

McFarland & Company

---

North Korean Human Rights Abuses and Their Consequences

Author(s): Gregory Ulferts and Terry L. Howard

Source: *North Korean Review*, Vol. 13, No. 2 (Fall 2017), pp. 84-92

Published by: McFarland & Company

Stable URL: <https://www.jstor.org/stable/10.2307/26396124>

## REFERENCES

Linked references are available on JSTOR for this article:

[https://www.jstor.org/stable/10.2307/26396124?seq=1&cid=pdf-reference#references\\_tab\\_contents](https://www.jstor.org/stable/10.2307/26396124?seq=1&cid=pdf-reference#references_tab_contents)

You may need to log in to JSTOR to access the linked references.

---

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



McFarland & Company is collaborating with JSTOR to digitize, preserve and extend access to *North Korean Review*

JSTOR

# North Korean Human Rights Abuses and Their Consequences

Gregory Ulferts and Terry L. Howard

## Structured Abstract

Article Type: Research Note

*Purpose*—First, this paper considers human rights resolution about North Korea by the United Nations, North Korean Human Rights of 2004 by the United States, and North Korean Human Rights Act of 2016 by South Korea. And then the paper analyzes consequences of these resolutions and legislation.

*Design/methodology/approach*—The approach is qualitative and expository; it consults area studies, social science, and journalism; it observes recent past and current North Korean human right violations and their responses, and it makes informed policy suggestions.

*Findings*—This research note found that there is a discrepancy between the intended purposes of resolutions and legislations by the UN & Western countries and their actual policies toward North Korean human rights. As North Korea has continued to test fire nuclear weapons and missiles, the UN has gradually reduced its humanitarian aid to North Korean people. In the meantime, North Korean human rights violations have increased rather than decreased.

*Originality/value*—The value of the paper lies in its explanation of why the use of human right abuses by the UN, the U.S., and U.S. allies to improve North Korean human rights have backfired. In other words, these resolutions and legislations have been ineffective in protecting and enhancing North Korean human rights.

Keywords: human rights, humanitarian aid, North Korea, South Korea, United Nations, United States

Gregory W. Ulferts and Terry L. Howard, College of Business Administration, University of Detroit Mercy, 4001 W. McNichols Road, Detroit, MI 48219, USA; 313-993-1219; [ulfertgw@udmercy.edu](mailto:ulfertgw@udmercy.edu)



---

North Korean Review / Volume 13, Number 2 / Fall 2017 / pp. 84-92 /  
ISSN 1551-2789 (Print) / © 2017 McFarland & Company, Inc.

---

## Introduction

Human rights could be defined legally as individual freedom from unlawful imprisonment, torture, and execution.<sup>1</sup> Human rights include political and civil rights. These rights include life, equality, and freedom of speech. Individuals are also entitled to basic human rights such as economic, cultural, and social rights that may include education, work, and social security. Moreover, individuals should be free to exercise collective rights such as personal growth and self-determination. All of these rights are indivisible and interrelated as the protection of one right promotes the progression of other rights. Similarly, depriving individuals of any of these rights may also adversely affect their access to other rights.<sup>2</sup> Vienna 1993 World Conference on Human Rights reminded the states of their responsibility to advance and protect human rights and essential freedoms for all citizens irrespective of their economic, social, political, and cultural systems.

Dictators in some countries systematically violate basic human rights including freedom of speech, religion, and assembly. Dictators view these rights as a significant threat to their hold on power. The North Korean regime is guilty of overseeing one of the worst human rights' records in the world. It is frequently condemned by global organizations including the European Union, United Nations (U.N.), Amnesty International, and Human Rights Watch. International human rights groups are mostly united in the view that there are few if any modern parallels to the violations of human rights under the North Korean regime. This paper is composed of three major parts. The first part focuses on the human rights abuses in North Korea. The second part concentrates on the resolutions and legislation passed by the United Nations, United States of America (U.S.A.), and South Korea against North Korea, and the final part discusses the international response to the North Korean regime's violations of human rights.

## North Korean Human Rights Abuses

North Koreans endure a full range of breaches of human rights. Citizens lack freedom of speech, and the dissidents are imprisoned and subjected to slave labor. The economy has failed to utilize its real potential, and the country often faces food shortages. The country is almost entirely isolated from the rest of the world. The government conducts strict monitoring of foreign visitors and subjects aid organizations to a huge number of restrictions, such as access to only those places approved by the government. The country's citizens do not enjoy the freedom of international travel. Hence, most of the accounts of human right violations come from the defectors that succeeded in escaping the oppression of North Korean government. Korean Central News Agency represents the views of the North Korean government and dismisses international criticism of the country as a plot to demolish its Juche-based socialist system. The news agency also asserts that the foreign powers are guilty of crimes that go unpunished.

