

## **South Korea's Role in the UN Human Rights Council**

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### **Abstract**

South Korea has been board member of the UN Commission on Human Rights and member of the UN Human Rights Council serving as Chairman of the latter in 2016. Both organizations have been characterized by politicization, which undermines their work. However, no such example was found related to their work on human rights in North Korea. Although South Korea's position on North Korean human rights issues had been inconsistent previously, Seoul has consistently supported UN resolutions since 2008. North Korea has rejected criticism from the UN of its human rights record. Work by the UN and South Korea on the North Korean human rights issue has failed to improve the situation. Regardless, these efforts have increased global awareness of North Korea rights violations and exerted some pressure on Pyongyang to address the situation. South Korea strengthened its commitment in this area when the National Assembly enacted the North Korean Human Rights Act in 2016. Realists' and liberals' views of international cooperation form the theoretical framework of the study.

Key words: South Korea, North Korea, UN Human Rights Council, UN General Assembly, UN Commission of Inquiry

### **Introduction**

Since South Korea became a UN member in 1991, many studies have been published on the overall impact of membership. However, it is far more difficult to find studies analyzing what South Korea has done as member of UN agencies, with the exception of the Security Council. This study aims to shed light on its role in UN work for human rights. After UN admission, South Korea has been board member of the UN Commission on Human Rights (UNCHR: 1946-2006) and member of its successor the UN Human Rights Council (UNHRC). In 2016, the country served as Chairman of the UNHRC. With this background, the main purpose of this study is to investigate what role South Korea has

played in the two agencies by analyzing and assessing its work. The North Korean human rights issue has received increased global attention and has been a highly disputed point in inter-Korean relations. Accordingly, this study's focus is the agencies' work related to North Korea. Additionally, this study examines whether politicization of the two agencies has affected their work on North Korea.

The study begins with a review of the formation of the UNHRC, its tasks and how the agency has worked. Since the UN and South Korea have interacted closely on the North Korean human rights issue, the following section investigates how the UN has addressed human rights. Finally, this paper analyzes South Korea's work in the UNHRC, to include a review of the North Korean Human Rights Office and the significance of the North Korean Human Rights Act. In order to make a fair assessment of South Korea's work, the section concludes by assessing criticism raised against its own human rights record.

Realists' and liberals' views of international cooperation form the theoretical framework of this paper. Realist theory assumes that international politics is characterized by the continuous quest for power by all states. Since the ability to use organizations to pursue national interests is determined by a country's strength, realist theory claims powerful states will form and use inter-governmental organisations (IGOs) to pursue their own self-interest. Thus, the design of IGOs will primarily reflect the state's interests.

Liberals place importance on international institutions for collective problem solving; they have a more positive view of IGOs than realists. According to the liberal view, the international system is a framework in which multiple interactions occur, and where actors adhere to common norms, consent to common rules and institutions, and recognize common interests. Although power is important, it is exercised within this framework of rules and institutions, which also makes international cooperation possible.<sup>1</sup> The relevance of realists' and liberals' views will be tested in the empirical account.

### **The UN Human Rights Council**

The UNCHR with 53 member states was disbanded in 2006 due largely to the selectivity, bias and partiality that increasingly dominated its proceedings. The 47-member UNHRC succeeded the UNCHR. This change occurred as a result of a reform proposal submitted at the 2005 World Summit to address challenges faced by agencies affiliated with the

Economic and Social Council (ECOSOC). The previous system was viewed as overly complex and inefficient as agencies reported to both the General Assembly and the ECOSOC; agency reports required the approval of both entities. Additionally, the UNCHR failed to address many gross and systemic country-specific human rights violations due to the politicization of the organization. In this instance, politicization referred to political discussions unrelated to the particular debate occurring at an organization or body. Politicization arguably originated from the interrelated nature of human rights and politics. The most important kind of politicization in the Commission occurred through regionalism. Regional alliances allow a larger number of states' views to be represented through collective voices, providing an alternative to powerful states dominating Council proceedings.

