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Ratification of Convention on the Rights of Persons with Disabilities by North Korea: Evaluation and Future Challenges

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The Standing Committee of Supreme Peoples Assembly in North Korea ratified Convention on the Rights of Persons with Disabilities(CRPD) on November 23, 2016 - three years and four months after it signed CRPD on July 3, 2013. North Korea's ratification of CRPD can be evaluated as making its intention known at home and abroad of fulfilling their obligations bound by the Convention. State Parties, who either ratified or signed a treaty, are obliged to comply with the treaty in accordance with the international law.

The Democratic People's Republic of Korea(DPRK) has rearranged its relevant laws for the vulnerable populations, including women, children, and people with disability. It has also declared its will to cooperate with the international community in such areas - a continuous trend witnessed dating back to when Kim Jong-un took office. To elaborate on the case of women, North Korea went through a partial revision of Socialist Labor Law and Law on the Protection and Promotion of Rights of Women in June 30, 2015, after the enactment of the latter in 2010. And as a result, it significantly expanded the duration of maternity leave from 60 days during

the pregnancy and 90 days after giving birth to the same 60 days before childbirth and 180 days after. The DPRK also withdrew two reservation clauses out of three of the Convention on the Elimination of all Forms of Discrimination against Women (the CEDAW Convention) on November 23, 2015. In addition to that, it submitted the 2nd, 3rd, and 4th comprehensive reports to Committee on the Elimination of Discrimination against Women (CEDAW) on April 11, 2016. And after the enactment of Law on the Protection of the Rights of Children in 2010, Pyongyang ratified “Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography” on November 10, 2014. The North also submitted the 5th and 6th comprehensive reports on the Convention on the Rights of the Child to Committee on the Rights of the Child (CRC) in April 2016. And it signed CRPD on July 3, 2013, revised the Person with Disability Protection Law (PDPL) on November 21, 2013, and most recently ratified CRPD. However, one cannot say that actual human rights improvements have been made in the lives of North Koreans simply because North Korea has laid out the groundwork in relevant laws on the vulnerable populations, including women, children, and people with disability, and fulfilled the obligations of submitting a national report, pursuant to International Human Rights Law. Instead, a series of steps taken by the regime should be interpreted as its efforts to ease the concerns raised by the international community on its human rights conditions, given the lack of actual improvement of human rights situation for its vulnerable populations. To that end, the international community should view North Korea’s CRPD ratification as an opportunity to promote the North Korean human rights situation, including people with special needs.

First, we should urge the North to revise and implement PDPL in accordance with CRPD by comparing provisions of PDPL to those of CRPD in detail, reviewing all the legal aspects. Although North Korea did amend PDPL after signing CRPD, a significant portion of the former still fails to meet the standard of the latter. Above all, the implementation of CRPD should be continuously called for so that banning discriminatory practice - the essence of CRPD - can be specified in PDPL and

human dignity and freedom of North Korean people with special needs can be respected.

Second, cooperation between North Korea and the international community should be expanded to promote the rights of North Koreans with disability. The North regime declared upon its CRPD ratification that it will strengthen the international cooperation to enhance the rights of people with disability. This is not the first time Pyongyang declared its will to seek the international cooperation in promoting human rights. A report submitted by the DPRK for the 2nd Universal Periodic Review(UPR) specified that it has paid a significant amount of attention to the international cooperation for human rights and that it takes the need for cooperation on human rights seriously and remains flexible about it. A report published by the DPRK Association for Human Rights Studies also described that North Korea will put into action forging a dialogue and cooperation for the international human rights.

Third, in terms of inter-Korean relations, there exists a need to hold an inter-Korean dialogue on human rights by expanding humanitarian aid to people with disability for the protection of their right to life. It still remains to be challenging to send a humanitarian aid and seek an inter-Korean human rights dialogue especially when sanctions against Pyongyang are being enforced. That is why we should pursue the inter-Korean human rights dialogue in an area, in which the middle ground can be easily found. And providing humanitarian aid to the least politically active population in North Korea - people with special needs - can be a starting point. After that, an agenda and methods for the inter-Korean human rights talks should be selected on mid-to-long term issues, such as maternal and child health, health care, and separated families by the division of the Korean Peninsula. And those selected measures should go hand-in-hand with sanctions against the North. The North Korean Human Rights Act(NKHRA), passed on March 3, 2016 by the National Assembly in the Republic of Korea, aims to promote the protection and enhancement of North Korean human rights and pursue the civil and political rights of individuals



and their right to life. To fulfill such objectives, seeking accountability for the North Korean leadership and inducing its changes should be sought, in parallel with giving humanitarian assistance and holding an inter-Korean human rights dialogue. ©KINU 2016

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