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Evaluation and Analysis of the DPRK's Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities

From the Perspective of International Cooperation to Enhance the Rights of People with Disabilities

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Submitted in December 2018, DPRK's Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities stresses that the state provides institutional protection to the rights of the people with disabilities through statutes including the Constitution and the domestic Law on the Protection of Persons with Disabilities. The report indirectly expresses a negative stance on the international community's concern over the human right conditions of people with disabilities in the country. On the contrary, the Initial Report includes notable features—the introduction of the UN Special Rapporteur on the rights of persons with disabilities' activities, the adoption of some of her recommendations, suggestion for priority areas, and unprecedented admission of some of their shortcomings. Today, the international community increasingly stresses the importance of capacity-building and knowledge-sharing in development cooperation to promote human rights. North Korea also acknowledged in the Initial Report the importance of development cooperation in boosting the rights of its residents with disabilities. In this regard, priority areas and shortcomings that are suggested and acknowledged by the DPRK in the Report are noteworthy in their potential to become a connection point in development cooperation with the international community. With a focus on these issues, there should be bilateral and multilateral human rights dialogue and technical cooperation with Pyongyang.

In December 2018, the DPRK submitted its Initial Report on the Implementation of the Convention on the Rights of Persons with Disabilities (CRPD) to the Committee on the Rights of Persons with Disabilities.¹⁾ The country submitted the report prior to the due date of January 6, 2019, indicating its willingness to address the issue. Pyongyang ratified the CRPD on November 23, 2016, and deposited the Instrument of Ratification to the UN Secretariat on December 6 of the same year. As a result, the Convention entered into force in the DPRK on January 6, 2017. The CRPD requires all state parties to submit an initial report on implementation “within two years after the entry into force of the present Convention for the State Party concerned” (Article 35, Paragraph 1). According to the Initial Report, as of 2016, persons with disabilities took up 5.5% of the total population (men 5.1%, women 5.9%) in North Korea. By disability type, visual disabilities accounted for 1.2%, hearing 1.3%, speech 0.4%, physical 2.5%, intellectual 0.3% and mental 0.4%. These statistics were based on the 2017 survey by North Korea’s Central Bureau of Statistics (Table 1 and 2 of the Initial Report). The 76 page-long Initial Report provides a detailed statement on the current status of implementation in the DPRK by the order of Articles in the Convention. Leaving a deeper analysis for another occasion, this paper presents an overall assessment on the Initial Report and explores several key characteristics from the perspective of international cooperation to enhance the rights of people with disabilities in North Korea.

Overall Assessment

The Initial Report states how the rights of people with special needs in North Korea are legally protected across areas including culture, education, sports, labor and political rights under the North Korea’s Constitution, the Law on the Protection of Persons with Disabilities and other relevant statutes. It also emphasizes the positive

1) To refer to the original text, please visit the official website <www.ohchr.org>. Find *Human Rights Bodies* → *Treaty Bodies* → *CRPD* → *State parties reports* → *Democratic People’s Republic of Korea*.

measures that the state has taken in accordance with the relevant laws. Notably, it stresses the fact that the Law on the Protection of Persons with Disabilities was “amended (...) to incorporate the requirements of the Convention” in 2013 (Paragraph 7 to 9). To prove the legitimacy of its disability policy, the regime underscores in the Report the enactment of relevant domestic laws such as the Social Insurance Law, which was enacted in 1946 and presumed to be practically nullified today. The Report also describes that “pejorative terminology” referring to people with disabilities has been “gradually disappeared” (Paragraph 18 to 26), highlighting that the negative terms “disabled” and “crippled” are now replaced by “persons with disabilities.” In addition, the Report reveals that Pyongyang is under way to revise and retitile the existing Law on the Protection of Persons with Disabilities to “the Law on the Protection of the Rights of Persons with Disabilities.” According to the Initial Report, the North considers containing more rights to a draft amendment of the Act, including “the rights of persons with disabilities to vote and to be elected, to express their views, and to hold public posts” (Paragraph 29).

