

UN Humanitarian Actors and North Korea's Prison Camps

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Abstract

When a typhoon struck North Korea's northeast in September 2016, it flooded not only schools, health clinics, roads and agricultural lands, but also a reeducation through labor camp housing political prisoners. This presented a challenge to United Nations humanitarian agencies: should they overlook the plight of those in the flooded camp in the interests of working cooperatively with the government, or should they seek to gain entry to *all* disaster victims in line with the UN's humanitarian principles? Their decision to ignore the imprisoned victims highlights the need for better integration of human rights concerns into humanitarian action through strengthened cooperation between human rights and humanitarian actors, backup from senior UN officials, and the application of the UN Human Rights Up Front approach to North Korea.

Keywords: North Korea, United Nations, UN Secretary-General, North Korean Political Prisoners, Reeducation Through Labor Camp, Human Rights Up Front Approach, Humanitarian Agencies, Typhoon Lionrock

Introduction

In December 2015, the United Nations General Assembly introduced a specific reference to “political prisoners” in its annual resolution on human rights in North Korea when listing “the most vulnerable groups” suffering “chronic and acute malnutrition.”¹ The addition of this category to the list's traditional groups—children, pregnant and lactating women, persons with disabilities, and the elderly—recognized that prisoners too were among those at risk when it came to insufficient food. The following year, the Assembly called upon North Korea to allow humanitarian aid agencies “full” and “unhindered” access to “all parts of the country, including detention facilities.”² The resolution also pointed to the “vulnerable” situation of children incarcerated with their families and

“living in detention” in prison camps.³ Former Secretary-General Ban Ki-moon further highlighted the plight of detained children in one of his last reports to the General Assembly,⁴ while former Deputy Secretary-General (DSG) Jan Eliasson told the Security Council that “the most vulnerable” group in the Democratic People’s Republic of Korea (DPRK) is the prison population.⁵ The UN Special Rapporteur on Human Rights in the DPRK, Argentine jurist Tomas Ojea Quintana, called on the UN’s humanitarian and development agencies to “ensure” that their humanitarian programs benefit “vulnerable groups, including those who are in detention facilities, prison camps and political prison camps.”⁶

This new emphasis on political prisoners as ‘a vulnerable group’ emanated from the 2014 report of the UN Human Rights Council’s Commission of Inquiry (COI) on human rights in the DPRK, which provided evidence that political prisoners regularly suffered deliberate starvation, an absence of medical attention, and cruel and inhuman treatment.⁷ The report estimated that hundreds of thousands had perished in North Korea’s secret political prison camps (*kwan-li-so*) over the past five decades and that some 80,000 to 120,000 remain incarcerated today, many of them family members of those convicted of crimes against the regime.⁸ The COI described the prisoners’ plight as evidence of the crime of “extermination,” that is, “imprisoning a large number of people and withholding the necessities of life so that mass deaths ensue.”⁹ In the reeducation through labor camps (*kyo-hwa-so*) and other detention facilities where thousands more political prisoners can be found (mixed in with non-political prisoners), the COI also reported high death rates due to malnutrition and disease related to lack of food and ill treatment.¹⁰ Overall, the COI found violations committed against prisoners in the *kwan-li-so*, *kyo-hwa-so* and other facilities to constitute “crimes against humanity.”¹¹

A few months prior to the release of the COI report, the DSG announced a new UN initiative of the Secretary-General: the Human Rights Up Front (HRuF) approach. It was introduced in response to the findings of an internal UN inquiry that had determined a “systemic failure” on the part of the organization to respond to the serious human rights violations perpetrated by the government of Sri Lanka in the armed conflict in that country. The report particularly criticized the “continued reluctance” of the UN Country Team “to stand up for the rights of the people they were mandated to assist.”¹² The HRuF initiative was launched in an effort to “ensure that the UN Secretariat, Programmes and Funds

meet the responsibilities given to them by the Charter and Member States” and “respond more effectively when there is a risk that serious violations of international human rights or of humanitarian law could turn into mass atrocities.”¹³ The COI report on the DPRK specifically noted this initiative and called on UN agencies to “urgently adopt and implement a common ‘Rights up Front’ strategy...to help prevent the recurrence or continuation of crimes against humanity.”¹⁴

But, despite the COI findings and the commitment of UN leaders to the HRuF approach, it has not always been clear that the aid community is ready to apply HRuF or acknowledge that among the most vulnerable in the DPRK are political prisoners whom their humanitarian programs should try to reach.

The UN Country Team on the ground is composed of the World Food Program (WFP), the UN Children’s Fund (UNICEF), the World Health Organization (WHO), the Food and Agriculture Organization (FAO), the UN Population Fund (UNFPA), and the UN Development Program (UNDP). Their activities are coordinated by a UN Resident Coordinator who reports both to the UN Office for the Coordination of Humanitarian Affairs (OCHA) and UNDP. On their websites, the humanitarian aid groups claim to reach the most vulnerable in the DPRK. WFP’s website, for example, assures that the organization is “assisting the most vulnerable” in North Korea,¹⁵ and UNICEF’s website likewise speaks of giving “the world’s most vulnerable children the nutrition, water, and medical supplies they desperately need.”¹⁶ The Country Team’s recently concluded *2017 Needs and Priorities* document for the DPRK also emphasizes the goal of improving the health, nutrition and resilience of “the most vulnerable people” in North Korea.¹⁷

However, the vulnerability of prisoners has not been acknowledged by these agencies, even though significant numbers of prisoners may be housed in provinces where aid agencies conduct operations. Recent UN reports and resolutions suggest the need for a broader, more inclusive framework in the DPRK than the one driving programs thus far. The UN’s new Strategic Framework (2017-2021) governing relations with the DPRK, ably negotiated by the Resident Coordinator, identifies as one of its main principles, the application of a “human rights-based approach” to UN programs on the ground. It also offers support to the DPRK in carrying out its commitments under the UN Universal Periodic Review (UPR) of the country’s human rights record.¹⁸ One of these commitments is “free and unimpeded access to all populations in need.”¹⁹ Another is non-

discrimination in the distribution of food and healthcare, and a third, gender equality. All three are a basis for raising with DPRK officials access and provision of aid to political prisoners. The former Secretary-General called these and other UPR commitments “important entry points for dialogue and cooperation on human rights” with the government.²⁰

The difficulty in putting such principles into practice and the resistance to doing so came into view during the fall of 2016 when a typhoon struck North Korea. This article reviews what occurred then and proposes steps to bring humanitarian action more in line with an HRuF approach as well as with the human rights commitments reflected in General Assembly resolutions, reports of the Secretary-General, appeals of the Special Rapporteur, and the guidelines and frameworks of the agencies themselves.