The UN has sought to prioritize human rights as separate and superior to politics, giving them a higher-order status than competing political interests. It is this superiority that dictates those rights be upheld universally. Yet, in reality, the UNCHR devoted vastly disproportionate attention to Israel. During the Commission's 60 years, one quarter of its country-specific resolutions focused on Israel. In contrast, not one resolution dealt with human rights abuses in China.

The UN Human Rights Council is the principal inter-governmental forum within the UN for human rights issues. Its resolutions and decisions are not legally binding, but do contain strong political commitments. The Council's function is to ensure the effective implementation of human rights as guaranteed by international law, and, in particular, by the various instruments of the UN. More specifically, the Council a) addresses situations of violations of human rights around the world, and in relation to specific countries or thematic issues, adopts a position and makes recommendations; b) establishes international 'standards' in the field of human rights; c) develops instruments that are legally binding, and; d) promotes human rights through dialogue, by reinforcing capacity-building and providing technical assistance.

The Council is universal in the sense that it monitors respect for human rights by all members of the UN; it does not merely restrict itself to those states, which are party to human rights treaties. Unlike the treaty bodies that specialize in the protection of specific rights, the Council has a broad mandate to protect all human rights. The Council is composed of government representatives and not independent experts. It is a full-fledged UN body. Lastly, the HRC has semi-permanent status as a UN

body and is a subsidiary body of the General Assembly, and not of the ECOSOC as the UNCHR was. The purpose is to make its considerations more transferable, authoritative and prominent.<sup>2</sup>

Prior to its creation, there existed an expectation that the UNHRC would overcome its predecessor's failings. Reform proposals sought to alter the Council, but many of the more radical reforms were not implemented. Consequently, politicization, selectivity and bias remain endemic at the Council. The new body greatly resembles its failed predecessor, particularly with regards to the body's composition and the "soft" membership criteria that do not impose formal requirements for compliance with human rights obligations. The similarities between the Commission and the Council have resulted in the same tactics occurring at the new body as those that overwhelmed its predecessor. In accordance with realists' views that international politics—characterized by the continuous struggle for power—powerful groups and blocs in the Council have used tactics to block action being taken against their allies. As a result of regional and political alliances' collective influence, the Council focused disproportionately on Israel during its first six years. The unfair treatment of that country highlights that the Council has not fulfilled its mandate in a transparent, non-selective, inclusive and de-politicized manner.

Owing to the perceived selectivity and disproportionate bias of the Council against the Jewish state, Israel announced that it would no longer engage with the Council or its mechanisms in May 2012. These included refusing to attend the Universal Periodic Review (UPR) set up by the Council in 2007. This peer review mechanism involves examining the human rights record of each UN member state every four and a half years according to a fixed schedule by a Working Group composed of the member states. The UPR is based on key international human rights instruments. The UPR aims to strengthen and support the existing monitoring system set up by the ECOSOC in 1956. Previously, states were requested to submit reports on progress every three years. This self-reporting system was abolished in 1980, as it was considered obsolete and of marginal use. In fact, the system co-existed with the proliferation of international human rights treaties that included reporting requirements. The replacement UPR is based on a national report, a compilation of UN information and a summary of other stakeholders' data. It lacks punitive sanctions in cases of non-compliance or non-implementation. The recommendations are non-binding and after the

discussions and reports in Geneva, the state under review is free to implement or ignore the recommendations it sees fit.

Although Israel reversed its position within 18 months by attending its rescheduled review session in October 2013, its disengagement demonstrates the degree to which the Council had isolated and ostracized that country. Because Israel was frequently the focus of Council discussions on any, and sometimes all, agenda items from 2006-2013 North Korea received very little attention at the Council in spite of the grave human rights situation.<sup>3</sup>

### **The North Korean Human Rights Issue in the UN**

Nonetheless, the UN has worked to exert pressure on North Korea. In 1997, the UN Sub-Commission on the Promotion of Human Rights adopted a North Korean Human Rights resolution. From March 16 to April 24, 1999, South Korean Foreign Minister Hong Soon-young participated for the first time in the UNCHR session and emphasized the importance of human rights in Seoul's foreign policy. He also requested, in line with liberals' views of the importance of international institutions for collective problem solving, the global community to show interest in the North Korean human rights issue. At the UNCHR session in 1999 South Korea raised the issue of North Korean human rights abuses. However, due to special factors unique to inter-Korean relations, Seoul did not vote in the Commission in 2003; South Korea abstained during the period from 2004 to 2005. South Korea was board member of the Commission from 1993 to 2006. The Council failed to adopt resolutions in 2006 and 2007. In 2008, South Korea supported the Council resolution, and proposed or co-sponsored resolutions during the period 2009-2014.<sup>4</sup>

