

Democratic People's Republic of Korea Risk: Very high/Ongoing

On 18 December 2019, the UN General Assembly passed a resolution condemning the “long-standing and ongoing systematic, widespread and gross violations of human rights in the Democratic People's Republic of Korea, including those that may amount to crimes against humanity”. The resolution expressed “very serious concern” over continuing reports of, inter alia: torture and other cruel, inhuman or degrading treatment; political prison camps; enforced and involuntary disappearances; the forcible transfer of populations and severe limitations on the freedom of movement; the situation of refugees and asylum seekers; “all-pervasive and severe restrictions” on civil and political rights; violations of economic, social and cultural rights; and gross violations of the human rights and fundamental freedoms of women and girls.ⁱ

International pressure on the DPRK to address its pervasive culture of impunity continues to wane. Although the UN General Assembly resolution condemning DPRK's systematic abuse and repression passed by consensus without a vote, for the first time since 2008, the Republic of Korea (ROK) declined to co-sponsor the resolution. For the second consecutive year, in early December the US government refused to endorse a formal UN Security Council debate on the human rights situation in DPRK, which effectively blocked the discussion. China and Russia also steadfastly oppose using the UN Security Council as a forum to discuss human rights concerns in the DPRK, arguing that it only serves to harden Pyongyang's position. Seizing the opportunity to press for a more conciliatory approach, in December China and Russia jointly proposed a draft UN Security Council resolution to lift some sanctions on the DPRK and create, as China framed it, a “favourable environment for dialogue” and “the necessary conditions for and impetus to a political settlement of the situation”.ⁱⁱ

These developments occurred just weeks before the end-of-year deadline Kim Jong-un set for the US to soften its demands on denuclearization. The failed Trump-Kim summit in Hanoi in February and the breakdown of working-level US-DPRK talks in Stockholm in October precipitated a freeze in US-DPRK diplomacy and stalled intra-Korean engagement, and corresponded with Pyongyang's increasingly hostile rhetoric and thirteen separate missile tests in the latter half of 2019.ⁱⁱⁱ Against this backdrop, DPRK's warning that it interpreted formal discussion or condemnation of the country's human rights situation in the UN as “another serious provocation” appeared to shape US and ROK decisions to refrain from raising human rights concerns.^{iv} The change of tactic in adopting a lower profile, less condemnatory approach to human rights is part of a broader attempt to ease tensions and resume diplomatic talks—representing a similar logic to Japan's March 2019 decision to, in the first time in 11 years, not join the European Union in sponsoring a draft Human Rights Council resolution condemning DPRK human rights abuses.

Pyongyang's extreme sensitivity to international condemnation of its human rights record and routine threats to cut diplomatic ties if human rights concerns are raised creates dilemmas with regard to the best approach to addressing ongoing crimes against humanity in the DPRK. As Assistant UN Secretary-General Mohamed Khaled Khari, Departments of Political and Peacebuilding Affairs and Peace Operations, acknowledged in his briefing to the UN Security Council in December, “a breakdown in diplomacy will not help the human rights or humanitarian situation” in the DPRK.^v At the same time, Human Rights Watch contends that Pyongyang is “empowered” in the absence of international pressure, and that the DPRK is “never going to improve its human rights record unless the world demands it”.^{vi} Similarly, in a letter to ROK President Moon Jae-in in December, a group of 67 civil society organisations and human rights experts (including UN Special Rapporteur on the situation of human rights in the DPRK, Tomás Ojea Quintana) expressed their concern that refraining from public criticism of systematic human rights violations in the DPRK “will only embolden those in North Korea's leadership who are responsible for the worst abuses”.^{vii}

Pyongyang has proven adept at using human rights as a bargaining tool in its relations with the US, Japan and ROK. Even actors who have previously led efforts to shed light on the regime's crimes and pursue accountability are divided on how to move forward on improving the human rights situation. Yet, caving to Pyongyang's demands that human rights remain off the diplomatic agenda if nuclear talks are to resume has thus far yielded little progress on either front. Furthermore, DPRK's persistent refusal to cede any ground on engaging with the UN Special Rapporteur or grant access to special mandate holders undercuts the rationale that adopting a more conciliatory approach in the UN can open channels for deeper engagement with UN human rights bodies. In this vein, Quintana continues to call on the ROK and US (as well as Russia and China) to stop sidelining human rights concerns from denuclearization, sanctions relief and peace talks, and to start clearly sending the message that improving the human rights situation is integral to headway on these issues.^{viii}

