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THE PENINSULA

What to Expect from U.S. Policy on North Korea Human Rights Under Trump 2.0

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For over two decades, the issue of human rights has been a key component of US policies toward North Korea. The North Korean Human Rights Act of 2004 and the 2008 reauthorization of the legislation were both approved and enforced by then President George W. Bush. President Barack Obama signed into law the 2012 extension of the North Korean human rights legislation. Both the Bush and Obama administrations appointed a Special Envoy for North Korean Human Rights at the US Department of State, and both administrations supported the United Nations' condemnation of North Korea's human rights violations.

In stark contrast, the record of Donald Trump on North Korea during his first term as president (2017-2021) was an abrupt flip-flop. Initially, Trump strongly condemned North Korea on human rights grounds. In his speech to the UN General Assembly in September 2017, he harshly criticized North Korea's human rights record. Later, in December 2017, the United States was a strong supporter of the UN Security Council's discussion and criticism of North Korea's abysmal human rights record. Soon after, in his State of the Union address to Congress in January 2018, Trump singled out a group of North Korean defectors sitting with First Lady Melania Trump in the gallery of the US House of Representatives and praised their human rights efforts.

Just two months later, however, Trump abruptly moderated his tone on North Korean human rights abuses and announced that he would meet with Kim Jong Un in the summer. In May 2018, shortly after the announcement, three US citizens who had been held by North Korean authorities for many months were all released. The three were

flown from North Korea to Joint Base Andrews by a US military aircraft and were personally welcomed by the president and first lady at 3:00 AM. Family members were reunited with the detainees after the president, vice president, secretary of state, and other US officials first welcomed them home.

At this same time, the Trump administration soft-pedaled the North Korean human rights issue. Vice President Mike Pence canceled a speech he was scheduled to deliver on North Korea's human rights. Trump downplayed North Korea's egregious human rights violations in statements and speeches leading up to his meeting with Kim.

After the two leaders met in Singapore on June 12, 2018, President Trump announced that there was "no longer a nuclear threat from North Korea," though that particular session produced no specific agreements on concrete deliverables other than that the two leaders would meet again. Nine months later, the two met again in Hanoi, Vietnam. This second summit was a total failure. The two leaders ended the meeting abruptly and canceled a planned final banquet. There was no agreement on any issue, and no future meeting was planned.

Four months later, Trump visited Japan and South Korea. South Korean President Moon Jae-in, whose signature issue as leader was reconciliation with North Korea, suggested Trump visit Panmunjom in the Demilitarized Zone separating North and South Korea and further suggested that Kim be invited to meet Trump there. Trump sent a note to Kim informing the leader that he would be in South Korea in late June 2019, writing that he would visit the DMZ and would like to meet Kim there "just to shake his hand and say Hello."

On June 30, 2019, Trump and Kim shook hands at Panmunjom, posed for photographs, and chatted briefly. Nothing of substance was apparently discussed, and the two did not meet again. Trump, however, did set foot in North Korea as he and Kim talked. Trump can claim to be the first sitting US president to set foot in North Korea. The only other US president to visit North Korea was Bill Clinton, who visited in 2009 after he left office to secure the release of two US journalists being held by North Korea and briefly meeting with leader Kim Jong Il.

After the failure of the Hanoi Summit and the brief handshake at Panmunjom, Trump had no other contact with the North Korean leader before he left the Oval Office on January 20, 2021. As a result, relations between the United States and North Korea were largely unchanged from where they stood when he assumed the presidency in January 2017.

Reauthorizing the North Korean Human Rights Act

As Trump returns to the Oval Office, the relationship with North Korea is little changed. North Korea tightened its borders in response to the COVID-19 pandemic, stopping tourism almost completely for the last four years. Tourism is cautiously reopening because North Korea can use the currency that travel brings. US citizens, however, are not permitted to travel to North Korea by the State Department's passport regulations to prevent the imprisonment of Americans. The result is that the troublesome issue of North Korean detention of US citizens is a non-issue between Pyongyang and Washington.