Typhoon Lionrock

In 2016, Typhoon Lionrock struck North Hamgyeong Province in the northeast part of the country. The typhoon flooded farmlands, homes, health clinics and schools, affecting some 600,000 people and displacing 69,000 individuals. It also hit *Kyo-hwa-so Number 12*, a reeducation through labor camp in Jonggo-ri, Hoeryong City. The camp had an estimated 4,000 to 5,000 inmates, including some 800 to 1,000 women.²¹

According to the COI, “many” of its prisoners had been forcibly repatriated from China, including most of its women prisoners who had either sought food or work, contacted Christian churches or tried to go on to South Korea.²²

The ratio of political to common criminals was not known,²³ but a new study of *kyo-hwa-so* camps by David Hawk has found that “thousands” have been imprisoned in these camps “for essentially political offenses.”²⁴ Under North Korea’s Criminal Code, these “offenses” include leaving the country without permission, watching a foreign DVD, carrying a bible, practicing one’s religious belief, importing written materials, criticizing the state and other acts that international law would *not* consider criminal and in fact guarantee in human rights treaties North Korea has acceded to.²⁵

The prisoners at *Kyo-hwa-so Number 12*—“one of the biggest and perhaps the best-documented ordinary prison camp,”²⁶ were described by the COI as subject to forced labor and starvation rations:

... the average prisoner only receive[s] about 300 grams

of rough corn porridge or cooked rice with beans per day. This amount of food provides only a fraction of the minimum dietary energy requirement for adults in the DPRK, as calculated by the United Nations.²⁷

One former female prisoner at the camp repatriated from China was fed only “rotten corn and watery soup” and reported that her weight to have declined from 174 lbs. to 74 lbs. upon her release in 2012.²⁸ Another female inmate—released in 2011—told the COI that “The small rations left her so hungry that she ate different types of grass, wild mushrooms and tree bark to survive.” She also was witness to “inmates being beaten for stealing food.”²⁹ Other sources confirmed the “below subsistence level” food rations at the camp, “forcing inmates to eat whatever insects and rodents they are able to trap for themselves.”³⁰ The COI observed that, “Those who do not find additional sources of food are effectively condemned to starving to death.”³¹ On occasion, North Korean authorities sent very sick prisoners home. One former inmate, whose weight dropped from 125 pounds to 60 pounds between mid-2008 and September 2010, said prison officials called her family “to come get her rather than deal with her death.”³²

The flooding of *Kyo-hwa-so Number 12* was visible on satellite imagery, and an analysis prepared by All Source Analysis and The Committee for Human Rights in North Korea (HRNK) concluded that the floods had undoubtedly made the food situation worse in the camp. They reported that due to the flooding, the “crop loss” in nearby agricultural fields “may have exacerbated the already severe food shortage for prisoners.” Furthermore, “the water level in the waste pond from the nearby copper mine has risen.”³³

HRNK and The Jacob Blaustein Institute for the Advancement of Human Rights forwarded the satellite imagery and analysis to the UN and requested that access be sought to the affected persons.³⁴ Special Rapporteur Ojea Quintana acted quickly, publicly calling upon the DPRK to allow humanitarian workers access to “persons in detention facilities and prisons” in the flooded areas.³⁵ DSG Eliasson expressed support for this call, while OCHA officials acknowledged the information and agreed to take it under consideration.

The decision not to seek access

When humanitarian agency staff at UN headquarters deliberated over whether or not the Country Team should try to reach disaster victims in *Kyo-hwa-so No. 12*, they were aware that the UN team had never before entered a camp or requested access to one and they decided against the team's taking this step now. The Country Team gained access to the county where the *kyo-hwa-so* was located – Hoeryong, as well as to Yonsa and Musan, but did not request entry to *Kyo-hwa-so No. 12* or any other flooded detention facility.³⁶ Although the reasons and deliberations were not made public, the arguments against the UN team's doing so are known:

- Requesting access could rankle North Korean officials and possibly undermine humanitarian operations on behalf of other flood victims and upset non-flood programs as well.
- Seeking access to a prison camp is a human rights, not a humanitarian, responsibility.
- Going beyond accepted practice was inadvisable, especially since cooperation was going well with North Korean authorities.
- The number of people in the camp was small compared with the others affected by the floods.
- Satellite imagery made available to the UN by outside organizations was not necessarily reliable.

Validity of the arguments

Getting along with the government

It is understandable that humanitarian agencies would want to work effectively with the host government and not introduce requests that might irritate the authorities or in some way undermine their programs. But cooperation based on setting aside the important goal of reaching *all* affected populations needs to be questioned. The DPRK agreed to the principle of “free and unimpeded access to all populations in need” at the Human Rights Council's review of its human rights record in 2014.³⁷ Reminding its officials of this pledge and of the humanitarian imperative of reaching the most vulnerable would have been in order. In fact, the Country Team reported that the provincial and local authorities who

organized the needs assessment and review missions of flooded areas showed “flexibility in accommodating changes to the programme,” and the review mission itself was “based on the requests by mission members.”³⁸ Humanitarian agencies were close to *Kyo-hwa-so Number 12* since they were given access to Hoeryong City in the broader heavily affected area where the camp is located. In this particular case, they actually had some leverage because North Korea had requested the assistance and had to listen to the views expressed. While a request for entry to the camp could have been turned down, at least the question of entering a flooded camp and reaching its vulnerable people would have been on the table as a legitimate ‘ask’ and could be revisited in future.