A longstanding recommendation in this regard is for any proposal for sanctions relief to be tied to: (1) Pyongyang allowing the UN country team free and unimpeded access to all parts of the country in order to assist in meeting the needs of vulnerable persons, and (2) DPRK authorities engaging with the UN Office of the High Commissioner for Human Rights and accepting the UN Special Rapporteur's request for a country visit. The latter could help open a parallel track for dialogue on human rights alongside denuclearization and peace talks, or, in the very least, stress to Pyongyang that its severe human rights abuses are not a negotiating tool that can be leveraged in nuclear talks in the absence of meaningful concessions or reforms aimed at safeguarding its population from atrocity crimes.

Recommendations

The government of the DPRK should:

1. Immediately cease the commission of crimes against humanity, and engage constructively with the UN Office of the High Commissioner for Human Rights (OHCHR), the Special Rapporteur and the OHCHR field office in Seoul to develop plans to faithfully implement human rights treaty obligations.

The US and Republic of Korea should:

1. Raise concerns over ongoing crimes against humanity in their diplomatic engagement with the DPRK, including integrating measures to improve the human rights situation in denuclearization, sanctions relief and peace talks.

The UN Security Council should:

1. Ensure that human rights concerns are integrated into any proposal for sanctions relief, including conditioning sanctions relief on DPRK authorities

China and the Republic of Korea should:

1. Recognise DPRK citizens as refugees *sur place* and respect the principle of non-refoulement. China should adopt measures to protect the rights of DPRK citizens residing in or transiting through China, particularly women and girls who are systematically subjected to sexual violence, exploitation and abuse.

The OHCHR should:

1. Monitor patterns of abuse that may amount to crimes against humanity in the DPRK, investigate unresolved human rights issues, raise awareness and visibility of the human rights situation, and work with civil society and other governments to continue to press for accountability and an end to impunity.

ⁱ See A/C.3/74/L.26, United Nations General Assembly, 31 October 2019, <https://undocs.org/A/C.3/74/L.26>

ⁱⁱ S/PV.8682, Verbatim Record of UN Security Council, 11 December 2019, p.5. See also “China, Russia say lifting some sanctions on North Korea could help break the deadlock”, *Reuters*, 17 December 2019. <https://www.cnbc.com/2019/12/18/china-russia-say-lifting-some-un-sanctions-on-north-korea-could-help-break-the-deadlock.html>

ⁱⁱⁱ Colum Lynch, “South Korea Declines to Co-Sponsor North Korea Human Rights Resolution for the First Time Since 2008”, *Foreign Policy*, 15 November 2019. <https://foreignpolicy.com/2019/11/15/south-korea-declines-cosponsor-north-korea-human-rights-un-resolution-first-time-since-2008/>

^{iv} “North Korea warns UN on discussing country’s human rights”, *Al Jazeera*, 5 December 2019. <https://www.aljazeera.com/news/2019/12/north-korea-warns-discussing-country-human-rights-191205010116514.html>

^v S/PV.8682, Verbatim Record of UN Security Council, 11 December 2019, p.3

^{vi} “North Korea: Systematic Repression”, *Human Rights Watch*, 14 January 2020. <https://www.hrw.org/news/2020/01/14/north-korea-systematic-repression>; “Human Rights Watch urges Seoul to speak up on N.K.’s human rights situation”, *Yonhap News Agency*, 15 January 2020.

^{vii} “Letter to President Moon Jae-in Re: ROK’s stance on human rights in North Korea”, *Human Rights Watch*, 16 December 2019, <https://www.hrw.org/news/2019/12/16/letter-president-moon-jae-re-roks-stance-human-rights-north-korea>

^{viii} Jacob Fromer, “North Korea may become ‘more isolated’ without a deal with U.S., UN envoy warns”, *NK News*, 24 October 2019. <https://www.nknews.org/2019/10/north-korea-may-become-more-isolated-without-a-deal-with-u-s-un-envoy-warns/>