

Forum: Social Humanitarian & Cultural Committee (GA3)

Issue: Situation of human rights in the Democratic People's Republic of Korea

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Position: Chair

PERSONAL INTRODUCTION

Delegates of the Social Humanitarian and Cultural Committee,

My name is Aimee Smith and, as your committee chair, I am honoured to welcome you to the first inter-school conference held by Queen Elizabeth's Grammar School. We hope that it will be an enriching experience for all delegates, providing the opportunity to develop a heightened interest and awareness of events occurring in the wider world, and on a more personal level, to foster friendships between delegates.

The aim of this guide is not to provide a detailed account of the situation — it is intended to be used as a springboard for you to undertake further research in the areas that your delegation is particularly concerned with. For newcomers, the bibliography at the bottom is a great place to start figuring out what these priorities are and which delegations have similar beliefs and concerns, coupled with your own research into your specific delegation more generally!

My own Model UN journey started in Year 12, after wanting to take part in a different type of debating to in-school competitions. I have greatly enjoyed adapting to this new style of debating and meeting people from all over the world who have similar interests in international affairs, and though this is not an international event, I hope that this conference provides delegates with that same opportunity.

Above all, I am very excited to meet all of you! The conference is set to be an exciting few days, whether you are a total newcomer or have years of experience under your belt.

Should you have any questions or need any help, please feel free to contact me via the following email: 3042@queenelizabeths.kent.sch.uk,

Yours sincerely,
Aimee Smith

TOPIC INTRODUCTION

The situation of human rights in the Democratic People's Republic of Korea (DPRK) is growing ever more concerning, particularly in light of the coronavirus pandemic. Having already experienced encroachment on civil liberties and human rights alike, North Koreans have been subjected to further 'crimes against humanity', as declared by a UN Commissioned Report, such as the unnecessarily extreme methods used to combat the spread of COVID-19.

Furthermore, North Koreans continue to experience life under the repressive regime of Kim Jong Un and face serious problems ranging from lack of free media to 'torture, starvation rations and forced labour'¹ in prison camps. Rights are very poorly protected, which has led the UN and many member nations to impose sanctions on the DPRK, such as, but not limited to, the United Kingdom, United States of America, the European Union, the United Nations, Japan and South Korea. The abuse of power occurring in the DPRK is all too apparent and has been for decades - it is also a very widely known issue, making it ever more poignant and necessary to discuss, especially considering the decreasing impact of COVID-19 and how the aftermath of this will impact North Korean citizens, refugees and defectors.

DEFINITION OF KEY TERMS

Human Rights

Fundamental, inalienable rights that every person is entitled to equally purely because they are a human being, regardless of age, ethnic origin, location, language, religion or any other status.²

Civil Liberties

Guarantees and freedoms that governments agree not to abridge via constitution, legislation or judicial interpretation without due process of law, usually including freedom of speech, freedom of press, freedom of expression, the right to privacy, the right to equal treatment under the law and the right to life.³

Human trafficking

The recruitment, transportation, harbouring or receipt of people through various methods for example threat of coercion in order to exploit them for profit. Forms of human trafficking include exploitation in the entertainment of hospitality industries, forced labour or forcing children to become soldiers.⁴

Kwalliso

A form of political imprisonment within the Democratic People's Republic of Korea (DPRK), in which political prisoners undertake forced labour duties including mining, manufacturing and agricultural duties.⁵

¹ <https://www.hrw.org/world-report/2021/country-chapters/north-korea>

² <https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>

³ <https://dictionary.cambridge.org/dictionary/english/civil-liberty>

⁴ <https://www.unodc.org/unodc/en/human-trafficking/crime.html>

⁵ <https://www.encyclo.co.uk/meaning-of-Kwalliso>

Juche

The ideology on which the DPRK government is modelled on — it teaches fierce independence and self-sufficiency,⁶ for example, declining to import foods externally and instead growing them from scratch within the country.

BACKGROUND INFORMATION



Formation of the DPRK

Korea, forcibly annexed by Japan in 1910, was subjected to 35 years of brutal suppression, until when, in 1945, the Allied forces claimed victory in World War II and Japan surrendered. The country was divided along the 38th parallel and the USA and Soviet Union occupied the northern and southern regions respectively. A free and fair election was planned by the United Nations, however, due to deep distrust for the other nation, each country installed polar opposite, uncompromising leaders. Kim Il-Sung, a guerilla leader and dedicated communist, led the Soviet north, whilst Syngman Rhee, a staunch anti-communist authoritarian leader was installed by the Americans to lead the south.

