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**Promotion and protection of human rights: human rights situation and reports of Special Rapporteur and Representatives****Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea\*****Note by the Secretariat***Summary*

In the present report, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea provides an overview of recent developments in the human rights situation and of women's human rights in the Democratic People's Republic of Korea. During the reporting period, the stalled political negotiations have pushed the Government of the Democratic People's Republic of Korea towards an unattainable focus on self-reliance. There was no sign of improvement in the human rights situation, nor progress in advancing accountability and justice for human rights violations in the Democratic People's Republic of Korea. The Special Rapporteur strongly hopes that engagement in dialogue and cooperation by the international community and the Democratic People's Republic of Korea will be strengthened.

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\* The report was submitted after the deadline in order to reflect recent developments.

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## I. Introduction

1. The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea is submitted pursuant to the Human Rights Council resolution 40/20. The Special Rapporteur covers the main human rights developments in the Democratic People's Republic of Korea since his previous report to the Council. This report should be considered in conjunction with the report most recently submitted by the Special Rapporteur to the General Assembly (A/74/275/Rev.1). The Government of the Democratic People's Republic of Korea continues to refuse to cooperate with the mandate of the Special Rapporteur.

2. During the reporting period, the Special Rapporteur conducted an official country mission to the Republic of Korea from 17 to 21 June 2019. He was unable to conduct his second mission to the Republic of Korea in late 2019 due to scheduling difficulties. He conducted an official country mission to Japan from 2 to 4 December 2019. He met with the Minister in charge of the Abductions Issue, the State Foreign Minister, other Government officials, Members of Parliament, families of abduction victims, and members of civil society and the academic community.

3. During the period covered, there was no sign of improvement in the human rights situation, nor progress in advancing accountability and justice for human rights violations in the Democratic People's Republic of Korea. The human rights situation may further deteriorate as a result of reported lower crop production in 2019<sup>1</sup>; tightened border control, continuing surveillance and trade bans under the current threat of COVID-19; and the impact of continued sanctions. The Special Rapporteur devotes a large part of the present report to highlight women's human rights. He hopes that this will help increase the focus on the particular human rights challenges women face in the Democratic People's Republic of Korea, and will lead to broader inclusion of women in all aspects of the political negotiations.

## II. Overview of the political and security situation

4. The Democratic People's Republic of Korea's deadline for resuming denuclearization and peace talks with the United States passed on 31 December 2019 without any significant developments. Since September 2017, the Government of the Democratic People's Republic of Korea has not conducted nuclear tests. During the fifth Plenary Meeting of the seventh Central Committee of the Workers' Party of Korea, held from 28 to 31 December 2019, Chairman Kim Jong Un stressed the need for self-reliance and said "that the real intention of the United States is to seek its own political and diplomatic interests while wasting time away under the signboard of dialogue and negotiations and at the same time keep sanctions so as to gradually reduce our strength". He further recognized that "it is true that we urgently need external environment favourable for our economic construction, but we can never sell our dignity which we have so far defended as valuable as our own life, in the hope of gorgeous transformation".<sup>2</sup> In December 2019, China and Russia circulated a draft resolution to Security Council members, seeking to lift sanctions on the return of workers of the Democratic People's Republic of Korea, exports of statues, seafood and textiles, imports of metal products for humanitarian use, and an exemption for inter-Korea joint rail and road projects. For a second year in a row, the Security Council did not discuss the situation of human rights in the Democratic People's Republic of Korea.

5. To date, no cases of COVID-19 have been officially confirmed in the Democratic People's Republic of Korea and the authorities are taking preventative

<sup>1</sup> "Crop Prospects and Food Situation", Quarterly Global Report, Food and Agriculture Organization, December 2019, p. 5.

<sup>2</sup> <https://kcnawatch.org/newstream/1577943153-613054498/fifth-plenary-meeting-of-seventh-central-committee-of-workers-party-of-korea-held/>.

action, including strict controls on entry into the country and seeking assistance from United Nations agencies. The Special Rapporteur emphasizes that the outside world should be prepared to respond and the Government of the Democratic People's Republic of Korea should allow full and unimpeded access to medical experts and humanitarian actors, and relax restrictions on access to information.

### III. Situation of human rights in the Democratic People's Republic of Korea

#### A. Economic and social rights

6. The International Covenant on Economic, Social and Cultural Rights, ratified by the Democratic People's Republic of Korea, recognizes "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions", and obliges State Parties "to take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent".

7. The United Nations' Global Humanitarian Overview for 2020 again stressed the chronic nature of food insecurity and malnutrition in the Democratic People's Republic of Korea, as well as the lack of access to life-saving essential services.<sup>3</sup> The report highlighted that in April 2019 only seven percent of the surveyed population had acceptable food consumption, which was 13 percent lower than five months earlier.<sup>4</sup> Diarrhea and pneumonia remained the two main causes of death among children under age five. About 39 percent of the population does not have access to a safely managed water source and 16 percent does not have access to basic sanitation facilities.<sup>5</sup> In 2020, 10.8 million people are in need of humanitarian assistance. Given the expectations of a below-average crop production, the overall food security situation is not expected to improve in 2020.<sup>6</sup> The Government reportedly guarantees the public distribution system only to certain key professions and to the population in Pyongyang as well as cities where tourism projects are being developed. Outside of these areas, the population has to find a way of earning a living, while they also work in state-assigned employment where salaries are insufficient to meet basic needs.

8. Due to the lack of conditions necessary to fulfil the right to favourable conditions of work with adequate remuneration<sup>7</sup>, many people, mainly women, engage in small scale commercial activities in informal markets (*jangmadang*). The growth of informal markets throughout the country, has led to the emergence of an economically powerful entrepreneurs, known as *donju*, who control the supply of goods from China and other key economic activities. Reports indicate an increase in conflicts of interest between these *donju* and officials, including in areas related to state construction projects and the supply of materials. Although the Government of the Democratic People's Republic of Korea has initiated partial reforms to accommodate the new reality of private economic activities, these activities are still conducted in a legal gray area<sup>8</sup>, which compromises basic human rights. Without systematic reform, the tension between officials and the

<sup>3</sup> Global Humanitarian Overview 2020, United Nations Office for the Coordination of Humanitarian Affairs, p. 66.

<sup>4</sup> Ibid.

<sup>5</sup> The Special Rapporteur has encouraged both the Government of the Democratic People's Republic of Korea and the United Nations Special Rapporteur on the human rights to water and sanitation to engage and arrange a country mission.

<sup>6</sup> Democratic People's Republic of Korea (DPRK), FAO/WFP Joint Rapid Food Security Assessment (May 2019) note 1, p. 26.

<sup>7</sup> Article 7 of the International Covenant on Economic, Social and Cultural Rights.

