United Nations A/76/392

General Assembly

Distr.: General
8 October 2021

Original: English

Seventy-sixth session
Agenda item 74 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

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

Note by the Secretary-General*

Summary

The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, submitted pursuant to General Assembly resolution 75/190, is the final report of the current mandate holder to the Assembly. He hopes to draw the attention of the international community to urgent human rights concerns and urges all relevant parties to take concrete steps towards finding a peaceful resolution to the long-standing conflict on the Korean Peninsula.

* The present report was submitted after the deadline in order to reflect the most recent information.

21-14432 (E) 291021
2114432

Please recycle

Contents

		Page
I.	Introduction	3
II.	Overview of the political situation	3
III.	Situation of human rights	4
	A. Impact of the COVID-19 pandemic on the situation of human rights	4
	B. *Kwanliso* (political prison camps)	7
	C. Right to freedom of religion	9
	D. Rights of the child	12
IV.	Engagement	15
V.	Conclusions	16
VI.	Recommendations	18

I. Introduction

1. Since January 2020, the Democratic People's Republic of Korea has enforced a full-scale border shutdown, imposed travel restrictions between cities and regions and restricted imports of non-essential goods, including humanitarian supplies not related to the coronavirus disease (COVID-19) response. According to the Government and the World Health Organization (WHO), there have been no confirmed cases of COVID-19 to date in the Democratic People's Republic of Korea. The Government has joined the COVID-19 Vaccine Global Access (COVAX) Facility; however, it is yet to fulfil the required necessary steps to receive vaccines through COVAX. The Special Rapporteur is concerned that the human rights situation continues to deteriorate as the country is further isolated. Most diplomatic and humanitarian personnel have left the country amid strict travel restrictions, shortages of essential goods, lack of health facilities and uncertainty over when the restrictions would end. As at July 2021, only 9 out of the 25 foreign embassies in Pyongyang had diplomatic staff operating from inside the country. Humanitarian organizations were providing valuable services to vulnerable populations, including through school meals programmes, nutritional support to pregnant and lactating women and vaccination programmes. The lack of continuity in the humanitarian programmes is likely to roll back key sustainable development achievements on vaccination, women and children's health, water and sanitation and food security.

2. Many people who rely on trade and commercial activities in the border areas in the north of the country have lost their income. Sanctions and the command economy continue to detrimentally impact livelihoods and curb sustainable development. People's access to food is a serious concern and the most vulnerable children and elderly are at risk of starvation. Owing to COVID-19 travel restrictions, only 229 escapees arrived in the Republic of Korea in 2020, a significant drop from 1,047 in 2019.[1] Only 36 escapees arrived in the first half of 2021. With the absence of an international presence in the country and only a few escapees having arrived in the Republic of Korea, access to first-hand information on the human rights situation inside the country has been extremely limited.

3. The Special Rapporteur regrets that the Government of the Democratic People's Republic of Korea continues to oppose his mandate and does not respond to his requests to visit the country. During the reporting period, the Special Rapporteur sent three communications and shared his draft reports to the General Assembly and to the Human Rights Council with the Government. He did not receive any response to his letters or reports. Owing to COVID-19 travel restrictions, he has been unable to undertake any official missions to the Republic of Korea or neighbouring countries since his official mission to Thailand in November 2019 and Japan in December 2019. The Special Rapporteur has instead held a series of online meetings with victims of human rights violations, their family members, civil society organizations and United Nations agencies and Member States. In the present report, the Special Rapporteur focuses on key human rights concerns raised by escapees, family members of victims of human rights violations, civil society organizations and other stakeholders.

II. Overview of the political situation

4. On 8 April 2021, the President of the Democratic People's Republic of Korea, Kim Jong Un, at a meeting of the Workers' Party of Korea, called on officials to "wage

[1] Republic of Korea, Ministry of Unification, "Policy on North Korean defectors", South-North Relations database. Available at www.unikorea.go.kr/eng_unikorea/relations/statistics/defectors/.

another more difficult ‘Arduous March’”.[2] In June 2021, he acknowledged the dire food situation due to the failure of the agricultural sector to fulfil its grain production plan. A special order allowing the Government to take stricter control of the distribution and processing of grain was reportedly issued to deal with the food crisis. The agriculture sector appears to be facing multiple challenges due to a drop in the import of fertilizer and other agricultural supplies from China, the international sanction measures and an outbreak of African swine fever.[3]