Key criticisms on the rights of people with disabilities in North Korea include physical segregation and social discrimination, coerced sterilization and forced abortion in a case of women with innate disabilities. The Initial Report lacks any direct mention on those issues. Instead, as noted above, it focuses on how people with special needs are under institutional protection including the Constitution and the Law on the Protection of Persons with Disabilities, indicating an indirect opposition to the international community’s criticism. In fact, the Report notes that “the Constitution entitles all citizens including persons with disabilities to inviolability of the person” (Paragraph 77), and that “there is no one evading birth registration,” including babies with special needs (Paragraph 114). As for segregation, the Initial Report claims that “persons with disabilities enjoy the liberty of movement on the basis of equality with others” (Paragraph 112), and that “rights of persons with disabilities to choose their place of residence and where and with whom they live on an equal basis with others are fully respected and guaranteed by law (Paragraph 115) as members of the society.” Concerning social discrimination, the Report argues that “as a result of strenuous efforts to raise public awareness of persons with disabilities, their neighbors treat

and support them in a friendly manner” (Paragraph 116). On forced sterilization, it holds the view that “marriage and family are protected” for people with disabilities (Paragraph 133).

Characteristics from the Perspective of International Cooperation

First, the Initial Report specifies the activities of the UN Special Rapporteur on the Rights of Persons with Disabilities and the adoption of some of the Rapporteur’s recommendations. The Initial Report states the UN Special Rapporteur’s visit to North Korea on May 2017 (Paragraph 5). It also stresses that “the DPRK, (...) in serious consideration of the recommendations given by the UN Special Rapporteur on the Rights of Persons with Disabilities during her visit to the country, undertook a comprehensive review of disability-related domestic laws (...)” and that it “has prepared draft amendments to several of them, which are in the process of consideration” (Paragraph 28 and 29). Those paragraphs indicate that cooperation with the UN Special Rapporteur is required to facilitate the promotion of rights of people with disabilities in the DPRK.

Second, the Report reveals that disability policy in North Korea is being executed in the form of the Action Plan and National Strategic Plan. According to the Initial Report, Pyongyang is implementing disability policy under an Action Plan and National Strategic Plan. It had launched and executed the Action Plan 2008–2010, Action Plan 2013–2015 and Action Plan 2016. According to the Report, the National Strategy for the Economic Development 2016–2020 is “also inclusive of persons with disabilities.” In addition, the report specifies “currently, the National Strategic Plan for the Protection of the Rights of Persons with Disabilities 2018–2020 is under implementation” (Paragraph 30). It is necessary to monitor how those Action Plans and National Strategic Plans are devised and whether Pyongyang will cooperate with the international community in the process. It is also required to appreciate the concrete details of those Plans. The CRPD’s review on the Initial Report and the 3rd Universal Periodic Review (UPR) on North Korea are expected to provide such an opportunity. If the DPRK is to establish new Action Plans and National Strategic Plans

in the future, it will be necessary to ensure that future Plans include measures to promote the rights of North Korean residents with disabilities through bilateral and multilateral dialogues on human rights and relevant technical cooperation.

Third, Pyeongyang expresses their areas of interest in the Report. The Initial Report shows the North Korean regime's two priorities in enhancing the rights of people with disabilities. One is the promotion of rights for women with special needs. According to the Report, the DPRK has Associations of Women with Disabilities, whose "main functions" are "public awareness-raising, needs assessment, organization of economic, sports and cultural activities of women with disabilities." It suggests that "capacity-building of the staff of these associations" is "a top priority" (Paragraph 43). The other area of interest is "ensuring them access," referred to as "one of the priorities" (Paragraph 65). This emphasis on accessibility might be an implication of the 2017 visit by the UN Special Rapporteur. In an event to share the results of her visit to Pyeongyang in May 2017, Special Rapporteur Catalina Devandas-Aguilar said that the DPRK lacked infrastructure for persons with disabilities and most social infrastructure was inaccessible to them.²⁾ She pointed out that inaccessible residential buildings, environmental barriers and limited access to public transport were all serious challenges to people with disabilities who are entitled to live an independent life and engage in every aspect of life.³⁾

