

Forum: Human Rights Commission 1

Issue: Reviewing the Human Rights situation in the Democratic People's Republic of Korea

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Introduction

The Democratic People's Republic of Korea (DPRK) or North Korea was founded on the 9th of September 1948. Korea was previously occupied by Japan since the year 1905. After the Second World War Korea was split in to two regions: the Soviet backed north and the US backed south. The Republic of Korea (ROC) and the DPRK have been strong opposing forces ever since, evident by the Korean war in which North Korea unsuccessfully attempted to invade the ROK.

North Korea is a self-reliant country as it has little to no external business activity outside the country. This along with poor financial management has caused severe economic problems. The lack of finance has caused a deficiency in many sectors necessary for adequate human rights such as education and labour rights. The DPRK's economy has caused severe conditions for their citizens such as famine and inadequate wages.

The DPRK is commonly claimed to have the worst human rights. Although North Korea is a democratic country with national elections, they have no effect on who is the president of DPRK. Kim Jong Un is currently the supreme commander and this position has been in the Kim family since the countries founder, Kim Il Sung. Many have criticised the elections to be a sham election in which the election process is done completely for show.

In 2014 the issue of human rights violations in the DPRK was voted by the General Assembly to be referred to the International Criminal Court. This happened subsequently to the release of a report of inquiry by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on the human rights situation in the DPRK. The report stated violations to human rights including torture and executions. This issue was discussed at the Security Council (SC) despite China and Russia voting against discussing the issue. North Korea did not collaborate with this process and stated that the authority of the SC does not entail human rights, however, the report established a concern towards this issue's impact on international peace and security. Although this issue was addressed by the SC no resolution was adopted.

Definition of Key Terms

Human Rights

Human rights are the fundamental liberties that we are entitled to, have the freedom to do, and are universally available to all humans from birth. These rights allow for all humans to be treated fairly and with dignity. Examples of human rights are freedom of speech, right to education, and freedom of thought and belief. The Universal Declaration of Human Rights (UDHR) is a document that defines 30 human rights that should be provided to all humans. Article 30 of the UDHR expresses that person or state can stop any human from receiving these rights. This document is not legally binding to any state member and has no signatories. Human rights are given to every living human being without discrimination: every person is entitled to this no matter their the race, gender, ethnic group or religion.

Commission of Inquiry

The COI was established by the United Nations, and its goal is to investigate and create reports on various issues. The United Nations Human Rights Council delegated the task of creating reports on the human rights situation in DPRK through resolution A/HRC/RES/22/13 in 2013. The report was published in 2014, the same year the issue was referred to the Security Council.

Intranet

The intranet is a private network where access is provided to a few members. This is generally used by businesses to provide internal resources to its employees without access to the public. The intranet usually provides access to the internet through the use of firewalls. In the case of the Democratic People's Republic of Korea there is no access to the external internet, and so they utilize intranet.

Sanction

An international sanction is any action or measure taken against a country, that does not include the use of force, to allow for international peace and security. Under article 41 of the United Nations charter, the Security Council may take sanctions to give effect to its decision. The Security Council may also call upon members of the UN to apply these measures.

Forced labour

Forced labour is when people are made to do work through violence, fear of imprisonment or other means. They are generally made to do hard work which may be dangerous for little or no pay. This is often compared to slavery as both are forced to do work. However, it is legally different as slaves

are owned and have no right to own property whereas those who do forced labour are free but are obligated to do labour.

Refugee

A refugee is a person who has fled a country to evade conditions in their country that include war, persecution, violence or other dangers that could be faced. An asylum seeker is someone that applies to be recognised as a refugee by the country they fled to so that protection is provided to them.

Freedom of movement

This human right allows all human to move freely and as they wish. Humans have the right to travel within a country and travel in and out of their country. This could be done for any reason they may have such as visiting, to change their place of residence or for work.

Background Information

The DPRK severely lacks in human rights. North Korea is involved in crimes such as murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence. The DPRK is a member of four international treaties on human rights which are the International Covenant on Civil and Political Rights, the Convention on the elimination of All Forms of discrimination against Women, the Convention on the Rights of the Child and the International Covenant on Economic, and Social and Cultural Rights. The DPRK attempted to withdraw from the International Covenant on Civil and Political Rights, however, withdrawal is only possible if all the other state members allow it and so they are still considered a party to the covenant.