5. At their first bilateral meeting on 21 May 2021, the President of the Republic of Korea, Moon Jae-in, and the President of the United States of America, Joseph Biden, reaffirmed their common belief that “diplomacy and dialogue … are essential to achieve the complete denuclearization and establishment of permanent peace on the Korean Peninsula”, agreed to “work together to improve the human rights situation in the Democratic People’s Republic of Korea” and committed to humanitarian aid.[4] The Special Rapporteur welcomes a concrete reference to the human rights situation in the joint statement. He reiterates that there is a need to apply a principled approach to negotiations and not shy away from raising human rights concerns, including cooperation with United Nations human rights mechanisms and, in particular, with his mandate and the Office of the United Nations High Commissioner for Human Rights (OHCHR). Negotiations should include a commitment from the Government of the Democratic People’s Republic of Korea to meaningful progress and engagement on human rights with measurable benchmarks.

6. The Special Rapporteur is of the view that there is no reason to escalate into a new cycle of military tension on the Korean Peninsula. Instead, there is a need and a responsibility to revitalize the joint statement of Chairman Kim Jong Un and the then President of the United States, Donald Trump, at the Singapore Summit on 12 June 2018 and the Panmunjom Declaration on Peace, Prosperity and Reunification of the Korean Peninsula of 27 April 2018 and to explore practical approaches to pursuing denuclearization, peace, development and human rights protection in the Democratic People’s Republic of Korea – in line with the purposes and principles of the Charter of the United Nations. This is the time to send clear signals, take concrete action and find creative ways to give momentum to the stalled diplomatic process for securing a peaceful resolution to the conflict, and these could include the announcement of a peace declaration among parties.

III. Situation of human rights

A. Impact of the COVID-19 pandemic on the situation of human rights

7. According to WHO, the Democratic People’s Republic of Korea had tested 39,342 people for COVID-19 as at 9 September 2021.[5] All the results have been negative, which can be attributed to the Government’s proactive preventive measures towards protecting the right to the physical and mental health of the population. The country was offered approximately 1.7 million doses of vaccines in July through COVAX but the shipment was delayed owing to a lack of technical preparedness and

[2] See https://kcnawatch.org/newstream/1617920275-776284784/respected-comrade-kim-jong-un-makes-closing-address-at-sixth-conference-of-cell-secretaries-of-workers-party-of-korea/.

[3] Korea Development Institute, *KDI Review of the North Korean Economy* (May 2021), pp. 39–40 (in Korean).

[4] White House, United States of America, “U.S.-ROK Leaders’ joint statement”, 2 May 2021.

[5] See www.nknews.org/2021/09/north-korea-reports-no-covid-cases-as-total-tested-nears-40000/?t=1640240335988.

global vaccines shortages. In September, the country communicated to the COVAX Facility that 2.97 million doses of vaccines offered may be relocated to other severely affected countries.[6] The country has a well-organized national immunization programme for other diseases and is capable of rolling out the COVID-19 vaccination programme. The Republic of Korea, the Russian Federation and the United States have expressed their willingness to provide vaccine support if required. At the seventy-fourth session of the World Health Assembly, the Democratic People's Republic of Korea criticized the hoarding of vaccines by some States and urged equality in global vaccine distribution. The State media, however, reportedly continues to warn its citizens of the potential side effects and inefficacy of the vaccines.[7] The Special Rapporteur strongly encourages the Government to fulfil technical requirements to receive vaccines through COVAX and from other States, including as part of a global strategy to control COVID-19.