<sup>8</sup> Office of the High Commissioner for Human Rights, "The Price is Rights" (2019), pp.16-17.

emerging entrepreneurial class may lead to instability, harm people's economic activities, and more broadly impact negatively on the development of the country.<sup>9</sup>

9. Regarding sanctions, the Special Rapporteur notes the continuing comprehensive nature of combined unilateral<sup>10</sup> and United Nations sanctions on trade, investment and financial transactions.<sup>11</sup> According to information received, overall market activities have slowed down due to sanctions, the shutdown of borders, and uncertainties in the political and economic environment. This has a negative impact on the livelihood of persons living in this area. The Food and Agriculture Organization and World Food Programme Joint Assessment highlighted the impact of sanctions on agricultural production, in particular restrictions on the import of fuel, machinery and spare parts for equipment.<sup>12</sup> The import of medical equipment such as X-ray, anesthesia and ultrasound machines has also been blocked. United Nations agencies operating in the Democratic People's Republic of Korea continue to highlight the detrimental impact of sanctions on humanitarian operations, including restrictions related to transit-country import waivers and suspended banking channels.<sup>13</sup> In this regard, the Special Rapporteur commends the decision by the Global Fund to resume its grant to the Democratic People's Republic of Korea, including the drug-susceptible tuberculosis and malaria components of the grant implemented by the United Nations Children's Fund and the World Health Organization, as well as the multidrug-resistant tuberculosis component implemented by the Eugene Bell Foundation.

10. The Special Rapporteur met with non-governmental organizations working in the Democratic People's Republic of Korea to provide humanitarian assistance in October 2019. They emphasized that small non-governmental organizations do not have the capacity, including legal expertise, to secure exemptions from the 1718 Sanctions Committee. They stressed that permission was needed for such seemingly innocuous things as water filters, hygiene kits and money for building wells. This had a negative impact on the population's right to access clean water, including in hospitals, in a country where half of the schools and health facilities lack adequate water and sanitation facilities. The Special Rapporteur urges the 1718 Sanctions Committee to take a broader interpretation of humanitarian work, so that exemptions are provided for items that are necessary to improve access to clean water, sanitation and hygiene.

11. While in New York, the Special Rapporteur met with the German Permanent Mission in their capacity as Chair of the 1718 Sanctions Committee. He welcomes the United Nations Sanctions Committee's Panel of Experts decision to include in its report a section on the humanitarian impact of sanctions, which records the negative impact on the rights of North Koreans, including a large number of children under five, in the areas of food security and agriculture, nutrition, health, water and sanitation and disaster risk reduction.<sup>14</sup> He also welcomes the progress made by the Sanctions Committee in improving transparency in the exemptions process for humanitarian agencies working in the Democratic People's Republic of Korea, including the improved guidance provided to United Nations agencies in the country, and the biannual briefing provided by the Office for the Coordination of Humanitarian Affairs to the Committee.

12. The Special Rapporteur in particular welcomes the recommendation made by the Sanctions Committee's Panel of Experts in its 2019 report to the Security Council which

<sup>9</sup> See A/HRC/40/66.

<sup>10</sup> Unilateral sanctions are imposed by the European Union, Australia, Japan, Republic of Korea, and United States.

<sup>11</sup> For UN Sanctions, see UNSC Resolution 1718, S/RES/1718, Oct. 14, 2006; UNSC Resolution 1874, S/RES/1874, Jun. 12, 2009; UNSC Resolution 2087, S/RES/2087, Jan. 22, 2013; UNSC Resolution 2094, S/RES/2094, Mar. 7, 2013; UNSC Resolution 2270, S/RES/2270, Mar. 2, 2016; UNSC Resolution 2321, S/RES/2321, Nov. 30, 2016; UNSC Resolution 2371, S/RES/2371, Aug. 5, 2017; UNSC Resolution 2375, S/RES/2375, Sep. 11, 2017; UNSC Resolution 2397, S/RES/2397, Dec. 22, 2017.

<sup>12</sup> *Supra* note 3, p. 14.

<sup>13</sup> *Supra* note 5.

<sup>14</sup> S/2019/171, Annex 85.

calls on the United Nations Secretary-General to “request the Secretariat to carry out an assessment of the humanitarian impact of sanctions in the DPRK.”<sup>15</sup> This recommendation echoes the call that the Special Rapporteur made almost two and a half years ago to the Security Council to develop a comprehensive assessment of the sanctions regime in order to avoid unintended negative impact on human rights, especially economic, social and cultural rights, and to ensure that the sanctions regime does not impose what would effectively constitute a collective punishment on the ordinary citizens of the Democratic People’s Republic of Korea. He therefore encourages the Secretary-General to move forward on this recommendation, with a mandate that includes not only the humanitarian impact of sanctions, but also their impact the fulfilment of human rights. In this connection, the Special Rapporteur again emphasizes the human rights obligations of Member States in relation to the impact of sanctions, as outlined in General Comment 8 of the Committee on Economic, Social and Cultural Rights.<sup>16</sup>

13. The Government of the Democratic People’s Republic of Korea opposes the sanctions regime. At the review by the Committee on the Elimination of Discrimination Against Women (CEDAW) on 8 November 2017, the Permanent Representative stated that “[t]he United States and other hostile forces impeded in every possible way the enjoyment of human rights by the people of the Democratic People’s Republic of Korea, including through manipulating the so-called sanctions resolutions against the country, which violated its right to existence and the right to development. Vulnerable people such as women and children were the victims of those inhumane sanctions. The vicious economic sanctions ran counter to the ideals of humanitarianism and human rights, could never be justified, and should be lifted immediately”.<sup>17</sup> However, the Government has not provided access, data or information which would allow an accurate and comprehensive assessment of the detrimental impact of the sanctions. The Special Rapporteur reminds the Government of the steps needed to enable the international community to make an assessment of the human rights impact of sanctions.<sup>18</sup> Primarily, this means providing access to monitoring agencies, as well as providing comprehensive and accurate data.

## B. Fundamental Freedoms

14. Basic freedoms of the people of the Democratic People’s Republic of Korea continue to be limited and dependent on the interests of the Worker’s Party of Korea. Control and surveillance over the population persists, and the population fears arbitrary arrest and mistreatment, including detention in political prison (*kwanliso*). The failed economic and distribution system, means that a significant proportion of citizens struggle to meet basic needs while working in inadequately paid or unpaid state-assigned jobs. Discrimination based on *songbun*<sup>19</sup> also persists. An escapee described her life in the Democratic People’s Republic of Korea as “no freedom, no rations, no commercial activities, surveillance and the risk of crackdown, no happiness for anyone in farming areas”.

15. The fear of being sent to political prison is entrenched in people’s daily life. The Ministry of State Security exclusively makes a decision to send those who are accused of committing crimes against the State to political prison. The suspects’ families are not informed of the decisions or of the whereabouts of their relatives, which amounts to enforced disappearance. According to accounts, although the number of public executions has decreased, they still occur. One account of such a case in 2018, described how a woman convicted of killing the son of a party secretary was shot

<sup>15</sup> Ibid., Annex 89, recommendation Nr. 3.