Governments and insurgent groups around the world are known to obstruct aid to vulnerable populations on ethnic, racial or political grounds, but humanitarian actors pay a heavy price to their profession and its standards if they acquiesce in a government’s neglect of a vulnerable group, especially one to which UN resolutions and reports pay special attention. Making the request for entry would have accorded with the Country Team’s 2017 *Needs and Priorities* document that speaks of reaching the most vulnerable. It also would have been in line with the UN’s Strategic Framework which supports North Korea’s carrying out its commitments under the UPR and human rights conventions and the Country Team’s carrying out its commitment to transfer “international principles and values” to the country.³⁹ For the agency staff who fear reprisals and reduction of humanitarian aid programs for making such a request, it is worth noting that North Korea does not deny the existence of reeducation through labor camps.⁴⁰ These inmates, unlike those detained in the secret *kwan-li-so* camps, are not incommunicado.⁴¹ Moreover, the one or two senior UN officials who have raised the secret *kwan-li-so* camps in conversations with North Korean officials are reported to have faced no retaliation.⁴²

Not a humanitarian issue

That access to the camps should be considered solely a human rights issue and not a humanitarian one overlooks that the most acute cases of hunger and disease in North Korea can be found in the camps. A recent report by the Asan Institute for Policy Studies in Seoul—based on interviews with former inmates at *Kyo-hwa-so Number 12* who observed some 276 prisoners—estimated that the fatality rate at North Korea’s labor camps was close to 25 percent, with most of the deaths caused by

undernourishment and disease. It considered “notable that 8 in 10 North Korean prisoners suffered from malnutrition before death.”⁴³ In failing to request access to such camps, humanitarian actors risk becoming complicit in the government’s deliberate marginalization and de-humanizing of these people. The *Inter-Agency Standing Committee (IASC) Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*,⁴⁴ which humanitarian agencies have adopted, specifically call on humanitarian actors in disaster situations to:

Accept that human rights underpin humanitarian action. In situations of natural disasters they [humanitarian actors] should therefore respect the human rights of persons affected by disasters at all times *and advocate for their promotion and protection to the fullest extent* [emphasis added]. Such organizations should not promote, actively participate in, or in any other manner endorse policies or activities leading or likely to lead to human rights violations or abuses.⁴⁵

In many countries, the International Committee of the Red Cross (ICRC) is the organization that enters prison camps. But in North Korea, the ICRC has not been afforded such access; nor has the UN Special Rapporteur. In any event, it is the humanitarian agencies operating on the ground that have the responsibility to represent the UN system’s “three pillars” – human rights, development and peace and security. According to the *UNDG Guidance Note on Human Rights for Resident Coordinators and UN Country Teams*, the Resident Coordinator and the Country Team are expected “to promote” these three pillars.⁴⁶

The HRuF approach of 2013, moreover, calls upon the entire UN system to develop “a system wide strategy” when countries face serious violations of human rights. Its application to North Korea should mean that all operational agencies give a central place to the protection of human rights, provide and share candid information about people at risk, develop a common information system, and raise human rights issues with the government in the face of serious violations.⁴⁷ The UN’s new Secretary-General Antonio Guterres has expressed support for this policy.⁴⁸

Too small numbers

Ignoring thousands of flood victims in detention facilities because of their relatively small numbers is not a persuasive argument. Both the

gravity of their situation and the “serious concern” expressed by the United Nations about prisoners in the DPRK should have merited a request. UN reports and resolutions have given special attention to the cruel, punitive treatment meted out to North Koreans, especially women, forcibly repatriated from China and other countries, as reported at *Kyo-hwa-so Number 12*.⁴⁹ General Assembly resolutions—adopted by consensus—have regularly called for the unconditional release of political prisoners because of the absence of due process in the country and the “deplorable conditions” in which they are held, “including forced labour.”⁵⁰ Failing to make a request, on the grounds that it might imperil a larger operation, overlooked the obligation to protect marginalized groups.

Reliability of satellite imagery

Humanitarian and development agencies have long recognized satellite imagery as a legitimate and credible source of information. In recent years, such imagery has become a common tool for mapping resources in support of the UN’s sustainable development goals worldwide. Since 2003, HRNK has used satellite imagery to confirm the existence of detention facilities in the DPRK.⁵¹ Together with satellite imagery experts at AllSource Analysis, it prepared a ‘baseline’ report on *Kyo-hwa-so Number 12* weeks before the flooding, based on archived imagery of the facility and testimony by former prisoners, guards, officials in charge and other sources.⁵² When Typhoon Lionrock struck, the experts were easily able to see the changes that had taken place at the facility, in particular the flooding, from the newly acquired satellite imagery.

The UN COI, chaired by a former justice of the high court of Australia, Michael Kirby, found satellite imagery of camps—provided by professional analysts and supplemented by testimonies of former guards and inmates—conclusive for their findings:

These images not only prove to the Commission’s satisfaction the continued existence and ongoing operation of large-scale detention facilities. They also provide a clear picture of the evolution of the prison camp structure and corroborate the first-hand accounts received from former prisoners and guards.⁵³

Moving Forward

There are a number of steps that could be taken by UN humanitarian

and development agencies to deal more effectively with human rights in North Korea and that could improve the prospects for humanitarian access to prisoners, whether in re-education camps, the secret prison camps or other detention facilities.

Usage and Compliance with UN Guidelines

UN agencies should rely upon the guidelines they themselves have designed for use on the ground and should have them on hand for their staff to follow in discussions with the host government. In particular, humanitarian staff should turn to:

- The *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*. All humanitarian and development agencies in the UN's Inter-Agency Standing Committee have adopted these Guidelines, which support human rights advocacy for disaster victims requiring protection and assistance. The Guidelines make no distinctions between prisoners and non-prisoners and suggest steps for addressing "persons with special needs," especially,

Identifying as soon as possible persons and groups with a history of being discriminated against prior to the disaster, or with special needs, and monitoring ongoing humanitarian action to avoid that they are discriminated against and intervene if this happens.⁵⁴

North Korea's political prisoners would certainly fit into this category and should merit attention during disasters. In some countries, evacuation of prisoners during a natural disaster is specifically included in disaster plans.

- The *Guiding Principles on Internal Displacement*. Endorsed by the World Summit Outcome document in 2005, these Principles apply to persons forcibly uprooted by natural disasters as well as conflict and other causes.⁵⁵ They set forth the rights of internally displaced persons

(IDPs) and the responsibilities of governments, international organizations, and other actors toward these populations in all phases of displacement -- from prevention through return or resettlement. UN agencies should rely on these principles in addressing the typhoon and other disaster displacement in North Korea. The Principles call for access to all those affected, assistance and protection for *all* those displaced, consultative mechanisms for making IDP needs known, and criteria for evacuations and returns. When it comes to assisting and protecting persons who are internally displaced, nowhere is it said that prisoners should be overlooked.