8. The authorities continue to enforce other public health measures, such as mandatory mask-wearing, disinfection activities, lockdown of cities and regions, increased surveillance and severe restrictions on domestic travel. The opening of the Pyongyang General Hospital has reportedly been delayed indefinitely owing to difficulties in importing medical equipment due to COVID-19 and sanctions-related shipping holdups.[8] There are expectations that, with the completion of the construction of new quarantine facilities near its border with China, the Democratic People's Republic of Korea might partially open its trade with China with strict quarantine measures in place. While these prevention measures protect the right of people to physical and mental health against COVID-19, the Special Rapporteur is concerned that some restrictions do not comply with international human rights obligations. On 25 August 2020, the Ministry of Social Security, formerly the Ministry of People's Security, reportedly issued a proclamation prohibiting acts that impede the northern border closure.[9] The proclamation provides for a 1–2 km wide buffer zone along the northern border, mostly with China, and stipulates that any person who makes unauthorized entry "shall be shot unconditionally" and that trespassers found on the Democratic People's Republic of Korea's side of the Yalu and Tumen rivers "shall be shot without prior warning". It is alarming that this COVID-19 preventive measure reportedly includes provisions on the shooting of individuals who enter or leave the country in an irregular manner. International standards are clear that the potential lethal use of firearms for law enforcement purposes is limited to instances where it is strictly necessary to protect life or prevent serious injury from an imminent threat.[10] On 22 September 2020, a 47-year-old official of the Republic of Korea was shot dead by the security forces of the Democratic People's Republic of Korea.[11] In August, the Special Rapporteur, together with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, sent a joint communication raising these concerns over the proclamation, as well as the Reactionary Thought and Culture

[6] Soyoung Ahn, "N. Korea rejects COVID vaccines, saying hard-hit nations have greater need", Voice of America, 1 September 2021.

[7] See www.nknews.org/2021/06/north-korean-media-warns-covid-vaccines-may-be-ineffective-for-next-few-years/.

[8] Colin Zwirko, "After months of delays, Kim Jong Un's premier hospital could soon open up", NK Pro, 19 February 2021.

[9] The Proclamation is a directive issued by the Ministry of Social Security that applies to "all institutions, companies, organizations (including armed forces and materiel and special units), and citizens within the territory of the Democratic People's Republic of Korea" (art. 5).

[10] Human Rights Committee, general comment No. 36 (2018) on the right to life, para. 12.

[11] The Special Rapporteur and the Special Rapporteur on extrajudicial, summary or arbitrary executions sent letters on the matter to the Democratic People's Republic of Korea and the Republic of Korea. The Special Rapporteurs have received a response from the Republic of Korea only. See communication No. AL KOR 7/2020.

Denunciation Law, adopted by the Supreme People's Assembly in December 2020, which contains harsh punishments, including the death penalty for actions related to access to information and freedoms of expression and religion.[12] On 14 July, there were reports that China had repatriated more than 50 individuals of the Democratic People' Republic of Korea who had been detained for more than a year in Shenyang owing to COVID-19 restrictions. Other individuals who have been detained in China may be facing imminent forced repatriation and the risk of ill-treatment if repatriated.

9. Prolonged and strict COVID-19 measures have resulted in severe economic hardship and increased vulnerability to human rights violations among the general population. More than 40 per cent of people were already food insecure prior to the COVID-19 pandemic, many of them suffering from malnutrition and stunted growth. The number of food-insecure households has subsequently increased.[13] In June 2021, the price of rice and corn rose in different regions. The Special Rapporteur has received information on emergency measures that the authorities have been taking, including the distribution of corn for five to seven days' consumption during the period from the end of June to mid-July 2021 and the control of food prices in the market. The Government has also prioritized agriculture to increase its food production and has reportedly mobilized urban residents, those discharged from the military, orphaned children and married women to work on the farms. Despite such temporary measures, the floods in early August and the lack of fertilizer, pesticides, fuel for vehicles and agricultural parts are likely to impact food production.

10. Essential medicines and medical supplies are in short supply and prices have increased severalfold as they stopped coming in from China, and humanitarian organizations have been unable to bring in medicines and other supplies. Essential life-saving interventions for children, including the provision of other vaccines, such as the polio vaccine, are inadequate. Access to sexual and reproductive health services for women remains minimal, with reportedly increasing cases of black-market abortions in recent months.[14] Food shortages are likely to increase undernutrition among children and other vulnerable groups, which also weakens their immune systems and increases their vulnerability to health problems. As a result of prolonged restrictions and a collapse in economic activities, families can no longer continue to support themselves. People are increasingly taking out loans and selling their household items to survive. Many factories and mines have shut down because of a lack of power, machine parts and raw materials. The situation of small-scale fishermen is reportedly affected owing to strict restrictions on fishing in border and coastal areas. The number of homeless people and street children is increasing. Those discharged from compulsory military service and returning home have no jobs, income or food to survive. Social concerns, such as prostitution, drug use, drug trafficking and robbery are reportedly on the rise owing to increasing economic deprivation.