Pyongyang, the capital of North Korea, has a system, called Songun, to classify their citizens on social and political grounds based on their perceived loyalty towards the government. It is also based on a person's ancestors and their relatives. The system consists of three main groups which are the "core class", the "wavering class" and the "hostile class" in order of decreasing loyalty. The "core class" is the most privileged group, they are placed in this social class due to their ancestors for example those who fought against the Japanese occupation. The "wavering class" is the middle group of people and are the average citizens. Whereas, the "hostile class" is the group that is discriminated against for several reasons. This could be due to many reasons such as them having differed political views, committing a crime or being a relative to someone with a low social class. Those who are viewed loyal in the core class have a significant advantage over the hostile class, with different views to the ruling party, who are discriminated against and mistreated. The North Korean government does not inform the citizens of their social class and they deny that people are discriminated against due to their family history or who

someone's ancestor or relative is. The government also discriminates based on race, belief (including religion), and other factors.

Right to freedom of opinion and expression

North Korea is a country that is ruled by fear and repression. The country maintains control through having public executions, torture and other extreme means to allow for obedience. Article 19 of the UDHR states that all humans have the right to hold any opinion and to express them as they please. Although the UDHR is not legally binding it is used a guideline for international human rights law, for example, article 19 of the UDHR was used in articles 12 and 13 of the convention of the rights of the child along with others.

The DPRK government discriminates against those who have differing views. They do this using the Songun social system that places people into groups based on loyalty. Political opposition is strictly prohibited and those who do oppose them are persecuted.

The media in the Democratic People's Republic of Korea is strictly controlled by the government. The government takes extreme measures to censor the information that is received by its people by providing access to only heavily monitored sources and preventing them from receiving information outside the country. This is done by only providing radios and televisions that receive signals from only specific frequencies with seals to prevent tampering. Those with access to outside sources such as unauthorised access to the internet are punished. The government does also provide its own intranet however that is also heavily monitored and access is provided to privileged individuals and others such as researchers. There is access to the internet, however, only to a few high-level officials within the government. North Koreans are made to believe lies such as the supreme leader having supernatural powers. The lies and propaganda within North Korea has caused it to be ranked worst on the Press Freedom Index.

Women's Rights

The DPRK is a state member of the Convention on the Elimination of All Forms of Discrimination against Women and has passed laws to support women's rights and equality mainly through the 1972 and 1990 constitutions. The rights of women have improved since 1945. Previously, academic education was rarely provided to women and their roles within society were generally limited housework. After the Second World War women had roles outside the household in rebuilding the country's economy. The improvements have allowed women to have access to a formal education in both schools and further education in universities.

Deficiencies in Women's Rights

Women still substantially lack in human rights. North Korea remains a society were males are predominantly in control. There is separation between males and females in the early stages of

education with girls having an emphasis towards home economics. After graduation the role of women is the maintenance of the home.

Women seeking to escape North Korea resort to human trafficking into China where they are sold into marriages. If they are returned to North Korea their act of asylum is viewed as an act of treason and are sent to prison where they are subject to forced labour. Women in prisons are subject to sexual assault and rape by guards. This behaviour is not limited to prisons, women are beaten and sexually assaulted in public including by officials as there are no punishments to those who commit these crimes.

Economy

The economy of the Democratic People's Republic of Korea has exceeding problems. Its economy is controlled by the government and there is little business transaction outside of the country. Resources and finance are not well spent with a large amount of the country's budget being used on the military and nuclear development. There has been little investment to other sectors.

Effect of economy on human rights

The economy has greatly affected the human rights situation in the DPRK. State employees are given supplies of foods, however, during the 1990's the rations were limited and many people experienced famine and starvation and the demand for food is yet to be fully satisfied. The economy relies heavily on forced labour and so the government is reluctant to allow people to leave their jobs. Anyone wishing to apply for a job that may be more compensating and would provide a higher salary must first provide their current employers between 20 and 30 times their monthly salary to be free from work. If they leave their job without paying their boss they risk being imprisoned.