Numerous publications have provided documented evidence of violations of human rights in North Korea. Experts estimate North Korea holds somewhere between 150,000 and 200,000 political prisoners in six large camps all over the country. The number of detainees may only grow as the North Korean regime will further tighten its grip on a deprived public. The internment camps consist of prison labor colonies in secluded mountain valleys in central and northeastern North Korea. The prisoners are often on the brink of starvation due to the scarcity of food. Not surprisingly, the combination of hard labor and lack of proper nutrition frequently results in the deaths of labor camp prisoners.<sup>3</sup>

It is hard to identify the number of North Koreans who died of starvation in the 1990s. As police state, North Korea severely limits the movement of journalists and aid workers. However, international aid organizations estimate that somewhere between 1 and 3 million North Koreans lost their lives as a result of food scarcity and related diseases in the 1990s. These estimates make it the greatest famine in modern history. In contrast, the Ethiopian famine of 1984–1985 claimed the lives of about 1 million people. The North Korean food crisis primarily occurred as a result of floods in the mid–1990s in addition to economic problems due to the end of the cold war and the government’s failed policies only making matters worse. The famine also grew worse due to other factors such as financial mismanagement by the country’s leaders, a decline in imports, and the loss of Soviet support. In a rare admission of vulnerability, North Korea appealed to the U.N.’s food agency (The World Food Program) and donor countries for aid in September 1995. International humanitarian aid and economic reforms eventually helped North Korea to overcome this crisis.<sup>4</sup> However, North Korea’s military ambitions, including testing of nuclear weapons and long-range missiles, have attracted economic sanctions from the international community. International food aid has declined, and the country is again facing severe food shortages. North Korea’s centrally planned economy has been proven ineffective at managing the current food crisis. The escaped North Koreans in recent years have claimed that the country is facing food crisis again and many people had died from starvation since the passing of Kim Jong II in December 2011.<sup>5</sup> On June 17, 2015, North Korea talked openly of its food shortages due to what they called “its worst drought in a century.” However, this drought has not been as deadly as the widespread famine in the 1990s thanks to its recent agricultural reforms.<sup>6</sup>

About 200,000 North Koreans have escaped to Northeastern China to avoid starvation in recent years. North Koreans are frequently hunted down by the Chinese police who also block their travels to South Korea, a country willing to accept North Korean refugees. About 30,000 North Koreans had defected to South Korea as of December 2016.<sup>7</sup> North Korean refugee crisis may not pose as much danger as North Korean nuclear weapons program, but the world cannot afford to ignore it. The resettled North Korean defectors often suffer from psychological and cultural effects. These problems result from the living conditions North Koreans endured in their home country as well as the struggle in adapting to the cultural norms, rules, and lifestyles of a new environment. Difficulties in adjusting to a new environment often result in post-traumatic stress disorder (PTSD) for North Koreans. PTSD is a mental

disorder that is the result of experiencing a major traumatic event. The traumatic events by many North Koreans in their home country include a brutal regime, starvation, political persecution, and propaganda.<sup>8</sup>

## **Responses to North Korean Human Rights Abuses**

The U.N. and many countries including the U.S.A. condemned the government of North Korea for its violations of human rights and passed some resolutions to encourage the country to respect the fundamental human rights of citizens. Three of these enactments discussed in this paper are the U.N.'s resolution, the Korean Human Rights Act of 2004 (passed by U.S.A.), and North Korean Human Rights Act of 2016 (adopted by South Korea).

### *Annual United Nations Resolution on North Korean Crimes*

The General Assembly of the U.N. adopted a resolution on North Korea for the first time in 2003, condemning its human rights record. Since then, it has issued a resolution every year. Such annual proclamations urge North Korea to stop its systematic and pervasive violations of human rights of its citizens including public executions and arbitrary imprisonments. North Korea has rejected the resolution, labeling it to be fabricated and politically motivated. A U.N. resolution passed without a vote on March 24, 2017, condemned North Korea in the strongest terms since 2003. It denounced government's use of forced labor and internet censorship of its citizens. This resolution was the outcome of the conclusion by the U.N. that the violations of human rights including crimes against humanity in North Korea had no equivalent in the modern world. The violations uncovered by the U.N. included enslavement, execution, killing, rape and other sexual offenses, forced starvation, and disappearance of citizens, often sanctioned at the highest levels of the government.

