

**Committee: Social, Humanitarian & Cultural (SOCHUM)**

**Issue: HUMAN RIGHTS VIOLATIONS IN NORTH KOREA**

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## **Introduction**

The Social, Humanitarian and Cultural (SOCHUM) Committee focuses on social, humanitarian affairs and human rights issues that affect people worldwide. The work of the SOCHUM examines human rights questions, including reports of the special procedures of the Human Rights Council, which was established in 2006. The SOCHUM Committee also discusses questions related to the advancement of women, the protection of children, the treatment of refugees, as well as the promotion of fundamental freedoms. Finally, this Committee examines social development questions, such as items related to youth and criminal justice.

The Democratic People's Republic of Korea (DPRK) remains one of the most repressive countries in the world. Under the rule of Kim Jong-un, as head of government and the ruling Workers' Party of Korea, human rights violations are systematically committed by the DPRK's institutions and officials. As identified by the commission of inquiry on human rights in the Democratic People's Republic of Korea, these violations of human rights frequently embody crimes against humanity and represent essential elements of the country's political system (United Nations Human Rights Council, 2020). Imposing equality requirements will be contrary to both North Korean society and regime politics. Enforcing universal human rights principles in DPRK will take, at the very least, many generations. Promoting greater awareness of human rights problems among North Koreans will be the most important aspect of this process. Human rights have never been taught to the general public, and there is no formal definition of individual rights and liberties. Human rights education and awareness are severely restricted due to a scarcity of resources.

The United Nations Human Rights Council (UNHRC) has held a Commission of Inquiry on human rights in the Democratic Republic of Korea on the 21st of March, 2013 (COI Report, 2014). Including the 22/13 Resolution from the Human Rights Council, the order was put to examine all possible violations of human rights existing in the DPRK to safeguard full accountability that may lead to severe crimes against humanity. However, North Korea has been maintaining silence toward the reports that alarm the breaches of human rights.

Therefore, the issue and actions to be taken for the development and security ensured for human rights in North Korea will be debated in this Conference.

## **Definition of Key Terms**

### **Breaches**

An act of breaking or failing to observe a law, agreement, or code of conduct.

### **Commission of Inquiry (COI) on Human Rights in the Democratic People's Republic of Korea**

The report that documents human rights in North Korea, commissioned by the United Nations Human Rights Council. The collected testimonies of people that escaped from North Korea are collected from the opened field office and are recorded in the Commission of Inquiry. This report reveals the explicit situation of human rights abuses occurring in North Korea.

### **Commission**

A group of people entrusted by a government or other official body with authority to do. An instruction, command, or role given to a person or group.

### **Covenant**

A covenant is a particular type of agreement between two parties or people to do, or not to do, something.

### **Crimes Against Humanity**

Specific acts that threaten the civilians with systematic policy controlled by high authority political powers. Crimes against humanity are a violation of human rights norms. It is prosecuted under international law and courts as an intolerable inhumane action against humanity.

### **Rapporteur**

A person assigned by an organization to report on the accounts of its conferences or meetings.

### **Songbun (성분)**

The classification of constituents of people in North Korea. It is also understood as a caste system in North Korea that differentiates classes of people which influence how they are treated or secured within the country. Songbun can also perform as a determinant that decides how much the person is trustworthy and to what extent the person should be treated.

## Statement of the Problem

As identified by the Commission of Inquiry on Human Rights (COI) in the Democratic People's Republic of Korea, these human rights violations frequently embody crimes against humanity and represent essential elements of the country's political system (United Nations Human Rights Council, 2020). Until now, an alarming rate of basic human rights violations is present in the DPRK, on the right to food, those associated with prison camps, torture and inhuman treatment, arbitrary detention, discrimination, freedom of expression, the right to life, freedom of movement, and enforced disappearances, including in the form of abductions of nationals of other states (COI Report, 2014). The shocking breaches of political rights, cultural, economic, and civil rights are reported in the Commission's report. According to the COI, case reports of human rights abuses in the DPRK are outstandingly high in magnitude compared to other countries.