<sup>16</sup> E/C.12/1997/8.

<sup>17</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22373&LangID=E>

<sup>18</sup> See E/C.12/1999/5, para. 17.

<sup>19</sup> *Songbun* is a classification system based on the political, social, and economic background of a person’s direct ancestors as well as the behavior of a person and his or her relatives.

multiple times by ten police officers on a bridge and how thousands of people were mobilized to observe the execution.

### C. Abductions

16. The issue of international abductions remains of concern for the Special Rapporteur. The Government of the Republic of Korea officially recognizes 516 of its citizens as post-war abductees, while tens of thousands were abducted during the Korean War. Among those abducted are 11 persons who were among 50 persons abducted on 11 December 1969, during the hi-jacking of Korean Air Lines flight YS-11.<sup>20</sup> The Government of Japan recognizes 12 abductees from Japan, who remain unaccounted for. In addition, a number of other foreign nations were abducted, mainly in late 1970s and early 1980s. Enforced disappearance, including in the form of abductions, is a serious crime that continues to be committed until the fate and whereabouts of every disappeared person has been clarified, and consequently the individual criminal responsibility also extends over those who currently have control of the crime.

17. During his official mission to Japan in December 2019, the Special Rapporteur met with families of Japanese abductees.<sup>21</sup> When sharing their continued suffering, one family member said, “Every morning for the last decades, I have woken up hoping that today, may finally bring happy news.” However, in spite of this issue reportedly being raised during summits between the United States and the Democratic People’s Republic of Korea, there was no progress in resolving this issue. The Special Rapporteur also met with a family member of Ms. Anocha Panjoy, a Thai citizen who was abducted from Macao in 1978, and with a civil society actor who supports the return of Ms. Doina Bumbea, a Romanian citizen who disappeared from Italy in 1978. The Special Rapporteur stresses the need for a strategic approach by the international community to collectively address this international crime, to realize the return of any remaining abductees, and to seek justice and accountability.

### D. Situation of people repatriated to the Democratic People’s Republic of Korea

18. The Special Rapporteur has received information on an increasing number of escapees from the Democratic People’s Republic of Korea, including children, detained in China. Since his previous report to the Human Rights Council, he has sent seven urgent appeals to China detailing concerns about 46 escapees. He welcomes replies from the Government of China that contain more detailed information than previous exchanges. However, the Special Rapporteur highlights the obligation of China under international human rights and refugee law not to repatriate persons to the Democratic People’s Republic of Korea<sup>22</sup>, and therefore regrets that he continued to receive reports of individuals from the Democratic People’s Republic of Korea being repatriated. He further reiterates that, regardless of the status of these persons, international human rights law also provides the principle of non-refoulement, which is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by China. There are substantial grounds to believe that escapees would be subjected to torture or other serious human rights violations if repatriated to the Democratic People’s Republic of Korea, and therefore they should be protected as refugees *sur place*. The Special Rapporteur also urges the Government of China to grant permission to the Office of the United Nations High Commissioner for Refugees to

<sup>20</sup> Thirty-nine of the abductees were returned to the Republic of Korea on 14 February 1970.

<sup>21</sup> The Special Rapporteur was saddened by the passing of the mother of Ms. Keiko Arimoto.

<sup>22</sup> This includes the obligations of China as a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

travel to relevant border areas to enable escapees from the Democratic People's Republic of Korea access to their right to seek asylum from persecution.<sup>23</sup>

19. The Special Rapporteur is deeply concerned about the decision made by the Government of the Republic of Korea on 7 November 2019 to deport two North Korean fishermen who were reportedly seized in the waters of the Republic of Korea on 2 November 2019. According to the Government of the Republic of Korea, this decision was taken based on the fact that it was unable to confirm the authenticity of the fishermen's intention to defect, and on their alleged confession of having killed 16 crew members of the fishing vessel on which they were travelling.<sup>24</sup> The Special Rapporteur is concerned that the decision was made without due process and that the two men are at risk of serious human rights violations upon return, including enforced disappearance, arbitrary execution, torture and ill-treatment, and trials that do not conform to international fair trial standards. Their whereabouts following return are unknown. The Special Rapporteur joined 67 civil society organizations and ten individuals in signing an open letter to President Moon Jae-in, expressing concern about failure to uphold international human rights obligations. The letter urged the Government to take corrective action and guarantee that the Republic of Korea will uphold the right of individuals not to be returned to if they are at risk of torture and other ill-treatment. The letter also called for an investigation into the deportation of the two North Korean fishermen.<sup>25</sup>

#### IV. Women's human rights

20. Women and girls make up 51.1 percent of the total population of the Democratic People's Republic of Korea.<sup>26</sup> Since he took up the mandate in 2016, the Special Rapporteur has relied on information shared by North Korean escapees, the vast majority of whom are women. These accounts indicate that women are excluded from decision-making processes, both in the private and the public sphere and that their experiences often do not receive adequate attention. Therefore, in this section, the Special Rapporteur summarizes his findings related to the rights of women during their life cycle.

##### A. Legal framework

21. The Democratic People's Republic of Korea ratified the Convention on the Elimination of All Forms of Discrimination against Women in 2001. Its combined second, third and fourth periodic report to the Committee on the Elimination of Discrimination against Women in 2016, referred to women as "full-fledged masters of the society, fully exercised equal rights with men in all fields of politics, the economy, social and cultural life, performing great feats in the efforts for the prosperity of the country".<sup>27</sup> The country ratified the Convention on the Rights of the Child in 1990, and its Optional Protocol on the sale of children, child prostitution and child pornography in 2014. The Socialist Constitution provides that citizens shall enjoy equal rights in all spheres of State and public activities (Art. 65), all citizens who have reached the age of 17 shall have the right to vote and to be elected irrespective of sex, race, occupation, length of residence, property status, education, party affiliation, political views and

<sup>23</sup> As protected under art. 14 (1) of the Universal Declaration of Human Rights.

<sup>24</sup> Press release by the Ministry of Unification of the Republic of Korea: [https://unikorea.go.kr/eng\\_unikorea/news/releases/?boardId=bbs\\_000000000000034&mode=view&cntId=54222&category=&pageIdx=](https://unikorea.go.kr/eng_unikorea/news/releases/?boardId=bbs_000000000000034&mode=view&cntId=54222&category=&pageIdx=)

<sup>25</sup> <https://www.hrw.org/news/2019/12/16/letter-president-moon-jae-re-roks-stance-human-rights-north-korea>.

<sup>26</sup> As of 2018, see <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=KP>

<sup>27</sup> CEDAW/C/PRK/2-4 (2016), para. 3.

religion (Art. 66) and women shall be accorded equal social status and rights with men (Art. 77).

