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

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 76/177 on the situation of human rights in the Democratic People's Republic of Korea. It provides an overview of the human rights situation in the country from August 2021 to July 2022 and a summary of the engagement of the Government of the Democratic People's Republic of Korea with the United Nations on human rights.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 76/177 on the situation of human rights in the Democratic People's Republic of Korea. It provides an update on the human rights situation since August 2021 (see A/76/242), including an overview of the situation of civil, political, economic, social and cultural rights in the country, and an update on cooperation with the United Nations to improve the situation of human rights.

2. On 1 July, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a note verbale to the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in Geneva inviting the Government to provide factual comments on the draft report. No response had been received at the time of writing.

3. The challenges of gathering independent and credible information on the situation of human rights in the Democratic People's Republic of Korea have increased over the reporting period. The Government's strict coronavirus disease (COVID-19) restrictions imposed in January 2020 meant that no United Nations international staff were present in the country during the reporting period.[1] Another source of information on the human rights situation – people who have escaped from the Democratic People's Republic of Korea and share their experiences, including with OHCHR – has also decreased dramatically following the introduction of COVID-19 restrictions. In 2021, only 63 escapees entered the Republic of Korea (40 male and 23 female), compared with 1,047 in 2019 and 229 in 2020. The vast majority left the Democratic People's Republic of Korea before the COVID-19 restrictions were introduced, having been residing in other countries, including China and the Russian Federation, before arriving in the Republic of Korea. OHCHR continued to conduct interviews with the escapees, which are referred to in the present report, although most of the violations documented occurred prior to the reporting period. OHCHR also made use of data and analysis provided by relevant United Nations entities, as well as open-source materials from State media, academic institutions and non-governmental organizations.

4. The Secretary-General reiterates the need for constructive engagement by the Democratic People's Republic of Korea with the United Nations and its mechanisms in addressing the human rights challenges outlined in the present report. This engagement can support the Government in fulfilling the obligations to which it has agreed voluntarily under international human rights law and thereby improve the well-being of the people. The Secretary-General makes recommendations to the international community, including on the need to commit to sustained and principled engagement on human rights with the Democratic People's Republic of Korea.

II. Political context

5. During the reporting period, there was no improvement in inter-Korean relations. The Democratic People's Republic of Korea continued its weapons development programme, which, on 24 March 2022, included what was described by the Government as an intercontinental ballistic missile test. This was the country's first test of an intercontinental ballistic missile since November 2017.

6. The President of the Republic of Korea at the time, Moon Jae-in, condemned the launch for breaking the country's self-imposed moratorium on long-range missile and nuclear testing from April 2018 and for posing a "grave threat" to the Korean

[1] The diplomatic presence has further decreased as well.

Peninsula.[2] On 26 May, China and the Russian Federation vetoed a Security Council draft resolution on strengthening sanctions against the Democratic People's Republic of Korea. On 8 June, the General Assembly held a debate on the veto cast in relation to the draft resolution, pursuant to Assembly resolution 76/262. Speakers expressed diverging views on the actions of the Democratic People's Republic of Korea related to nuclear non-proliferation and security in the Korean Peninsula and the impact of further sanctions on the humanitarian situation.[3]

7. In March 2022, the Panel of Experts established pursuant to Security Council resolution 1874 (2009) released its report covering the period from 4 August 2021 to 28 January 2022 (S/2022/132). The Panel stated that the Democratic People's Republic of Korea continued to maintain and develop its nuclear and ballistic missile programmes in violation of Council resolutions and that "renovation and construction activities at nuclear-related facilities are under way across the country".

8. In his post-election speech, the President-elect of the Republic of Korea, Yoon Suk-yeol, said that he would "respond decisively to the illegal and unreasonable behaviours of North Korea based on principles, while always keeping the door for inter-Korean dialogue open".[4]

III. Overview of the situation of human rights

9. On 12 May 2022, the State news agency reported an outbreak of the Omicron variant of COVID-19 in Pyongyang, acknowledging that the outbreak had happened in late April. The Politburo of the Workers' Party of Korea reportedly passed a resolution to transition to a "maximum emergency epidemic prevention system".[5] There are concerns that the country's first outbreak of COVID-19 may lead to a further deterioration of the broader human rights situation, including access to adequate food and health care, and that the country's health-care infrastructure might be unable to cope with any major outbreak of COVID-19. In the context of the Government's maintenance and subsequent increase of strict COVID-19 restrictions, accounts continue to be received pointing to increasing repression by the Democratic People's Republic of Korea of the rights and freedoms of its people. According to accounts received, the increase in the repression of rights and freedoms has been made possible by the constitutional and institutional characteristics of the State, which serve to control the population and centralize power rather than enable the realization of human rights, highlighting the urgent need for reform.

10. According to reports received, there remains no progress in securing accountability for human rights violations in the Democratic People's Republic of Korea, some of which, as previously documented, may amount to crimes against humanity. In her oral update to the Human Rights Council on 21 March 2022, the High Commissioner reported that information received by OHCHR continued to suggest that there were reasonable grounds to believe that crimes against humanity had been committed in the Democratic People's Republic of Korea and may be ongoing. She urged the Government to commit to the systemic reforms needed to end

[2] Subsequently, on 9 March 2022, Yoon Suk-yeol of the People Power party won the presidential election in the Republic of Korea and assumed office on 10 May 2022.

[3] United Nations, "General Assembly holds landmark debate on Security Council's veto of draft text aimed at tightening sanctions against Democratic People's Republic of Korea", press release, 8 June 2022.

[4] *Korea Times*, "Yoon to redirect Korea's diplomacy with US, China, Japan", 10 March 2022.