It is generally recognized that the DPRK engages in harmful practices towards its citizens, such as forced labor, denial of basic rights and freedom of expression. To preserve civil obedience and adherence to national regulation, the ruling party employs threats of arbitrary punishment, including detention and execution. Article 43 of the DPRK government constitution states, "The State shall embody the principles of socialist pedagogy to raise the rising generation to be steadfast revolutionaries who will fight for society and the people, to be people of the new Juche type who are knowledgeable, morally sound and physically healthy." To this end, the DPRK enforces education centered around idolization of their dictator, falsification of history, and discriminatory and hateful propaganda (PSCORE, 2016). People in the DPRK and the Republic of Korea (ROK) share a Confucianism-based community that retains a strong sense of self-identity that is distinct from nearly all other cultures. Confucianism, on the other hand, has been deeply weakened in North Korea, as the authoritarian dictatorship's "values" have greatly turned social ideology and traditions into ethnic nationalism.

Also, the government fails to ensure the protection of the rights of various at-risk groups, including women, children, and people with disabilities. There are various accounts of violations of children's rights through education systems, forced labor, and abuse (People for Successful COrean REunification, 2018). Women and girls in the DPRK encounter gender-based injustices, besides the mistreatments, suffered as part of the population in general (Human Rights Watch, 2020). Furthermore, according to the United Nations General Assembly's (UNGA) "Report of the Special Rapporteur on the Rights of Persons with Disabilities on Her Visit to the DPRK," the importance of promoting the freedom and autonomy of people with disabilities, as well as their equal legal recognition and access to education and employment for the country's transformation from segregated to inclusive societies was emphasized (2018). The Special Rapporteur for Disability Rights was the first external expert allowed to enter the DPRK to assess the human rights situation of vulnerable groups and has given the UN hope for future visits and human rights monitoring opportunities (Collins, 2018).

Through the socio-political classification system *songbun* (성분), persistent discrimination against lower classed groups is evident (Human Rights Watch, 2020). DPRK society's class-based aspects result in a sharp divide between the politically dominant and the politically weak, along with the uneven distribution of monetary and non-monetary rights. The highest authority in

the songbun is classified as the Kim Il-sung's family, their associated relatives, and his old comrades and their friends, who were once revolutionary rebels that fought against Japan in the 1930s and 1940s. The families of Korean War veterans and anti-South Korean sabotage officers take up the subsequent stratum. The children of sabotage officers are usually educated for revolutionaries' bereaved children and grant advantage in accessing better career choices (Collins, 2018). This maintains the privilege of the high-rank classes and limits the opportunity for better achievements for lower classes.

Moreover to the discrimination against lower classed groups, DPRK police and National Security Agency officers can arrest anyone on suspicion, and not only proof without a mandate to arrest. This testifies that Criminal Law and Criminal Procedure in the DPRK are merely a formality and DPRK authorities do not even respect their laws when they continue to deprive North Korean citizens of their rights. In detention facilities, torture and inhuman treatment are inflicted upon prisoners as means of coercion and regulation. In Security Agency Camps, torture and mistreatment are more severe and arbitrary, with prisoners being subjected to torture for simply moving or falling asleep. Additionally, a rule, similar to one during the Joseon Dynasty, states that three generations will be punished for the crime of one individual: "three descending generations of the perpetrator will be destroyed". DPRK continues to violate the International Covenant on Civil and Political Rights, specifically Article 7:

"No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation."

The biggest struggle in DPRK human rights development is that the people of DPRK are unaware of their legal rights, civil liberties, or their basic human rights. In contrast to what students in modern, democratic societies learn in civic education classes during high school, the North Korean education system does not clarify or teach these concepts. Citizens often lack access to materials conveying certain ideas from other countries or the international community. According to South Korea's National Human Rights Commission, nearly 75% of North Koreans who defected to the country have no knowledge of human rights (Lee, 2018). Even if ordinary North Koreans have clear feelings about what is morally correct and what is not, they are unable to express their views in terms of legal responsibilities and the human rights system.