In 2004, the UNCHR appointed a Special Rapporteur on Human Rights in North Korea. Pyongyang refused to recognize the mandate, or to extend cooperation to the rapporteur. After adopting its first North Korean Human Rights resolution in 2005, the UN General Assembly has passed resolutions every year. South Korea abstained from the vote on the resolutions in 2005 and 2007, citing special inter-Korean relations. However, Seoul backed the 2006 resolution in the wake of Pyongyang's nuclear test and growing global opinion against North Korea. From 2008 to 2013, South Korea sponsored the resolutions, stating that it regarded human rights as a universal value.

In 2009 and 2014, the UNHRC conducted UPRs on North Korea. When the first review was completed, the UNHRC made 167 recommendations, of which the North Korean representative office rejected 50. The recommendations included a visit by the UN Human Rights Rapporteur, guarantees for citizens' rights to travel, and the cessation of public executions, torture, inhuman punishment and forced labor. North Korea made no commitment whether it would adhere to the other 117 recommendations, but claimed that it would review its position later. When the final report was adopted in 2010, North Korea rejected 50 recommendations and claimed that they were unrelated to serious human rights concerns. North Korea said the recommendations were intended to change the country's social system and damage its image. The recommendations only expressed a deep sense of rejection of and hostility against North Korea, which declared that it would further consolidate its human rights regime.

When the second UPR was conducted from April 28 to May 9, 2014 North Korea rejected 93 of 268 recommendations; Pyongyang accepted 113, partially accepted four, and noted 58 for further review. Rejected recommendations included acceding to the Rome Statute of the International Criminal Court (ICC), cooperating with UN human rights mechanisms including the Commission of Inquiry (COI), improving the nation's criminal code, eliminating discrimination based on class, closing its political prison camps, as well as recommendations on abducted persons. North Korea rejected calls to close its prison camps in 2009. The recommendations Pyongyang accepted concerned fulfilling duties set forth in international treaties, improving economic, social and cultural rights, and cooperation and dialogue on human rights. Noted recommendations included acceding to international human rights conventions—such as the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment—establishing an independent national human rights institution, and abolishing the death penalty. North Korea stated that it would be difficult to take measures at present owing to its circumstances and environment, but that it will make continuous efforts to review possibilities for implementation onwards.<sup>5</sup>

On March 21, 2013 the UNHRC adopted a resolution to establish the UN Commission of Inquiry (UNCOI) on Human Rights in the Democratic People's Republic of Korea (DPRK). The UNCOI published

its written report on February 17, 2014. South Korea, Japan and the EU were among the sponsoring countries. Based on inquiries of 320 witnesses abroad and satellite images of North Korea, the report condemned the Pyongyang government for numerous and severe human rights violations in terms of freedoms of thought, movement and residence, the right to food, as well as discrimination, arbitrary detention, abduction, enforced disappearances and the imprisonment of 80,000-120,000 political prisoners in camps. The Commission concluded that crimes against humanity have been committed.<sup>6</sup> North Korea rejected the findings as having “no relevance,” arguing the report was being wielded as a tool to overthrow the government. Pyongyang also criticized the United States for double standards related to its treatment of suspected terrorists. While the dire human rights situation in North Korea has long been known, the report is important as the most comprehensive study on the issue to made to date. The Commission’s work transformed the global community’s position on the North Korean human rights issue from one of observation to one calling for accountability. Previously, the human rights situation in the country was seen as a state of affairs requiring improvement. However, the global community regards North Korean human rights as an issue of justice in which perpetrators must be identified and punished.