This resolution strengthens the U.N.'s determination to prosecute grave violations of human rights in North Korea. The United Nations' Office of the High Commissioner for Human Rights (OHCHR) in Seoul has more power now and may seek the assistance of global criminal justice experts. The professionals will help craft plans to prosecute North Korean officials responsible for crimes against humanity eventually. The prosecutorial specialists in the OHCHR Seoul bureau will evaluate information from examiners. The experts will identify evidence gaps, map authority structures in the North Korean institutions, and develop strategies to prosecute those responsible for crimes against humanity. The new declaration will also create an independent central repository to receive, safeguard, and merge information related to human rights conditions in North Korea for the convenience of an ultimate accountability system. This process does not only bring North Koreans closer to accountability for crimes against humanity but may also force North Korean officials to re-think their actions before engaging in further abuse of their citizens.<sup>9</sup>

### *North Korean Human Rights Act of 2004*

President George W. Bush signed into law the North Korean Human Rights Act. The Act aimed to promote human rights and freedom of speech in North Korea and had four primary objectives. First of all, the Act provides humanitarian aid to the resident citizens of North Korea. Second, the Act provides grants to private non-profit organizations that promote respect for human rights, democracy, the rule of law, and the development of a market economy in North Korea. Third, the Act supports an increase in information resources in North Korea. Fourth, the Act provides humanitarian and legal assistance to North Korean refugees.<sup>10</sup>

The law established a State Department Office to monitor human rights status in North Korea. The three primary features of the Act were promoting human rights, assisting struggling North Koreans, and providing security to North Koreans.<sup>11</sup> The legislation authorized up to \$20 million for refugees on an annual basis during the period 2005–2008, \$2 million to promote human rights and democracy, and \$2 million to support freedom of information inside North Korea. Second, the law made North Koreans eligible for asylum in the U.S.A. and instructed the State Department to facilitate submission from North Koreans seeking refugee protection. Third, the Act called upon the President to appoint a Special Envoy to advance human rights in North Korea.

The first renewal of the law occurred in 2008 and again in 2012. It is renewable every four years. The first two extensions did add new provisions, but they were minor in nature. In short, the North Korean Human Rights Act of 2004 and the subsequent extensions have expanded U.S.A. efforts to protect human rights of North Koreans and have drawn attention to unfair practices of the North Korean regime. The law will expire in 2017, and already there are calls for another extension from some of the members of U.S.A. House of Representatives.

### *North Korean Human Rights Act of 2016 by South Korea*

South Korean National Assembly passed The North Korean Human Rights Act (NKHRA) on March 3, 2016, and it came into force on September 4, 2016. The Act establishes guidelines to advance and protect the fundamental human rights of North Korean citizens using the Universal Declaration of Human Rights. The passage of NKHRA reflects a political shift in South Korea and has given a legal status to the promotion of human rights in North Korea.

The Act builds a foundation for human rights, records abuses of human rights, and requires the government to work with international institutions to raise awareness about the state of human rights in North Korea. It calls for the need to hold dialogues between the two Koreas, provide humanitarian assistance to North Koreans under globally accepted transparency standards, assign news reporting assignments, and develop strategies to promote human rights. The human rights foundation develops promotional strategies, documents abuses of fundamental human rights, and supports groups that conduct these tasks.<sup>12</sup>

## The Responses to North Korean Human Rights Legislations

The global community has recognized basic human/refugee rights, and it often stands behind U.N.'s sanctions against countries that are guilty of violations of human rights. At least three important resolutions have been passed to condemn South Korean regime: the U.N. resolution on North Korean human rights violations, the North Korean Human Rights Act of 2004 by U.S.A., and the North Korean Human Rights Act of 2016 by South Korea. The question is whether these actions by the international community have been effective in improving human rights record in North Korea and providing better care to North Korean refugees.<sup>13</sup>

The problem is the contradictions between the intended purposes of resolutions and legislations by the U.N. and Western countries and their actual policies toward North Korea. The U.N. has gradually reduced its humanitarian assistance to North Koreans in response to the provocative actions of their government that continues to test nuclear weapons and missiles. Meanwhile, violations of human rights have only increased in the country. A report by the U.N. in March 2017 claimed the international sanctions had taken a serious toll on humanitarian activities in the country.<sup>14</sup> The report adds the country suffers from widespread early childhood malnutrition, and chronic food and nutrition insecurity places the country at 98 out of 118 countries in the 2016 Global Hunger Index. According to some researchers, different UN organizations have different opinions about the impact of the U.S. Human Rights Act of North Korea.<sup>15</sup> However, most critics argue the aid to the country only benefits the government that diverts the resources to its elite, million-man army, and nuclear program rather than spending on the needs of the people. While international sanctions on North Korea specifically excludes humanitarian aid, political forces have led to a gradual decline in the U.N. funding to the country over time.