[5] KCNA, "More measures taken to keep stable situation of anti-epidemic campaign in DPRK", 24 May 2022. Open-source monitoring case numbers include those from the NK Pro COVID-19 tracker, available at www.nknews.org/pro/coronavirus-in-north-korea-tracker.

all human rights violations and to hold those responsible to account. In the absence of any such commitment, she said that it was incumbent on the international community to pursue accountability avenues, including through referral to the International Criminal Court or the establishment of an ad hoc tribunal or another comparable mechanism.[6]

A. Rule of law

11. Reports received point to a lack of progress in establishing the rule of law upheld by an independent and impartial judiciary. The Workers' Party of Korea continues to control all institutions, with decisions of the Party and the Supreme Leader overriding formal laws. According to articles 11 and 109 of the Constitution, "the Democratic People's Republic of Korea shall conduct all activities under the leadership of the Workers' Party of Korea", and orders of the Supreme Leader supersede all laws or other directives. Article 168 of the Constitution establishes that "the Central Court shall be accountable to the Supreme People's Assembly", with the Assembly under the control of the Workers' Party of Korea.[7] Rather than protecting the human rights and fundamental freedoms of the people, the function of the Court is to protect "State power" and "staunchly combat class enemies" (art. 162). The Workers' Party of Korea continues to screen and appoint all judges and, once in position, they reportedly take orders from the Party and base legal decisions on political considerations.[8] Lawyers are strictly controlled by the State.

12. Despite being a party to the International Covenant on Civil and Political Rights, due process and fair trial rights as protected under article 14 of the Covenant continue to be systematically violated in the Democratic People's Republic of Korea. According to reports received during the reporting period, trials continue to be either non-existent or of a perfunctory nature.[9] People continue to rely on bribes rather than the courts to protect their right not to be subject to arbitrary detention.[10] Those suspected of acts that challenge State power remain vulnerable to prosecution for "political" crimes by the Ministry of State Security, whose wide-ranging powers over the accused and their family members are exercised without judicial oversight.[11] Persons arrested for "political" crimes are held incommunicado, which may result in enforced disappearance. Arrest and detention under the Administrative Penalty Law also continue to operate outside of any judicial oversight.

13. The prosecution and conviction of defendants continue to rely, overwhelmingly, on "confessions". This encourages the widespread and systematic use of torture and other forms of ill-treatment in detention to extract confessions. The fact that the defence cannot challenge evidence presented by the prosecution can further enable the use of torture in places of detention.

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[6] Oral update to the forty-ninth session of the Human Rights Council, delivered by Ilze Brands Kehris, Assistant Secretary-General, 21 March 2022.

[7] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2021* (Seoul, 2021), p. 163.

[8] Robert Collins, *Denied from the Start: Human Rights at the Local Level in North Korea* (Human Rights Network in North Korea, Washington, D.C., 2018), pp. 14 and 31.

[9] David Hawk, *Human Rights in the Democratic People's Republic Of Korea: The Role of the United Nations* (Human Rights Network in North Korea, Washington, D.C., 2021), p. 45.

[10] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2021*, p. 165; and Office of the United Nations High Commissioner for Human Rights (OHCHR), "The price is rights", May 2019, pp. 25, 26 and 34–38.

[11] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2021*, p. 175.

14. Pretrial detention continues to occur outside effective judicial control. The Criminal Code and the Criminal Procedure Code do not contain any provisions allowing for judicial review of detention at the investigation or preliminary examination stages. Under articles 186 and 187 of the Criminal Procedure Code, the period of detention for a preliminary examination may last up to four months. Consequently, suspects are arbitrarily detained for prolonged periods without being convicted of any crime. According to the Korea Institute for National Unification, an interviewee who had worked in a detention centre in 2019 explained that a person detained before trial is considered "a person whose sentence is pending" and is therefore treated as a prisoner.[12]

B. *Songbun* and the right to non-discrimination

15. Underlying the widespread and systematic repression of human rights in the Democratic People's Republic of Korea is a system of social categorization and control known as *songbun.* Through this form of categorization, the Workers' Party of Korea assigns all people to one of three classes according to the Party's judgment of their loyalty and acquiescence to its centralized rule. These judgments by the Party include consideration of a person's family history and background together with an ongoing assessment of current behaviour, enabled by the extensive apparatus of State surveillance in place throughout the country. The obligation of States not to discriminate in the exercise of their power, including on grounds of political opinion, national or social origin, property, birth or other status, is a core principle of international human rights law, as reflected in the human rights treaties that the Democratic People's Republic of Korea has signed.

16. The *songbun* social categorization system enables the State to effectively monitor people and marginalize those deemed to challenge the legitimacy of its rule. It also enables the State to reward an elite whose loyalty is considered essential to the stability of its rule. During the third cycle of the universal periodic review in 2019, the Government rejected recommendations related to *songbun* (A/HRC/42/10, paras. 127.18–127.22). Escapees interviewed by OHCHR during the reporting period continued to attest to the influence of *songbun* in a person's access to a range of human rights, in combination with other forms of discrimination, including gender.[13] This includes access to higher education, housing, food, employment, participation in public affairs, married and family life and place of residence. Only people who are part of the core/loyal class are able to reside in the capital, Pyongyang, and thereby have access to superior social services relative to other parts of the country.[14] Those of lower *songbun* are assigned residency in isolated parts of the country, where they are often required to perform hard labour in mines and on farms. Escapees have also cited the ongoing role of *songbun* in influencing the outcome of criminal prosecutions, including the length of prison sentences handed down and the likelihood of being sent to a political prison camp. Those who are categorized in the core/loyal class always remain vulnerable to being "demoted" to less privileged classes for "transgressions" adjudged by the Workers' Party of Korea, further institutionalizing incentives not to challenge the legitimacy of State decisions and the processes by which they are made.

