

# Ten Years of Human Rights Policy Under the Kim Jong-un Regime: Trends and Implications

## Online Series

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As the Kim Jong-un regime enters its tenth year in power, interest in the human rights situation in North Korea has begun to heighten with a UN resolution again being proposed and the ‘value diplomacy’ of the Biden administration materializing. Changes to the Kim Jong-un regime’s policies on human rights have significant consequences for the improvement of the human rights of the people of North Korea. In addition, interactions between the international community and individual states on universal values such as human rights and peace are expected to become more lively. Though there are several theses assessing the human rights policy of North Korea, this paper focuses on communication exchanged between North Korea and the international community through the three cycles of the Universal Periodic Review (UPR) process to examine the trends regarding North Korea’s policies on human rights from the perspective of change and discuss its policy implications.

### 1. Background of the Study

The human rights situation in North Korea has been discussed in March and April in Geneva every year since 2003. When a resolution on human rights in North Korea is tabled at the UN Human Rights Council (UNHRC), North Korea and western countries engage in a fierce debate. This year, which marked the beginning of the

Biden administration, was no different. The US Secretary of State Tony Blinken fired the opening salvo. In an online video speech addressing the UNHRC on February 24, he encouraged the Council to “support resolutions at this session addressing issues of concern around the world, including ongoing human rights violations in Syria and North Korea.” The North Korean Ministry of Foreign Affairs replied on March 1, claiming that “the west’s hypocritical insistence on ‘human rights’ inherently contains a large risk as it seeks to eliminate any country that antagonizes them to ultimately rule the world.” As this exchange reveals, North Korea has protested calls by the international community to improve its human rights records, deeming it a violation of its sovereignty and a conspiracy against the republic. The reason why it is necessary to evaluate North Korea’s policies on human rights from an international perspective when the Kim Jong-un regime is entering its tenth year in power is that it will likely become a consequential factor that will impact forecasts of the continued existence of the North Korean system.

However, North Korea does not always conflict with the international community regarding its human rights issues. North Korea has joined six different international human rights conventions and submits reports to the respective committees, and it also cooperates with 13 specialized agencies of the UN on the issue of development. Furthermore, North Korea has also participated in the Universal Periodic Review (UPR) process established in 2006 as a member state of the UN. North Korea has submitted human rights reports to the UNHCR and subjected themselves to review on three different occasions in November 2009, April 2014, and May 2019, respectively. This demonstrates that North Korea is willing to cooperate through channels that it deems viable for functional consultation rather than avenues through which political pressure is imposed.

Among the two trends in the relationship between North Korea and the international community on human rights, this paper focuses on the cooperative aspect to discover pathways through which human rights in North Korea can genuinely be improved. The paper also examines the potential need for South Korea and the international community to consider changing their policies on North Korea’s human rights. Based

on this background, this paper concentrates on recommendations from the UPR process that North Korea has either adopted to improve its human rights record or has shifted its position to adopting them.<sup>1)</sup>

## 2. Recommendations from the UPR Adopted by North Korea

North Korea adopted 81 recommendations during the first cycle of the UPR process, including duplicate items, in the areas of expanding civil and political rights (CPR), improving economic, social and cultural rights (ESCR), enhancing the rights of vulnerable groups, improving human rights mechanisms, and solving humanitarian issues.

First, North Korea has been the most passive on the issue of the CPR. North Korea adopted recommendations to foster the growth of civil groups and ‘respect’ the freedom of assembly, expression, and religion. Second, improving the ESCR was the area that North Korea accepted recommendations most broadly. North Korea adopted recommendations to generally improve the areas of food, health, medicine, and education and expand the investment of national resources on these matters. Moreover, North Korea agreed to cooperate with UN organizations and international NGOs for the enhancement of ESCR, and to grant representatives of these organizations and groups the opportunity to visit North Korea and access certain areas under humanitarian principles. On the other hand, North Korea rejected recommendations regarding the freedom of travel which falls under the category of freedoms, but expressed willingness to adopt them if they were limited to the promotion of economic activities. Third, enhancing the rights of vulnerable groups was another area that North Korea actively adopted. North Korea accepted recommendations to improve the human rights of vulnerable groups such as women,