The 2004 North Korean Human Rights Act by the U.S.A. has hurt North Koreans rather than helping them. Instead of providing humanitarian assistance, the Act did more to assist President George W. Bush's conservative and aggressive approach towards North Korea due to its nuclear program. The American public assumed food aid and humanitarian assistance is a form of engagement with North Korea, but delivering aid to North Korea is not possible without some engagement with the government of North Korea. North Korea hardliners also hurt the assistance program by arguing that the U.S.A. should not reward the country for unacceptable behaviors such as violations of human rights by engaging with it.<sup>16</sup>

South Korea closed Kaesong Industrial Park in February 2016. South Korea had operated it with North Korea since 2004, so it was one of the last visible examples of cooperation between the two countries. The site had survived periods of political tensions although work activity had suffered after North Korea removed its workers in April 2013 as a protest against joint military exercises between the U.S.A. and South Korea. More than 120 South Korean businesses had employed 54,000 North Korean workers to produce wristwatches, socks, and other products worth about £340 m as of 2015.<sup>17</sup> The closure was a non-military option exercised by the South

Korean government who hoped that the closure would prevent North Korean leader, Kim Jong-un from using resources to support his nuclear weapons and missile programs. South Korean leaders also hoped to stir a rebellion by the North Koreans against their leaders or at least comply with the demands of South Korea. Unfortunately, South Korean leaders only ended up making things worse for North Koreans.

## Conclusion

This article discussed the development of two alternative approaches to North Korean violations of human rights: engagement and hardline approach. The engagement approach attempts to meet the basic needs of North Koreans and improve their living conditions through humanitarian aid. On the other hand, the hardline approach seeks to raise awareness about violations of human rights in North Korea by documenting abuses and punishing the country through resolutions and sanctions.

Continued engagement and humanitarian aid can achieve the two goals conservative politicians seek through their hardline policies. Hard-liners assume confrontation and containment would force North Korea to collapse or comply with demands of the international community, but this approach has been proven ineffective and has further deteriorated relations with North Korea. In contrast, engagement and aid would hasten the demise of anachronistic elements in the North Korean regime. While direct payments may improve the conditions of North Koreans in the short term, it may also create a dangerous “web of expectations” among the citizens of North Korea, thereby making engagement even more important. Humanitarian aid and collaboration may even lead Korean unification by winning the hearts of the people of North Korea.

## Notes

1. Merriam-Webster, <https://www.merriam-webster.com/dictionary/human%20rights>, accessed July 5, 2017.

2. United Nations Human Rights: Office of the High Commissioner, “What Are Human Rights,” <http://www.ohchr.org/EN/Issues/Pages/WhatAreHumanRights.aspx>, accessed April 10, 2017.

3. For further information see “Testimony of Ms. Soon Ok Lee, North Korean Prison Camp Survivor,” *United States Senate Hearings*, [https://www.judiciary.senate.gov/imo/media/doc/lee\\_testimony\\_06\\_21\\_02.pdf](https://www.judiciary.senate.gov/imo/media/doc/lee_testimony_06_21_02.pdf), Archived from the original on November 9, 2010. Retrieved July 28, 2017; “The Hidden Gulag—Part Three: Kwan-li-so Political Panel-Labor Colonies (page 24–41), Kyo-hwa-so Prison-Labor Facilities (page 41–55)” (PDF). The Committee for Human Rights in North Korea, March 13, 2015, [https://www.hrnk.org/uploads/pdfs/HRNK\\_HiddenGulag2\\_Web\\_5-18.pdf](https://www.hrnk.org/uploads/pdfs/HRNK_HiddenGulag2_Web_5-18.pdf) accessed July 28, 2017.

4. Suk Hi Kim, *North Korea at a Crossroads* (Jefferson, NC: McFarland, 2003), pp. 157–158.

5. For more information see Stephan Haggard and Marcus Noland, *Famine in North Korea: Markets, Aid and Reform* (New York: Columbia University Press, 2007) and Marcus Noland, Sherman Robinson and Tao Wang, *Famine in North Korea: Causes and Cures, Institute for International Economics* (Washington, D.C.: Institute for International Economics), 2001.