[12] Ibid., p. 68.

[13] Interviews conducted by OHCHR.

[14] Interviews conducted by OHCHR. This is not to say that residents of Pyongyang do not also suffer serious human rights violations, including of their economic, social and cultural rights.

C. Democratic representation and participation in public affairs

17. The political system in the Democratic People's Republic of Korea continues to be a one-party State, with power concentrated in a leader who inherits his position through birth. The Politburo of the Workers' Party of Korea acts as the country's executive branch of Government, headed by Kim Jong Un. The Supreme People's Assembly – the country's parliament – and the local legislative bodies remain under the complete control of the Workers' Party of Korea (see art. 5 of the Constitution). There remains no opportunity for people to meaningfully participate in the selection of their own representatives. Elections to legislative bodies are only perfunctory for the approval of appointments made by the Workers' Party of Korea. The ballot is not secret, and voters fear punishment for not voting for the selected candidates.[15]

D. Rights to freedom of expression, thought, conscience, religion, peaceful assembly, association, privacy and movement

18. Repression of the right to freedom of expression further intensified during the reporting period, including increased efforts to prevent access to information from outside the country, in violation of the State's obligations under articles 17 and 19 of the International Covenant on Civil and Political Rights. Interviews with escapees before the pandemic had already indicated increasing repression of the right to access information since Kim Jong Un came to power.[16] A 2021 survey ranks the Democratic People's Republic of Korea as the world's most information-censored country.[17]

19. In 2020, the Reactionary Thought and Culture Denunciation Law[18] was enacted, under which anyone found in possession of large amounts of media from the Republic of Korea or found to have been distributing such content reportedly faces life imprisonment or even the death penalty.[19] One man was reportedly executed in public in April 2021 under the new law after his *inminban* (neighbourhood watch unit) observed him selling storage devices containing films, music and broadcasts from the Republic of Korea.[20] The law criminalizes other acts, such as the use of slang and fonts from the Republic of Korea, with penalties including job dismissal and fines. The State-run Korean Central News Agency described the law as setting the principles of "ideological, revolutionary and class positions by thoroughly preventing the inroads and spread of the anti-socialist ideology and culture".[21] Prior to the passing of the law, there were reports of ongoing public executions under the rule of Kim Jong Un, including seven executions of persons caught watching or distributing videos

[15] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2021*, pp. 276, 278 and 282.

[16] People for Successful Corean Reunification (PSCORE), *The New Frontier of Human Rights: Digital Rights in North Korea* (2021), pp. 56 and 57; and Intermedia, *Compromising Connectivity* (2017), pp. 24–26, 29, 60 and 61.

[17] See www.comparitech.com/blog/vpn-privacy/internet-censorship-map.

[18] On 23 August 2021, special rapporteur mandate holders sent a joint communication to the Government of the Democratic People's Republic of Korea to raise human rights concerns about the law. Available at https://spcommreports.ohchr.org/TMResultsBase/DownLoadPublicCommunicationFile?gId=26593.

[19] The full text of the law was not published, but four pages describing a portion of the law were obtained by the Seoul-based Daily NK.

[20] Daily NK, "Wonsan man executed for illegally selling CDs and USBs with S. Korean movies, dramas and music videos", 25 May 2021.

[21] Korean Central News Agency, "12th plenary meeting of 14th Presidium of DPRK Supreme People's Assembly held", 5 December 2020.

from the Republic of Korea.[22] One man interviewed by OHCHR during the reporting period said: "People watch content from South Korea. I did not try because, once you are caught, you will be expelled to rural areas or shot to death".[23] Article 6, paragraph 2, of the International Covenant on Civil and Political Rights reads: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court". The Human Rights Committee has noted that the term "the most serious crimes" must be read restrictively and appertain only to crimes of extreme gravity involving intentional killing.[24] Furthermore, under no circumstances can the death penalty be applied as a sanction against conduct of which the very criminalization violates the International Covenant on Civil and Political Rights.[25]

20. The closure of the country's borders in response to the COVID-19 pandemic has further restricted people's access to information from outside the country. Information received during the reporting period pointed to an increased military presence along the border, the reinforcement of border fencing and the installation of closed circuit television cameras and motion detectors, making it more difficult for information to enter the country, such as through the distribution of USB memory sticks and micro SD cards.[26] Reports highlighted that the State continues to utilize new technologies to conduct surveillance and suppress access to foreign media content, including digital watermarking to monitor usage and the modification of hardware to prevent access.[27] Radio broadcasts to the Democratic People's Republic of Korea via short- and medium-wave radio frequencies from outside the country continue through outlets that the State has attempted to jam.[28]

21. In interviews with OHCHR during the reporting period, escapees described the absolute denial of freedom to express views or criticism of the Government. The widespread fear described by escapees of being sent to *kwanliso* (political prison camp) for expressing a political opinion remains the most emblematic example of the gross violation of the right to freedom of expression in the country.[29] Five such camps are believed to exist.[30] One representative witness informed OHCHR that: "I thought the [Democratic People's Republic of Korea] had struggles, but since we are not supposed to express our opinions, I didn't think of expressing this. [...] If I had, I would disappear. You could say the country was struggling or not well off, but if you said anything about Kim Jong Un or the regime or politics, you would disappear. That would mean *kwanliso*".[31] Escapees described hearing nothing more of victims sent to *kwanliso*, which operate entirely outside judicial oversight.[32] Together with the *songbun* system of social classification and the extensive system of State surveillance, the