11. Most prisons in the Democratic People's Republic of Korea do not provide decent food, drinking water or medical care. Reportedly, in June 2021, the Ministry of Social Security announced that inmates in *kyohwaso* (ordinary prisons) who had achieved their production-related outputs and those who had demonstrated good behaviour would have their sentences shortened.[15] Detainees were also reportedly

[12] See communication No. OL PRK 5/2021.

[13] Food and Agriculture Organization of the United Nations (FAO), *Crop Prospects and Food Situation*, Quarterly Global Report No. 1 (Rome, 2021), pp. 5 and 26.

[14] See Asia Press, "Interview with a North Korean woman: why the COVID situation is causing a surge in 'black-market abortions'", 31 May 2021. Available at www.asiapress.org/rimjin-gang/2021/05/society-economy/korona-3/.

[15] See www.dailynk.com/english/north-korea-issues-rare-order-shorten-sentences-model-inmates-reeducation-prison-camps/.

being released from labour training camps (*rodongdanryondae*) owing to the unavailability of food and not enough work at construction sites. However, there are also reports of people being arrested and sent to prison for anti-socialist behaviour, such as watching and listening to films and music from the Republic of Korea. The Special Rapporteur has repeatedly urged the Government to consider the release of the vulnerable prison population, and to implement non-custodial alternatives to detention. He further recommends that the Government follow the guidelines set out in the joint statement on COVID-19 in prisons and other closed settings by the United Nations Office on Drugs and Crime (UNODC), WHO, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and OHCHR[16] and abide by the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

12. The COVID-19 restrictions and government vigilance against the pandemic have helped avert a possible health crisis, which could have had a disastrous impact on the lives of people. At the same time, prolonged isolation and border closures have resulted in food and other health problems and severe economic deprivation for many people across the country. This is also likely to set back social development in the long term. The Special Rapporteur urges that the authorities use this crisis as an opportunity to initiate legal and institutional reforms needed to guarantee economic and social rights, including the rights to food, water, sanitation and health. They should facilitate people's efforts to seek economic opportunities safely inside and outside of the country. They should also address the long-standing concerns regarding systematic violations of civil and political rights, such as freedom of movement, association, expression and information and the rule of law. The Special Rapporteur urges that, under these extraordinary circumstances brought about by COVID-19, which have dramatically limited domestic and foreign trade in the Democratic People's Republic of Korea, sanctions imposed by the Security Council should be reviewed and eased when necessary both to facilitate humanitarian and life-saving assistance and to enable the promotion of the right to an adequate standard of living for ordinary citizens. The Panel of Experts established pursuant to Security Council resolution 1874 (2009) reported that "sanctions likely had unintended effects affecting [the] civilian population", although a quantitative assessment was difficult to make owing to various factors, including the COVID-19 pandemic (S/2021/211, para. 169).

B. *Kwanliso* (political prison camps)

13. The Special Rapporteur continues to receive information on the presence and operation of the *kwanliso* (political prison camps)[17] consistent with the finding of the 2014 commission of inquiry on human rights in the Democratic People's Republic of Korea, that persons judged by the Government to have committed major political wrongs are forcibly disappeared into *kwanliso* (political prison camps). Escapees from the Democratic People's Republic of Korea continue to indicate a widespread awareness that anyone believed to be a political threat to the current political system and the leadership of the country – including those found to have engaged with Christians, brokers or traffickers who have helped people reach the Republic of Korea or those who have tried to reach the Republic of Korea – continue to be sent to *kwanliso*. Information continues to indicate that, based on the mere judgment of the

[16] See Ghada Fathi Waly, Executive Director, United Nations Office on Drugs and Crime (UNODC), and others, "UNODC, WHO, UNAIDS and OHCHR joint statement on COVID-10 in prisons and other closed settings", 13 May 2020.

