

Briefing Paper 2

Denial of the Rights of Detainees with Disabilities in the DPRK Penal System

MARCH 2024

Summary

This briefing paper presents evidence of widespread and systematic violations of the human rights of persons with disabilities in the penal system of the Democratic People's Republic of Korea (DPRK).¹ With this information, governments and multilateral institutions can expand opportunities for accountability and the incorporation of credible information of the rights of persons with disabilities in policy development and diplomatic engagements. The following data is derived from Korea Future's **North Korean Prison Database**, a growing archive based on 259 detailed in-person interviews with survivors, witnesses, and former state-affiliated agents conducted and analysed between 2021 and 2023.

Headlines

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Reasonable grounds exist to believe that the DPRK is responsible for serious human rights violations targeting persons with disabilities in the penal system. *Prima facie*, the incidents documented by Korea Future constitute serious breaches of international law and should be investigated and, where they amount to international crimes, prosecuted.

Over 25% of all detainees with disabilities were subject to forced labour, including farming and logging, without consideration for their impairments.

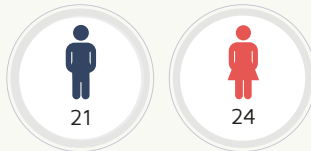
Detainees with disabilities were most likely to experience human rights violations in detention centres while undergoing pre-trial examination or awaiting transfer to another penal facility.

Ministry of Social Security agents are the most common perpetrators of violations against detainees with disabilities.²

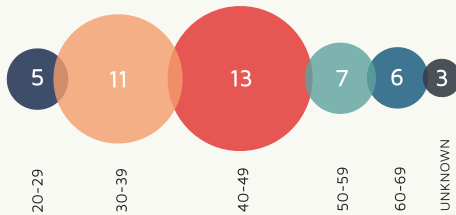
Detainees with Disabilities

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GENDER



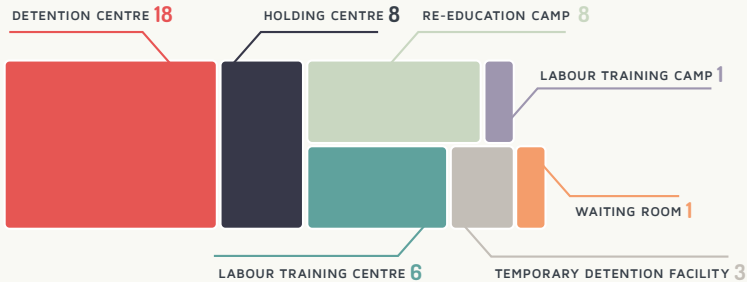
AGE



PATTERNS OF ABUSE EXPERIENCED BY DETAINEES WITH DISABILITIES



PENAL FACILITIES WHERE DISABILITY RIGHTS VIOLATIONS ARE DOCUMENTED



PERPETRATING STATE ORGANISATIONS



Case example

I.

LACK OF ACCOMMODATION AND SUPPORT FOR DETAINEES WITH DISABILITIES

Among interviewees, 68% of all detainees with disabilities were denied reasonable accommodation³ for their disabilities during their custody, pre-trial detention, sentencing, and imprisonment. State agents at detention facilities did not provide the tools and services—such as wheelchairs, crutches, or special assistance of other kinds—that detainees with disabilities need, in line with international human rights standards. Testimonies revealed that some detainees were forced to use the mobility aids they possessed upon arrest and were not provided with suitable replacements if they became damaged.

The DPRK ratified the Convention on the Rights of Persons with Disabilities (CRPD) on 6 December, 2016 and is bound by Articles 5, 9, 13 and 14 of the treaty, which obligates member states to ensure that reasonable accommodations and access to assistance and support is provided to individuals with disabilities. The DPRK acceded to the International Covenant on Economic, Social, and Cultural Rights (ICESCR) on 14 September, 1981 and is in violation of Articles 11⁴ and 12. Moreover, the Nelson Mandela Rules stipulate in Rules 2 and 5 that prison administrations should take into consideration the special needs of prisoners and make all reasonable accommodations and adjustments.

"He came from Hyesan and was captured in China. He had a prosthetic leg so he could not do much. State agents made him do all kinds of odd jobs and did not let him rest. He had a crutch that was broken when he was caught. It later snapped into pieces and he had to lean on a tree branch to walk around."

- Testimony of A0700

"I met a woman missing an arm during my time in the re-education camp's logging crew... When she said she was in pain, they brushed her off, saying she should not have committed a crime. She was strong despite her disability, so she was assigned to the logging crew with a year left in her sentence. She had to travel deep into the mountains, cut down trees, and drag them to camp."

- Testimony of A0003

Relevant infringement of the rights of detainees with disabilities

Denial of access to tools and services, such as a wheelchair, crutches, braces, hearing aids, glasses, and medication

Denial of reasonable and accessible accommodations for detainees with disabilities

Denial of special needs support relating to detainees' disabilities (special assistance with daily activities)

Other relevant violation types **Forced labour**

Case example

II.