On November 18, 2014, the UN General Assembly Third Committee, which is responsible for social humanitarian affairs, and human rights issues that affect people all over the world, overwhelmingly adopted a condemnatory but non-binding resolution related to large-scale human rights violations in North Korea; the resolution was based on the UNCOI report. Previously, on March 28, 2014, the UNHRC had adopted a resolution acknowledging the Commission’s findings that crimes against humanity had been committed, stressed North Korean authorities had failed to prosecute those responsible for the crimes, and recommended the General Assembly submit the COI report to the Security Council for consideration. The General Assembly resolution acknowledges the Commission’s findings that crimes against humanity have been committed, and calls for referring those responsible, including Kim Jong Un, to the ICC. North Korea’s reaction was angry and swift. On November 25, North Korean authorities organized a mass protest at the Kim Il-sung Square in Pyongyang to support the National Defense Committee’s objection to the resolution and criticize the United States.

Indeed, there is no evidence that the country has taken steps to ameliorate its human rights record. The General Assembly adopted the resolution on December 18. The Security Council's action marked the first time the state of human rights in North Korea came before the council, and reflected the global community's concerns that Pyongyang's human rights violations can have a significant impact on world peace and security.

The Security Council did not vote to refer high-level North Korean officials to the ICC. China declared that it would not back any actions to refer North Koreans to the ICC, arguing that the COI report lacked credibility. China's position limits progress to a non-binding General Assembly resolution. Later, on June 23, 2015, the UN opened an office in Seoul to monitor human rights violations in North Korea; this action was based on one of the recommendations of the UNCOI. North Korea strongly protested against the establishment of the office, calling it a "hideous, politically-motivated provocation challenging the dignity and social system" of the country and "a criminal act of escalating tensions." On November 26, 2015, the UN special rapporteur on North Korea's human rights since 2010, Indonesian Marzuki Darusman, said during his official visit to Seoul that "nothing has changed" since the COI report was launched. Also, "Regrettably, the human rights situation in the DPRK has not improved, and crimes against humanity documented by the Commission of Inquiry appear to continue." On December 17, 2015, the UN General Assembly adopted a resolution denouncing North Korea's human rights record. As in 2014, it encouraged the Security Council to refer the case to the ICC. China, joined by Russia, opposed sending the case to the ICC. In April 2016, the Database Center for North Korean Human Rights claimed that in spite of global efforts to push Pyongyang to mend its way, the human rights situation had not improved. On December 19, 2016, the UN General Assembly for the twelfth consecutive year adopted a condemnatory resolution. For the third consecutive year, it called for referring North Korea to the ICC for its human rights violations.<sup>7</sup>

### **South Korea's Work in the UNHRC**

As noted in this paper, South Korea's position on the North Korean human rights issue has been inconsistent. Opinions in South Korea have long been divided on how to deal with the issue. The progressives have argued that the government should avoid criticizing North Korea's



human rights record or inserting human rights considerations into inter-Korean negotiations. When, as noted above, South Korea generally abstained from voting in the UN, it was led by the progressive Roh Moo-hyun. Roh's administration (2003-2008) gave significant quantities of humanitarian aid to the North as a measure to address serious economic shortfalls despite the regime's human rights violations. However, the opposite occurred during the conservative Lee Myung-bak administration (2008-2013). Because the Lee administration regarded human rights as universal, South Korea voted for UN resolutions criticizing North Korea's human rights violations, raised awareness of the violations through conferences and symposia, and provided support for human rights NGOs working in the field. The Lee administration made humanitarian aid conditional on progress in nuclear disarmament negotiations.

In spite of South Korea's inconsistent policies, the global community regarded the country as a leading defender of democracy and human rights in Asia. Additionally, the country played a constructive role in the UNCHR. South Korea was first elected a member of the UNHRC in 2006. It served also from 2009-2011 and 2013-2015. On December 7, 2015, South Korea was elected Chairman of the UNHRC for 2016, leading the Council through its Ambassador in Geneva, Choi Kyong-lim. Although South Korea's regard of North Koreans as their ethnical brethren creates a sense of responsibility to act, the Chairmanship of the UNHRC and pursuit the North Korean human rights issue must be separated from inter-Korean issues. Generally speaking, it is difficult for Council member states to raise human rights violations in particular countries where bilateral relations are hostile; e.g., South Korea's relationship with North Korea. Nonetheless, South Korea participates in the work of drafting resolutions on North Korea and wants to raise awareness of the North Korean human rights issue. Most countries share South Korea's opinion on the issue. As Chairman, South Korea has raised such global issues as minority peoples' rights and human rights of young and old people.