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1) Due to page limitations, an analysis of recommendations that North Korea has either rejected or held reservations against will need to be conducted in a future study. Documents regarding the UPR process for North Korea can be found at <https://www.ohchr.org/EN/HRBodies/UPR/Pages/KPindex.aspx> (accessed March 8, 2021).

children, and the elderly in addition to ratifying the International Convention on the Rights of Persons with Disabilities (CRPD). Regarding the rights of women, North Korea adopted recommendations to reform laws and regulations to protect women from violence including domestic violence, and also agreed to increase women's participation in state-level decision-making institutions such as the Supreme People's Assembly. Moreover, North Korea accepted the recommendation that aid from international organizations should prioritize vulnerable groups such as women, children, and the elderly if and when it is provided. Fourth, on the issue of humanitarian mechanisms, North Korea adopted significant recommendations in the area of criminal procedure law. Regarding this area, recommendations included how the overall improvement of North Korea's domestic law system should proceed on the basis of human rights, and that law enforcement officials should receive education and training on human rights. In addition, North Korea agreed to the recommendation that law enforcement officials required training to meet global standards. Recommendations regarding the prevention of crimes, the eradication of human trafficking, and the provision of support for victims of crimes were also accepted. Fifth, on the issue of international cooperation, North Korea adopted recommendations regarding dialogue and cooperation on human rights. North Korea also accepted recommendations that its domestic laws be reconciled with international human rights treaties that it has already signed and that it must submit a delayed report. The most noteworthy aspect of recommendations on international cooperation that North Korea adopted during the first UPR cycle regarded special procedures and cooperation. North Korea stated that it would "seek cooperation with special procedures of the UNHCR in each issue area based on the principles of objectivity, fairness, and non-politicization." Sixth, North Korea adopted recommendations regarding inter-Korean relations to confirm whether separated family members are still alive, to exchange letters, and pursue family reunions in collaboration with South Korea.

Meanwhile, North Korea shifted its position on certain recommendations that it had previously rejected or held reservations against to accept them in the second

and third cycles of the UPR process, as noted in table 1. The issues of expanding ESCR and improving human rights mechanisms stand among the areas that North Korea has adopted more recommendations. Noteworthy are the issues of guaranteeing the activities of civil groups and cooperating with all special procedures of the UNHCR, but this will require monitoring since there have been no reports confirming that these measures have actually been implemented. Meanwhile, North Korea has made clear its stance that it would oppose recommendations regarding separated families if the issues of prisoners of war and North Korean abductees are included.

&lt;Table 1&gt;

UPR recommendations that North Korea has shifted its position to adoption

Area	Details of Expanded Adoption
CPR	Freedom of assembly, expression and religion, disclosure of human rights conventions on the state network, ensuring the activities of civil groups
ESCR	Reducing the gap between the urban and rural areas and responding to climate change
Rights of Vulnerable Groups	Ratifying the Convention on the Rights of Persons with Disabilities (CRPD), increasing social participation of women, ensuring access for the improvement of human rights of vulnerable groups including prisoners
Human Rights Mechanisms	Independence of the judiciary, human rights education for law enforcement officials, cooperating with special procedures, ratifying the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), operating a national committee for the implementation of human rights treaties

First, recommendations regarding the expansion of freedom, on which North Korea was most reluctant during the first cycle of the UPR, became more detailed during the second and third cycles of the process. During the first cycle, North Korea adopted recommendations on the freedom of assembly, expression, and religion agreeing that it would respect that freedom. The range of adoption was further detailed in the second cycle by agreeing to “allow all religious believers to exercise their religion independently,” “guarantee the basic rights to freedom of assembly and association,” and “ensure free access of all its citizens to information.” The recommendation to enhance civic awareness by releasing publications related to

human rights was also accepted during the second cycle. Similar changes continued during the third cycle. Adopted recommendations related to this issue were publishing the text of human rights treaties that North Korea has ratified on the national network service to enhance awareness of human rights, allowing religious persons to exercise their religion independently and publicly, and creating a favorable environment for the independent activities of civil groups and organizations.

