sup> Al Jazeera, 2018. *North Korea's nuclear weapons: What we know*, <https://www.aljazeera.com/news/2017/05/north-korea-testing-nuclear-weapons-170504072226461.html>.

<sup>41</sup> HRW, 2016. *North Korea: Events of 2016*, <https://www.hrw.org/world-report/2017/country-chapters/north-korea>; U.S Department of State, 2016. *Democratic People's Republic of Korea: 2016 Human Rights Report*, p. 1.

Korean human rights to its agenda for the first time.<sup>42</sup>

Bilateral and Multilateral Relations	Participate in international, regional, and national discussions on the further advancement of R2P.	Weak	<p>The DPRK has participated in the UN General Assembly's Informal Interactive Dialogues on R2P in 2009, 2011, 2014 and 2018, but it has not been supportive.</p> <ul style="list-style-type: none"><li>• 2009: DPRK's statement questions whether R2P is consistent with the UN Charter.</li><li>• 2011: The entire statement references the intervention in Libya, which is condemned by the DPRK.</li><li>• 2014: The statement repeats the same sentiments but without specific mention of Libya explicitly stating, "Intervention should not be allowed."<sup>43</sup></li><li>• 2018: The DPRK reiterated it does not support R2P and further argued the concept should not be part of the General Assembly's agenda, as citizen rights should be upheld by the state and state sovereignty cannot be broken.</li></ul> <p>It is clear the DPRK rejects Pillar III of R2P and takes a very limited view of Pillar II. Up to the present it maintains the definition of R2P is not clear and "... there is a very risky element of misinterpretation regarding this element."<sup>43</sup></p>
	Leverage existing mechanisms and institutions (including regional and sub-regional organisations) to encourage States to fulfil their responsibility to protect.	Very Weak	<p>The DPRK has voted on the following resolutions referencing R2P:</p> <p><b>UN General Assembly Resolutions<sup>44</sup></b></p> <ul style="list-style-type: none"><li>• 2013: The situation in the Syrian Arab Republic A/RES/67/262: <b>no</b>.</li><li>• 2014: Situation of human rights in the Democratic People's Republic of Korea A/RES/69/188: <b>no</b>.</li><li>• 2014: Situation of human rights in the Syrian Arab Republic A/RES/69/189: <b>no</b>.</li><li>• 2015: Situation of human rights in the Democratic People's Republic of Korea A/RES/70/172: <b>no</b>.</li><li>• 2015: Situation of human rights in the Syrian Arab Republic A/RES/70/234: <b>no</b>.</li><li>• 2016: The situation in the Syrian Arab Republic A/RES/71/130: <b>no</b>.</li></ul>

<sup>42</sup> Freedom House, 2015. *Freedom in the World 2015: North Korea*, <https://freedomhouse.org/report/freedom-world/2015/north-korea>. See also: United Nations, General Assembly, (UNGA), Resolution adopted by the General Assembly on 18 December 2014, 21 January 2015, A/RES/69/188.

<sup>43</sup> Democratic People's Republic of Korea Permanent Mission to the United Nations, 2009. *Press Release*, [http://www.responsibilitytoprotect.org/North%20Korea%20\\_ENG.pdf](http://www.responsibilitytoprotect.org/North%20Korea%20_ENG.pdf); GCR2P, 2011. *Statement by the Democratic People's Republic of Korea at the July 2011 UN General Assembly Informal Interactive Dialogue on the Responsibility to Protect*, <http://www.globalr2p.org/resources/61>; GCR2P, 2014. *Statement by the Democratic People's Republic of Korea at the General Assembly Informal Interactive Dialogue on the Responsibility to Protect: "Fulfilling our collective responsibility: International assistance and the responsibility to protect"*, <http://www.globalr2p.org/resources/708>; GCR2P, 2018. *UN General Assembly Debate on the Responsibility to Protect "From Early Warning to Early Action"*, Part III, <http://www.globalr2p.org/resources/1307>. See also: GCR2P, 2014. *North Korea and the Responsibility to Protect*, <http://www.globalr2p.org/media/files/dprk-and-r2p-august-2014-1.pdf>.

<sup>44</sup> GCR2P, 2017. *UN General Assembly Resolutions Referencing R2P*, <http://www.globalr2p.org/resources/1133>. (Voting records for each individual resolution can be accessed using the UNGA's voting records search, available at: <http://www.un.org/en/ga/documents/voting.asp>).



- 2016: Situation of human rights in the Syrian Arab Republic A/RES/71/203: **no**.
- 2017: Situation of human rights in the Democratic People's Republic of Korea A/RES/72/188: **adopted without vote**.
- 2017: Situation of human rights in the Syrian Arab Republic A/RES/72/191: **no**.

Given the above results and the statements in the previous Indicator, no information regarding North Korean attempts to encourage states to fulfil their R2P has been found.