## Timeline of Key Events

Date	Event
15 Aug. 1945	<p><b>Liberation from Japanese rule</b> The USA and the Soviet Union occupy the Korean peninsula, causing the division</p>

21 Mar. 2013	<p><b>UNHRC Commission of Inquiry</b> UNHRC established COI on Human Rights in the DPRK and mandated Resolution 22/13.</p>
7 May. 2013	<p><b>Announcement of Human Rights Situation in DPRK</b> The Commission of Inquiry was supported by a Secretariat of nine experienced human rights officials provided by the High Commissioner for Human Rights.</p>
Oct. 2013	<p><b>Commission of Inquiry is Delivered to UNGA</b> The COI builds upon the oral updates in accordance with Resolution 22/13 to the Human Rights Council in September 2013 and to the United Nations General Assembly in October 2013.</p>
26 Mar. 2014	<p><b>UNHRC Passed Resolution</b> Urged the General Assembly to let the Security Council take action as referral to the International Criminal Court (ICC).</p>
8 Dec. 2017	<p><b>Special Rapporteur Report on DPRK's Situation for Persons with Disability</b> The DPRK first allowed an external expert from UN to send a special rapporteur to conduct an assessment on the living condition and life of people with disability in DPRK.</p>

## Evaluation of Past UN and International Actions

In the year 1981, the Democratic People's Republic of Korea acceded to the International Covenant on Civil and Political Rights (ICCPR). However, in 1997, DPRK sought withdrawal from the Covenant, but its departure was refused by the United Nations. In the present-day DPRK, public executions and torture remain daily occurrences (People for Successful COrean REunification, 2019).

Although DPRK has signed numerous human rights treaties, the country has primarily disregarded the requirements, obstructing any progress on human rights. As of November 2020, the DPRK is one of the seven UN member states that has not joined the International Labour Organization (ILO) (Human Rights Watch, 2020).

- A 2014 United Nations Commission of Inquiry (COI) report on human rights in the DPRK deduced that the government committed crimes against humanity;
- In December 2018, the UN General Assembly adopted a resolution without a vote condemning human rights in North Korea;
- In March 2019, the UN Human Rights Council (HRC) adopted without a vote a resolution emphasizing the advancement of accountability mechanisms to ensure the eventual prosecution of North Korean officials responsible for crimes against humanity.

On June 22nd of 2020, a resolution on “The Situation of human rights in the Democratic People's Republic of Korea” was officially adopted by consensus at the 43rd session of the UN Human Rights Council (MOFA, 2020). The resolutions on human rights in DPRK have been updated annually and adopted since the year 2005. The 11-page resolution reviews human rights violations reported by the UN Commission of Inquiry on North Korean Human Rights (2013-2014), as well as violations addressed in UN Special Rapporteur on DPRK Human Rights Tomas Ojea Quintana's October 2020 report to the General Assembly.

The report points out the human rights consequences of the DPRK government's attempts to combat the COVID-19 pandemic. The Special Rapporteur also addresses the drastic decrease in the amount of North Koreans who have defected, as well as the DPRK's treatment of those who wish to escape and China's policy of returning refugees to countries where they are persecuted and abused.

The resolution “strongly condemns the [DPRK] authorities' systemic, widespread, and egregious violations.” It also expresses "grave concern" about "repeated allegations of torture, sexual and gender-based violence." The resolution criticizing human rights violations in DPRK was approved by consensus by the board of trustees of the General Assembly (GA), which manages social, compassionate, and social undertakings.

However, toward the resolution and consensus made at the conference, the delegate DPRK expressed distress how his administration believes that the goal from resolution is "a political plot that has nothing to do with basic liberties." The delegate also added that "the persuasive selection of this goal comprises an unfriendly arrangement pointed toward ousting our framework" (King, 2020). Furthermore, the delegate added that the documentation was fabricated political defamation made by opposing countries setting up hateful plans toward the DPRK. Although the resolutions have adopted consensus at UNHRC, the actual changes in lives of people in North Korea are still hindered. It seems crucial to call for an action to

fundamentally secure the violation of human rights in DPRK through pragmatic implementations for development.