Second, North Korea adopted recommendations during the second and third cycles of the UPR after rejecting them during the first in the area of improving the ESCR. Addressing the gaps between urban and rural areas was a recommendation that North Korea newly accepted during the second cycle. It was recommended that the gap between urban and rural areas be reduced by improving the housing and sanitation situation in the countryside. The third cycle of the UPR added further details regarding the specific measures that North Korea has implemented or should implement. For example, it was suggested that North Korea should continue promoting the five-year economic development plan adopted at the 7<sup>th</sup> Congress of the Workers' Party of Korea (WPK) in 2016, and that it should allocate its national resources to improve school-related infrastructure to enhance the education system. It was also recommended during the third cycle of the UPR that the public be provided information on climate change as a preparatory measure.

Third, the range of recommendations that North Korea adopted regarding the improvement of rights of the vulnerable groups broadened in the second and third cycles. North Korea joined the CRPD in July 2013 after expressing its intent to adopt the relevant recommendation suggested during the first cycle. It continued progress on the issue by accepting recommendations to guarantee and verify the rights of persons with disabilities which was proposed in the second cycle of the UPR. North Korea adopted such recommendations from the third cycle as improving the social perception of persons with disabilities and eliminating physical barriers in public spaces. North Korea also accepted recommendations regarding the expansion of women's social participation, which included measures such as increasing the recruitment of female officers and strengthening women's roles in the policy-making

agencies. Worth highlighting is how North Korea accepted the recommendation to grant access to international humanitarian organizations in order to provide assistance to “the most vulnerable groups, including prisoners.” As a matter of fact, North Korea has undertaken positive steps regarding the protection of vulnerable groups and the right to education by enacting the Law on the Protection and Promotion of Women’s Rights and the Law on the Rights of Children in 2010, enacting the Law on Common Education in 2011, and granting access to the UN Special Rapporteur on the rights of persons with disabilities in 2017.

Fourth, North Korea has consistently adopted recommendations regarding human rights mechanisms throughout the three UPR cycles by reforming laws and institutions to make them more conducive to human rights, educating officials working in the judicial sector on human rights, and providing opportunities for a fair trial. There was a significant change during the second cycle of the UPR regarding the recommendation on an independent judiciary. North Korea rejected the UPR’s recommendation regarding an independent judiciary during the first cycle but adopted it during the second. Installing a national mechanism for the review of complaints of the populations concerning human rights violations was another recommendation that North Korea newly adopted during the second cycle. Recommendations related to reforms to the judicial system became more detailed during the third cycle. North Korea adopted recommendations such as reforming the criminal code and the criminal procedure code, as well as raising awareness about human rights among officials of the government including law enforcement organs.

On the matter of cooperation with international human rights mechanisms, North Korea accepted recommendations to ensure the effective implementation of the human rights conventions that North Korea has joined, promote dialogue with international human rights mechanisms, and cooperate with UN agencies. In addition, it newly adopted recommendations on cooperating with special procedures, even though it was a minor change. The adoption of relevant recommendations during the first UPR cycle was conditioned on the principle of non-politicization, but North Korea removed the stipulation and accepted the provision to “cooperate with the

special procedures of not only treaty organizations but also the UNHCR.” North Korea also adopted the recommendation to establish and operate a National Committee for the International Rights Treaties that was suggested during the third cycle of the UPR.