Although the author has not found any relationship between the politicization of the UNHRC and its work on North Korea, the difficulties for galvanizing the world community to act on the North Korean human rights issue should not be underestimated. The UN renewed the 2004-mandate of the Special Rapporteur for North Korean Human Rights Violations in 2010, but he has not been allowed to enter

the country. The North Korean government has generally reacted with outrage and denial when faced with criticism of its human rights record. However, the global human rights movement is not entirely irrelevant to the leadership. The country has ratified four of the major human rights conventions, amended its constitution to include rights protection and participated in the Human Rights' Council's Universal Periodic Review (UPR). Yet, it is questionable whether this engagement has had any effects on the ground. As noted above, North Korea accepted none of the 167 recommendations that it received at the UPR in 2009.<sup>8</sup>

South Korea has acted on the North Korean human rights issue through channels other than the UNHRC. First, in June 2016, a government official spoke on the anniversary of the opening of the UN North Korean Human Rights Office in Seoul. He stated the office's strategic importance was a) that the North Korean human rights issue was no longer a bilateral inter-Korean issue, but one for the UN to address; b) that human rights conditions can be monitored regardless of changes in national and international politics; and, c) that recording human rights abuses can lay a foundation to legally resolve them in the event of reunification. The office's report delivered to the UNHRC in March stated there was no freedom of movement, expression, demonstration, assembly and organization. Those caught while attempting to escape the regime received inhuman treatment such as torture. The authorities controlled all media, and an atmosphere of terror was expanding. Since the Council was established, it has placed North Korea under Item 4, which is reserved for countries in special need of review due to their miserable human rights records. On March 14, 2016, North Korea boycotted the opportunity to address its human rights record, believing that there were no issues to discuss. Speakers called on North Korea to immediately dismantle all political prison camps and to end reprisals based on "guilt by association," which constitutes a collective punishment of the families of alleged criminals. South Korea decried North Korea's announcement that it would never be bound by international resolutions.

On the anniversary of the opening of the office, Professor Park Heung-Soon assessed that it was a place for urging improvements in human rights, and a means to induce policy changes to exert pressure on North Korea. The office is sufficiently staffed to monitor human rights conditions in North Korea and to accumulate evidentiary material. In particular, it plays a great role for domestic NGOs to expand

communication with civil society. The office has been active by holding speeches, and arranging conferences, consultations and seminars. The office improves awareness of human rights conditions in North Korea, while highlighting the important work of the UN. On the occasion of its first anniversary, the Danish head of the office, Signe Poulsen, said that work had focused on monitoring and recording human rights abuses to seek accountability for those responsible; informing about human rights conditions through social networking sites; and, in cooperation with the South Korean government and civil society, holding various debate forums in order to raise awareness of the work of the UN on North Korean human rights issues. Among the office's achievements was the establishment of a system to canvas the community of North Korean defectors, enabling the collection of information on human rights conditions.

Second, during the past year, its work to improve awareness of human rights in North Korea had developed significantly. The South Korean government enacted the North Korean Human Rights Act on March 3, 2016. Although debates on the issue began in 2005, it took 11 years to pass legislation due to the changing philosophies of successive South Korean administrations. The objective of this act was to promote and advance the human rights of North Korean citizens in accordance with the UN Declaration of Human Rights and international human rights conventions.<sup>9</sup>

The main provisions of the North Korean Human Rights Act state that government shall a) establish a Basic Plan for the Promotion of Human Rights in North Korea every three years—along with annual Implementation Plans—and report them to the National Assembly to protect and promote the human rights of the North Korean people; b) create an Advisory Committee for the Promotion of Human Rights in North Korea under the Ministry of Unification to offer policy advice for improving human rights in the North; c) appoint an ambassador-at-large on North Korean human rights under the Ministry of Foreign Affairs to cooperate with international organizations, groups, and foreign governments to enhance the international community's interest in promoting human rights in North Korea; d) set up the “Foundation for Human Rights in North Korea” to conduct research related to North Korean human rights and humanitarian aid, and develop policies and support to civic and social organizations; and, e) establish the “Center for Investigation & Documentation on Human Rights in North Korea” under

the Ministry of Unification to collect, record and study information about North Korean human rights, and transfer the findings to the Ministry of Justice every three months.

