

What is the consultation process?

In its resolution 46/17 of 23 March 2021 on the situation of human rights in the Democratic People’s Republic of Korea (DPRK), the UN Human Rights Council (the “Council”) requested the Office of the High Commissioner for Human Rights (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 into avenues for accountability.” OHCHR Seoul is primarily responsible for implementing this mandate from the Council. The information collected from the stakeholders’ consultations will be included in the upcoming report of the UN High Commissioner for Human Rights to the Human Rights Council in March 2023. The main purpose of the consultations is to gather views on possible future accountability processes, to provide visibility to victims, families, and stakeholders, to inform the international community about possible pathways for accountability, and to raise awareness among affected victims and communities about their rights.

Consultation is a crucial element of the human rights-based and victim-centered approach to accountability for human rights violations. It is “an effective way to allow victims and affected communities to share their priorities for achieving accountability, and to ensure ownership, legitimacy and effectiveness of the mechanisms that are subsequently established.” People who have been affected by past human rights violations are able to freely express their views during the consultation process, so their experiences, their needs, and entitlements can be identified and taken into account in the accountability process.

UN human rights investigating bodies have increasingly explained that their understanding of accountability goes beyond criminal prosecutions. Accountability necessarily includes the achievement of truth, justice and reparations for victims.

What is the right to be consulted?

All people have the human right to participate in public life and to take part in government decision-making processes that affect them. Everyone also has the right to have redress for violations of their human rights. It follows that victims and other affected people should have a voice in the design and implementation of justice and accountability mechanisms for human rights violations. This is one aspect of a “victim-centered” approach to justice and accountability.

Victim participation is important in any justice and accountability mechanism for several reasons. Firstly, victim participation improves the planning and functioning of any mechanism because it provides necessary information about what victims want and need as well as relevant contextual information. It is also necessary to consult victims in order to give the mechanism legitimacy. Indeed, being consulted is itself a way of recognizing and empowering people not just as victims but as the holders of rights. Participation can and should be a part of each stage of a mechanism, from planning and design, to implementation, to monitoring and evaluation and follow-up.

In this respect, it is crucial for victims to be informed about their rights so that they can participate to the fullest extent. Victims may come from different backgrounds or have different knowledge of their rights, laws and other important issues. They may also have different concerns about security risks to themselves or their families, there may be social, economic, and other costs that impact their participation, and some

participants may feel re-traumatized by discussing their experiences. It is therefore critical to consider the specific situation of different kinds of victims and take steps to allow everyone to participate as much as possible.

The form of the consultation

OHCHR Seoul continues to organize a series of roundtables, interviews, focus groups, and other interactions with victims of human rights violations in the DPRK and victims' groups, civil society organizations (CSOs) and other stakeholders working on these issues. The aim is to discuss victims' rights and possible pathways for accountability for human rights violations in the DPRK.