

Smart Q&A
No. 2012-09

The North Korean Human Rights Situation and South Korea's Response

May 30, 2012

Interviewees

Soo-Am Kim

The political discourse on North Korea's human rights has become more intense recently in South Korea following the attempted passage of the human rights bill in the National Assembly. This was further compounded by the tragic human story of Oh Kil-nam who fled North Korea and is seeking the repatriation of his family that he left behind. To help understand further these difficult issues, Dr. Soo-Am Kim of the Korea Institute for National Unification (KINU) discussed on the human rights in North Korea and the international community's response to this situation. The following is a summary of the main policy recommendations regarding North Korean human rights from the interview.

Q1: What is the current situation regarding human rights in North Korea?

A1-1: "Considering the gross infringement of civil, political, economic, social, and cultural rights in North Korea, the human rights issue is of serious concern."

- Due to the closed nature of North Korean society, the North Korean human rights issue was only exposed to the international community with the surge of defectors who came over in the 1990s. The consistent reports from these defectors helped to reveal the scale of the human rights problems in North Korea. The UN has played a key role as the main standard to judge the gravity of the situation in North Korea. Every year, the United Nations Human Rights Council (UNHRC) selects a country with the worst human rights conditions and North Korea has always been chosen since 2003. After 2005, the UN General Assembly passed a resolution calling for improved human rights in North Korea.
- One of the key concerns in regards to civil and political rights is the political prison camps. There are six such camps where approximately one hundred and fifty thousand political prisoners are held; Kaechun, Yoduk, Hwasong, Bukchang, Hoeryung, and Chongjin. They are imprisoned under the Ministry of National Security and are deprived of civil rights and forced to work like slaves. The camps are divided into two sections; "total control zone" and "revolutionary zone." If one is sent to the "total control zone," he or she is imprisoned for life and will never return to general society. Forced labor and torture not only takes place in the camp but also continues to exist in other state detention facilities. There is no doubt that these camps and facilities violate even the most basic rights. Even the right to life, the most fundamental human right, is seriously infringed upon as public executions regularly take

This product presents a policy-oriented summary of the Smart Q&A.

The East Asia Institute
909 Sampoong B/D
158 Euljiro Jung-gu
Seoul 100-786
Republic of Korea

© EAI 2012

www.eai.or.kr

place of those who resist public authority, commit social crimes, expose internal information to the outside world, or smuggle drugs. As criminal law in North Korea also punishes those who neglect or conceal any anti-state activities, whole families are punished through the implicative system. Despite these harsh punishments, it is becoming increasingly common for people to bribe the authorities during an investigation in order to be released or receive a lighter sentence. This naturally then impedes upon the right to be protected by a fair trial. Although the North Korean constitution guarantees the freedom of religion, it adds that it is illegal to practice any religion that draws in foreign influences or disrupts the social order. Under such a loose definition, one can be punished for carrying a bible or holding a religious ceremony in spite of the guaranteed constitutional rights. Furthermore, the discrimination against people based on their ancestry also continues to occur in regards to promotion in the workplace, membership of the party, and college admission. This also goes against the right of national equality.

- Issues regarding health and nutrition are also very serious in addition to violations of economic, social, and cultural rights. As North Korea's military-first policy fails to equally distribute resources, the civilian population constantly faces a shortage of food. While the ruling class, including the military, is guaranteed food through a highly centralized distribution system, the civilian population must rely upon local markets for food. Senior citizens and children are particularly vulnerable to malnourishment. Although the constitution and laws regarding the health service assures free medical care, the system supporting such legal articles does not work because of national economic difficulties, thus the civilian population is not really protected.

Q2. How has North Korea and the international community responded to these issues?

A2-1: "North Korea claims the human rights issue is being manipulated in order to overthrow the regime."

- The international community's requests to improve the human rights situation in North Korea has aroused a backlash of angry feelings from the regime as it believes that they are trying to overthrow its socialist government. Pyongyang further claims that since each country have their own political, economic, social, and cultural conditions, the international community should not intervene in its human rights. According to the North Korean regime, the entire population is united under the Kim family (Kim Il-sung, Kim Jong-il, and Kim Jong-un) who are benevolent, loving, and caring, to form a big happy family where human rights issues do not exist, specifically highlighting its health and education system. In other words, as long as one lives under the system they chose, human rights will naturally be guaranteed. Due to these reasons, North Korea rejected the legitimacy of the UN resolution on North Korean human rights by arguing that it is only a part of the U.S. hostile policy toward North Korea. Pyongyang has also further refused the UN's request to investigate the human rights situation in the country. In firing back at its critics, Pyongyang has attacked capitalist societies for being hypocritical in the way they have criticized North Korea as they too have their own domestic failings.

A2-2: "The United States has provided financial support to improve North Korea's human rights, appointed a North Korea human rights envoy, and also allowed North Korean defectors to reside in America."

- The United States has played a key role in response to the human rights situation in North Korea. In October 2004, the United States signed into law the North Korea Human Rights Act which ensures financial support programs to protect

the rights of North Korean civilians and budgets \$24 million per year for this effort. Secondly, the United States appointed a North Korean human rights envoy for the government to coordinate efforts on these human rights issues. Lastly, it allows North Korean defectors to move and reside in the United States. Approximately one hundred and thirty North Korean defectors have been living in the United States since 2006.

A2-3: "China maintains its position of non-intervention in domestic affairs"

- China, on the other hand, sticks to its principle of non-intervention. Beijing believes that the defectors are not refugees but illegal economic migrants and therefore arrests and repatriates them back to North Korea. However, exceptions are made in the case where a defector successfully enters extraterritorial areas, such as embassies. The Chinese government has on occasion shown respect for domestic law, international law, and humanitarianism, by allowing for defectors to be sent to a third country.

Q3: What role does the South Korean government play in this regard?

A3-1: "South Korea should avoid an all-or-nothing approach to human rights in North Korea."

- South Korea possesses few strategic resources with which it can effectively improve the human rights situation in North Korea. As inter-Korean relations are currently strained, Seoul is limited to public rhetoric in order to address human rights concerns. Such an approach though is unlikely to see any improvement in North Korea. Were inter-Korean relations to improve then there would then be more effective opportunities for influencing the human rights situation. This is due to the fact that increased contacts with the North will mean more ways in which to induce change. Despite the obvious challenges, the improvement of human rights in North Korea should not be considered an all-or-nothing case in which progress can only be made through regime change. The complex nature of human rights which not only include civil-political rights but also social-cultural rights allows for South Korea to make indirect efforts to improve the situation in North Korea.

A3-2: "A comprehensive approach remains the best way to address the issues."

- As mentioned, human rights in North Korea include many dimensions such as economic, social, cultural, civil, and political. Yet, the debate in South Korea regarding the human rights situation exhibits a narrow interpretation of the issue, focusing solely on rights of civil liberty or food. Since human rights include all of these specific cases, taking a comprehensive approach would be the most effective way rather than ranking the needs and focusing on specific problems. In other words, an effort to fundamentally improve the rights of North Korea civilians by changing the related policies in the North and an effort to solve ongoing specific issues must be taken simultaneously.

About the Interviewee

Soo-Am Kim

Professor Dr. Soo-Am Kim earned his Ph.D degree in Political Science at Seoul National University. He is currently a Senior Research Fellow at the Korea Institute for National Unification (KINU), a standing member of the National Unification Advisory Council (NUAC), and an advisor at the Ministry of Foreign Affairs and Trade.