- The *UNDG [UN Development Group] Guidance Note on Human Rights for Resident Coordinators and UN Country Teams*. This Note was signed by the UN High Commissioner for Human Rights and the Administrator of UNDP. It speaks of a duty and responsibility on the part of the Resident Coordinator and Country Team to uphold universal human rights and suggests the development of a strategy “that leverages the different roles and responsibilities of the UN Country Team to address human rights issues in the country.”⁵⁶ It then sets forth the concrete activities the Resident Coordinator and Country Team can take to meet their responsibilities, including written communications, discreet engagement or more public advocacy. One of the purposes, it says, of human rights promotion and protection should be

...empowering those people, whether groups or individuals, who are most marginalized, discriminated against or are in a vulnerable situation.⁵⁷

It further underscores that even if such promotion “appears to conflict with the position of the government,” the UN should “sensitively” but “consistently” promote compliance with international norms and standards.⁵⁸ In fact, it affirms,

The role of the UN on the ground is not simply to support the government of the country where it is operating but to consistently uphold and promote the values and principles enshrined in international law.⁵⁹

- *UN Strategic Framework for Cooperation between the United Nations and the Government of the DPRK, 2017-2021.* As earlier noted, the UN signed with the DPRK an agreement to govern their relations. It lists as one of its main principles a “human rights-based approach” to be applied to *all* UN programs in North Korea.⁶⁰ The Framework also offers UN support to the government to carry out its commitments under UN human rights treaties and the Universal Periodic Review, including the DPRK’s commitment to free and unimpeded access to all populations in need, non-discrimination in the distribution of food and health care, and gender equality.⁶¹ Raising with DPRK officials access to and provision of aid for those in detention facilities would be in order under this Framework agreement.⁶²

Training of Humanitarian Staff

The Country Team has not received in depth, if any, training in the agreements above that provide guidance in the area of human rights. The team did receive training in the HRuF approach and also in international human rights standards,⁶³ which led to the inclusion of a human rights-based approach in the Strategic Framework. But effectively implementing this approach will require familiarity with the steps set forth in the *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, the *UN Guiding Principles on Internal Displacement*, and the *UNDG Guidance Note on Human Rights for Resident Coordinators and UN Country Teams*.

One way to make these documents better known would be through briefings by the UN Office of the High Commissioner for Human Rights (OHCHR), OCHA and outside specialists. When *Kyo-hwa-so Number 12* was flooded (possibly along with other camps and detention facilities, such as *Kwan-li-so Camp Number 25*),⁶⁴ it was NGOs and the Special Rapporteur, not the UN humanitarian staff that alerted the UN. To be sure,

it is not standard practice for humanitarian actors to be knowledgeable about the conditions of political prisoners in a country, but North Korea's deliberate deprivation of food and medicine to incarcerated men, women and children makes it essential that humanitarian actors become informed and involved. Briefings should provide information about the location of the camps, their proximity to UN operations, the reported needs of the persons inside the camps, whether North Korea has admitted to such camps, whether UN staff or agencies have requested entry to *kyo-hwa-so* and *kwan-li-so* camps, and the best ways to broach this subject with the North Korean authorities. Precedents from other countries should be examined, such as the WFP's negotiations and delivery of food to prisoners in Cambodia.⁶⁵

Briefings must also cover the impact of drought and other disasters on those confined in detention facilities. Prisoners are likely to be among the first to perish when food shortages worsen.⁶⁶ If one considers that about 70 percent of the population (some 18 million people), according to the Country Team, suffers "food insecurity and undernutrition;" (some 15 million need access to basic health services and 3.5 million access to clean water and proper sanitation),⁶⁷ one begins to understand the vulnerability of those held in prison camps.

Humanitarian staff need a fuller understanding of vulnerability beyond what is included in the Country Team's Needs and Priorities document. The WHO, for example, defines vulnerability as "the degree to which a population, individual or organization is unable to anticipate, cope with, resist and recover from the impacts of disasters."⁶⁸ That would certainly encompass the plight of the men, women and children incarcerated in prison camps in North Korea during a flood. Regional bodies like the European Court of Human Rights and the Inter-American Commission on Human Rights have studied and produced case law on the particular vulnerability of persons deprived of their liberty and the extreme vulnerability of children when confined in prisons.⁶⁹ The findings of these bodies should be made known to the Country Team.

The way the *songbun* system works should also be discussed with humanitarian staff engaged in delivering aid and other services in North Korea. This social classification system, based on political loyalty, has been known to interfere with equitable access to food, health care and housing.⁷⁰ In the wake of Typhoon Lionrock, political favoritism based on *songbun* was reported to have affected rebuilding and housing safety for disaster victims.⁷¹ In its annual resolutions, the UN General Assembly has

expressed “serious concern” about “discrimination based on the *songbun* system” and its impact on the population.⁷²

Because of the importance of data collection to humanitarian operations, it must be incorporated in the training as well. The Secretary-General’s report in 2016 drew attention to the government’s “significant control over access to reliable and accurate data” and called for “unconditional access” to disaggregated data to ensure that UN aid programs “can effectively target and reach the most vulnerable.”⁷³ To its credit, OCHA complained in the wake of Typhoon Lionrock about the insufficiency of information provided about flood victims by the DPRK in contrast to the detailed information it made available about damage to buildings and infrastructure.⁷⁴ Reportedly, the government prioritized restoring statues and other sites “idolizing the Kim family” over delivering relief supplies to people in need and attending to the homes of the flood victims.⁷⁵ As for data on vulnerable groups, the UN Special Rapporteur has emphasized the need for “substantive information from the Government on the number, structure, and conditions of detention” in prison camps,⁷⁶ since prisoners are a vulnerable group.

Finally, training for humanitarian staff must encompass discussions about the extent to which they are authorized to set aside the UN’s human rights and humanitarian principles and standards. Some aid workers say it is unrealistic to expect standards to be upheld in North Korea, but this suggests they may be out of touch with the standards North Korea has accepted and with the objectives of the UN agencies that sent them to the country. This is a concern that needs addressing, as do the criteria for determining the set of circumstances that could lead to the termination of an aid program in North Korea.