Fourth, the Report admits some of the shortcomings, a rare move for Pyeongyang. The Initial Report is exceptional in that the North Korean regime acknowledges where it is lacking to enhance the rights of its people with physical impairments or mental support needs. One of the two challenges admitted is accessibility. The Report's authors concede that "in the light of the requirements of the CRPD", the relevant international standards, "a lot of work needs to be done to facilitate accessibility of persons with disabilities to physical environment" (Paragraph 76). The other issue is ensuring people with disabilities to lead a community life. The

2) "UN Special Rapporteur: Most Social Infrastructure Is Inaccessible to People with Disabilities", Voice of America <<https://www.voakorea.com/a/4231696.html>> (Published on January 31, 2018).

3) *Ibid.*

Report admits that “standardization of the Korean sign language is yet to be perfected, and public service establishments have difficulties in providing satisfactory services to deaf persons due to communication problems and are not equipped with enough facilities to accommodate the needs of blind persons” (Paragraph 118).

Fifth, the DPRK appears open to international cooperation and dissatisfied with sanctions imposed on them in the Report. The Initial Report gives weight to how Pyongyang has cooperated with the international community to uphold the rights of its people with special needs (Paragraph 199 to 204). In the 2014 Report of the DPRK Association for Human Rights Studies, the regime declared its commitment to faithfully complying with obligations under international human right treaties and to engaging in dialogue and cooperation with the international community to fulfill the goals.⁴⁾ However, Pyongyang argued in the Initial Report that “efforts of the DPRK for the protection and promotion of the rights of persons with disabilities and its cooperation with international organizations and foreign countries are facing great challenges due to the unjustifiable UNSC sanctions against the DPRK” (Paragraph 205).

Ways to Promote the Rights of People with Disabilities in the DPRK: Virtuous Cycle of Human Rights and Development Cooperation

Today, the concept of human rights is no longer limited to the narrow traditional definition that includes the right to freedom and social right. In fact, it is expanding to pursue peace and development in a comprehensive manner. As for development, development cooperation circles across the world are increasingly focusing on capacity-building and knowledge-sharing through technical cooperation such as education, training and know-how sharing. The CRPD appears to support this approach. Stating bilateral cooperation, multilateral cooperation and cooperation through private institutions as three forms of development cooperation, the CRPD points out that development cooperation (international cooperation being “inclusive

4) DPRK Association for Human Rights Studies, *Report of the DPRK Association for Human Rights Studies*, (Pyongyang: DPRK Association for Human Rights Studies, 2014), pp. 81.

of and accessible to persons with disabilities”), capacity-building (“facilitating and supporting capacity-building of those persons”) and knowledge-sharing (“facilitating (...) access to scientific and technical knowledge” and sharing of knowledge) are all in need (Article 32).

Several parts of the Initial Report indicate that the DPRK is aware of the importance of development cooperation as a means to enhance the rights of persons with physical impairments or mental support needs. The Report states that “food security, public health, education, child protection and disaster risk reduction” are all relevant to this issue in addition to the narrowly defined human rights (Paragraph 200). It also says that “international cooperation for the capacity-building of the staff of disability-specialized organizations was proactively conducted” (Paragraph 201).

To improve human right conditions for people in North Korea including those with disabilities, the outside world needs to start with bilateral and multilateral dialogue in areas acceptable for the regime before expanding the scope of cooperation. In this regard, priority areas and shortcomings mentioned in the Initial Report are noteworthy in their potential to become a starting point for international development cooperation. To put it another way, bilateral and multilateral human rights dialogue and technical cooperation with the DPRK should concentrate on those issues. Further, these matters need to be reflected in South Korea’s 2019 Master Plan and the 2nd Action Plan to improve Human Rights in North Korea (2020-2022). Such effort, if continued, will facilitate Seoul’s endeavor to meet goals stipulated in the North Korean Human Rights Act, including “to promote the human rights of North Koreans, to develop inter-Korean relations, and to establish peace on the Korean peninsula” (Article 2) and to realize “inter-Korean human rights dialogue” (Article 7). It will also contribute to expanding the scope of human rights cooperation for North Koreans. ©KINU 2019

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