

Democratic Peoples' Republic of Korea Risk: Very high/Ongoing

The DPRK continues to commit widespread and gross violations of human rights in the Democratic People's Republic of Korea, which the UN's High Commissioner for Human Rights has reported as recently as February 2021 could constitute crimes against humanity.¹ In October 2020, the UN's special rapporteur on human rights in North Korea reported that the human rights situation remained "very severe" and that there were no signs of progress in any respect. Human rights violations are compounded by regime-induced malnutrition which the UN reports now affects 40% of the population or more than 12 million people. There is pervasive discrimination in the distribution of food as a result of which many citizens, including even farmers, do not receive adequate food. There has also been little to no progress on reducing political prison camps where torture and killing are commonplace. The UN estimates that there are 200,000 people held in political prisons. There has been no discernible reduction for some time. Large numbers of people, including children, are also routinely forced to perform unpaid labour. The UN found that this can amount to enslavement, a crime against humanity.²

None of this is new. In 2019, the UN General Assembly 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.³ The COVID pandemic has introduced new threats as the government has reportedly adopted a policy of using lethal force against people trying to cross its border with China.⁴

However, international pressure on the DPRK to address its pervasive culture of impunity has waned in the past few years. The UN's OHCHR reported that other political priorities, principally nuclear issues, had led to 'decreased emphasis' on human rights. 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. There are signs, however, that this may be changing as the new Biden administration in the US has announced its intention to appoint an envoy for human rights in the DPRK.⁵ Secretary of State, Antony Blinken has been strident in his criticism of human rights in the DPRK. These are welcome developments that the US administration should follow through on and others should follow in order to build some momentum for positive international action to address the DPRK's violations.

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 for concerned states and international organizations. 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. 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.

It is imperative that in the world's engagement with the DPRK renewed emphasis is given to human rights. Regional security and the improvement of human rights in the DPRK are indivisible. With the Biden administration indicating new resolve on the issue, it is important that allies such as Japan, South Korea, and Australia also take a lead in pressing for renewed action through the UN Security Council, Human Rights Council, and General Assembly as well as other available multilateral and bilateral channels.

Recommendations

The government of the DPRK should:

- Immediately cease committing crimes against humanity.
- 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.

UN Member States should:

- Appoint a Special Envoy on Human Rights in North Korea.
- Collaborate to utilize the UN Security Council, Human Rights Council, and General Assembly to promote and protect human rights in the DPRK.
- Explore the use of multilateral, informal, and bilateral channels to encourage the DPRK to fulfil its responsibility to protect.

The UN Security Council should:

- Revive its informal dialogue on human rights in North Korea.
- Ensure that human rights concerns are integrated into any proposal for sanctions relief, including conditioning sanctions relief on DPRK authorities.

The UN Human Rights Council should:

- Review what meaningful steps might be taken to achieve compliance with its previous recommendations.
- Ask the OHCHR to 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.

China and the Republic of Korea should:

- 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.

¹ *Promoting Accountability in the Democratic People's Republic of North Korea*, Report of the United Nations High Commissioner for Human Rights, 11 January 2021, A/HRC/46/52.

² *Situation of Human Rights in the Democratic People's Republic of North Korea*, A/75/388, 14 October 2020.

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

⁴ <https://www.hrw.org/news/2020/10/28/north-koreas-unlawful-shoot-sight-orders>

⁵ <https://www.nknews.org/2021/06/us-will-appoint-north-korea-human-rights-envoy-in-future-blinken/>