The Korea Institute for National Unification welcomed passage of the legislation, though noting that South Korea's actions appear belated for a stakeholder in inter-Korean issues. Nonetheless, it is significant that Seoul has now joined the international cooperation on the North Korean human rights issue. Following the implementation of the new law on September 4, North Korea condemned it. The propaganda website *Uriminjokkiri* [Our People] claimed that South Korea has no right to take issue with the North Korean human rights situation, and that the implementation of the law is a "sinister" move to undermine the dignity of Pyongyang. The North Korean website *Dprktoday.com* went even further by saying "South Korea's criticism on the North's rights situation is nothing more than a brazen act to hide its crime against humanity and distract angry South Koreans from the truth." Later, on September 28, the Center for North Korean Human Rights Record stated it would investigate and document human rights abuses.

In addition to the UN Office in Seoul and the North Korean Human Rights Act, it is important to note that nongovernmental organizations (NGOs) are always present at UNHRC meetings, and take part in its negotiations. It has come to the author's attention that NGOs are more active within the UNHRC than in any other UN agency. Without their participation, the Council would not function. However, several countries oppose NGOs and do not allow them to travel to meetings, as was the case with Bahrain this year. Such issues are a major concern for the Council, which reported the incident to South Korea.<sup>10</sup>

Finally, it should be noted that South Korea has been criticized for its own human rights record in recent years. When the UNHRC adopted the UPR on South Korea on March 14, 2013, Amnesty International welcomed the opportunity to address discrimination, including against migrant workers, and policies to guarantee the full enjoyment of the rights of those workers. However, in 2016 South Korea was still not a party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, and the Convention for the Protection of All Persons from Enforced Disappearance.

Amnesty International regretted the rejection of recommendations to abolish or amend the National Security Law (NSL) in line with global standards, to establish a moratorium on executions as a step toward full

abolition of the death penalty, and to introduce legislation to provide alternative service for conscientious objectors. Amnesty International further notes the misuse of vaguely worded clauses in the NSL to target particularly individuals and groups perceived to oppose government policies on North Korea.

In 2016, the Special Rapporteur to the UNHRC claimed that "... human rights should not be sacrificed in the name of security concerns." The rights to freedom of peaceful assembly and freedom of association must be respected. The dissolution of the Unified Progressive Party in 2014 raised concerns about the erosion of these freedoms. South Korea responded in a constructive way by saying that it will improve its human rights record and invite more human rights rapporteurs. Nonetheless, in 2017 Amnesty International said that restrictions on the rights to freedom of peaceful assembly and expression persist. The pretext in the former case was often to protect public order. In the latter case, Amnesty International mentioned the National Assembly's passage of an "anti-terrorism bill" that gives the government the right to monitor the communications of "citizens who are deemed to have links with terrorism." The report mentioned the authorities' attempt to regulate press freedom by interfering with news reporting, particularly by television broadcasters. It referred to the government's use of tactics such as putting pro-government individuals on the boards of influential to include state-run media corporations, as well as subjecting journalists to disciplinary measures in such cases as the reporting of the Sewôl ferry disaster in 2014.<sup>11</sup>

### **Conclusion**

Since its admission to the UN in 1991, South Korea has been a board member of the UNCHR and a member of the UNHRC, serving as Chairman of the latter organization in 2016. Its position on North Korean human rights issues alternated with changes between progressive and conservative governments. However, since 2008 South Korea has consistently voted in support of UN resolutions condemning human rights abuses. As Council Chairman, South Korea did not initiate investigations into North Korean human rights issues, but has participated in the Council's work in this area. Despite replacing the UNCHR with the UNHRC in 2006, the continued politicization of the UN body focused on human rights undermines its ability to function. It

should be noted, however, that there is no relationship between political divisions in the Council and its work related to North Korea.