[17] *Kwanliso*, literally translated as "management centre or unit", are not official detention facilities and are administered under Bureau No. 7 (Farming Bureau) of the Ministry of State Security. Only *kwanliso* No. 18 in Kaechon is operated by the Ministry of Social Security.

officials at the Ministry of State Security that certain persons are disloyal to the State and its ideology, people continue to be arbitrarily deprived of their liberty and confined to indefinite detention without the prospect of release, enduring inhumane conditions without access to adequate food, clean water and sanitation and subjected to mistreatment, including beatings that often amount to torture. Political prisoners are denied contact with the outside world and even with their families. Family members are left with the daily torment of not knowing the fate or whereabouts of their loved ones. The situation of those prisoners constitutes enforced disappearance according to international human rights law.[18] The Special Rapporteur can only deduce that, given the worsening economic situation of the country owing to COVID-19, the situation of these political prisoners has only deteriorated, including in relation to their access to food and exploitation through hard labour.

14. *Kwanliso* do not look like penitentiaries but more like villages, except for *kwanliso* No. 25.[19] According to some accounts of those who grew up in and escaped or were released in 2007 and 2008 from *kwanliso* No. 18,[20] located just south of the Taedong River, it was a large village that stretched up to 40 km and consisted of accommodation, schools for the officers' children and the detainees' children, hospitals, farms and detention facilities. The children of inmates went to school for half a day and worked in the afternoon. When children reached the Korean age of 17 in its traditional age reckoning[21] (15–16 years old), they had to work full time. The focus of *kwanliso* No. 18 was a coal mine used to fuel a power plant at Pukchang, where inmates worked. They also worked at collective farms and undertook logging in the mountains to support the operation of the mine. *Kwanliso* No. 18 was described as a self-sustained village, with accounts of women working as hairdressers and tailors for other inmates, for which they were paid in kind. Food was provided by the State until the death of Kim Il Sung in 1994, when it ceased during the Arduous March, from 1994 to 1998. Since then, inmates have had to secure their food by their own means.

15. The commission of inquiry found that at least four large camps, *kwanliso* Nos. 14, 15, 16 and 25, existed at the time of the issuance of its report in 2014. While there is insufficient information to determine whether all of these camps continue to operate in the same format as they did in 2014, recent satellite imagery indicates little change in the core structure of the camps. Furthermore, civil society organizations believe that *kwanliso* No. 16, located in Hwasong County, North Hamgyong Province, has expanded since 2013, with the construction of new checkpoints, new prisons, a mine and a village for the family members of inmates. No. 16 is reportedly the largest *kwanliso*, with an estimated capacity of 50,000 people.[22] Reports indicate that the detainees in *kwanliso* No. 22 have been transferred to No. 16, including a large number of prisoners who were sent to the camps after President Kim Jong Un came to power in 2013. A civil society organization reported that the expanded housing

[18] Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearances provides that "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

[19] NK Watch, *Effects of International Advocacy toward Human Rights of North Korea* (Seoul, 2020), p. 51.

[20] *Kwanliso* No. 18 was believed to be decommissioned as a *kwanliso* in about 2006. However, a recent analysis by civil society organizations indicated that a small number of prisoners are still detained there. See David Hawk and Amanda Mortwedt Oh, *The Parallel Gulag: North Korea's "An-jeon-bu" Prison Camps* (Washington, D.C., Committee for Human Rights in North Korea, 2017), p. 65.

[21] In the traditional East Asian age reckoning, people are born at 1 year of age, and one year is added to their age on New Year's Day.

[22] NK Watch, *Effects of International Advocacy*, p. 62 (see footnote 19).

areas in *kwanliso* No. 16 are for single detainees, including those who had attempted to escape to the Republic of Korea, and that the practice of guilt by association, whereby family members are detained together with the accused, has decreased significantly. Conflicting reports exist as to the current status of *kwanliso* No. 15, with some observers reporting that it had been converted into a "model prison" in 2014.[23] Satellite imagery from September 2017, however, may indicate that the prison continued to operate in some format at least until that date.

16. The Democratic People's Republic of Korea denies the existence of political prison camps while acknowledging the presence of "reform institutions" (A/HRC/42/10, paras. 73–78). During the State's universal periodic review by the Human Rights Council in May 2019, the Government delegation stated: "there is no such thing as 'political prisoner' or 'political prison camp' in the vocabulary of the criminal law and the criminal procedural law" and "these laws provide that those who committed offences against the State or other ordinary crimes should be committed to reform institutions. Those who committed anti-State crimes as provided in the criminal law are spies and terrorists who are sent by the hostile forces … Those criminals are not many in number and are kept in reform institutions but separately from others." The Special Rapporteur highlights that, regardless of the terminology used, under international human rights law no person can be arbitrarily detained under vague legislation and without due process of law and judicial guarantees, and is considered a forcibly disappeared person as long as there is a refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person. He calls on the Government to provide access for international actors, including the Special Rapporteur, to monitor reform institutions and *kwanliso* containing persons detained for "anti-State crimes".