Fifth, human rights issues related to inter-Korean relations focused on the matter of reunions of separated families. North Korea adopted recommendations on this matter during the first UPR cycle but rejected them during the second. The reason was that while recommendations focused on the matter of life or death of separated family members, exchange of letters, and reunions during the first cycle, they were changed to include “seriously addressing the issues of abductees, prisoners of war and separated families” in the second cycle. South Korea’s recommendation suggested during the third cycle left out the matters of abductees and prisoners of war and stated that North Korea should “continue to cooperate with the Republic of Korea to fundamentally resolve the issue of separated families, including the implementation of the relevant commitments made at the inter-Korean summits.” North Korea accepted this proposal. This shows that humanitarian cooperation with North Korea on the issue of separated family reunions might be difficult if it is tied to the matters of prisoners of war and abductees.

### 3. Policy Implications

Both trends of continuation and change are found in North Korea’s policies on human rights. Though some changes have been observed in North Korea’s human rights policy during the 10 years of the Kim Jong-un regime, there is no need to exaggerate their significance. Most of the 334 news reports on ‘human rights’ by the Korean Central News Agency (KCNA) from January 2011 to December 2020 have been devoted to denouncing the international community’s expression of concern over human rights in North Korea, with 229 directed at the U.S., 179 at South Korea, 133 at the UN, and 52 at Japan. These reports advertise how North Korea’s views and institutions on human rights are the best in the world, and also

claim that policies on human rights are bestowed through Party initiatives, that state sovereignty and security is the greater priority than human rights, and that views of human rights are based on the cultural relativism, all of which demonstrates how North Korea is still maintaining its traditional position that is detached from efforts to improve human rights.

Within these limitations, however, North Korea's attitude towards and policies on human rights have experienced considerable changes during the 10 years of the Kim Jong-un regime, as seen through the UPR processes analyzed above. Changes to North Korea's human rights policies observed through the UPR process are diverse and have noticeable positive aspects. Based on the areas that have been received the most positively, these changes appear to have been caused by the expectation that the international community would contribute to the betterment of the lives of the people without criticism of the North Korean system. Of course, there needs to be a differentiated response to the various ways in which North Korea reacts to recommendations suggested by the international community to improve human rights. It will be appropriate for the international community's policy on North Korean human rights to proceed in the following three specific directions: ① assist and support recommendations that North Korea adopts, ② criticize and pressure North Korea on recommendations that it rejects, and ③ commend and aid recommendations that North Korea changes its position to either consider or accept. The trend that North Korea has expressed willingness to adopt a broader range of issues is hopeful. This widening of issues is mostly linked to its intent to engage and cooperate with the international community. Detailed plans on the reasons, implications, and follow-up measures for recommendations that North Korea has chosen to change its position and accept are necessary. This will require lively conversations between South Korea and UN agencies on human rights. The author hopes that such new activity will result in the transformational development of the international community's policy on North Korea's human rights.

South Korea will need to assess the continuation of and changes to North Korea's human rights policy during the ten years of the Kim Jong-un regime in a balanced

manner to craft and implement a rational and effective policy. This may require the concurrent pursuit of both bilateral and multilateral approaches. Considering the continuity of North Korea's human rights policy and the unique nature of inter-Korean relations, engagement between the two Koreas should proceed by building trust through exchanges and cooperation designed to cultivate a positive environment for the improvement of human rights in North Korea and solve humanitarian problems. The multilateral approach, on the other hand, requires South Korea's active participation in development projects that the UN and other international specialized organizations promote in cooperation with North Korea through the contribution of human and financial resources.

Meanwhile, South Korea needs to change its stance on being passive on UN resolutions on North Korea's human rights and instead take the initiative on the adoption of resolutions in the directions noted above. In particular, efforts to actively reflect the issues and specific methods of international cooperation mentioned in recommendations that North Korea has expressed willingness to adopt will be an effective way to ensure that they are implemented. This will certainly include inter-Korean dialogue for the establishment of peace on the Korean Peninsula and the solution of humanitarian problems. South Korea should maintain a proactive and consistent position on UN resolutions on human rights in North Korea in these directions. ©KINU 2020

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