22. A number of other laws protect the rights of women. The Gender Equality Law (1946), provides for gender equality in many areas, including marriage and divorce, equal inheritance rights. The Criminal Code specifies the crimes of rape of women, trafficking in persons, forcing a subordinate to have sexual intercourse, and child sexual abuse as criminal offences. In 2010, the Government reaffirmed its commitment to fully ensuring gender equality and non-tolerance of discrimination against women in whatever form by adopting the Law on the Protection and Promotion of the Rights of Women. This law encompasses the fundamental rights of women including social and political rights, educational, cultural, and medical rights, and labor rights. The law incorporates the Convention on the Elimination of all forms of Discrimination against Women into the domestic legal framework stating that this treaty “shall have the same effect” as domestic law. In addition, this law makes progress in prohibiting all forms of domestic violence, although it does not provide a legal and institutional framework to prosecute perpetrators and protect victims. The Special Rapporteur encourages the Government to seek technical assistance to advance further in this important area.

23. The Law on the Protection and Promotion of the Rights of Women also specifies that the Korean Democratic Women’s Union is an organization for the protection and promotion of women’s rights. According to the Government, the Women’s Union, a mass social organization of women with branches all over the country, keeps track of the implementation of the State policy and legislation on gender equality in close cooperation with other local party structures, and plays an important role in disseminating information and awareness-raising of women’s rights.<sup>28</sup> However, according to some accounts, the Women’s Union did not adequately promote all areas of women’s rights.

## **B. Political Participation**

24. The Socialist Constitution, the Law on the Election of Deputies to People’s Assemblies at All Levels and the Law on the Protection and Promotion of the Rights of Women provide legal guarantees for women to participate at all levels of political life. The Gender Equality Law, stipulates that “the State shall actively involve women in social and political activities and raise the ratio of women deputies in each level of the People’s Assembly” (Article 12). In its national report submitted in connection with its third Universal Periodic Review of the Human Rights Council, the Democratic People’s Republic of Korea noted that, “[m]easures were undertaken to appoint able women to the leading posts and give wide publicity to their achievements. As a result, in 2018 alone the proportion of women leaders at or above the departments of ministries and ministry-level institutions significantly increased”.<sup>29</sup> However, women continued to be under-represented in the main decision-making bodies.

25. On 10 March 2019, the Democratic People’s Republic of Korea held elections to the 14th session of the Supreme People’s Assembly. Deputies representing the 687 constituencies of the country were elected for a five year term. Since the 1970s, the representation of women in the Supreme People’s Assembly has been 15 to 20 percent, while the representation at the local level has been between 20 and 30 percent. According to the Government, the proportion of women deputies to the 13th Supreme People’s Assembly (2014 to 2019) was 20.2 percent.<sup>30</sup> The ratio of women in the national or local level People’s Assemblies does not necessarily represent the actual political participation of women. In the Presidium and in the Party Central Committee, two bodies with significant political influence, the representation of women is lower. In the Presidium of the 14th session of the Supreme People’s Assembly, which carries out

<sup>28</sup> CEDAW/C/PRK/2-4, paras. 40, 52, 56, 62, 160.

<sup>29</sup> A/HRC/WG.6/33/PRK/1, para. 67.

<sup>30</sup> *Ibid.*, para. 67. Figures for the 14th Session were not available at the time of writing.

core state functions during the majority of time when the Supreme People's Assembly is not in session, one of 17 (5.88 percent) members are women, while the 49-person Cabinet includes two women (four percent). In the State Affairs Commission, one of the 14 members (7.14 percent) is a woman.<sup>31</sup> In the Ministry of Foreign Affairs, 16.5 percent of the officials are women, and 4.9 percent of overseas diplomats are women.<sup>32</sup>

26. Women also continued to be under-represented in main bodies of the Korean Workers' Party. The Central Committee of the Workers' Party of Korea serves as its main governing body. As of March 2018, its Chairman and 11 Vice-chairmen were all men, as were the majority of its members. Kim Yo Jong, younger sister of Chairman Kim Jong Un, was the only female member of its powerful Political Bureau. Kim Yo Jong has been playing an important and visible role in peace negotiations. She accompanied Kim Jong Un at the June 2018 Singapore Summit with the United States and the February 2019 Hanoi Summit. She was the lead delegate for the 2018 Winter Olympics opening ceremony in Pyeongchang in the Republic of Korea. In June 2019, Kim Yo Jong delivered a condolence letter on the passing away of a former First Lady of the Republic of Korea, Lee Hee-ho from Kim Jong Un to high officials of the Republic of Korea at the border. In April 2018, ahead of the summits with the Republic of Korea and with the United States, Kim Jong Un gave his wife Ri Sol Ju the official title of respected First Lady. She met with the First Lady of the Republic of Korea during the inter-Korean summit, and participated in hosting the visit of the President of China and his wife in June 2019.

#### Arts and music

27. The Democratic People's Republic of Korea has a tradition of state supported arts, music, dance and performances. It appears to use art troupes to promote its *juche* ideology domestically and to demonstrate high standards in artistic areas internationally. At the 2018 the Pyeongchang Winter Olympics in the Republic of Korea, for instance, the Government deployed a large art troupe of performers, many of whom are women, and a large number of female cheerleaders. Another performance group was reportedly sent to Beijing in January 2019 as a symbol of friendship of the two countries when Leader Kim Jong Un visited Beijing. Performances are also used to earn foreign money – a group of women often sing and dance in North Korean restaurants in other countries to attract customers.

### C. The rights to education, work, health, water and sanitation

#### The right to education

28. The right to education in the Democratic People's Republic of Korea is equally guaranteed for boys and girls by laws and policies. The completion rates of the compulsory 12-year education was nearly universal (99.9 percent) in 2017.<sup>33</sup> Even though education is free, schools collect materials such as scrap steels, paper and animal fur from students. This puts additional pressure on parents and in some cases prevents poorer students from attending school. The enrolment rate of women in higher education was 18.18 percent while it was and 35.45 percent for men in 2018, indicating that it is more difficult for women to access higher education.<sup>34</sup> The Government reported to the Committee on the Elimination of Discrimination against Women in 2014 that only 9.9 percent of women accessed university-level education.<sup>35</sup> While social status and economic ability reportedly are main determining factors for admission to

<sup>31</sup> Choe Son Hui, who is also a member of the Central Committee of the Workers' Party of Korea and First Vice Minister of Foreign Affairs.

<sup>32</sup> CEDAW/C/PRK/2-4, paras 88.-89.

<sup>33</sup> The 2017 Multiple Indicators Cluster Survey (MICS) carried out by Central Bureau of Statistics of the Democratic People's Republic of Korea with technical support from UNICEF.

<sup>34</sup> Ibid.