[22] Transitional Justice Working Group, "Mapping killings under Kim Jong-Un: North Korea's response to international pressure", December 2021, pp. 10 and 21.
[23] Interviews conducted by OHCHR.
[24] Human Rights Committee, general comment No. 36 (2018), para. 35.
[25] Ibid., para. 36, which states: "Under no circumstances can the death penalty ever be applied as a sanction against conduct the very criminalization of which violates the Covenant".
[26] 38 North, "North Korea intensifies war against foreign influence", 10 November 2021.
[27] PSCORE, *The New Frontier of Human Rights: Digital Rights in North Korea*, pp. 34, 36 and 37.
[28] Michelle H. Choi, "Imagining the audience across the uncrossable border: South Korean radio broadcasting to North Korea and the rise of creativity in inter-Korean relations", *International Journal of Korean Unification Studies*, vol. 30, No. 2 (2021), pp. 151–190.
[29] Interviews conducted by OHCHR.
[30] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2021*, pp. 526 and 527.
[31] Interviews conducted by OHCHR.
[32] Interviews conducted by OHCHR.

existence of *kwanliso* creates a climate of fear and uncertainty to discourage any form of opposition to the ruling elite.

22. Reports have highlighted that the system of surveillance designed to monitor compliance and repress any attempts to challenge State authority remains deeply embedded in all aspects of social life.[33] The system is overseen from the centre by the Organization and Guidance Department of the Workers' Party of Korea. The Ministry of Social Security, the Ministry of State Security and local Party officials work closely with *inminban* leaders to monitor anti-State behaviour and conduct unannounced checks on households, including at night. These visits include checks on radios to ensure that mechanisms to receive foreign broadcasts remain disabled. Each *inminban* covers 20 to 40 families. In addition, the Ministry of People's Security and the Ministry of State Security maintain an extensive network of paid informers within the neighbourhoods, with estimates of 1 informer for every 50 adults or less across the country.[34]

23. The "organizational life" system in place throughout the country continues to control, direct and assist in monitoring all social activities of the people. Every adult is required to belong to one of five organizations: the Workers' Party of Korea, the Youth League, the Trade Union, the Union of Agricultural Workers or the Women's Union. Each organization meets three times a week, including for a "weekly life review session". These self-criticism and mutual criticism sessions remain part of an overarching and oppressive system of surveillance and indoctrination, with the constant threat that a session may expose significant ideological deviations leading to serious human rights violations for the accused and their families, including loss of employment, increased violations of the right to privacy and arbitrary detention.

24. The right to freedom of association continues to be denied. No community-based civil society organizations that are independent of the Workers' Party of Korea are allowed to exist. The right to peaceful assembly continues to be denied, and no independent media or other independent providers of information are allowed to exist. This compounds the voicelessness of the people in shaping the character and decisions of the State and further marginalizes women and other groups, including persons with disabilities, those assigned to a lower *songbun* and those residing in isolated parts of the country. The right to freedom of thought, conscience and religion also continues to be denied, with no alternative belief systems tolerated by the authorities.

25. The long-standing violation of the right of citizens to leave and return to their country of origin, in violation of article 12 of the International Covenant on Civil and Political Rights, has worsened since the country's border was closed at the end of January 2020 in response to the COVID-19 pandemic. A man interviewed by OHCHR who managed to escape across the northern land border in 2020 recalled being shot at by a border guard when he was spotted crossing.[35] According to international human rights standards, intentional lethal use of firearms is permitted only when strictly unavoidable in order to protect life.[36] Within the country, a travel permit system remains in place, enabling State control of all travel within and between provinces. Under article 282 of the Administrative Penalty Law, violations of the

[33] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2021*, pp. 195–210.

[34] Andrei Lankov, *The Real North Korea: Life and Politics in the Failed Stalinist Utopia* (Oxford University Press, 2015), p. 49; and Robert Collins, *Denied from the Start: Human Rights at the Local Level in North Korea*, p. 12.

[35] Interviews conducted by OHCHR.

[36] United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana (1990), para. 9.

travel permit system can result in detention without trial for up to three months in a labour camp (*rodongdanryondae*).

E. Human rights violations in places of detention

26. Despite the continued decrease in the number of escapees arriving in the Republic of Korea during the reporting period, escapees interviewed by OHCHR continued to provide accounts of serious human rights violations in places of detention that were consistent with the information already stored in the Office's central repository.[37] A possible further deterioration in the food situation in places of detention is anticipated while COVID-19 restrictions are in place, as well as further deprivations of access to health care and medicines, which have previously been reported to be grossly inadequate and have a gendered impact.[38]

F. Domestic violence

27. The increased confinement of families in the home during the pandemic has increased exposure to domestic violence globally.[39] In the voluntary national review of its implementation of the Sustainable Development Goals in 2021, the Government of the Democratic People's Republic of Korea stated that "mental and physical violence is not a social issue in the [Democratic People's Republic of Korea] where the people are masters of everything and everything serves for people".[40] Nevertheless, the Government has agreed to implement a number of recommendations relevant to the issue of domestic violence during its universal periodic reviews, including the recommendation made in 2019 to "take immediate measures to ensure gender equality and protect women from gender-based violence" (A/HRC/42/10, para. 126.172).[41]

28. Domestic violence has often been raised as a concern by escapees interviewed by OHCHR. One woman who left the Democratic People's Republic of Korea in 2019 said: "The issue of domestic violence is quite severe. The State does not intervene or investigate cases. There is no place to go for victims of domestic violence. The [Ministry of People's Security] does nothing for domestic violence".[42] It is the obligation of all States parties to the relevant instruments of international human rights law to take steps to prevent, address and eliminate all forms of gender-based violence, including domestic violence. This involves clearly defining concepts of domestic violence and marital rape in the Criminal Code, conducting thorough, effective and impartial investigations and prosecuting offences in accordance with the law. Furthermore, States are obliged to introduce preventive and supportive measures

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[37] For public reporting of these accounts, see A/76/242; and OHCHR, *'I Still Feel the Pain...': Human rights violations against women detained in the Democratic People's Republic of Korea* (Geneva, 2020).

