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**Statement by Mr Tomás Ojea Quintana
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Democratic People's Republic of Korea**

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Mr. President,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

In my capacity as the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (DPRK), I am honoured to present my second report to this Council.

Since assuming this position in July 2016, I have consistently emphasized, even in the midst of heightened tensions, that engagement with the DPRK should never be put aside, nor underestimated. Equally, I have always stressed that human rights must remain a priority, and must not be held hostage to the security situation. One year ago, I urged this Council to make sure that human rights in the DPRK remained a top priority despite the rising tensions. Today, we witness what appears to be a potential for rapid progress on the political and security front, with communication channels steadily building-up between the two Koreas as well as the United States of America, and historical summits plans for the near future. We should commend all Governments concerned for joining hands in this initiative, which is in their interest as well as that of the whole world.

At this critical moment, I again call upon this Council to not to lose sight of human rights in the Democratic People's Republic of Korea, and to play an active role in reaching out to the authorities in relation to human rights. In this regard, let me urge the DPRK to consolidate this rapprochement with a parallel opening to human rights review. My main message today is that any advancement on the security dialogue should be accompanied by a parallel expansion on the human rights dialogue.

Serious progress on the dramatic situation of the separated families during the Korean War have already been mentioned and discussed as a very first outcome of this rapprochement. Family reunion events have not taken place since October 2015, and must resume without delay. This is particularly urgent, given the advanced age of the thousands of individuals registered for reunion.

But this Honorable Council knows well enough that the human rights situation in the DPRK entails much more.

Mr President, Distinguished Delegates, Ladies and Gentlemen,

Although I have not yet been able to visit the DPRK, I continue to receive first-hand information through a variety of sources that have helped me assess the latest developments in the country. As I present this second report to the Council, I remain deeply concerned by the continuing patterns of serious violations that are prevalent in the DPRK. The country's extensive penitentiary system and severe restrictions on all forms of free expression, movement and access to information continue to nurture fear of the state and leave people at the mercy of unaccountable public officials. As it is with all human rights violations of this scale, it is the weak and the invisible who suffer the most.

The conditions of detainees in political prison camps remains particularly obscure due to their secretive nature, but several cases of ill-treatment in other detention facilities between 2015 and 2017 were drawn to my attention. The information concerns holding facilities that are run by the Ministry of State Security and the Ministry of People's Security, as well as labour camps for people who commit crimes of non-political nature.

People held in pre-trial detention, in particular women who are forcibly returned from abroad, remain vulnerable to torture. Most of these women use smuggling routes that are intertwined with human trafficking networks to carry out informal commercial activities. The lack of legal and policy protections against trafficking in the DPRK makes it easy for traffickers to lure these women into arranged marriages in China or to work in the sex industry. I received a series of cases concerning women who were repatriated in 2016 and 2017 that confirm a pattern of torture and degrading treatment during their interrogation at the holding centres near the border with China.

I urge the DPRK to implement necessary measures to halt ill-treatment and torture practices in detention centers, and to improve conditions of detention, granting especially basic needs and access to health.

In addition, it has been reported that the number of escapees from the DPRK has decreased by 20% between November 2016 and November 2017, suggesting that border controls between the DPRK and China are tightening. The pattern of forced repatriation of citizens of the DPRK, including children, from China has continued throughout the review period. Chinese authorities

consider these nationals as economic migrants, preventing them from benefiting from any protection and exposing them to the risk of torture once repatriated. I urge China to respect the principle of non-refoulement and to grant these individuals the possibility to access international assistance through my mandate or through access to humanitarian organisations and the UN system.

The six nationals of the Republic of Korea and three nationals of the United States of America remain in detention in the DPRK on charges of plotting hostile acts against the State. While I am encouraged by the release of a Canadian national, I urge the DPRK government to release the remaining detainees, whose judicial guarantees were not duly respected. Their release, if subject to negotiations, should follow up on the establishment of an adequate framework for foreigners in detention.

Mr. President,

In this report, I also address the economic, social and cultural rights of the people in the DPRK. The dire access to basic needs, including food insecurity, is a chronic problem in the DPRK and a cause for grave concern. The latest needs assessment by the United Nations Country Team in March 2017 found that 41 per cent of the population, which is 10.5 million people of all ages, remain undernourished. Natural disasters such as drought, flooding and landslides continue to affect the northern provinces, reducing farming output, and the rations received through the Public Distribution System, on which 18 million people depend, fall below the Government target of an average of 573 grams per person per day.

The first-hand accounts I received confirms that the population is forced to secure their food and other necessities through private initiative due to the failure of the State to provide these basic needs. I also received information confirming a boom in the private real estate market in the cities, which helps part of the population access housing rights. However rural communities continue to be vulnerable to forced evictions as the Government carries out industrial development projects. I urge the Government to comply with its obligations with respect to the right to food and other economic, social and cultural rights when implementing its economic plan and I encourage authorities to seek the assistance of international experts. I praise, in this

regard, the efforts and commitment of the UN agencies working in the country.

Ladies and Gentlemen,

The need to pursue accountability remains a critical challenge for my mandate, this Council and the international community as a whole. Steps have been taken by this Council and by OHCHR to promote accountability for human rights violations through criminal responsibility, specifically through the implementation of the Human Rights Council resolution 34/24, which I will continue to follow.

In the meantime, longer-term goal of setting up a culture of accountability in the country's institutions requires actions on behalf of DPRK authorities. To this end, I encourage the Government to open up to my mandate as well as to communication with the OHCHR and other organizations working for the promotion of accountability processes, with a view to providing, among others, a safe space for victims inside the DPRK to come forward and better understand the ways in which they can seek redress and improve the practices of the country's institutions.

Mr President,

During the reporting period, and after decades of isolation, the country has started re-engaging in a conversation with international human rights mechanisms that seemed unlikely only a few years ago.

The Special Rapporteur on the rights of persons with Disabilities undertook a successful official visit to the DPRK in May 2017 and reports by the DPRK were reviewed by the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women in September and November respectively. I welcome these openings and encourage the DPRK to further enlarge the scope of its cooperation with the international human rights mechanisms in accordance with the UPR recommendations it received.

Furthermore, the DPRK government has incorporated elements of a rights-based approach to programming in its collaboration with the United Nations system. It has approached the Office of the High Commissioner for Human Rights to help resolve alleged cases of abduction. It has also taken part in a

regional civil society dialogue on peace and stability. These are positive developments, and evidence that a meaningful dialogue is possible.

But we have to be certain that any process of engagement requires overcoming the challenging goal of implementing commitments on the ground. I believe that this is the right timing for the DPRK to open up its institutions to the UN human rights mechanisms.

Ladies and Gentlemen,

My belief is that the international community has a responsibility to ensure that the critical human rights issues I have outlined remain on the agenda – the momentum is there, and it must be seized for meaningful human rights dialogue that can translate into concrete results.

Rapprochement cannot be a single-track process focused only on security, for there is no long-term peace and security in a climate of impunity and disregard for human rights. The two projects must complement each other, and we must move forward on both fronts. In this regard, my key message to the DPRK authorities remains the same and consistent: we have a common agenda, which is the advancement and promotion of the well-being of their people.

It is in this spirit that I wish to share with the Human Rights Council this important idea: I am convinced that a crucial component of the rapprochement and arrangements among stakeholders must be the call for the DPRK to engage with this country mandate holder, including a country visit agreed with the Government as a concrete benchmark.

Thank you for your attention.