The lack of a sufficient economy has prevented the requirements of many human rights, such as labour rights and right to adequate food, which has caused and a deficient overall standard of living.

Children's Rights

As stated earlier the Democratic People's Republic of Korea has ratified the Convention on the Rights of the Child, the government also claims to have ended all child labour within the country 70 years ago. However, the government requires students to undergo forced labour in school in an almost daily basis. This exploitation of children is a clear violation of the Convention on the Rights of the Child. Children, especially those of a low political classification system, often continue onto forced labour for several years without pay these acts are generally considered as enslavement. Children in North Korea lack in many other basic rights such as the right to food due to the extreme poverty which significantly

affects children and their health. They also lack in the right to protection as they are often exposed to violence and may be sent to prison camps due to crimes committed by their family members.

Children are also discriminated against based on the Songbun. Those in the lower classes are required to do hard labour and for a low or no salaries for up to 10 years. Those children who escape these conditions and are returned or captured in the attempt of escaping are severely punished through violence, imprisonment and forced labour.

Major Countries and Organizations Involved

China

China has shown a large amount of support to DPRK relating to this issue. Along with North Korea, China has persistently attempted to prevent refugees from seeking asylum in China. They increased the number of guards and barriers near the border and returns anyone escaping extreme conditions back to the DPRK. Those who are returned to North Korea are often faced with torture and other excessive measures and persecution. China acceded to the 1951 Refugee convention and its 1967 protocol in the September of 1982 which provides rights to refugees such as the right not to be expelled, except under certain, strictly defined conditions. However, China does not consider those fleeing North Korea in China as refugees but as “illegal aliens”.

These crimes against humanity could be prosecuted by the International Criminal Court (ICC) after the DPRK accepts the jurisdiction of the court or after passing a resolution from the United Nations Security Council that refers the case to the ICC. As North Korea is unwilling to be cooperative and China has made it clear they would veto any issue relating to North Korea’s human rights situation it is unlikely that North Korean leaders would account for their crimes.

Office of the United Nations High Commissioner for Human rights

The OHCHR is part of the United Nations Secretariat and aims to improve human rights conditions worldwide. They help governments achieve international human rights through providing assistance and by investigating those who violate human rights. The High Commissioner for Human Rights along with other UN bodies such as the Security Council has established the International Commissions of inquiry to investigate violations of human rights. The resolution A/HRC/RES/22/13 mandated that the COI investigate the human rights situation in the DPRK. A year later, in 2014, a report on the issue was made which concluded that the extent of the human rights violation is unlike other currently in the world.

Human Rights Watch

The HRW is an independent, non-profit organisation that has a mission of protecting human rights around the world. They provide accurate information on a wide range of countries such as North Korea by providing reports on the human rights violations in those states. The HRW consists human rights professionals and lawyers who use their expertise to find accurate facts and make unbiased reports. Although North Korea ratified several treaties on human rights, the HRW believes that they have made no actions to improve human rights in the DPRK and lack in all basic human rights including freedom of expression.

Amnesty international

Amnesty international is a non-profit non-governmental organisation that aims to improve human rights around the world. They cause change by researching the country and their violations on human rights. Their research and findings are used to make reports which are published online. They then convince governments of making changes through petitions, letters and protest so that those who can inflict change do so.

Timeline of Events

Date	Description of event
September 9 th , 1948	Foundation of DPRK
December 10 th , 1948	Ratification of UDHR
June 25 th , 1950	North Korea invades ROK which commenced the Korean War
July 25 th , 1953	End of the Korean War
December 28 th , 2011	Kim Jong Un declared supreme leader of DPRK
February 7 th , 2014	The COI 's report on Human rights in North Korea was published, which then became public on the 17 th of February

Relevant UN Treaties and Events

- Situation of human rights in the Democratic People's republic of Korea, 9 April 2013
(A/HRC/RES/22/13)
- International Bill of Human Rights, 10 December 1948 **(A/RES/3/217)**
- The situation of human rights in the Democratic People's Republic of Korea, 3 April 2012
(A/HRC/RES/19/13)

Previous Attempts to solve the Issue

The issue of the human rights situation in DPRK has been discussed repeatedly over the years. The United Nations has brought this issue up in several conferences and as a result many resolutions were made in an attempt of improving the situation. However, this has caused little to no improvements to human rights, which is mainly due to North Korea's lack of collaboration and attempts of improving the situation.