By August 1948, the south of the 38th parallel became officially established as the Republic of Korea (ROK), or South Korea. Less than a month later, the Democratic People's Republic of Korea had been formed north of the border, and a dictatorial regime was being established; by 1950 it had invaded the ROK. This marked the beginning of the Korean war, throughout which 700,000 Korean soldiers, 200,000

⁶ <https://www.britannica.com/topic/juche>

Chinese soldiers and 3,000,000 civilian lives were lost⁷. Since then, this has been a continuous source of tension, placing a wedge between chances of reducing animosity between the two nations.

Ideological nature of the DPRK

Due to its Soviet influences, the DPRK began as a nationalist communist state, and adopted an ideology known as Juche - this includes total self-determination and self-reliance, for example, the avoidance of importing food or resources, but producing them internally instead. The geography of North Korea allowed for this, due to the high availability of natural resources, such as minerals and land. It operated on a command economy, in which the government own the means of production, facilitating the authoritarian nature of the government from its offset. At the same time, the DPRK was under the influence of its surrounding communist countries, the Soviet Union and the People's Republic of China, only strengthening its aversion to Western influence.

Current status of the DPRK

A consistent issue within North Korea has been systemic forced labour of all demographics, including women and children and unpaid labour as a display of loyalty to the regime. This has been taking place in various labour camps, including prison camps (kyohwaso) and political prison camps (kwalliso), alongside detention labour centres known as *rodong dallyeondae*, which translates to the effect of disciplinary labour centres.

The DPRK's equivalent prison system was found to be violent, cruel and degrading, and when coupled with vaguely defined laws, ordinary citizens have found themselves subjected to these authorities often without cause or reason. According to Human Rights Watch, prisoners have experienced atrocities including sexual violence, beatings, torture and dangerously unhygienic conditions.⁷ Sexual violence in particular is partly a result of government-sponsored gender stereotypes in the heavily controlled media. Its image is worsened by its mistreatment of minorities or marginalised groups due to its unique classification system.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Democratic People's Republic of Korea

As well as being the state under which the human rights abuses that we are concerned with are occurring, the Democratic People's Republic of Korea have been notoriously uncooperative in implementing ratified treaties. A totalitarian state operating under Juche ideology, North Korea is extremely isolated and relies on self-sustainability. The state-controlled media allows very little information to pass both in and out of the country, so issues such as human rights abuses are increasingly easy to both undertake and mask.

⁷ <https://www.hrw.org/wordefinild-report/2021/country-chapters/north-korea>

United States of America

The USA has played a lead role in trying to publicise and rectify the situation in North Korea, seen particularly in 2004 with the passage of the North Korean Human Rights Act, providing humanitarian assistance to North Koreans living in the state, as well as humanitarian and legal support for those who have fled and pledging to make information more widely available in the DPRK. alongside this, relations between the United States and North Korea have only grown more tense as sanctions have been tightened over time, culminating in the USA naming North Korea as a state sponsor of terrorism.

People's Republic of China and South Korea

As a result of the situation in North Korea, citizens have resorted to fleeing to China and the Republic of Korea. Despite their obligation to protect these refugees according to the Refugee Convention, China has sought out North Koreans in hopes of returning them, as, under Chinese law, defectors are still considered illegal economic immigrants. Once returned to the DPRK, refugees face punishment and death, often in kwalliso camps. The number of refugees is lesser in South Korea, having decreased between 2019-2020. This is likely due to South Korean efforts to prohibit North Koreans with criminal records from entering. Nevertheless, a level of support is available, for example, refugees are eligible for an aid package including financial support and adaptation training.⁸

Committee for Human Rights in North Korea (HRNK)

Launched in 2001, the HRNK has proved to be an invaluable resource in terms of outreach and shedding light on the situation of human rights in the DPRK with a particular focus on the issue of labour camps, refugees and access to food and essentials.⁹ They have informed many NGOs, having produced extensively detailed reports on what they have been able to discover about the current situation and their policy recommendations to follow from this.

International Criminal Court (ICC)

Though the ICC has not undergone a vote regarding whether it should expand to cover the situation in the DPRK due to the likely veto of China, it has commissioned several reports on the subject and is intertwined with the other bodies. However, it is crucial to note that the ICC has only had jurisdiction to investigate and partake in such reports due to the link between their findings and South Korea, not the DPRK itself. The ICC and North Korea are opposed, and they have no jurisdiction to prosecute any crimes they discover are occurring inside the country, which proves to be very problematic when creating solutions to this problem.