Closer collaboration with the Special Rapporteur and the Office of the High Commissioner for Human Rights

The Resident Coordinator and Country Team should cooperate more closely with the Special Rapporteur and OHCHR to fill an important gap: there are no human rights specialists on the Country Team.

The Special Rapporteur and OHCHR could assist with the development of a strategy to address human rights in the country as part of humanitarian operations, in particular reaching the most vulnerable, promoting non-discrimination in the distribution of food and medical care, and promoting gender equality. At the UPR, North Korea accepted these principles, and the Strategic Framework, which North Korea signed, offers

UN support to North Korea in carrying out its commitments, both at the UPR and under its human rights treaty obligations.⁷⁷

To their credit, members of the Country Team, especially UNICEF, have encouraged the DPRK to submit reports to UN treaty bodies on its compliance with conventions on the rights of the child and on discrimination against women; and to accede to the convention on disabilities, which North Korea recently did.⁷⁸ But the Country Team also needs to encourage North Korea to actually comply with these conventions, provide responsible answers to UN treaty body reviews, and implement the recommendations made by these bodies. Here, the Special Rapporteur has offered to “work closely” with the team⁷⁹ and provide guidance to the Resident Coordinator who is expected to hold “periodic meetings” with the North Korean authorities on implementation of the UPR recommendations.⁸⁰

In the case of Typhoon Lionrock, the Special Rapporteur’s expertise was valuable. He complimented the Country Team’s “significant efforts” to bring relief assistance to flooded areas to address the widespread damage that affected the human rights of large numbers of people.⁸¹ But he also pointed out that the UN humanitarian response overlooked an important human rights concern, namely the “situation of detention centers and correction facilities.”⁸² Others outside the UN identified additional human rights concerns not addressed in the Country Team’s report,⁸³ in particular that: North Korea might be using flood aid to repair military roads,⁸⁴ was introducing discriminatory housing policies in rebuilding after the floods,⁸⁵ and was not reconstructing flood-ravaged areas near the Chinese border (in order to make it more difficult for North Koreans to hide while seeking to defect).⁸⁶ These allegations may or may not be true but ignoring them when international aid is involved is not an acceptable solution.

The Special Rapporteur could also be a strategic ally, according to the OHCHR-UNDP Guidance Note. He or she can publicly speak out and report on sensitive situations when Resident Coordinators and the Country Team are not in a position to do so.⁸⁷ To do this effectively, a joint strategy would need to reconcile human rights and humanitarian concerns. Allowing such concerns to conflict and turn into “a stark dichotomy between human rights and humanitarian access,” should be unacceptable. “Human rights protection,” the Guidance Note affirms, “should be at the core of all humanitarian action.”⁸⁸

Applying the Human Rights Up Front (HRuF) Approach

The system wide strategy known as HRuF should be applied as fully as possible to North Korea. General Assembly resolutions have encouraged the UN system “as a whole,” including the “specialized agencies” to address the grave human rights situation in the country.⁸⁹ The UN’s Strategic Framework reflects this thinking and should become the foundation for developing a dialogue with North Korean authorities that leads to concrete steps to promote human rights and expand access to vulnerable people.

Reaching the neediest should be one of the principal objectives of this human rights-based approach. During Typhoon Lionrock, UN humanitarian organizations gained access to three counties, but were apparently prevented from visiting three others—Onsong, Kyongwon and Kyonghung—and failed to request access to flooded detention facilities in areas where they were allowed.

The difficulties in gaining full access in North Korea and for carrying out an HRuF approach were acknowledged by the Secretary-General in 2016 when he observed that,

The lack of independent contact with the local population and of inclusion of beneficiaries in the programming process remains a significant obstacle for United Nations agencies to develop and implement a human rights-based approach to humanitarian and development programmes.⁹⁰

The application of HRuF should therefore require “all UN entities” to come together and also “contribute under their individual mandates to prevent or respond to serious violations.”⁹¹ Doing so could improve humanitarian operations on the ground.

Take WFP, for example, whose website affirms that “whatever the weather,” WFP “continues to reach the most vulnerable people.”⁹² Making that into a reality not only for WFP but the other agencies would reinforce their programs in the DPRK by requiring that they identify the persons at greatest risk of starvation and disease and seek access to them. This would align with the Country Team’s 2017 *Needs and Priorities* document that commits humanitarian agencies to reach “the most vulnerable people,”⁹³ not just those to whom North Korea provides access.

When it comes to UNICEF, the General Assembly has identified the

children most at risk in the DPRK: “returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law.”⁹⁴ Reaching them should be an objective of UNICEF and the Country Team. UNICEF should also make sure that the Child Data Monitoring Unit and Survey it has set up with the DPRK’s Central Bureau of Statistics provides information on the most vulnerable children in the country in order to facilitate addressing their needs.

For WHO, requesting access to prison and detention facilities should be a priority. Tuberculosis is on the rise in the DPRK and is known to be rife in prison camps. In other countries, WHO has found that controlling tuberculosis in prison protects the population at large. To this end, the organization has introduced Health in Prison Programs.⁹⁵ Replicating those programs in North Korea through access to the *kyo-hwa-so*—the re-education through labor camps whose existence North Korea acknowledges—would be a way to begin.

Currently, UNFPA is lending support to a DPRK 2018 census. It should use this opportunity to raise questions about the location, number and characteristics of *all* vulnerable populations, including prisoners, so as to encourage a truly comprehensive collection of data upon which a more effective humanitarian response can be designed.

UN agencies should also cooperate with outside organizations like the International Federation of Red Cross Societies (IFRC), which provides training to North Korean Red Cross officials, volunteers and local residents in disaster response.⁹⁶ IFRC staff should consider pointing out that their disaster guidelines apply to *all* people,⁹⁷ especially vulnerable groups, and that inmates of prisons should be provided with emergency assistance and evacuated during floods just as other vulnerable people are.