<sup>35</sup> CEDAW/C/PRK/2-4, para. 102.

universities, gender plays a significant role in both admission and in the selection of courses. Gender stereotypes are reflected in national regulations and policies, including the Standards of Job Assignment which prescribes that 100 percent of nurses and telephone operators must be women.<sup>36</sup> The Committee on the Elimination of Discrimination against Women expressed its concern for “provisions in laws or directives limiting women’s access to some studies and professions based on women’s characteristics as defined by the State party”.<sup>37</sup>

### **The right to work**

29. In the Democratic People’s Republic of Korea, all men and unmarried women are assigned work at a State-owned workplace. According to accounts, they are poorly paid, or not paid at all. As a result, married women, who are exempt from the state-assigned job as they are expected to carry out household work, in many cases become the main breadwinners in their families. A woman who recently escaped from the Democratic People’s Republic of Korea stated that she sold bean oil and soybean products in the informal market. The woman stated that on a good day, she could earn up to 10,000 North Korean Won (NKRW) (11 USD), equivalent to the price of two kilograms of rice. She stated that she paid 15,000 NKRW (17 USD) once for a market stall, as well as a daily fee of 1,000 NKRW (1.1 USD). Another woman recounted paying 6,000 Chinese Yuan (292 USD) for a space in a different market, and paid a daily fee of 2,000 NKRW (2.2 USD) to the private market managers. Other women, who could not afford to pay for a market space recounted selling cooked food just outside of the market. However, doing so was illegal, they faced the risk of being punished if caught by inspectors.

30. Married women belong to the Korean Democratic Women’s Union and are required to participate in labor mobilization campaigns led by the Union. According to accounts, mobilization of women to provide labor for State projects, including construction sites in remote areas for months at a time, has increased. As women are already primary caretakers and in many cases also breadwinners, this mobilization has a detrimental impact on the livelihoods of households. In some cases it is possible to avoid unpaid mobilization by paying a fine or bribes, but not all women can afford this. In some cases, women retain their state assigned jobs after marriage, in spite of receiving inadequate or no salary, in order to avoid mobilization through the Korean Democratic Women’s Union.<sup>38</sup>

### **The right to health**

31. The Constitution and relevant laws of the Democratic People’s Republic of Korea provide for free medical care for all citizens.<sup>39</sup> In reality, the number of health facilities is limited, and access to adequate equipment and medicine is even more limited. According to the United Nations in the country, approximately nine million people have only limited access to health services.<sup>40</sup> Undernutrition, malnutrition and anemia are particularly common among women due to an unvaried diet. The rate of anemia is high among women of childbearing age.<sup>41</sup> Many North Korean escapees state that they eat corn or rice with pickled cabbages every day. According to reports, 92.2 percent of women give birth at a hospital or a maternity hospital.<sup>42</sup> The maternal mortality rate has decreased, but is still high, at 89 out of 100,000 births in 2017.<sup>43</sup> The

<sup>36</sup> Ibid., para. 45.

<sup>37</sup> CEDAW/C/PRK/CO/2-4, para. 11(d).

<sup>38</sup> Korean Institute for National Unification, White Paper on Human Rights in North Korea 2019, pp. 52-53

<sup>39</sup> Socialist Constitution of the Democratic People’s Republic of Korea, Art. 56 and 72.

<sup>40</sup> United Nations, 2019 DPR Korea: Needs and Priorities, p.7

<sup>41</sup> The 2017 MICS survey.

<sup>42</sup> Ibid., p. 55

<sup>43</sup> UNFPA, UNICEF, WHO, UN and World Bank Group, “Trend in Maternal Mortality: 2000-2017”, p.71

risk of maternal death is higher when women give birth at home due to the risk of postpartum haemorrhage, infections and sepsis.

32. Although the Constitution provides for free universal health care, escapees recount giving money or food to receive treatment by doctors and to buy medicine. Doctors are not properly paid by the state, and many hospitals reportedly lack electricity and basic supplies. Those who do not have the means to pay to see a doctor self-medicate with medicine bought in pharmacies or in the informal markets. A woman who recently escaped from the Democratic People's Republic of Korea recounted her experience as a broker of antibiotics. She stated that she bought medicine, including some that were provided by the United Nations as humanitarian assistance, in informal markets or factories, and distributed them to retailers in different regions.

#### **The rights to water and sanitation**

33. The human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use. The human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity.<sup>44</sup> In the Democratic People's Republic of Korea, it is estimated that 46 percent of the population in rural areas do not have access to a safe or adequate water source.<sup>45</sup> Escapees from rural areas have recounted collecting water from rivers. Collecting water is an additional burden on women, and contaminated water causes diarrhea, including among small children, with the burden then falling on women to care for them and arrange medical treatment. The lack of access to safe and adequate water, sanitation and hygiene also creates challenges for menstrual hygiene management for women. A pack of sanitary pads reportedly cost more than 5,000 NKRW (USD 5.6), and most women use pieces of cloth as an alternative. Education on menstruation is insufficient, and both women's and men's understanding of menstruation is limited. According to a study, women perceived menstruation as "shameful" and "embarrassing"<sup>46</sup> and stigma is attached to menstruation – if the car got a flat tire, North Korean men would say "who is on her period?"<sup>47</sup>

### **D. Violence against women**

34. Accounts from escapees indicate that domestic violence is widespread. According to escapees, economic hardship, drug abuse and patriarchal attitudes contribute to domestic violence. Victims do not have access to protection mechanisms where they can report such violence and seek protection. A North Korean female escapee stated that the police take action only when domestic violence leads to the death of the victim. The Family Law provides for divorce "when the couple can no longer maintain their marital relations for reasons, including in case a spouse betrays their partners, undermining the love and the trust between the two." Divorce is rare, and requires a court ruling.<sup>48</sup>

35. Women who engage in financial activities are vulnerable to sexual exploitation. In some cases, local officials and market managers ask for bribes or sexual favours in return for allowing women to trade in the market. An increasing number of women travel between different cities, often without official permission, to purchase and sell

<sup>44</sup> A/RES/70/169, para.2

<sup>45</sup> The 2017 MICS survey.

<sup>46</sup> Documentation Center for North Korean Human Rights, "Periods are a shameful thing in North Korea", (2018), p.43.

<sup>47</sup> *Ibid.*, p.61

<sup>48</sup> In 2016, there were 2,000 divorce cases in a population 25.3 million. *See* Responses by the delegations to the CEDAW, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22373&LangID=E>

products for trading. According to some accounts, this leaves women vulnerable to sexual exploitation at train stations where local officials may allow unauthorized travel in exchange for sexual favours or bribes.<sup>49</sup> Crowded railway carriages and lack of proper accommodation during travel also leaves women vulnerable to sexual violence while travelling. The Government reported to the Committee on the Elimination of Discrimination against Women in 2017 that “[s]exual exploitation of women is in no way a social problem in the DPRK.”<sup>50</sup> The Committee expressed its concern that the Law on the Protection and Promotion of the Rights of Women and the Family Law focus on reconciliation rather than the prosecution of perpetrators of gender-based violence.<sup>51</sup> Accounts by escapees indicate that there is no effective protection or reporting mechanism for women who are victims of violence, and that perpetrators, with a few exceptions, are not held accountable for such crimes.

