

Online Series

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COI Report: Direction and Challenges for North Korean Human Rights Policies

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I. Release of the COI Report

Transition in North Korean Human Rights Issue: From Monitoring to Accountability¹

The UN Commission of Inquiry (COI) on Human Rights in the Democratic People's Republic of Korea released a report on February 17, 2014. The COI concluded that even at the moment of releasing the report, crimes against humanity are ongoing in the Democratic People's Republic of Korea.¹⁾ It found that crimes against humanity are ongoing because the policies, institutions and patterns of impunity that lie at their heart remain in place.²⁾ The COI concluded that those most responsible for the crimes against humanity committed should be held accountable, and options to achieve this end include referral of the situation to the International Criminal Court (ICC) or the

¹⁾ UN Doc. A/HRC/25/63 (February 7, 2014), paras. 74–79; UN Doc. A/HRC/25/CRP.1 (February 7, 2014), paras. 1166–1210.

²⁾ UN Doc. A/HRC/25/63 (February 7, 2014), paras. 75–76.

establishment of an ad hoc tribunal by the United Nations.³⁾ Actions such as the establishment of the COI (2013), release of the COI report (2014), appointment of the Special Rapporteur on North Korean human rights situation (2004–current), establishment of UN Human Rights Office in Seoul (2015), appointment of and performance of activities by independent experts on accountability (2016–2017), and release of Report of the Office of the United Nations High Commissioner for Human Rights on Promoting Accountability in the Democratic People’s Republic of Korea (2019, 2021) helped raise awareness of the international community of the issue of accountability regarding the perpetrators of human rights in North Korea.

COI Recommendations Remain Unfulfilled in North Korea

Recommendations for North Korea, China and relevant countries, the international community, and the UN were made in the COI Report. For North Korea in particular, 19 recommendations were made: undertake profound political and institutional reforms; provide the right to a fair trial and ensure humane conditions for all inmates; allow religious believers to exercise their religion; ensure citizens the right to food; abolish the de facto prohibition on foreign travel; provide the families and nations of origin of all persons who have been abducted with full information on their fate and whereabouts; end discrimination; prosecute persons most responsible for alleged crimes against humanity; accept assistance from relevant United Nations entities to help implement the above-mentioned recommendations.⁴⁾ Today, a decade later from the release of the report, most of the recommendations made in the COI Report for North Korea remain unfulfilled. The human rights situation in North Korea has rather been exacerbated from 2020 with the outbreak of COVID-19. There are currently more regulations that allow the execution of death penalty. This poses a grave threat to North Korean residents’ right to life. The human rights survey in 2023 by Korea Institute for National Unification collected testimonies that public execution was

³⁾ UN Doc. A/HRC/25/63 (February 7, 2014), para. 87.

⁴⁾ UN Doc. A/HRC/25/CRP.1 (February 7, 2014), para. 1220.

performed for violating emergency quarantine measures.⁵⁾ Political prison camps that the COI recommended to dismantle still exist, discrimination against citizens on the basis of their background and the *songbun* classification system remains prevalent, and chronic food shortages persist.

II. Direction and Challenges for North Korean Human Rights Policies

Driving Change through Consistent North Korean Human Rights Policies

For South Korea to take the lead in North Korean human rights issues as a responsible member of the international community, pursuing consistent North Korean human rights policies is of paramount importance. Furthermore, South Korea should remind and renew the focus of the international community on North Korean human rights issues through solidarity and cooperation with key actors such as the UN, individual states, and civil society organizations. Collective efforts should be made to urge North Korea to implement and comply with the human rights laws it enacted including Battery Prevention Act (2021) and Law on the Rights of People with Disabilities (2023), and to improve its criminal law. North Korea selectively accepted the recommendations of the COI after it was released based on the UN human rights mechanism centered on women, children, and people with disability. Therefore, efforts must be made for North Korea to accept the recommendations in whole, including freedom rights and social rights. In addition, follow-up measures must be reviewed together with the results of monitoring, and various measures ought to be devised to hold North Korea accountable.

Strengthening the Connection between Right to Access Information and Right to Self-Determination

With the enactment of a series of laws such as the Reactionary Ideology and Cultural

⁵⁾ Wootae Lee, *et al.*, *White Paper on Human Rights in North Korea 2023* (Seoul: Korea Institute for National Unification, 2023), pp. 54–63.

Rejection Act (2020), Youth Education Security Act (2021), and Pyongyang Standard Language Protection Act (2023), North Korea has significantly strengthened control and punishment regarding the influx of information and culture from the outside world. In the year 2024, which marks the 10th year of the release of the COI Report, South Korea finds itself confronted with an even more challenging human rights environment of North Korea. During his speech at the 10th Session of the 14th Supreme People's Assembly, Kim Jong-un stated that expressions such as 'independence, peaceful unification, and great unity' must be removed from North Korea's Constitution, and emphasized that concepts of 'unification, reconciliation, and kinship' should be abolished. Furthermore, he stressed that words that misguide people to believe that South Korea and North Korea share the same ethnic identity should be removed through a constitutional revision, and education should be strengthened to view the Republic of Korea as the primary foe and the invariable principal enemy.⁶⁾ North Korean residents are no longer allowed to freely use terms such as unification, reconciliation, and kinship. To respond to such developments, the right to self-determination must be reflected in North Korean human rights policies. For 'peaceful unification based on the principles of freedom and democracy' stipulated in Article 4 of the Constitution of the Republic of Korea to be realized, North Korean residents must awaken to the reality they are living in and the fact that they are under the world's most closed and repressive system through a continuous influx of information and culture from the outside world. The connection between the right to access information and the right to self-determination must be strengthened by sending information that the North Korean residents and the South Korean residents share the same ethnic identity, and that the two Koreas should be united as one. ©KINU 2024

※ The content of this article is the author's personal view, and it is not the official view of the Korea Institute for National Unification.

6) *Korean Central News Agency*, January 16, 2024.