Backup from UN Leadership

For HRuF to be applied effectively, the Secretary-General’s leadership will be needed. Secretary-General Guterres must make clear that he and the heads of agencies stand behind the human rights goals in the UN’s Strategic Framework and that the Resident Coordinator can expect the backup of Headquarters and the agencies when he or other staff seek to apply this approach to the DPRK. In his “Vision Statement,” the Secretary-General expressed his support for “the mainstreaming of human rights across the whole UN system, notably through the Human Rights Up

Front initiative,” which he linked to the maintenance of peace and sustainable development in countries.⁹⁸ He also linked HRuF to prevention,⁹⁹ which in the case of North Korea, should encompass deterring more deaths in prison camps from starvation, disease and ill-treatment.¹⁰⁰

Conclusion

As UN humanitarian agencies continue to conduct aid programs in the DPRK, they need to ensure that the response they design actually reaches “the most vulnerable” in the country and reflects the values and standards of the organizations they represent. Typhoon Lionrock presented an opportunity to raise with North Korea’s authorities access to those trapped in flooded prison camps – indeed, the very prisoners about whom the international community has long expressed concerns. It afforded a chance to place on the agenda with North Korea the objective of reaching *all* affected populations in line with the humanitarian agencies’ own standards and the principles North Korea claims to accept.

Although advocating for human rights is a challenge in an environment as difficult as North Korea’s, the UN Human Rights Up Front approach could prove a useful umbrella in focusing “those in the humanitarian community on the complementarity of the human rights and humanitarian agendas,” as aptly put by Professor Stephan Haggard.¹⁰¹ Rather than setting aside the rights of groups it considers too difficult to reach and pitting them against the rights of others it can more easily access, the UN should stand up for *all* people at risk and use the leverage it has to generate meaningful dialogue on the human rights principles central to humanitarian work. The Strategic Framework signed by the DPRK and the UN speaks of a human rights-based approach in targeting beneficiaries, addressing inequalities and reaching the most vulnerable people and groups in the country. It is up to the humanitarian agencies to do all they can to adhere to and put this negotiated agreement into practice with the full support of headquarters.

There will be no shortage of natural disasters in North Korea, owing to environmental factors, poor infrastructure and a lack of governmental investment in disaster risk reduction. Governmental expenditures on military and nuclear development, moreover, can be expected to exacerbate humanitarian need, prompting more sanctions by the world community and leading to more aid requests by the DPRK. In responding, humanitarian actors must integrate a more expansive vision of

vulnerability into their planning and programs. No longer should any part of the UN be able to exempt itself from protecting desperately hungry and sick people because of expected host government objections based on the marginalization of certain groups. If humanitarian agencies want donors to set aside political considerations in supporting humanitarian assistance, then they must not let political considerations govern their own work.

Notes:

¹ UN General Assembly, Resolution on situation of human rights in the DPRK, A/C.3/70/L.35, October 30, 2015, para. 4.

² UN General Assembly, Resolution on situation of human rights in the DPRK, A/71/484/Add.3, December 19, 2016, para. 14 (k).

³ *Ibid.*, para. 2a (viii).

⁴ UN General Assembly, Report of the Secretary-General on the Situation of human rights in the DPRK, A/71/439, October 7, 2016, paras. 41-2.

⁵ UN Security Council, Statement of Deputy Secretary-General Jan Eliasson, UN Doc. S/PV.7830, December 9, 2016.

⁶ UN Human Rights Council, Report of the Special Rapporteur on the Situation of human rights in the DPRK, A/HRC/34/66, 13 February 2017, para. 48. See also UN General Assembly, Report of the Special Rapporteur on the Situation of human rights in the DPRK, A/72/394, September 19, 2017, paras. 19 and 49 (f).

⁷ UN Human Rights Council, *Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea*, A/HRC/25/63, February 7, 2014 [henceforth COI report]; and Report of the detailed findings of the commission of inquiry on human rights in the DPRK, A/HRC/25/CRP.1, 7 February 2014 [henceforth COI report 2].

⁸ COI report 2, para. 1155. See also David Hawk, *CNN*, December 12, 2012, available online at <http://www.cnn.com/TRANSCRIPTS/1212/12/acd.02.html>

⁹ COI report 2, para. 1041.

¹⁰ See COI report 2, paras. 788-802, 804-5, 811-12; and David Hawk, *The Hidden Gulag: Second Edition*, (Washington: Committee for Human Rights in North Korea, 2012), pp. 82-84, and David Hawk, *The Hidden Gulag IV: Gender Repression and Prisoner Disappearances*, (Washington: Committee for Human Rights in North Korea, 2015), pp. 18-22.

¹¹ COI report 2, para. 1161.

¹² Report of the Internal Review Panel on United Nations Action in Sri Lanka (Nov. 2012), paras. 76 and 80, at http://www.un.org/News/dh/infocus/Sri_Lanka/the_Internal_Review_Panel_report_on_Sri_Lanka.pdf.

¹³ See <https://www.un.org/sg/en/content/dsg/statement/2013-12-17/deputy-secretary-generals-remarks-briefing-general-assembly-rights>

¹⁴ COI report, para. 94(g).

¹⁵ See www.1.wfp.org/countries/democratic-peoples-republic-Korea

¹⁶ See https://www.unicefusa.org/donate/help-save-childrens-lives/29091?utm_campaign=EOY_2016&utm_medium=cpc&utm_source=20160210_go

ogle&utm_content=brand&ms=cpc_dig_2016_misc_20160210_google_brand&initialms=cpc_dig_2016_misc_20160210_google_brand

¹⁷ UN Country Team, *DPRKorea Needs and Priorities*, March 2017, Available online at <https://mail.google.com/mail/u/0/#search/hadin%40un.org/15af7c1917ddb4c8?projector=1>

¹⁸ UN Strategic Framework for Cooperation between the United Nations and the Government of the DPRK, 2017-2021, pp. 8, 14, 21-2, at <http://kp.one.un.org/content/dam/unct/dprk/docs/DPRK%20UN%20Strategic%20Framework%202017-2021%20-%20FINAL.pdf> [henceforth UN Strategic Framework].

¹⁹ UN General Assembly, Report of the Working Group on the Universal Periodic Review: DPRK, A/HRC/27/10, 2 July 2014 and Add. 1, September 12, 2014.

²⁰ UN General Assembly, Report of the Secretary-General on the Situation of human rights in the DPRK, A/70/393, September 25, 2015, paras. 61-62.

²¹ Hawk, *The Hidden Gulag IV: Gender Repression*, pp. 4, 16-27. See also COI report 2, para. 790.

²² Ibid.