TIMELINE OF EVENTS

⁸ <https://www.bbc.co.uk/news/world-asia-49346262>

⁹ <https://www.hrnk.org/about/about-hrnk.php>

Date of Event	Description of event
August 1945	Japan surrenders Korea to the United States and Soviet Union, who then occupy the region jointly. They divide the peninsula into two - the northern Soviet Civil Administration and the United States Army Military Government in Korea.
August 1948	The Republic of Korea is formally established from the American-occupied southern zone after Syngman Rhee is elected president.
September 1948	The Democratic People's Republic of Korea is formed from the Soviet-occupied northern zone
December 1948	The General Assembly of the United Nations recognise the Republic of Korea as the sole legal government of Korea
1950-53	The Korean War
1988	The US place the DPRK on its terrorist watch list, after North Korean agents are involved in bombing a South Korean passenger airplane.
September 1991	Both North and South Korea are simultaneously admitted to the United Nations.
1994	Kim Jong Il succeeds Kim Il Sung and introduces a 'military-first' policy
December 1948	The General Assembly of the United Nations recognise the Republic of Korea as the sole legal government of Korea
1950-53	The Korean War

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The United Nations' Resolution regarding human rights abuses in North Korea

Between the February and March 2020, the United Nations Human Rights Council conducted a session regarding general matters concerning human rights and called upon the DPRK to acknowledge and end abuse of human rights within and outside of the country through measures such as ensuring rights to freedom, access to food and abolition of forced labour. Later that year, the UN General Assembly's third committee passed a similar resolution, also without a vote. Notably, the DPRK was not present for either situation.

The UN Commission of Inquiry on human rights in North Korea

In 2014, this report found the North Korean government guilty of committing systemic and widespread human rights abuses such as murder, imprisonment, torture, rape and extermination.¹⁰ Referring the situation to the ICC and declaring that the DPRK had committed crimes against humanity, the North Korean government have denied the findings of the report and consequently has been staunchly uncooperative with relevant UN bodies.

¹⁰ <https://www.ohchr.org/en/hr-bodies/hrc/co-idprk/commission-inquiryon-h-rin-dprk>

The Global Human Rights (GHR) sanctions

Governments around the world have implemented sanctions against North Korea, including the United Kingdom, which introduced the GHR scheme in 2020, allowing them to impose actions such as freezing assets and travel bans.¹¹ This has been used to sanction North Korean organisations involved in the *kwalliso* and *kyohwaso* camps, undertaking forced labour, torture and murder. So far, this has proved unsuccessful which is largely down to the natural independence of North Korea - refusing trade, for example, has no little material impact on the country's economy, so sanctions do not have the desired effect. Often, sanctions are put in place to impact the public, so that governments are pressured into action, however in this case, given that the government is alleged to have committed crimes against humanity against its own people, sanctions will be largely ineffective.

POSSIBLE SOLUTIONS

The Referral of the ICC to prosecute crimes committed by the Korean government

The fact that the International Criminal Court does not have jurisdiction to prosecute crimes against humanity due to the fact that North Korea is not a signatory of the Roman Statute, nor is it likely to ever sign it.¹¹ Therefore, the only workable solution to this is for the United Nations Security Council to refer the ICC to prosecute these crimes, as the DPRK *is* a member of this body, so, in theory, should abide by its rules. This solution is by no means perfect, as it requires international support on a mass scale, and even with this support, there will no doubt be resistance from the notably attritious and staunchly independent Korean Government.

Explicit international condemnation of the North Korean government

Outright condemnation of the regime will not only raise an extreme amount of awareness of the situation - it will encourage both public and private mobilisation which provides excess political power. This will lead to the bolstering of charities and organisations doing ground-work in North Korea and its neighbouring countries, for example, focusing on the safety, security and health of refugees to ensure they are not sought out and returned to the same brutal regime they had only just fled from. Additionally, it may also encourage cooperation between governments internationally - this is not impossible, considering the possibly amiable relationship between Donald Trump and Kim Jong Un.

The Establishment of a relevant United Nations body committed to working with the DPRK to improve the situation

¹¹ <https://ofsi.blog.gov.uk/2020/07/13/global-human-rights-sanctions/>

A key thread throughout the events taking place has been the North Korean government's refusal to cooperate with external bodies, including the United Nations, therefore it follows that in order to make progress, the first step is to aim to cooperate with the most significant obstacle to success. This proves to be an exceptionally difficult task as independence and a knack for self-sustainment are deeply embedded into the nation's history and ideology. As stated prior, cooperation is not impossible, as demonstrated by Donald Trump and Kim Jong Un - despite very different circumstances now, other states presenting themselves as 'friendly' may have the desired impact, especially considering the DPRK's history of frequently having to defend themselves from invasion.

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