The realist view that power politics matter in the Council is reflected in the quest for power in global politics through the formation of regional blocs and groups to block action taken against their allies. While not pursuing power politics, North Korea's rejection of the UN's work challenges the global community.

In accordance with liberals' view on international cooperation for problem solving, the UNCHR, the UNHRC, the UN General Assembly and South Korea have acted to improve the human rights situation in North Korea. However, there are no indications that there have been any improvements thus far. On the other hand, their work has raised global awareness of this issue, leading to an increase pressure on North Korea. In 2016, South Korea enacted the North Korean Human Rights Act, implementing additional measures related to human rights in the North. At the same time, the UN has criticized South Korea's human rights record, claiming that freedom of expression and the right to assemble peacefully remained restricted in 2017.

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<sup>1</sup> The two last paragraphs are based on Kenneth W. Abbott and Duncan Snidal, "Why States Act Through Formal International Organizations," in Paul F. Diehl and Brian Frederking (eds.), *The Politics of Global Governance: International Organizations in an Interdependent World* (Boulder and London: Lynne Rienner Publishers, 2010), pp. 32-33; Margaret P. Karns and Karen A. Mingst, *International Organizations: The Politics and Processes of Global Governance* (Boulder and London: Lynne Rienner Publishers, 2010), pp. 36-37; Volker Rittberger, Bernhard Zangl and Andreas Kruck, *International Organization* (Houndmills and New York: Palgrave MacMillan, 2012), pp. 15-16.

<sup>2</sup> Rosa Freedman, "The United Nations Human Rights Council: More of the Same?," *Wisconsin International Law Journal*, vol. 31, no. 2 (2013), pp. 208, 209, 210, 211, 212-213; Nathalie Lihuvud Svensson, *The Universal Periodic Review: A study on the effectiveness of the United Nations Human Rights Council's monitoring mechanism* (Stockholm University: Faculty of Law, 2014), p. 17; Permanent Mission of Switzerland to the United Nations Office and to the other international organizations in Geneva, *The Human Rights Council: A Practical Guide* (Geneva, 2015), pp. 5-6; Yu, Chun-gu, "Global governance-wa UN: Governance nonûi kujo-ûi munjejôm-gwa chaejôngnip kwaje," [Global Governance and the UN: Problems of and Tasks for a Restructuring of the Structure of the Debate on Governance], *Chuyo kukche munje punsôk*, (Fall 2014), p. 61. Original quotation marks.

<sup>3</sup> Freedman, *ibid.*, pp. 208, 209-210, 243, 249; Permanent Mission of Switzerland, *ibid.* pp. 5, 11; Lihuvud Svensson, *ibid.*, pp. 6, 21, 22, 67; Sameer Rana, "Review or Rhetoric? An Analysis of the United Nations Human Rights Council's Universal Periodic Review" (2015). *Independent Study Project (ISP) Collection*. Paper 2239, pp. 15, 32, 36. Original quotation marks. Freedman (*ibid.*, p. 209) does not exemplify any of the more radical reforms.