²³ For the differences between the *kwan-li-so*, secret political prison camps, where only political prisoners are housed, and the *kyo-hwa-so*, in which both political prisoners and common criminals are held, see Hawk, *The Hidden Gulag IV: Gender Repression*, pp. 7-11.

²⁴ David Hawk, *Parallel Gulag*, (Washington: Committee for Human Rights in North Korea, 2017), (forthcoming).

²⁵ Ibid.

²⁶ See COI report 2, para. 790.

²⁷ Ibid., para. 804.

²⁸ Hawk, *The Hidden Gulag IV: Gender Repression*, p. 16.

²⁹ COI report 2, para. 803.

³⁰ Daniel Tudor and James Pearson, *North Korea Confidential*, (Rutland, Vermont: Tuttle Publishing, 2014), p. 117, as cited in Hawk, *The Hidden Gulag IV: Gender Repression*, pp. 14-15.

³¹ COI report 2, para. 804; see also Hawk, *ibid.*, pp. 14-16.

³² The former prisoner regained her strength over the course of a year and fled to China and South Korea. See Hawk, *ibid.*, pp. 15, 19.

³³ Joseph S. Bermudez, Jr. and Greg Scarlatoiu, *North Korea: Flooding at Kyo-hwa-so No. 12 Jongo-ri*, Committee for Human Rights in North Korea and AllSource Analysis, September 16, 2016, p. 4, available online at https://www.hrnk.org/uploads/pdfs/Kyo-hwa-so%20No_%2012%20Flooding.pdf

³⁴ HRNK, "The Committee for Human Rights in North Korea (HRNK) and AllSource Analysis Produce Rapid Assessment of Flooding at Re-Education Prison Labor Camp (Kyo-hwa-so) No. 12," September 16, 2016, available online at http://www.hrnk.org/uploads/pdfs/Kyo-hwa-so%20No_%2012%20Flooding.pdf

³⁵ UN OHCHR, "North Korea: UN rights expert calls for increased support for the victims of Typhoon Lionrock," September 21, 2016, available online at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20543&LangID=E; see also UN Human Rights Council, *Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea*, A/HRC/34/66, February 22, 2017, para.10.

³⁶ *Kwan-li-so Number 25* was also situated in the general area of the floods, but no information became available, see UN Human Rights Council, *Report of the Special Rapporteur on the Situation of human rights in the DPRK*, A/HRC/34/66, February 13, 2017, para.15.

³⁷ UN General Assembly, *Report of the Working Group on the Universal Periodic Review: DPRK*, A/HRC/27/10/, July 2, 2014 and Addendum 1, September 12, 2014.

³⁸ UN Office of the Resident Coordinator in the DPRK, *Joint Review Mission to Flood-Affected Areas in North Hamgyong, 18-23 November*, Pyongyang, November 23, 2016, p. 4.

³⁹ UN Strategic Framework, Executive Summary, p. 8.

⁴⁰ *Associated Press*, October 7, 2014.

⁴¹ For differences between the *kyo-hwa-so* and *kwan-li-so* camps, see Hawk, *The Hidden Gulag IV: Gender Repression*, pp. 7-11; and Hawk, *Parallel Gulag* (forthcoming).

⁴² Conversations with UN humanitarian staff, 2015-2016.

⁴³ “Fatality rate at N. Korean prisons estimated at 25 pct: report,” *Yonhap*, March 7, 2017.

⁴⁴ UN Inter-Agency Standing Committee, *IASC Operational Guidelines on the Protection of Persons in Situations of Natural Disasters*, published by Brookings-Bern Project on Internal Displacement, January 2011.

⁴⁵ *Ibid.*, p. 13.

⁴⁶ UN Development Group, *UNDG Guidance Note on Human Rights for Resident Coordinators and UN Country Teams*, signed by Helen Clark, Chair, UNDG and Zeid Ra’ad al Hussein, UN High Commissioner for Human Rights, updated February 26, 2016, at <https://undg.org/human-rights/undg-guidance-note-on-human-rights>

⁴⁷ Human Rights Up Front Initiative, UNDG.org, 2013.

⁴⁸ Antonio Guterres, *Vision Statement*, April 4, 2016, available online at http://www.un.org/pga/70/wp-content/uploads/sites/10/2016/01/4-April_Secretary-General-Election-Vision-Statement_Portugal-4-April-20161.pdf. Remarks of the Secretary-General to the Security Council Open Debate on “Maintenance of International Peace and Security: Conflict Prevention and Sustaining Peace,” January 10, 2017; and “Remarks of the Secretary-General to the Human Rights Council,” February 27, 2017.

⁴⁹ UN General Assembly, Resolution on situation of human rights in the DPRK, A/71/484/Add.3, December 19, 2016 and paras. 2 (a) (iv) and 14 (e); and UN General Assembly, Report of the Secretary-General on the Situation of human rights in the DPRK, A/71/439, October 7, 2016, para. 50.

⁵⁰ UN General Assembly, Resolution on situation of human rights in the DPRK, A/71/484/Add.3, December 19, 2016, paras. 2a (ii) and 14 (b).

⁵¹ David Hawk, *The Hidden Gulag: Exposing North Korea’s Prison Camps*, (Washington: Committee for Human Rights in North Korea, 2003), pp. 88-120.

⁵² Joseph S. Bermudez Jr. and Mike Eley, “North Korea: Kyo-hwa-so No 12, Jongo-ri,” Committee for Human Rights in North Korea and AllSource Analysis, 30 August 2016.

⁵³ COI report 2, para. 734.

⁵⁴ *IASC Operational Guidelines*, p. 30.

⁵⁵ UN Commission on Human Rights, the Guiding Principles on Internal Displacement, E/CN.4/1998/53/Add.2, 1998.

⁵⁶ UN Development Group, *UNDG Guidance Note on Human Rights for Resident Coordinators and UN Country Teams*, pp. 17, 24, and 30 (para. 35).

⁵⁷ *Ibid.*, p. 5.

⁵⁸ *Ibid.*, pp. 30-1 (para. 36).