Other states do, however, leverage existing mechanisms to enforce sanctions against the DPRK for a myriad of reasons, including the commission of crimes against humanity. This goes as far as denying food aid, as it is used by the government as a tool of manipulation against the average citizen.<sup>45</sup>

The DPRK has not encouraged states to fulfil their R2P, in crisis situations or otherwise. The nation consists of an isolationist, repressive regime that does not engage with other states over a broad range of matters, not just those relating to R2P.

There have been no steps taken in this direction by the DPRK.

No evidence found.

No evidence found.

No specific information on partnerships in the realm of atrocity prevention and response exists.

#### United Nations, prevention, Peacekeeping, and assistance

Support the early warning and capacity building efforts of the UN Office on Genocide Prevention and R2P.

Very Weak

No support has been offered by the DPRK. Instead, the country has worked against the strengthening of the UN's Office of the Special Advisor on the Prevention of Genocide (OSAPG). Following Venezuela's lead, the DPRK and a minority of other countries voted against the expansion of the office, regarding both the appointment of three new positions to the Office and expanding its mandate to include all atrocity crimes (and thus support R2P) rather than only genocide.<sup>46</sup>

Support the strengthening of the UN's capacity for atrocity prevention, including through the UN Human Rights system.

Very Weak

No evidence for supporting atrocity prevention could be found. Rather, the DPRK has argued against R2P and human rights in context of maintaining rigid adherence to non-intervention in the affairs of sovereign states.

Support preventive actions on atrocity crimes.

Very Weak

No information could be found.

Contribute to United Nations peacekeeping operations (especially those with a protection of civilians mandate).

Very Weak

To date, the DPRK has not contributed to UN peacekeeping operations, and has continued to voice strong opposition to international intervention in any domestic affairs. This includes situations of humanitarian crises.<sup>47</sup>

<sup>45</sup> Park, Robert, 2011. *Responsibility to Protect in North Korea*, <https://thehill.com/blogs/congress-blog/foreign-policy/192623-responsibility-to-protect-in-north-korea>.

<sup>46</sup> ICRtoP, 2011. *UN GA votes to fund three additional staff in the Office of the Special Advisor on the Prevention of Genocide*, <http://www.responsibilitytoprotect.org/index.php/component/content/article/35-r2pcs-topics/3150-un-ga-votes-to-fund-three-additional-staff-in-the-office-of-the-special-adviser-on-the-prevention-of-genocide>.

<sup>47</sup> For more information and discussion on the possibility of DPRK troops serving as peacekeepers, see: O'Carroll, Chad and John G. Grisafi, 2015. 'North Korea's million man army: potential peacekeeping force?' *NK News*, 18 May. Available at: <https://www.nknews.org/2015/05/north-koreas-million-man-army-potential-peacekeeping-force/>.



	Develop the capacities needed to support civilian protection, including through the training of military and civilian personnel for peacekeeping.	Very Weak	The DPRK has not supported civilian protection efforts and there are sanctions and embargoes to prevent DPRK weapons from reaching militant groups. There is some evidence however, that Congolese soldiers received training and weapons from the DPRK, in contravention of UN sanctions. <sup>48</sup>
	Support the Kigali Principles.	Very Weak	As of 2018, the DPRK is not a signatory to the Kigali Principles on the Protection of Civilians. <sup>49</sup>
	Support UN Security Council veto restraint on issues relating to atrocity prevention.	Very Weak	The DPRK is not a signatory to the Code of Conduct regarding Security Council action against genocide, crimes against humanity or war crimes. <sup>50</sup> It has also not signed the 'French/Mexican initiative on Veto restraint in case of Mass atrocities'. <sup>51</sup>

<sup>48</sup> Shim, Elizabeth, 2016. 'North Korea sent arms and military trainers to Congo, U.N. report says'. *UPI*, 13 May. Available at: [https://www.upi.com/Top\\_News/World-News/2016/05/13/North-Korea-sent-arms-and-military-trainers-to-Congo-UN-report-says/6711463159099/](https://www.upi.com/Top_News/World-News/2016/05/13/North-Korea-sent-arms-and-military-trainers-to-Congo-UN-report-says/6711463159099/); Associated Press, 2016. 'North Korea armed and trained peacekeepers from Congo, despite sanctions, UN report says'. *South China Morning Post*, 17 June. Available at: <https://www.scmp.com/news/world/africa/article/1976722/north-korea-armed-and-trained-peacekeepers-congo-despite-sanctions>.

<sup>49</sup> APR2P, 2018. *The Kigali Principles on the Protection of Civilians*, [https://r2pasiapacific.org/files/2942/2018\\_kigali\\_principles.pdf](https://r2pasiapacific.org/files/2942/2018_kigali_principles.pdf).

<sup>50</sup> GCR2P, 2017. *List of Supporters of the Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as elaborated by ACT*, <http://www.globalr2p.org/media/files/2017-01-25-coc-list-of-supporters.pdf>.

<sup>51</sup> GCR2P, 2016. *Support to the French Mexican initiative on veto restraint in case of mass atrocities*, <http://www.globalr2p.org/media/files/veto-list.pdf>.