17. The Special Rapporteur has consistently called for the progressive release of those who are detained in *kwanliso* (A/HRC/40/66, para. 26; A/74/275/Rev.1, para. 36), in particular, children, the elderly, persons with mental health or physical illnesses or disabilities and pregnant women and nursing mothers. In this regard, the Special Rapporteur welcomes recent information that the prison period of one family in *kwanliso* was shortened, children were released from *kwanliso* in a few cases and children were exempted from imprisonment in *kwanliso* when families were arrested for having attempted to defect to the Republic of Korea.[24] The Special Rapporteur encourages the Government to continue such efforts and progressively release those who are detained in *kwanliso*. At the same time, the Special Rapporteur again calls on the Government to disclose all available information regarding the administration of those camps, in particular: (a) the number of detainees; (b) the gender and ages of the detainees; (c) the crimes attributed to the detainees, the sentences imposed and judicial and administrative records; (d) the labour regime; (e) the feeding regime; (f) access to water and sanitation; (g) medical services; (h) releases, deaths and burial sites; (i) the family visit regime; and any other relevant information.

C. Right to freedom of religion

18. Chapter 5, article 68 of the Constitution of the Democratic People's Republic of Korea provides that citizens have freedom of religious belief. It further provides that "Religion must not be used as a pretext for drawing in foreign forces or for harming the State and social order", thereby limiting the exercise of the right to freedom of

[23] Choi Song Min, "Camp 15 gone but no liberty for prisoners", Daily NK, 8 November 2014. Available at www.dailynk.com/english/camp-15-gone-but-no-liberty-for-pr/.

[24] Kyu-chang Lee and others, White Paper on Human Rights in North Korea 2020 (Seoul, Korea Institute for National Unification, 2020), p. 507.

religion and belief. Historically, after the Korean War, former Leader Kim Il Sung viewed religion, in particular Christianity, as "the opiate of the people"[25] claiming that it was used as a tool for imperialism. Although there were some openings for religious activities in the 1980s, including the construction of churches in Pyongyang,[26] with the unitary *Suryong* (Supreme Leader) ruling system and the juche ideology as the only ideology allowed, the right to freedom of religion and belief is "de facto restricted".[27] The exercise of the freedom of religion is nearly impossible in the Democratic People's Republic of Korea, with a lack of access to information related to religion and religious activities, the criminalization of imported items without authorization, the absence of religious facilities, except in Pyongyang, and surveillance by neighbours and authorities. In addition, authorities often consider religious activities as being superstitious activities, which are also prohibited under criminal law.[28] In 2002, the Democratic People's Republic of Korea reported to the Human Rights Committee that there were 12,000 Christians (Protestants), 800 Roman Catholics, 15,000 practitioners of Cheondoism (modern religions rooted in Confucianism) and 10,000 Buddhists (CCPR/CO/72/PRK/Add.1).The Government explained that there were traditionally not many religious people in the country and that many of them had died during the Korean War. It further explained that "old people died of age and young people seldom believe in religion" (ibid., para. 5). Civil society organizations estimate a significantly higher number of people who believe in some kind of religion.[29] One civil society organization reported that there were 300 Protestant pastors, no Catholic priests, 250 Cheondoist leaders, 300 Buddhist monks and 5 Russian Orthodox priests in the country.[30]