## **E. Trafficking and sexual exploitation of women seeking to leave the country**

36. The Democratic People’s Republic of Korea acceded to the United Nations Treaty on Transnational Organized Crime on 16 June 2016, but has not yet ratified its protocol to prevent, suppress and punish trafficking in persons (2000). The 2010 Law on the Protection and Promotion of the Rights of Women prohibits the act of “abducting, trafficking, raping or gang raping a woman” and provides that the institutions concerned shall take stringent measures for the prevention of the aforementioned acts, while imposing severe legal punishments on those who committed such acts. However, there are no legal provisions to criminalize trafficking in persons or define punishments. In this regard, the Special Rapporteur urges the Government to seek technical assistance to duly comply with its law. Based on an OHCHR survey of 636 women who arrived to the Republic of Korea in 2018 and 2019, the majority of them spent several years in China prior to their arrival. Accounts indicate that many women have been trafficked, and sold into forced marriage or to the sex trade. It has reportedly become more difficult for North Korean women who have crossed the border irregularly to remain in China for a longer period without proper identification. Children born to North Korean mothers in China are in some cases unregistered and therefore unable to attend school. Some North Korean women escape to the Republic of Korea without their children, either leaving them behind or seeking reunification with the children after acquiring citizenship and settling in the Republic of Korea.

## **F. Treatment in detention and treatment upon repatriation**

37. In the OHCHR survey of 636 North Korean women who arrived in the Republic of Korea in 2019, 27 percent of the women had been detained on at least one occasion prior to leaving the Democratic People’s Republic of Korea. According to accounts, conditions in detention for women failed to meet basic human rights standards<sup>52</sup>. Many women described insufficient and poor quality of food, the lack of privacy, the lack of access to sanitation and hygiene, and hard labour during detention. One woman who escaped from the country in 2019 stated that she was detained in a labour training camp for a month because she visited a fortune teller when her mother was ill. She said that her detention experience finally convinced her to leave the country because “everything [in detention] was so hard – the toilet was not properly equipped, men and women had to sleep in the same room, the work was from eight in the morning to eight at night, and from five in the morning for those who worked outside of the camp, and the learning of

<sup>49</sup> See also Human Rights Watch, “You Cry At Night but Don’t Know Why” Sexual Violence Against Women in North Korea.(2018).

<sup>50</sup> CEDAW/C/PRK/2-4, para.70.

<sup>51</sup> Ibid., para.71 (c)

<sup>52</sup> See United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), A/RES/65/229.

the ten principles<sup>53</sup> and [detention] regulations was from nine to eleven at night”. One former detainee described an improvement of access to sanitation in one pre-trial detention center close to the border with China. In this facility, detainees were reportedly provided with soap, salt in place of toothpaste, towels and tissue paper, and menstruating women were given sanitary pads.

38. Women in detention remain vulnerable to sexual violence and sexual harassment. Guards are male, and there are no safe avenues for filing complaints. Cases of guards or investigators demanding bribes or sexual favours in return for better treatment, including improved access to food, or less arduous labour assignments have been reported. Women who attempt to exercise their right to leave the country are vulnerable to arrest and detention, and are thereby at risk of further human rights violations. During interrogation, the use of beatings and other forms of torture to extract confessions appears to be standard practice. The ability of the accused to pay bribes can influence the outcome of the investigation, including the determination of whether a detainee is released.<sup>54</sup> There is no judicial oversight or respect of suspects’ right to a fair trial throughout this process, in violation of the State’s international obligations, including under articles 9 and 14 of the International Covenant on Civil and Political Rights.

## G. Resettlement in the Republic of Korea

39. As of December 2019, 33,523 escapees from the Democratic People’s Republic of Korea have entered the Republic of Korea since recording began in 1998.<sup>55</sup> In 2019, 1,047 North Korean escapees arrived in the Republic of Korea, which constitutes a small decrease from previous years.<sup>56</sup> More than 70 percent of escapees arriving in the Republic of Korea are women, and nearly 80 percent were aged between 20 and 49 at the time of their arrival. The Government of the Republic of Korea provides escapees with support services and benefits<sup>57</sup> in the areas of protection, education, employment, accommodation, medical care,<sup>58</sup> and other basic needs.<sup>59</sup>

40. In spite of such support, many North Korean escapees struggle with integration into South Korean society. According to research, the employment rate of woman escapees increased from 50.6 percent in 2015 to 56.6 percent in 2018.<sup>60</sup> However, a survey of 431 escapees conducted by a civil society organization indicated that many escapees were employed as temporary or day-workers, and as a result did not have job

<sup>53</sup> The “Ten Principles for the Establishment of the Monolithic Ideological System”, announced by Kim Jong Il in 1974, are regulations that citizens should comply with.

<sup>54</sup> See OHCHR, “The price is rights” (2019), pp. 25-6 & 34-9.

<sup>55</sup> [https://www.unikorea.go.kr/eng\\_unikorea/relation/statistics/defectors/](https://www.unikorea.go.kr/eng_unikorea/relation/statistics/defectors/).

<sup>56</sup> In 2018, 1,137 escapees arrived. In 2017, 1,127 escapees arrived. *See* [https://www.unikorea.go.kr/eng\\_unikorea/relation/statistics/defectors/](https://www.unikorea.go.kr/eng_unikorea/relation/statistics/defectors/).

<sup>57</sup> [https://northkoreanrefugee.org/eng/services\\_benefit/others.jsp](https://northkoreanrefugee.org/eng/services_benefit/others.jsp) North Korean escapees receive between 8 and 39 million South Korean Won as a settlement benefit, as well as between 16 and 23 million South Korean Won as a housing subsidy upon leaving resettlement centers. They are integrated into the Republic of Korea security and medical care system. School tuition fees are waived until high school and at national and public universities, and a fifty percent tuition grant is provided when escapees enter private universities. They are also provided with allowances and job training expenses while receiving vocational training. In an effort to facilitate their employment, the Government supports half of the wages of escapees for maximum of four years.

<sup>58</sup> Medical services are free for the first five years after arrival, and 90 percent of medical costs are covered after that. *See* Hyunmin Ahn & Sungnam Kim, 2019 Social and Economic Integration of North Korean Defectors in South Korea, Database Center for North Korean Human Rights, p.58.

<sup>59</sup> The North Korean Refugees Protection and Settlement Support Act of the Republic of Korea (2019). <http://www.law.go.kr/LSW//lsInfoP.do?lsiSeq=206648&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000>.