- <sup>4</sup> Han Dong-ho, *Han'gug-ûi taebuk inkwôn chôngch'aek yôn'gu* [A Study on South Korea's Policies on Human Rights in North Korea], (Seoul: Korea Institute for National Unification, 2014), p. 35: Table II-1 and p. 37: Table II-2 record South Korea as a proposing country of UNHRC resolutions from 2008-2013 and 2009-2014, respectively, but it has come to the author's knowledge that it is more correct to label it co-sponsor.
- <sup>5</sup> Han, *ibid.*, pp. 33-35, 36-37, 41; Republic of Korea Ministry of Foreign Affairs, *Han'guk wegyo 60 nyôn* [South Korean Diplomacy 60 Years], (Seoul: Ministry of Foreign Affairs, 2009), p. 196; Korea Institute for National Unification (KINU), *Improving Human Rights in North Korea* (Seoul: KINU, 2015(a)), pp. 2-3: *Implementation Strategies for Policies on North Korean Human Rights* (Seoul: KINU, 2015(b)), pp. 22-24, 29; Soh Chang-rok and Kim Yoon-eui, "Yuen hönjang kiban inkwôn poho ch'eje-wa Tongasia inkwôn: Pop'yônjök chôngnye inkwôn kômt'o (UPR)-rül chungsim-ûro," [UN Charter-Based Human Rights System and East Asian Human Rights: Focusing on the Universal Periodic Review], *Kukche chôngch'i nonch'ong*, vol. 64, no. 4 (2014), p. 170; UN General Assembly, *Resolution adopted by the General Assembly on 16 December 2005, 60/173. Situation of human rights in the Democratic People's Republic of Korea* (n. p., December 16, 2005), p. 2; Wang, Im-dong, "Sin kukche chilsô-esô-ûi Han'gug-ûi Yuen wegyo-ûi panghyang-gwa kwaje," [Directions and Tasks of South Korea's Diplomacy Toward the UN in the New International Order], *Han'guk tongbuga nonch'ong*, vol. 22 (2002), p. 20.
- <sup>6</sup> Crimes against humanity entail gross human rights violations of a scale and level of organization that shock the conscience of humanity. Crimes against humanity have a high legal threshold. Two elements must coincide: (a) Individuals must commit inhumane acts with the requisite criminal intent and (b) These inhumane acts must form part of a widespread or systematic attack directed against a civilian population. The Rome Statute also requires that the attack must be pursuant to, or in furtherance of, a state or organizational policy. From Commission of Inquiry on Human Rights Violations in the Democratic People's Republic of Korea, *Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea, A/HRC/25/CRP.1* (n. p., February 7, 2014), pp. 320-321.
- <sup>7</sup> Cho Jung-hyun, "Ch'oegûn kukche sahoe-ûi Pukhan inkwôn nonûi tonghyang: Yuen Pukhan inkwôn chosa wiwônho (COI)-rül chungsim-ûro," [Recent Trends in the Debate on Human Rights in North Korea: With Focus on the Commission of Inquiry (COI) on North Korean Human Rights], Jeju p'yônghwa yôn'guwôn, *JPI chôngch'aek p'orôm*, [Recent Trends in the Debate on Human Rights in North Korea: With Focus on the Commission of Inquiry (COI) on North Korean Human Rights], *Jeju Peace Institute Policy Forum*, July 11, 2013, p. 18; Gabriel Jonsson, "Human Rights in North Korea: Pressure and Engagement," Stockholm: Institute for Security & Development Policy, *Policy Brief*, no. 172, March 8, 2015 ([http://www.isdp.eu/publications/index.php?option=com\\_jombib](http://www.isdp.eu/publications/index.php?option=com_jombib)), pp. 1, 2; KINU, *op. cit.*, 2015(a), pp. 2-5: *op. cit.*, 2015(b), pp. 16, 18, 19, 51; Song, Sang-ho, "UN passes resolution calling for N.K. referral to ICC," December 18, 2015, pp. 1-2, Available online at: [http://www.koreaherald.com/common\\_prog/newsprint.php?ud=20151218000295&dt=2](http://www.koreaherald.com/common_prog/newsprint.php?ud=20151218000295&dt=2), Accessed the same day; *The Korea Herald*, "U.S. hails opening of U.N. human rights office in Seoul," June 24, 2015, p. 1, Available online at: [http://www.koreaherald.com/common\\_prog/newsprint.php?ud=20150624000246&dt=2](http://www.koreaherald.com/common_prog/newsprint.php?ud=20150624000246&dt=2), Accessed the same day; "U.N. rapporteur calls for accountability over N.K. human rights abuse," November 26,

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<sup>11</sup> Amnesty International, *Public Statement*, AI Index: ASA 25/003/2013 (n. p., March 14, 2013), pp. 1-2; *Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association on his mission to the Republic of Korea, A/HRC/32/36/Add.2* (n. p., June 15, 2016), pp. 3, 4, 5-6, 17; The author’s visit at the Permanent Mission of the Republic of Korea in Geneva, October 18, 2016; *The Korea Times*, “Korea’s right to assembly, expression restricted: Amnesty,” February 22, 2017, Available online at: <http://www.koreatimes.co.kr/www/common/printpreview.asp?categoryCode=371&newsldx=224507>, Accessed the same day. The last two quotations have original quotation marks.