[38] OHCHR, *'I Still Feel the Pain...': Human rights violations against women detained in the Democratic People's Republic of Korea*, pp. 15, 16, 26, 27, 46–49, 67 and 68.

[39] See www.unwomen.org/en/news/in-focus/in-focus-gender-equality-in-covid-19-response/violence-against-women-during-covid-19#:~:text=Emerging%20data%20shows%20an%20increase,in%20public%20spaces%20and%20online.

[40] Democratic People's Republic of Korea, *Voluntary National Review on the Implementation of the 2030 Agenda* (2021), pp. 23 and 24.

[41] Other relevant accepted recommendations include paras. 126.173–126.175 and 126.181 of A/HRC/42/10.

[42] Interviews conducted by OHCHR. See also Database Center for North Korean Human Rights submission to the sixty-eighth session of the Committee on the Elimination of Discrimination against Women, November 2017; available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/PRK/INT_CEDAW_NGO_PRK_29168_E.pdf.

involving awareness-raising campaigns and prompt access to services and protection for victims of domestic violence, including shelter, medical care, psychosocial support and protection from their aggressors.[43]

G. Access to livelihoods

29. Much of the lower-level private market activity in daily necessities, which is led by women, continues to be unregulated. This leaves the people involved vulnerable to arbitrary arrest and detention, sexual violence, extortion and economic downturns, with no adequate social safety nets in place. Owing to the strict COVID-19 measures in place since 2020 and subsequently increased in response to the first reported outbreak, there remain particular concerns about individuals and their families who have come to rely on private market activity for survival. One man interviewed by OHCHR during the reporting period mentioned the soaring prices of food and additional restrictions on market activity to generate income. He noted that some people had sold personal property such as televisions for money to buy food, but others with no property to sell had starved to death.[44] Highlighting the interconnectedness of the repression of civil and political rights with economic, social and cultural rights, the system allows no possibility for affected populations to organize, provide feedback and make demands on State authorities when material circumstances deteriorate. Furthermore, there are no accountability mechanisms in place to ensure that the State responds appropriately to the grievances raised by the people.[45]

H. Forced labour and workers' rights

30. Given the harsh COVID-19 restrictions that remain in place, including the border closure with China, there are reasonable grounds to believe that the State has relied increasingly on the extraction of unpaid forced labour from the general population. The State has a number of means to extract forced labour, often in hard and hazardous forms of work, including through the prison system and the military, as well as through "shock brigade" deployments, *inminban* and "community" groups and the school system. Those in detention, low-level conscripts and "shock brigade" members on long-term forced labour deployments away from home are particularly vulnerable to malnutrition and starvation.

31. As part of the repression of the right to freedom of association, no independent trade unions are allowed to exist to help to democratize the workplace and ensure the protection of workers' interests.

32. The World Health Organization and the International Labour Organization released a global monitoring report, raising concerns about occupational health and safety in the Democratic People's Republic of Korea.[46] The study calculates a severe regression in workers' safety in the country from an already high starting point, with a rate of 56.2 deaths per 100,000 workers in 2000, 78.1 in 2010 and 79.5 in 2016, which is higher than any of the other 182 countries listed.[47] In the report's calculation

[43] Committee on the Elimination of Discrimination against Women, general comment No. 35 (2017).

[44] Interviews conducted by OHCHR.

[45] For more on the interlinkages of rights violations in the context of the Democratic People's Republic of Korea, see OHCHR, "Implications of the right to development for the Democratic People's Republic of Korea and other United Nations Member States", discussion paper, pp. 5–8.

[46] World Health Organization and International Labour Organization, *Global Monitoring Report: WHO/ILO Joint Estimates of the Work-related Burden of Disease and Injury, 2000–2016* (Geneva, 2021).

[47] Ibid, p. 60.

of deaths as a result of stroke attributable to exposure to long working hours (more than 55 hours per week), the Democratic People's Republic of Korea was again the highest ranked and regressing, with a rate of 17.5 deaths per 100,000 workers in 2000, 27.5 in 2010 and 28.1 in 2016.[48]

I. Right to adequate food

33. With strict COVID-19 measures in place, including the closure of borders and restricted mobility within the country, serious concerns remain over the food situation. A male escapee interviewed by OHCHR indicated the seriousness of the situation: "Because of COVID, imports can't come into the [Democratic People's Republic of Korea] and I thought things would only get worse. The prices of goods were multiplying many times over. Because I thought things would get worse, it would be better if my mother had one less mouth to feed".[49] However, there is no clear picture of the current situation owing to the absence of published government statistics, as well as the humanitarian community's inability, following the introduction of COVID-19 restrictions (and the subsequent departure of all international staff), to access vulnerable populations and conduct assessments of the food, nutrition, health and water, sanitation and hygiene situation in the country.

34. In a letter sent to the Ninth Congress of the Union of Agricultural Workers on 27 January 2022, Kim Jong Un described the "food problem" as the "most pressing and critical matter at the moment", and said that "last year everything was in shorter supply than ever before".[50] There are particular concerns regarding possible food shortages in the more remote parts of the country, including rural areas and north-eastern border provinces, where people of lower *songbun* reside.[51] The Panel of Experts established pursuant to Security Council resolution 1874 (2009) quoted international humanitarian non-governmental organizations, which believe that "North Koreans, already highly vulnerable to food insecurity, may be dying due to the precarious food situation in the [Democratic People's Republic of Korea]" (S/2022/132, p. 391). The closure of schools for extended periods is likely to have led to food-insecure children missing out on food handouts that are usually provided at school. Other people who can be particularly vulnerable to increased food insecurity include pregnant and breastfeeding women, children under 7 years, older persons, persons with disabilities and persons in detention.