<sup>60</sup> Korea Hana Foundation, 2018 Settlement Survey of North Korean Refugees in South Korea, p.136.

security.<sup>61</sup> 23.8 percent of the escapees reportedly survived on government subsidies in 2019 – a figure that is seven times the overall national figure.<sup>62</sup> In addition, the majority of North Korean escapees stated that they send money to relatives in the Democratic People’s Republic of Korea.<sup>63</sup> It was therefore often difficult for escapees to save up for their retirement. In July 2019, a North Korean female escapee and her six year old son were found dead in Seoul. They had reportedly died in late May after being unable to qualify for assistance to cover their basic needs, and their deaths initially went unnoticed. Following the deaths, some escapees called for improvement in the South Korean Government’s support programs for escapees. On 2 September 2019, the Ministry of Unification announced “[c]omprehensive measures to ensure the social stability of North Korean defectors”. These measures included minimizing blind spots in the welfare system, carrying out a comprehensive survey of vulnerable defector households and expanding some areas of support for escapees.<sup>64</sup>

41. According to research by the Ministry of Gender Equality and Family of the Republic of Korea, 65.2 percent of female escapees suffered from chronic diseases, 50 percent were at risk of depression, and more than a quarter of escapees suffered from post-traumatic stress disorder (PTSD).<sup>65</sup> Experts and civil society actors have expressed concern about the lack of support to address anxiety, depression, PTSD and other mental health issues affecting many escapees. Escapees also mentioned feeling isolated and noted their limited interaction with South Koreans as an ongoing challenge.<sup>66</sup>

## V. Engagement and political negotiations

42. The Special Rapporteur has not been able to exchange views with the authorities of the Democratic People’s Republic of Korea, neither by meetings in Geneva or New York nor through an exchange of letters. In a letter dated 2 July 2019, the Special Rapporteur requested a country visit, and in a letter dated 2 October 2019, he sought the Government’s views on the impact of sanctions on the situation of human rights. Regrettably he has not received a response to these letters. During his mission to Japan, the Special Rapporteur contacted *Chongryon*<sup>67</sup>, the General Association of Korean Residents in Japan, in order to hear their views on the situation in the Korean Peninsula, and to learn about their situation in Japan, including their work in schools and university. Representatives of *Chongryon* declined to meet with him.

43. The Special Rapporteur wishes to stress that his engagement with all Governments is strictly guided by the principles of independence, neutrality and impartiality, and that regular contact with the Government of the Democratic People’s Republic of Korea would allow him to reflect their views. Although the Government continues to refuse to cooperate with his mandate, in disregard of General Assembly and Human Rights Council resolutions, he will continue to seek opportunities for formal and informal engagement. In parallel, the Special Rapporteur continues to encourage

<sup>61</sup> Database Center for North Korean Human Rights, 2019 Social and Economic Integration of North Korean Defectors in South Korea (available in Korean), p.102.

<sup>62</sup> Overall, the rate of persons surviving on government subsidies in the Republic of Korea is 3.4 percent.

<sup>63</sup> According to accounts, North Korean escapees use multiple brokers to send money to their relatives in the Democratic People’s Republic of Korea.

<sup>64</sup> [https://www.unikorea.go.kr/eng\\_unikorea/news/releases/?boardId=bbs\\_0000000000000034&mode=view&cntId=54214&category=&pageIdx=](https://www.unikorea.go.kr/eng_unikorea/news/releases/?boardId=bbs_0000000000000034&mode=view&cntId=54214&category=&pageIdx=).

<sup>65</sup> Eunjoo Shin et al., the Ministry of Gender Equality and Family of the Republic of Korea, Study on North Korean Defector Women’s Damage of Violence and Support Measures, 2017, pp. 17 and 42 [Korean].

<sup>66</sup> The Seoul Foundation of Women and Family, Supporting Policy for North Korean Women. Defectors with Migration Research’s Perspective [Korean apart from Abstract], p.132.

<sup>67</sup> Chae Ilbon Chosonin Ch’ongryonhaphoe, The Japanese name for the organizations is Zai-Nihon Chosenjin Sorengokai or Chosen Soren.

thematic mandate holders of the special procedures to explore possibilities for conducting country visits to the Democratic People's Republic of Korea.

44. During the reporting period, the Special Rapporteur continued to stress the need for the integration of human rights into peace and denuclearization negotiations. In October 2019, the Special Rapporteur made an informal visit to the United States where he met and discussed the strategy for integrating human rights into ongoing peace talks with the United States Special Representative for North Korea, Mr. Stephan Biegun and other high-ranking government officials.

45. The Special Rapporteur also believes that there is a need to move forward on efforts to sign a peace agreement. He is of the view that a declaration on peace and development in the Korean Peninsula, and a swift resolution of the armistice status, would create the atmosphere and space needed for further discussions on denuclearization, less isolation, more access, and respect for human rights. In fact, the Declaration on the Rights of Peoples to Peace<sup>68</sup> states in its Preamble that the United Nations is “[c]onvinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations”. It also “[a]ppeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of appropriate measures at both the national and the international level”. The Special Rapporteur therefore believes that a peace declaration should not be put on hold until denuclearization is completed.

46. The Special Rapporteur also met with members of Women Cross DMZ. In 2015, 30 women from 15 countries crossed the Demilitarized Zone, demonstrating their commitment to peace-making. This was an unprecedented movement that engaged with women inside the Democratic People's Republic of Korea, and now has converged with other groups into a global coalition of women's peace organizations calling to end the Korean War, to sign a peace agreement, and to include women in peace processes.<sup>69</sup> The Special Rapporteur calls upon concerned Governments to hear the message from this movement.

## VI. Accountability

47. The United Nations Human Rights Council continues to explore possible options for accountability for human rights violations in the Democratic People's Republic of Korea. OHCHR, mandated by the Human Rights Council, collects and analyzes victim and witness accounts and consolidates information from different stakeholders. Civil society organizations have also continued to gather information about human rights abuses. The Special Rapporteur supports such efforts to preserve information for future peace and justice processes.

48. The Special Rapporteur also believes that now is the time to develop and test concrete avenues for accountability and justice for human rights violations in the Democratic People's Republic of Korea. Victims of human rights violations cannot wait for the parties to agree on peace and denuclearization. Lack of accountability also means lack of deterrence for ongoing and future abuses. In other country situations, there have been efforts to address violations at the interstate venue of the International Court of Justice, and through creative legal channels at the International Criminal Court and domestic courts under the principle of Universal Jurisdiction.<sup>70</sup> These and other experiences should inform efforts to seek justice for violations in the Democratic People's Republic of Korea.

<sup>68</sup> A/RES/39/11 (1984).

<sup>69</sup> The campaign is called Korea Peace Now! Women Mobilizing to End the War.

<sup>70</sup> This refers to the case of Myanmar.

49. Six years ago, the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea presented its report to the Human Rights Council where it found reasonable grounds to conclude that "crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State", and that "crimes against humanity are ongoing because the policies, institutions and patterns of impunity that lie at their heart remain in place".<sup>71</sup> The inaction by the United Nations Security Council to refer the case to the International Criminal Court, as recommended by the Commission of Inquiry, should not paralyse all other initiatives and mechanisms aimed at bringing justice.