There is little expectation that Trump Redux will give much attention to the issue of human rights in North Korea. When Trump was engaging with Kim in late 2018, US action on North Korean human rights ceased. The United States backed away from pressing North Korea on its human rights record in the United Nations, and senior administration officials did not talk about human rights. In 2018, Trump *did* sign the legislation reauthorizing the North Korean Human Rights Act for four more years, but he did not appoint a US special envoy for human rights during his first term. The president and other senior administration officials also did not make public statements expressing support for human rights in North Korea as had been the case before spring 2018.

An issue that will likely come up is the reauthorization of the North Korean Human Rights Act. Congress enacted the initial legislation in 2004, enumerating human rights violations carried out by North Korea against its own people and directing US officials to condemn and take action against North Korea. The legislation was initially enacted for four years (as is the general practice of most legislation adopted in the US Congress), but the provisions of that act were extended and refined in legislation subsequently adopted in 2008, 2012, and 2018.

In 2021, prior to the expiration of the 2018 legislation in 2022, draft bills were introduced in both the House of Representatives and Senate to extend and refine the legislation for an additional four-year period. The Senate legislation (S. 4216) was introduced on May 12, 2022, by Senator Marco Rubio (R-FL). Rubio was confirmed as the US Secretary of State on the day of Trump's inauguration for his second term. He was the first member of Trump's cabinet to be confirmed by the US Senate. Senator Rubio's bipartisan legislation on North Korean human rights was cosponsored by two prominent Senate Democrats, Tim Kaine (D-VA) and Chris Coons (D-DE). The legislation was considered by the Senate Committee on Foreign Relations and approved on July 19, 2022, and the legislation was adopted by voice vote in the Senate on December 8, 2022. That action was taken late in the congressional session following the 2022 election and shortly before Congress adjourned.

The House legislation (H.R. 7332) to reauthorize the North Korean Human Rights Act was introduced by Congresswoman Young Kim (R-CA), a member of the House Committee on Foreign Affairs and a Korean-American congressional member. Congressman Ami Beri (D-CA), a senior Democratic member of the Foreign Affairs Committee, was the principal cosponsor. Despite the fact that there was no opposition to the legislation, no action was taken by the House of Representatives.

After the election of 2022, when Congress resumed activity in January 2023, legislation was again introduced in both the House and Senate to extend the North Korean Human Rights Act, spearheaded by the same legislators. Rubio again introduced the legislation (S. 584) in the Senate, and the companion legislation (H.R. 3012) was again introduced in the House by Kim and Bera with the support of 34 House members. This time, the House passed Representative Kim's legislation, but it was approved just a week before the congressional session ended. No action was taken by the Senate because Congress was preoccupied with partisan squabbles over appropriations legislation.

Appointment of a Special Envoy

During his entire four years in office, Trump never named a special envoy for North Korean human rights issues. One thing that has changed with Trump Redux is the naming of Senator Marco Rubio as Secretary of State. Rubio's appointment was approved by a vote

of 99 to 0. (There was one vacancy in the Senate because the interim replacement appointment for Senator JD Vance, now vice president, had not yet arrived in Washington.)

Naming Rubio as secretary of state may increase the chances of the appointment of a special envoy and the continued emphasis on North Korean human rights abuses. In the first Trump administration, Secretary of State Rex Tillerson and his successor Mike Pompeo showed little interest in filling the special envoy position, and neither gave particular attention to that issue.

Notably, the president has the authority to appoint special envoys even if legislation does not exist for the position. This is implicit in the president's constitutional authority to conduct the foreign affairs of the United States. When Ambassador Julie Turner was appointed as special envoy in 2023, the legislation mandating the position had expired. She was appointed and has done an outstanding job in the position.

Conclusion

The UN Commission of Inquiry on Human Rights in North Korea reported that "systematic, widespread and gross human rights violations have been and are being committed by the Democratic People's Republic of Korea" and "in many instances, the violations found entailed crimes against humanity." A decade after the UN Commission's report was issued, human rights violations by the North Korean regime have continued.

There are clear indications that Kim and his government are particularly unhappy with the attention and criticism his government's human rights violations have received. Modest changes have been made by Pyongyang to minimize human rights criticisms from the United Nations and various countries. That will only continue if the United States, the United Nations, and other UN member countries continue to call attention to the human rights abuses in North Korea. The US Special Envoy for North Korean Human Rights Issues plays a critical and positive role in pressing for human rights change in one of the darkest corners of human rights abuse.

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