6. "North Korea Says It Faces Worst Drought in a Century," *BBC Asia*, June 17, 2015, <http://www.bbc.com/news/world-asia-33160768>, accessed July 6, 2017; and Steven Borowiec, "North Korea Tells Its People a New Famine May Come, They Again May Need to 'eat the roots of grass,'" *Los Angeles Times*, March 30, 2016, <http://www.latimes.com/world/asia/la-fg-north-korea-famine-20160330-story.html>, accessed July 8, 2017.
7. Ministry of Unification, The Republic of Korea, *The Status of North Korean Defectors*, <http://www.unikorea.go.kr/content.do?cmsid1440=>, accessed May 10, 2017.
8. Taek Jeon Woo, "Issues and Problems of Adaptation of North Korean Defectors to South Korean Society: An In-Depth Interview Study with 32 Defectors" (PDF). *Yonsei Medical Journal* (2000), 41 N 3: 362–371. <https://doi.org/10.3349/ymj.2000.41.3.362>
9. UN, *New Move on North Korean Human Rights Crimes*, March 24, 2017 <https://www.hrw.org/news/2017/03/24/un-new-move-north-korea-crimes>, accessed May 20, 2017.
10. Congressional Budget Office (CBO), "Cost Estimate: H.R. 4011 North Korean Human Rights Act of 2004," April 13, 2004, p. 1.
11. Public Law 108–333—OCT. 18, 2004 118 STAT. 1287, <https://www.gpo.gov/fdsys/pkg/PLAW-108publ333/pdf/PLAW-108publ333.pdf>, accessed May 10, 2017.
12. See "North Korean Human Rights Act," *National Law Information Center*. Ministry of Government Legislation. <https://www.law.go.kr/eng/engLsSc.do?menuId=2&query=NORTH%20KOREAN%20HUMAN%20RIGHTS%20ACT#liBgcolor1> accessed April 3, 2017.
13. J.W. Kang, "Human Rights and Refugee Status of North Korean Diaspora," *North Korean Review*, Fall 2013, pp. 4–17.
14. Eric Talmadge, "U.N.: Sanctions Disrupt Humanitarian Aid to North Korea," *USA Today*, March 24, 2017, <https://www.usatoday.com/story/news/world/2017/03/24/un-sanctions-disrupt-humanitarian-aid-north-korea/99571664>, accessed May 10, 2017.
15. Hazel Smith, "Nutrition and Health: What Is New, What Has Changed, Why It Matters," *North Korean Review*, Vol. 12, No. 1 (Spring 2016), pp. 7–34.
16. Andrew I. Yeo, "Alleviating Misery: The Politics of North Korean Human Rights in U.S. Foreign Policy," *North Korean Review*, Vol. 10, No. 2 (Fall 2014), pp. 71–87.
17. "Seoul Shuts Down Joint North-South Korea Industrial Complex," *The Guardian*. <https://www.theguardian.com/world/2016/feb/10/seoul-shuts-down-joint-north-south-korea-industrial-complex-kaesong>, accessed May 10, 2017.

## Biographical Statements

Gregory W. Ulferts is a professor of decision sciences at the University of Detroit Mercy, where he teaches decision sciences and information systems. His publications and professional presentations deal with managerial and technical aspects of the decision and information fields. He has engaged in numerous professional activities in small business and strategic management, including international lectures. He has been recognized with outstanding faculty awards and various civic awards, and is extensively involved in community organizations and boards at the local, national, and international level. He holds a B.S. from Illinois State University and M.B.A. and DBA degrees from Louisiana Tech University. He served as College of Business Administration dean from 1983 to 1996, and joined the university in 1983.

Terry L. Howard is a lecturer in decision sciences at the University of Detroit Mercy, where he teaches information systems and technology, decision sciences, operations management, and business. His publications and professional presentations deal with managerial and technical aspects of the decision sciences and information systems fields. He has engaged in numerous professional activities in small

business, workforce development, and strategic management, including lectures nationally and internationally. He has been recognized with various professional and civic awards and is extensively involved in education and community organizations. He serves in Alpha Iota Delta, the international honor society in decision sciences, and is a member of the board of directors. He is actively involved with the International Association of Jesuit Business Schools (IAJBS). He holds a B.S. from University of Detroit Mercy and M.B.A., M.S.C.I.S., and M.S.I.A. degrees from University of Detroit Mercy.