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Implications of Visit to the DPRK of the UN Special Rapporteur on the Rights of Persons with Disabilities and Remaining Challenges

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North Korea allowed a visit of the UN Special Rapporteur on the rights of persons with disabilities Catalina Devandas Aquilar to Pyongyang from May 2 to 9. This is the first visit of the UN Special Rapporteur to North Korea, who got appointed in accordance with Special Procedure of the UN Human Rights Council and its predecessor UN Commission on Human Rights. Korean Central News Agency covered an arrival of Ms. Devandas Aquilar and her delegation in Pyongyang on May 2 and reported that Chairman of Korean Federation for the Protection of the Disabled (KFPD) Kim Moon-chul and the UN Resident Coordinator-cum-UNDP Permanent Representative accompanied her delegation to the airport on May 9.

Activities and Major Recommendations of the UN Special Rapporteur

The UN Special Rapporteur released preliminary observations and recommendations on May 8, based on information provided by North Korean authorities. Regarding legal and policy framework, the Special

Rapporteur commended North Korea for the ratification of Convention on the Rights of Persons with Disabilities (CRPD)¹⁾ and Marrakesh Treaty²⁾, which aims to improve the accessibility of publication for the blind. Ms. Devandas Aquilar also advised that North Korea ratify the remaining international human rights treaties and Optional Protocols to which it is not yet a State Party. In particular, she acknowledged that national reports submitted in 2016 to the Committee on the Rights of the Child and the Committee on the Elimination of all Forms of Discrimination against Women contain specific sections on the rights of person with disabilities. Regarding future implementation and monitoring of the CRPD, she highlighted the importance of activities and the role of Korean Federation for the Protection of the Disabled (KFPD) on a thorough implementation of the convention in North Korea.

As to domestic legislation, the Special Rapporteur positively acknowledged the establishment of a central coordination mechanism for the protection of persons with disabilities through the 2013 amended Law on the Protection of the People with Disabilities. She also commended the provisions of the Law on Disaster Prevention, Rescue, and Recovery, which give priority to the vulnerable population, including those with special needs, in the delivery of relief goods. Ms. Devandas, however, pointed out that pejorative languages like “dumb” are still used to refer to persons with disabilities in various laws and that certain provisions are not in line with Article 12 of the CRPD (equality before the law), which recognizes the full legal capacity of persons with disabilities. Furthermore, she mentioned that a strong emphasis was placed on “curing” and “rehabilitation” in the Law on the Protection of the People with Disabilities. She recommended North Korean authorities to engage in awareness-raising campaigns to combat stereotypes and prejudices relating to

1) Convention on the Rights of Persons with Disabilities: ratification on December 6 2016, effectuation on January 5 2017.

2) Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled: ratification on February 19 2016, effectuation on September 30 2016.

persons with disabilities, and to avoid terms, such as “sane,” “healthy,” and “normal” and use correct terminology when referring to persons with disabilities.

Overall, Ms. Devandas underscored that more efforts of the North Korean government are required for people with special needs to exercise their rights. She highlighted that even new facilities she visited were not equipped with basic infrastructure for those with disabilities and stressed the need for improving their physical accessibility to public facilities. She also requested the establishment of a government-led association representing those with special needs for the purpose of promoting and expanding their social participation. As part of this effort, she recommended that the Education Committee take measures to provide learners with disabilities the support needed to access education on an equal basis with others. A more detailed report of the UN Special Rapporteur will be submitted to the session of the UN Human Rights Council on March 2018.

Prospects for Future Discussion and Challenges

Expectations are getting increasingly high over the possible improvement of North Korean human rights of those with disabilities in line with the international standard given that this visit of the UN Special Rapporteur to North Korea occurred after the CRPD took effect on January 5, 2017. Some expect that this visit hints North Korea’s willingness and determination to improve the human rights conditions of the vulnerable group. In fact, the DPRK already submitted its combined 2nd, 3rd, and 4th report to the Committee on the Elimination of all Forms of Discrimination against Women, and its 5th State party report to the Committee on the Rights of the Child in 2016, which will be reviewed later this year. Some suspect North Korea’s hidden political intention behind such move – it might attempt to address the concerns on civic and political rights of the international community by following the UN Human Rights mechanism. However, if such move leads to an actual enhancement of North Korea's institution and current status of the vulnerable population, it should be

regarded positively regardless of their ulterior motive.

Steps have been taken in North Korea's domestic legislations toward revising the relevant institutions in conformity with the international human rights standard. Examples of this include the adoption of the 2010 Law on Protection of Women Right, which embraced the concept of abolition of "all forms of discrimination" in the Convention on Women Right. With regard to the rights of those with disabilities, North Korea amended the Law on Protection of People with Disabilities in 2013, and partly accepted some contents of the CRPD. What is missing, though, is that sensory impairment is not included in the category of disabilities according to the Law on Protection of People with Disabilities and that some regulations of the CRPD are not reflected in this law. While North Korea is obliged to submit a report on its implementation by February 2019 in accordance with Section 1, Article 35 of the Convention on the Rights of Persons with Disabilities, which came into effect in January 2017, such shortcomings will provide an opportunity to identify an area needed for further improvements by utilizing the UN Human Rights mechanism.

The Convention on the Rights of Persons with Disabilities ratified in December 2016 and the UN Special Rapporteur's visit to the DPRK in May 2017 are expected to present a chance to raise awareness on human rights for those with special needs in North Korea. Especially, the North Korean government's thorough implementation of the UN Special Rapporteur's recommendations will come as a meaningful step to improve human rights of those with disabilities up to international standard. However, an active monitoring of the international community should be followed so that the DPRK's implementations do not just lead to mere legislative or institutional formality but actually produce tangible results. Furthermore, more active conversation and cooperation could be fostered in the international community on the issue of promoting and improving human rights of those with special needs. Article 8 of the Law on Protection of People with Disabilities, amended in 2013, describes that "The State should strengthen

exchanges and cooperation with other nations, international organizations, and overseas compatriot groups in the area of protection of those with disabilities.” As stipulated in the above provision, North Korea will be better off to enhance cooperation on the protection and promotion of rights of those with disabilities along with other states, international organizations, and non-governmental organizations and embrace the technical cooperation with the international community centering around the UN. ©KINU 2017

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