35. The World Food Programme, which has not distributed food aid in the country since March 2021 owing to the COVID-19 restrictions, reported that 5.5 million metric tons of food were harvested in September and October 2020, resulting in an estimated food gap of around 860,000 metric tons. Even before restrictions were introduced in January 2020, the country was suffering from chronic food insecurity and malnutrition, resulting in high rates of undernourishment, stunting and anaemia.[52] The most recent rapid food security assessment, conducted jointly in 2019 by the Food and Agricultural Organization and the World Food Programme, estimated that

[48] Ibid, p. 67.

[49] Interviews conducted by OHCHR.

[50] See https://kcnawatch.org/newstream/1643520715-235209836/let-the-union-of-agricultural-workers-of-korea-become-vanguard-in-the-struggle-for-achieving-our-style-of-socialist-rural-development.

[51] See www.asiapress.org/korean/2022/04/nk-economys/remedy; www.dailynk.com/20220408-5; and http://www.dailynk.com/%EC%8B%9D%EB%9F%89%EB%82%9C-%EC%8B%AC%ED%99%94%ED%95%98%EB%A9%B0-%EC%A0%88%EB%9F%89%EC%84%B8%EB%8C%80-%EC%A6%9D%EA%B0%80%EC%A3%BC%EB%AF%BC%EB%93%A4-%EB%82%A8%EC%A1%B0%EC%84%A0-%EC%8B%9D/.

[52] World Food Programme, Democratic People's Republic of Korea country brief, December 2021.

10.1 million people (40 per cent of the population) were food-insecure and in urgent need of food assistance. National food production remains insufficient to avoid chronic food insecurity, requiring support from international humanitarian organizations that is currently not being provided.

J. Right to health

36. The population remains unvaccinated against COVID-19, leaving it extremely vulnerable to the effects of an outbreak.[53] People suffering from malnutrition, including in remote parts of the country and large sections of the country's prison population, are particularly vulnerable, as are older persons and those with pre-existing health conditions. The widespread denial of civil and political rights further decreases the responsiveness of the Government to the needs of these groups and the population at large. The Government has declined various offers from the international community to support the vaccination of its population, including through the COVID-19 Vaccine Global Access (COVAX) Facility. On 17 May, following the first reported outbreak of COVID-19, OHCHR expressed deep concern about the likely human rights impacts of the outbreak, in particular on access to food and health care, and urged the Government to open channels for humanitarian assistance.[54] A day earlier, on 16 May, the High Commissioner wrote to the Government offering support and providing some initial guidance on placing human rights at the core of decision makers' response to the pandemic.

37. There are concerns that the country's health infrastructure will be unable to cope with a major outbreak of COVID-19. Even before the closure of the country's borders, the health system was suffering from critical shortages of essential medical supplies and an absence of vital equipment and adequately trained staff. No international humanitarian actors that had previously supported the country's health system have been able to import or distribute any goods since June 2020 owing to the pandemic restrictions (S/2022/132, p. 383). According to a 2019 study reported in *Global Health Security Index: Building Collective Action and Accountability*, the Democratic People's Republic of Korea was evaluated as one of the countries most vulnerable to an epidemic or pandemic outbreak, including with regard to its ability to protect health workers.[55] In addition, COVID-19-related restrictions on freedom of movement are of particular concern for those requiring medical treatment, including those suffering from chronic conditions, severe acute malnutrition (in particular children) and tuberculosis.

38. Regarding the allocation of the State's resources to ensure the enjoyment of human rights, including the right to adequate food and health care, concerns were raised that a disproportionate amount of the State budget is allocated to military spending, which according to one estimate averaged 23 per cent of gross domestic product between 2010 and 2016.[56]

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[53] As at 22 June 2022, the authorities claimed that 4,685,560 people had contracted "fever" since late April and that, of those, over 4,662,860 had recovered (see https://kcnawatch.org/newstream/1655935577-261860719/epidemic-spread-and-treatment-results-in-dprk). They also claimed that, as at 16 June 2022, 73 had died (see https://kcnawatch.org/newstream/1655330835-193629220/epidemic-spread-and-treatment-results-in-dprk).

[54] OHCHR, "COVID outbreak in Democratic People's Republic of Korea", press release, 17 May 2022.

[55] Nuclear Threat Initiative, Johns Hopkins Center for Health Security and Economist Intelligence Unit, *Global Health Security Index: Building Collective Action and Accountability* (2019), pp. 28 and 245.

[56] Organisation for Economic Co-operation and Development, "North Korea: the last transition economy?", Economics Department working paper No. 1607, p. 10.

K. Separated families and abductions

39. No State-sanctioned reunion events for families separated by the 38th parallel took place during the reporting period. Commitments made at the inter-Korean summit held on 19 September 2018 remain unfulfilled. Despite the Democratic People's Republic of Korea utilizing videoconference technology during the pandemic, including for business training, no effort has been made to facilitate virtual reunions of separated families.[57] In a total of 21 rounds of reunions since 1985, only 20,761 members of 4,355 families have reportedly met their loved ones. At the end of October 2021, the Ministry of Unification of the Republic of Korea had 133,549 names on its list of registered separated family members. Of these, only 46,813 were still alive and, among them, 12,719 were 90 years old or older.[58] The total number of family members separated (but unregistered) in the Republic of Korea is estimated to run into the millions. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, in his latest report, also highlighted the plight of the "second cycle of separated families", escapees who have been unable to communicate with family members left behind in the Democratic People's Republic of Korea owing to restrictions on communication and fear of retaliation against their families. This has become even more difficult in the face of increased restrictions and surveillance during the pandemic (A/HRC/49/74, para. 41).