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- ⁵⁹ Ibid., The Resident Coordinator, para. 17.
- ⁶⁰ UN Strategic Framework, pp. 8, 14.
- ⁶¹ Ibid. p. 22-3; and UN General Assembly, Report of the Working Group on the Universal Periodic Review: DPRK, A/HRC/27/10, 2 July 2014; and Add. 1, 12 September 2014.
- ⁶² See UN General Assembly, Report of the Secretary-General on the Situation of human rights in the DPRK, A/70/393, 25 September 2015, paras. 61-62.
- ⁶³ The human rights training was provided by the Office of the High Commissioner for Human Rights (OHCHR).
- ⁶⁴ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the DPRK, A/HRC/34/66, 13 February 2017, para. 15.
- ⁶⁵ This occurred in the mid to late 1990s. Interview with David Hawk, September 29, 2017.
- ⁶⁶ David Hawk, *North Korea's Hidden Gulag: Interpreting Reports of Changes in the Prison Camps*, Committee for Human Rights in North Korea, August 27, 2013, pp. 20-1.
- ⁶⁷ UN Country Team, *DPRKorea Needs and Priorities*.
- ⁶⁸ See http://www.who.int/environmental_health_emergencies/vulnerable_groups/en/
- ⁶⁹ See, for example, European Court of Human Rights, *Bouyid v. Belgium*, 2016, paras. 107 and 110; *Popov v. France*, 2012, paras. 91 and 102, and Inter-American Commission on Human Rights, *Michael Gayle v. Jamaica*, 2005, para. 73.
- ⁷⁰ Robert Collins, *Marked for Life: Songbun, North Korea's Social Classification System*, (Washington: Committee for Human Rights in North Korea, 2012), p. 7.
- ⁷¹ See "Discriminatory housing policies upheld by the regime," *Daily NK*, 11 November 2016; and Kim Ga Young, "North Hamgyong Province still recovering from flood damage," *Daily NK*, 17 June 2017.
- ⁷² UN General Assembly, Resolution on the situation of human rights in the DPRK, A/71/484/Add.3, 19 December 2016, para. 2 (xi).
- ⁷³ UN General Assembly, Report of the Secretary-General on the Situation of human rights in the DPRK, A/71/439, 7 October 2016, para. 72.
- ⁷⁴ "N.K.'s flood restoration work goes against humanitarian priorities," *Yonhap*, May 17, 2017.
- ⁷⁵ Kim Ga-young, "North Hamgyong Province still recovering from flood damage," *Daily NK*, June 17, 2017.
- ⁷⁶ UN Human Rights Council, Report of the Special Rapporteur on the Situation of human rights in the DPRK, A/HRC/34/66, 13 February 2017, para. 21
- ⁷⁷ UN Strategic Framework, pp. 8, 14, 21-2.
- ⁷⁸ The DPRK has acceded to five international human rights conventions, including the UN Convention on the Rights of the Child, the UN Convention on the Elimination of All Forms of Discrimination against Women, and the UN Convention on the Rights of Persons with Disabilities.
- ⁷⁹ UN Human Rights Council, Report of the Special Rapporteur on the Situation of human rights in the DPRK, A/HRC/34/66, February 13, 2017, para. 19.
- ⁸⁰ UN General Assembly, Report of the Secretary-General on the Situation of human rights in the DPRK, A/71/439, 7 October 2016, para. 67. See also UN General Assembly, Report of the Secretary-General on the Situation of human rights in the DPRK, A/70/393, September 25, 2015, paras. 61-62.
- ⁸¹ UN Human Rights Council, Report of the Special Rapporteur on the Situation of human rights in the DPRK, A/HRC/34/66, 13 February 2017, paras. 12 and 14.

⁸² Ibid., para. 15.

⁸³ UN Office of the Resident Coordinator in the DPRK, Joint Review Mission to Flood Affected Areas in North Hamgyong, 2016.

⁸⁴ Elizabeth Shim, “North Korea using flood aid to repair military roads, report says,” *UPI*, December 16, 2016.

⁸⁵ “Discriminatory housing policies upheld by the regime,” *Daily NK*, November 11, 2016.

⁸⁶ “N. Korea not rebuilding flood-ravaged areas near border to stem defectors,” *Yonhap*, 15 January 2017.

⁸⁷ *UNDG Guidance Note on Human Rights for Resident Coordinators and UN Country Teams*, pp. 30 (para. 35) and 40.

⁸⁸ Ibid., p. 41 (para. 53).

⁸⁹ UN General Assembly, Resolution on situation of human rights in the DPRK, A/71/484/Add.3, 19 December 2016, paras. 17 and 18.

⁹⁰ UN General Assembly, Report of the Secretary-General on the Situation of Human Rights in the DPRK, A/71/439, 7 October 2016, paras. 70-71.

⁹¹ *UNDG Guidance Note on Human Rights for Resident Coordinators and UN Country Teams*, para. 25.

⁹² See www.1.wfp.org/countries/democratic-peoples-republic-Korea

⁹³ UN Country Team, *DPRKorea Needs and Priorities*.

⁹⁴ UN General Assembly, Resolution on situation of human rights in the DPRK, A/71/484/Add.3, December 19, 2016, para. 2a (viii).

⁹⁵ World Health Organization, *Literature Review on Tuberculosis in Prisons*, November 18, 2008, available online <http://www.who.int/tb/challenges/prisons/en/> and World Health Organization Regional Office for Europe, *Prisons and Health*, (Copenhagen: World Health Organization, 2014), available online at <http://www.euro.who.int/en/health-topics/health-determinants/prisons-and-health/who-health-in-prisons-programme-hipp>

⁹⁶ “Int’l Red Cross to conduct anti-flood training for N. Korean residents,” *Yonhap*, July 18, 2017.

⁹⁷ See IFRC, Community Disaster Preparedness Guide; and IFRC, “Building Capacity in Disaster Risk Management, Red Cross Red Crescent lessons learned in the DPRK.”

⁹⁸ Antonio Guterres, Vision Statement.

⁹⁹ UN Secretary-General, Remarks of Antonio Guterres to the Human Rights Council, February 27, 2017.

¹⁰⁰ See Roberta Cohen, “An R2P Framework for North Korea,” *Global Responsibility to Protect*, Vol. 8, No. 4, 2016, pp. 420-423.

¹⁰¹ Stephan Haggard, “The Special Rapporteur’s Report: Prison Camps and ‘Rights Up Front,’” *North Korea: Witness to Transformation*, Peterson Institute for International Economics, May 25, 2017.