## VII. Conclusion

50. **The human rights situation in the Democratic People's Republic of Korea continues to be serious. The stalled political negotiations have pushed the Government of the Democratic People's Republic of Korea towards an unattainable focus on self-reliance. The international sanctions appear to be having a negative impact on the fulfilment of economic rights, and the closing of borders in order to prevent spread of COVID-19 may further aggravate the situation. These conditions also pose a challenge to progress in the area of human rights. The Special Rapporteur therefore calls for more concrete actions and greater efforts to engage with the Democratic People's Republic of Korea in all areas - in efforts to sign a peace agreement; in negotiations on denuclearization; in reviewing sanctions; in humanitarian access, and critically, in the protection and promotion of human rights. Concerned states, the entire international community and the United Nations should seize opportunities to engage. The Government of the Democratic People's Republic of Korea should equally take active steps in these areas, with a view to promoting human rights and ending violations against its own population.**

51. **The Special Rapporteur has encouraged the Government of the Democratic People's Republic of Korea to engage with the international human rights mechanisms. The Government has made small steps by for instance actively participating in the universal periodic review process of the Human Rights Council and accepting 132 recommendations.<sup>72</sup> Engagement in dialogue and cooperation is critical for addressing human rights concerns in the Democratic People's Republic of Korea - by the international community accessing the country and North Koreans making more connections with the outside world. The Special Rapporteur encourages the members of the Human Rights Council to build consensus on the approach to constructive engagement with the Democratic People's Republic of Korea, and calls on the United Nations High Commissioner for Human Rights, treaty bodies, special procedures and the Human Rights Council to continue their efforts in this regard.**

## VIII. Recommendations

52. **The Special Rapporteur recommends that the Democratic People's Republic of Korea:**

- (a) **Take steps to progressively achieve the realization of the right to an adequate standard of living, including the right to food and the rights to water and sanitation, using the maximum of the State's available resources and prioritizing the most marginalized communities;**

<sup>71</sup> A/HRC/25/63, paras. 75 and 76

<sup>72</sup> A/HRC/42/10/Add.1.

(b) Create an environment where people can freely and safely enjoy their right to earn a living through work by reviewing the criminal code and other relevant legislation and by countering widespread corruption;

(c) Carry out research and release statistical and other data that will allow for an assessment of the impact of international sanctions on the economic and social rights of the people;

(d) Review the criminal code and other laws to redefine the acts that constitute “threats to national security” and review the necessity and proportionality of restrictions on freedom of information;

(e) Release detailed information about *kwanliso* (political prison camps) and invite independent international monitoring bodies to monitor them;

(f) Address allegations of enforced disappearance, including in the form of abductions, and provide accurate information to the families of the victims on the fates and whereabouts of their missing relatives;

(g) Relax the surveillance and monitoring of people’s private lives by the authorities in order to respect the right to freedom of expression and opinion and the right to privacy;

(h) Recognize the fundamental right to leave and enter the country both in law and practice, and ensure that those who are repatriated are not subjected to punishment upon repatriation;

(i) Develop a comprehensive plan of action to address women specific issues and promote gender equality;

(j) Review the policy of labour mobilization including carried out by the Korean Democratic Women’s Union and guarantee the just and favourable conditions of work” which ensures fair wages and equal remuneration;

(k) Review the criminal code and other laws to criminalize all forms of gender-based violence against women and ensure that the perpetrators are prosecuted; in particular, seek technical assistance from OHCHR and others in creating legislation and institution to punish and address domestic violence.

(l) Establish the effective protection and reporting mechanisms for women who are victims of gender-based violence;

(m) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons (2000), and seek technical assistance from OHCHR and other relevant entities in creating legislation and institutions to prevent and address trafficking.

(n) Provide greater and unhindered access as well as timely and relevant data to the United Nations and humanitarian organizations to enable them to reach out to the most vulnerable communities that require assistance;

(o) Continue to seek technical assistance from the Office of the United Nations High Commissioner for Human Rights, including by granting access to the country;

(p) Initiate a process of dialogue with the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea.

53. The Special Rapporteur recommends that the Republic of Korea:

(a) Integrate human rights into inter-Korean negotiations;

(b) Undertake consultations with wider stakeholders engaged in the situation of human rights in the Democratic People’s Republic of Korea;

(c) Reinforce its efforts to prevent the repatriation of citizens of the Democratic People’s Republic of Korea;

(d) Review the domestic laws to prevent the repatriation of citizens of the Democratic People’s Republic of Korea by its authorities;

(e) Broaden its support to North Korean escapees in the area of integration to the society and of mental health;

(f) Establish the North Korean Human Rights Foundation in accordance with the North Korean Human Rights Act passed by the National Assembly of the Republic of Korea in 2016;

(g) Facilitate people-to-people exchanges with the Democratic People's Republic of Korea by lowering restrictions on freedom of communications.

54. The Special Rapporteur recommends that China:

(a) Refrain from forcibly returning individuals to the Democratic People's Republic of Korea who are at risk of serious human rights violations upon repatriation;

(b) Consider adopting a legal and policy framework for citizens of the Democratic People's Republic of Korea who live in China or who transit through its territory that would allow them to seek asylum or to apply for settlement in countries of their choice;

(c) Consider adopting a legal and policy framework to protect victims of human trafficking in China, in particular women and children, that would allow for access to health care and education, among other basic services;

(d) Grant permission to the Office of the United Nations High Commissioner for Refugees to travel to relevant border areas to enable escapees from the Democratic People's Republic of Korea access to their right to seek asylum from persecution.

55. The Special Rapporteur recommends that the Democratic People's Republic of Korea, the Republic of Korea, the United States of America, and the People's Republic of China, together with the participation of other member states as necessary, reach an agreement on peace and prosperity, including provisions to promote human rights and address human rights violations.

56. The Special Rapporteur recommends that the international community:

(a) Use any available opportunity for dialogue with the Democratic People's Republic of Korea to create an environment to advance a peace agreement and seek progress in the human rights situation;

(b) Prepare to support North Koreans in preventing an outbreak of COVID-19;

(c) Provide increased financial and other support to humanitarian actors, including the United Nations, to enable them to respond to the most urgent humanitarian needs in the country and to support development initiatives;

(d) Continue to support to the efforts of civil society actors to address the situation of human rights in the Democratic People's Republic of Korea;

(e) Support efforts to promote accountability in the Democratic People's Republic of Korea, including the Field-based Structure in Seoul and the work of the OHCHR on accountability issues.

57. The Special Rapporteur recommends that the United Nations:

(a) Review sanctions by conducting a comprehensive study of their detrimental impacts on North Korean's human rights and on the humanitarian situation;

(b) Support technical cooperation projects on human rights with the Democratic People's Republic of Korea;

(c) Continue to promote accountability in the Democratic People's Republic of Korea.

58. The Special Rapporteur recommends that civil society organizations:

(a) **Continue to monitor and document human rights violations and use that information to support accountability efforts and to advocate for changes in the laws and policies of the Democratic People's Republic of Korea;**

(b) **Engage with Member States to advocate for the advancement of peace agreement and the integration of human rights into negotiations.**

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