40. As at 31 May 2022, the Human Rights Council Working Group on Enforced or Involuntary Disappearances had submitted a total of 385 cases to the Government of the Democratic People's Republic of Korea for response. The Government has not clarified the fate or whereabouts of any disappeared person among these cases. There are 17 Japanese nationals (eight men and nine women) officially recognized by the Government of Japan as having been abducted by the Democratic People's Republic of Korea. In addition, the possibility of abduction of a further 875 Japanese missing persons cannot be ruled out.[59] The Government of the Republic of Korea has identified approximately 100,000 citizens of the Republic of Korea abducted during the Korean War,[60] as well as 516 citizens abducted after the war and not returned.[61] Other foreign nationals have also been abducted and disappeared. Allegations of violations of the human rights of unrepatriated prisoners of war and their descendants, and of Koreans and their Japanese spouses who went to the Democratic People's Republic of Korea as part of the "Paradise on Earth" campaign between 1959 and 1984, are also of concern.

IV. Cooperation between the Government of the Democratic People's Republic of Korea and the United Nations on the human rights situation and on humanitarian assistance

41. The Democratic People's Republic of Korea continued to reject cooperation sought pursuant to Human Rights Council resolution 25/25, including with the Special Rapporteur, Tomás Ojea Quintana, who has consistently sought constructive engagement throughout his six years as the mandate holder. No visits by thematic special procedure mandate holders were conducted during the reporting period, and

[57] NK News, "North Koreans attended virtual seminars with outside world: Choson Exchange", 13 May 2021.

[58] See https://reunion.unikorea.go.kr/reuni/home/pds/reqststat/list.do?mid=SM00000129; and Korea Herald, "How to rekindle inter-Korean exchanges", 9 December 2021.

[59] See www.mofa.go.jp/a_o/na/kp/page1we_000068.html.

[60] See www.abductions625.go.kr/resources/adc625/img/ebook/625_rpt_eng/index.html.

[61] See https://reunion.unikorea.go.kr/abduct_eng/html/abducteeCurrent.html.

the Government did not accept any requests for visits. No standing invitation has been issued to special procedure mandate holders.

42. The General Assembly, in its resolution 76/177, encouraged the Security Council to continue its consideration of the relevant conclusions and recommendations of the Human Rights Council commission of inquiry on human rights in the Democratic People's Republic of Korea and take appropriate action to ensure accountability, including through consideration of referral of the situation in the country to the International Criminal Court. It also encouraged the Security Council to immediately resume discussion on the situation in the Democratic People's Republic of Korea and invite OHCHR to give a briefing to the Security Council.

43. The Human Rights Council, in its resolution 49/22, requested OHCHR to organize a series of consultations and outreach activities with victims, affected communities and other relevant stakeholders with a view to including their views as avenues for accountability. It also urged the Democratic People's Republic of Korea to allow international staff to operate in the country so that the international community could provide assistance based on independent needs assessments, including of vulnerable populations in detention centres, and a monitoring capacity, consistent with international standards and humanitarian principles and in accordance with relevant Security Council resolutions.

44. A number of reports from the Democratic People's Republic of Korea to the human rights treaty bodies remain outstanding, namely: its third periodic report to the Committee on Economic, Social and Cultural Rights (overdue since 2008); its reply to the Human Rights Committee's list of issues (due on 22 April 2022), which will constitute its third periodic report to the Committee (overdue since 2004); its report to the Committee on the Elimination of Discrimination against Women under the follow-up procedure (overdue since 2019) and its fifth periodic report (overdue since November 2021); and its initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (overdue since 2016). It submitted its first periodic report to the Committee on the Rights of Persons with Disabilities in December 2018, and the Committee is to adopt a list of issues during the forthcoming meeting of its sixteenth pre-sessional working group (12 to 16 September 2022).

45. Pursuant to Human Rights Council resolution 25/25, the OHCHR field-based structure in Seoul continued to conduct monitoring, documentation, capacity-building and outreach activities. It engaged with individuals who had left the Democratic People's Republic of Korea, as well as Governments, United Nations entities, humanitarian agencies and civil society actors.

46. All relevant human rights reports produced by OHCHR were shared in advance of publication with the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in Geneva. No substantive input was provided. Discussions between OHCHR and the Permanent Mission continue to identify areas of cooperation on human rights issues and on United Nations human rights processes, but to date the Democratic People's Republic of Korea has not taken up the proposals made.

47. During the reporting period, owing to COVID-19 restrictions, all international United Nations staff remained outside the Democratic People's Republic of Korea.

48. The strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017–2021 has been extended until 2023, at the Government's request. A review of supported priorities is required in the context of the Government's COVID-19 response, including border closures that hamper humanitarian distribution. However, since January 2020, government counterparts have been unavailable to communicate on adjusting priorities, including through online means such as videoconferencing.