The concern of the extent of human rights violations has caused the state members of the UN to mandate a commission of inquiry in 2013 in the resolution A/HRC/RES/22/13. The COI report was then released a year later detailing the severe magnitude of human right abuses and detailing crimes such as torture and executions. This report is believed to have a large role in the member states' decision to refer the issue to the Security Council so that it could be then referred to the International Criminal Court. However, the SC did not adopt any resolutions.

China has not used their veto power on this issue thus far. However, concern of Russia and China using their veto power has caused limitations. Russia and China have vetoed 14 and 8 times respectively since 2007 compared to United Kingdom and France who did not use their veto power since 1989. For example, after North Korea detonated another nuclear device several sanctions were placed by the Security Council. However, these sanctions were not as severe as the USA had planned due to the possibility of China vetoing the resolution.

Possible Solutions

To help end this issue many measures ought to be taken against DPRK. The issue must be continuously investigated and reports have to be made to inform state members on the extent of human rights negligence or developments. A new commission of inquiry should be mandated as the previous one has had a great effect on the actions taken on this matter. Furthermore, the DPRK should collaborate to these investigations especially to the commission of inquiry as the information gathered is mainly from the testimony of those who have left North Korea. These reports could potentially become more reliable if the both testimonies of refugees and the statements of representatives from Pyongyang were used. Moreover, the DPRK should allow human right officials to visit the country.

To prevent officials from continuing their human rights exploits, sanctions could be taken against the country. The Security Council can take actions against the DPRK so that they bring an end to their crimes against humanity. Examples of sanctions that could be taken are economic and military sanctions. Economic sanctions can include increasing import and import tax or tariffs and restrictions to limit economic trade to the state. An embargo is a more severe economic sanction as it ends all trade to the state. This would not likely have a major effect on North Korea as they have limited economic trade

outside the country most of which is to China which is an ally of DPRK. A military sanction could be taken by having the supplies bring to an end from outside the country. Several sanctions were previously placed on North Korea by the Security Council in relation to the issue of nuclear development.

The Security Council could also adopt a resolution in order for the officials in Pyongyang to be accounted for their crimes against humanity in the ICC. So that actions, in the form of sanctions, are acted upon North Korea, the Security Council must also adopt a resolution to take sanctions on North Korea. However, China is unlikely to allow this to happen as they made it clear they would veto any resolution on the situation of human rights in the DPRK. Sanctions can be performed by international organisations such as the EU or by individual countries to avoid this problem. The international organisations and individual countries may also decide to have sanctions on countries that support the DPRK in relation to this issue such as China and Russia, which could potentially prevent them vetoing resolutions on this issue. However, sanctions on countries take affect over a long period of time during which many would suffer due to inadequate human rights.

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Appendix or Appendices

- I. <http://www.ohchr.org/EN/UDHR/Pages/UDHRIndex.aspx> (OHCHR / Universal Declaration of Human Rights)
Basic information on the UDHR are provided on this website.
- II. <http://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx> (OHCHR / What Are Human Rights)
This site explains what human rights are and the different principals relating to human rights.
- III. <https://www.hrw.org/news/2015/12/09/north-korea-un-security-council-probing-systematic-abuses> (“North Korea: UN Security Council Probing Systematic Abuses.” *Human Rights Watch*, 9 Dec. 2015)
This article discusses the crimes against humanity that are carried out by the DPRK
- IV. <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm> (“Country Reports on Human Rights Practices.” *U.S. Department of State*)
This provides a report on nearly 200 countries including North Korea.
- V. <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx> (OHCHR / Report of the Commission of Inquiry on HR in the Democratic People s Republic of Korea)
This site contains the COI’s report on human right conditions in DPRK.