## **Major Parties Involved and Their Views**

### **China**

China is the DPRK's largest trading partner and most influential international actor regarding the DPRK. China did not attend the Security Council's meeting on the 17th of April, 2014, that addressed the actions to take regarding human rights in the DPRK. Furthermore, China objected to the meeting held for the Commission's report evaluation on 22 December 2014. Likewise, China has been refusing to be involved in the United Nations involvement in DPRK human rights. China has protested the proposals made by the United States with an assertion that human rights should not be discussed at the Security Council. Furthermore, in opposition to the 1951 UN Refugee Convention (UNHCR, 1951), China has signed a so-called Mutual Cooperation Protocol for the Work of Maintaining National Security and Social Order in the Border Areas (NKFreedom, 1998) in 1986, which incorporates the forced repatriation of any individual illegally crossing the border from the DPRK into China (Art 4). Repatriation will almost certainly lead to incarceration, and any children of DPRK defectors with Chinese nationals have been witnessed to be executed at border detention centres (PSCORE, 2021). It is estimated that between 50,000 - 200,000 Chinese children and women are currently hiding within China (Financial Times, 2020).

### **Republic of Korea**

The administration of the Republic of Korea (ROK) has not formally approved of a distinct policy on North Korean human rights issues. However, in 2019 the ROK repatriated two DPRK fishermen who had defected to the South (Ahn, 2020), as they were deemed a threat to national security, disregarding the government's signature of the United Nations Convention Against Torture (UNCAT), prohibiting the forceful repatriation of asylum seekers to a nation practicing torture (UNGA, 1987).

In November 2020, the ROK government did not co-sponsor resolutions condemning human rights abuses in the DPRK during the UN Human Rights Council and General Assembly sessions (Human Rights Watch, 2020). In December 2020, the ROK also amended the Development of Inter-Korean Relations Act to bar any scattering of printed information material, goods and money within the DPRK in an attempt to improve inter-Korean relations (Shin, 2020). Although the ROK seems keen on improving relations, the DPRK is yet to release ROK abductees, taken hostage in 1969 during a Korean Airlines hijacking, despite continued pressure by the international community (Yonhap News, 2020).

### **United States**

The government of the United States has continued to impose human rights-related sanctions on North Korea. In December 2015, the United States declared that human rights abuses in North Korea should be permanently addressed in the United Nations Security Council (UNSC) agenda to put forth to take actions for changes. Although the United States withdrew from participation in the Human Rights Council in June 2018, the country withstood as a co-sponsor of the 2020 draft resolution on "The Situation of human rights in the Democratic People's Republic of Korea" (King, 2014). This shows the United States' positive engagement in supporting UNSC's active discussion regarding the North Korean human rights violation. Human rights issues in the DPRK should be prioritized in US multilateral programs and discussions. The

DPRK has ratified five international human rights treaties, has recently included the word "human rights" in its Constitution, and has taken part in UN human rights assessments to a limited extent. The United States should accept and expand on the commitments made by the North Korean government in international agreements. The Committee for Human Rights in North Korea has expressed that for policy recommendation, the U.S. should express clear support for Secretary-General Ban Ki Moon's and Special Rapporteur Vitit Muntarbhorn's recommendations on North Korean human rights, and press a wide range of other governments to do the same.

### **Japan**

Japan was an original sponsor of the General Assembly's resolution on human rights in the Democratic People's Republic of Korea. Until the beginning of 2020, Japan took the lead in finding consensus among the countries for the draft resolution for the United Nations Human Rights Council in Geneva. However, from March 2020, after the North Korean delegate's harsh denouncement about Japan's "blood-stained past" on the Korean peninsula and labelling Japan a "disgraceful war criminal state," Japan has taken back steps from criticism of North Korea on human rights (King, 2020).

### **Questions a Resolution Must Answer**

- How can the international community hold the DPRK accountable for the human rights violations committed against its citizens and ensure the DPRK's commitment to abide by the Universal Declaration of Human Rights?
- Referring to the International Criminal Court, to what degree of intervention should the Security Council secure the people of the DPRK against human rights violations?
- Should the international community take responsibility and protect the people of the Democratic People's Republic of Korea? If so, what are the effective ways for countries to cooperate and protect?



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