V. Conclusions

49. **During the reporting period, information received confirmed that the State had further increased its repression of the rights and freedoms of the people of the Democratic People's Republic of Korea. This occurred in the context of the maintenance and subsequent increase of strict COVID-19 restrictions. For instance, the closure of the country's borders and restrictions on freedom of movement and social interaction within the country have enabled the Government to further suppress the flow of information and ideas among its people. These developments have occurred within an already existing political and security architecture that uses surveillance, coercion, fear and punishment to suppress the will of the people, divide them, sow distrust and stifle the emergence of any collective will or authentic, home-grown culture. Enforced disappearance to political prison camps continues to epitomize a system of governance that subdues and controls rather than represents the people. The repression of people's rights to freedom of expression, association and peaceful assembly also leaves the State unchecked and unaccountable for policies, including in relation to the pandemic, that are likely causing further deterioration in food security and access to health care.**

50. **It remains imperative for the international community to respond to the human rights situation of the people of the Democratic People's Republic of Korea. This responsibility is heightened in the light of the role played by the international community in the division of the Korean Peninsula and the unresolved legacy of the Korean War. Steps required include support for accountability if crimes against humanity are found to have been committed, in order to avoid impunity. This includes the Security Council acting on its own or on the recommendation of the General Assembly to consider referral of the situation to the International Criminal Court in accordance with the relevant provisions of its statute. It also involves principled, consistent and sustained efforts to constructively engage with the Democratic People's Republic of Korea to bring the State to fulfil its international human rights obligations, including in response to the COVID-19 outbreak. For this, the Secretary-General urges Member States to consider new avenues for constructive engagement, including those contained in the Special Rapporteur's report to the Human Rights Council in March 2022 (A/HRC/49/74, paras. 31–42), and to provide support for the proposals that they consider feasible. The United Nations system will continue to do its part to help to bring about improvements in the human rights situation and to provide alternative forums for constructive dialogue.**

VI. Recommendations[62]

51. **The Secretary-General recommends that the Government of the Democratic People's Republic of Korea:**

Rule of law

(a) **Prosecute and bring to justice those accused of having committed human rights violations and ensure that victims and their families know the truth about the violations that have been committed;**

(b) **Declare an immediate moratorium on the use of the death penalty followed, without undue delay, by its abolition, and ensure that, pending its**

[62] Recommendations made in previous reports of the Secretary-General remain valid.

abolition, the death penalty is imposed only for the most serious crimes and carried out pursuant to a final judgment issued by a competent court;

Detention

(c) **Release all political prisoners, disband all political prison camps and immediately cease the arbitrary arrest and imprisonment of persons on the grounds of their political or other opinion, or their social background;**

(d) **Immediately cease the use of torture and other cruel, inhuman and degrading treatment in places of detention, including the practice of beatings as part of the system of interrogation to extract confessions, and develop forensic expertise and move away from reliance on confessions;**

(e) **Establish judicial review of detention at the investigation or preliminary examination stages;**

(f) **Develop the use of alternatives to pretrial detention, including bail that is set at a reasonable level accessible to the accused;**

Non-discrimination

(g) **End discrimination against citizens on the basis of their perceived political loyalty or the sociopolitical background of their families, in particular under the *songbun* system of categorization;**

Fundamental freedoms

(h) **Ensure that any restrictions to address the COVID-19 pandemic are necessary, proportionate, non-discriminatory, time-bound and strictly in line with international law, including international human rights law;**

(i) **Halt and reverse the increasing repression of the rights to freedom of expression, peaceful assembly and association;**

(j) **Ensure that any surveillance systems in place comply with the human rights standards of legality, necessity, proportionality and legitimacy of objectives pursued, avoid their use as instruments of political oppression and ensure that they are subject to judicial review;**

Sexual and gender-based violence

(k) **Take measures in law and in practice to prevent, address and eliminate domestic violence, holding perpetrators accountable and ensuring a victim-centred approach;**

Economic and social rights

(l) **Cease the criminalization and prosecution of people engaged in legitimate market activity in pursuit of their right to an adequate standard of living;**

(m) **Abolish the practice of forced labour, including in the prison system and the military, as well as through "shock brigade" deployments, *inminban* and "community" groups and the mobilization of students for labour;**

(n) **Take steps to improve workers' health and safety conditions, including through implementation of the accepted recommendation from the second cycle of the universal periodic review to "take practical measures to provide safer working conditions" (A/HRC/27/10, para. 124.138);**

(o) **Dedicate the maximum resources available to fulfil core obligations under the International Covenant on Economic Social and Cultural Rights, including the rights to adequate food and the highest attainable standard of physical and mental health;**

(p) **Undertake an assessment of the impact of COVID-19 restrictions on access to food and health care, including their gendered impact, to inform the tailoring of such restrictions in accordance with international human rights standards;**

Separated families and abductions

(q) **Immediately enable separated family members to communicate with each another, including via videoconference technology and the exchange of letters;**

(r) **Provide the families of all persons who have been abducted, or otherwise forcibly disappeared, with full information on their fate and whereabouts if they have survived, allow those who remain alive, and their descendants, to return immediately to their countries of origin and, in close cooperation with their families and nations of origin, identify and repatriate the physical remains of those who have died;**

Cooperation with the United Nations

(s) **In responding to the COVID-19 outbreak, collaborate with the United Nations under the leadership of the United Nations Resident Coordinator to ensure humanitarian support, including medicines and vaccines, and make arrangements necessary for the return of international staff with free and unimpeded access to all populations in need, including for the purposes of effectively monitoring the distribution of aid;**

(t) **Develop a programme of capacity development and technical assistance activities with OHCHR to help to implement the present recommendations.**

52. **The Secretary-General recommends that the international community:**

(a) **Pursue principled, consistent and sustained engagement with the Democratic People's Republic of Korea on the situation of human rights;**

(b) **Facilitate more people-to-people contacts with persons from the Democratic People's Republic of Korea residing outside the country to ensure that their views and aspirations can inform diplomatic engagement on human rights issues;**

(c) **Take further steps to ensure accountability for those responsible for serious human rights violations in the Democratic People's Republic of Korea, including by extending support to the OHCHR field-based presence in Seoul to engage in outreach and consultation with the diaspora residing outside the Democratic People's Republic of Korea, with a view to improving understanding of victims' perspectives;**

(d) **Extend protection, in a gender-sensitive manner, to citizens of the Democratic People's Republic of Korea who have crossed international borders irregularly, and ensure that they are not forcibly repatriated.**