TORTURE AND CRUEL, INHUMAN, AND DEGRADING TREATMENT INFLECTED ON DETAINEES WITH DISABILITIES

Detainees with disabilities are subjected to the same treatment as physically able detainees without exemptions or special considerations for their conditions. Disregarding their physical impairments, detainees are forced to endure strenuous positional torture and are subjected to beatings and other forms of cruel and degrading treatment.

Our findings suggest the DPRK is in violation of Article 15 of the CRPD; Articles 7 and 10 of the International Covenant on Civil and Political Rights (ICCPR); and Rule 1 of the Nelson Mandela Rules, all of which stipulate the obligation to treat persons with respect and to protect them from torture and other cruel, inhuman or degrading treatment. Furthermore, the DPRK is in violation of Article 12 of the ICESCR, given they have deprived detainees of their physical and mental health.

"There was a polio patient whose legs were impaired. This was the fifth or the sixth time he was arrested...They beat him up with a leather belt after making him strip. I was shocked by how much they beat him up with the belt."

- Testimony of A1272

"You could see the correctional officers from your cell in the detention centre. They forced you to sit with your legs crossed all day...When I tried to change my position, the officer screamed "sit properly you bitch!" So I had to stay in one position the whole time."

- Testimony of A1977

This detainee was diagnosed with polio and had restricted mobility in their legs.

Relevant infringement of the rights of detainees with disabilities

Denial of access to tools and services, such as a wheelchair, crutches, braces, hearing aids, glasses, and medication

Denial of reasonable and accessible accommodations for detainees with disabilities

Other relevant violation types Torture & CIDT

Case example

III.

LACK OF APPROPRIATE TRAINING FOR PENAL FACILITY STAFF

Testimonies from former detainees revealed that penal facility staff, including correctional officers in the Ministry of State Security and the Ministry of Social Security, physically assault detainees with disabilities and use derogatory slurs when addressing them. However, detainees interviewed by Korea Future did not observe punitive or preventive actions to hold the perpetrating officials accountable.

All cases in the North Korean Prison Database suggest the DPRK is in violation of Articles 8, 13, 14 and 16 of the CRPD, as well as Articles 7 and 10 of the ICCPR. The Nelson Mandela Rules stipulate under Rule 109 that prisoners with mental disabilities and/or health conditions must be under the supervision of qualified healthcare professionals. This was not evident in any documented testimony.

"I shared a cell with a blind man...Ministry of State Security agents put him in an interrogation room and beat him up after he was transferred to the detention centre, saying that they had to determine if he was blind."

- Testimony of A0851

"I shared a cell with a physically disabled woman in the detention centre...Ministry of State Security guidance officers and correctional officers called her "hunchback" when they ordered her around, saying "get up hunchback" and such. It was really uncomfortable to hear them talk to her like that."

- Testimony of A1224

Relevant infringement of the rights of detainees with disabilities

Lack of appropriate training for those working in the field of administration of justice, including police and prison staff

Other relevant violation types Torture & CIDT

Conclusion

This briefing paper demonstrates that reasonable grounds exist to believe that the DPRK is in breach of its obligation to ensure the rights of detainees with disabilities in its penal system. Detainees in this protected class are deprived of adequate accommodations and tools to meet their specific needs, subject to torture and cruel, inhuman, and degrading treatment and mistreated by penal facility staff who appear to lack the appropriate training in handling individuals with disabilities. This finding is all the more notable given that the DPRK has shown a willingness to engage the international community on this issue, including the UN Special Rapporteur on the rights of persons with disabilities. Yet the DPRK's infringement of the rights of detainees with disabilities constitutes a serious breach of international law. These incidents should therefore be investigated and, where they amount to international crimes, prosecuted. Ensuring that the truth is established and that justice and accountability for this vulnerable group can be delivered through viable domestic and international legal and political pathways must be central to policy development and diplomatic engagements of the DPRK.



¹ Currently, our documentation of persons with disabilities is based on the reporting of physical and sensory impairments. The Convention on the Rights of Persons with Disabilities (CRPD) defines “persons with disabilities” under a wide umbrella, including but not limited to those who have “long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others”. For details, see United Nations, Convention on the Rights of Persons with Disabilities, 3 May, 2008.

² Korea Future’s existing database makes use of the Ministry’s former title, the Ministry of People’s Security (MPS), in order to differentiate the acronym from the Ministry of State Security (MSS).

³ The CRPD defines reasonable accommodation as any “means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”. For details, see United Nations, Convention on the Rights of Persons with Disabilities. UN Women highlights that this definition may also encompass temporary adjustments, such as sign language interpreters and more long-term systematic modifications, such as permanent ramps. UN Women, Accessibility and Reasonable Accommodation, 2021. Available at: <https://www.unwomen.org/sites/default/files/Headquarters/Attachments/Sections/Library/Publications/2021/Brief-Accessibility-and-reasonable-accomodation-en.pdf>.

⁴ The ICESCR clarifies in General Comment No 5. that in Article 11, the right to an adequate standard of living includes ensuring that “support services, including assistive devices” are available “for persons with disabilities, to assist them to increase their level of independence in their daily living and to exercise their rights”. United Nations, International Covenant on Economic, Social, and Cultural Rights, 3 January 1976. Available at: <https://www.refworld.org/pdfid/4538838f0.pdf>



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