19. It is reported that Christians are categorized as a "hostile class" under the *songbun* system of social classification and continue to be particularly targeted as a "serious threat to loyalty to the state".[31] Escapees who are repatriated to the Democratic People's Republic of Korea are strictly interrogated over whether they had any contact with Christian groups in China, as some Christian groups help escapees flee to the Republic of Korea. If the escapees' intention to flee to the Republic of Korea is confirmed, they receive harsher punishments, including imprisonment in *kwanliso*. The 2020 Reactionary Thought and Culture Denunciation Law prohibits the consumption, import or distribution of books and other content that reflect the culture of "hostile nations", such as the United States or Japan, or are opposed to the Democratic People's Republic of Korea. Anyone breaking the law can be punished by up to 10 years' imprisonment and reform through labour for consumption of such materials and up to 15 years for importing and distributing them. Bibles or other religious scripts are considered prohibited materials. Anyone violating the law on superstitious behaviour is subject to up to seven years' imprisonment and correctional labour. According to civil society organizations, surveillance and

[25] "Religion is a reactionary and unscientific world view. Religion is like an opium." See Korean Workers' Party Publishers, Selections from Kim Il Sung's Works (Pyongyang, 1972), p. 154 (in Korean).

[26] The Government of the Republic of Korea estimated in 2018 that there were 121 religious facilities in the Democratic People's Republic of Korea, including 60 Buddhist temples, 52 Cheondoist temples, three State-controlled Protestant churches, and one Russian Orthodox church. There is a mosque on the premise of the Embassy of Iran in Pyongyang.

[27] Sookyung Kim and others, *White Paper on Human Rights in North Korea 2019*, p. 188.

[28] Article 256 of the Criminal Law provides that superstitious behaviours are subject to up to 7 years of correctional labour punishment.

[29] For instance, Open Doors estimates that there are 400,000 Christians in the country. See www.opendoorsusa.org/christian-persecution/world-watch-list/north-korea/.

[30] Database Center for North Korean Human Rights, *2020 White Paper on Religious Freedom in North Korea*, (Korean) pp. 61–65 (in Korean).

[31] Submission by the World Evangelical Alliance to the Committee on Civil and Political Rights on 4 January 2021, para. 2.

punishment of shamanism and, in particular, influential shamans, has increased since a directive to root out superstitious acts that damage socialism was issued in July 2017.[32] One escapee told OHCHR that, in July 2019, she was detained for a month in a *rodongdanryondae* as a punishment for visiting a fortune teller. She said that there was intensified surveillance against fortune tellers in late 2018.

Religion and peacebuilding on the Korean Peninsula

20. Since 1989, the National Council of Churches in Korea (Republic of Korea) and the Korean Christian Federation in the Democratic People's Republic of Korea have issued an "inter-Korean prayer for Korean Peninsula peace and reunification" every year ahead of the National Liberation Day on 15 August. In 2020, however, the Korean Christian Federation did not respond to an offer to issue a joint prayer for the first time amid escalated tensions between the two countries. In 2021, prior to Easter, the Korean Christian Federation reportedly stated that "a joint prayer between the two Koreas would be meaningless at this point".[33] According to a group of pastors in the border areas, since the first meeting and joint worship of the churches of the Democratic People's Republic of Korea and the Republic of Korea in 1986, the two churches have contributed to peacebuilding on the Korean Peninsula through humanitarian cooperation and exchanges for peace. In October 2018, President Moon Jae-in conveyed to Pope Francis that President Kim Jong Un thanked the Pope for "praying for inter-Korean peace at the 2018 PyeongChang Olympics and inter-Korean summit meetings" and that President Kim expressed his intent that "he would wholeheartedly welcome the Pope should he visit Pyeongyang".[34] The Pope reportedly said that "I am the one who should feel grateful to Chairman Kim Jong Un" and that "I would certainly answer if an official invitation arrived, and I can go".[35] In July 2021, the Secretary of State of the Holy See, Cardinal Pietro Parolin, in a meeting with the speaker of the National Assembly of the Republic of Korea, Park Byeong-Seug, informed him of the Pope's willingness to visit the Democratic People's Republic of Korea and his interest in peace on the Korean Peninsula.[36]

21. The Special Rapporteur consulted, via letter, with relevant actors[37] to seek views on how the exercise of freedom of religion in the Democratic People's Republic of Korea can contribute to peace on the Korean Peninsula. The Korea Peace Prayer Pastors living in the Inter-Korean Border Area shared their activities to promote peace. In 2012, the General Secretary of the World Council of Churches visited the Democratic People's Republic of Korea, as the church in the country actively works for peace on the Korean Peninsula by participating in the Ecumenical Forum for Peace, Reunification and Development Cooperation on the Korean Peninsula. The Forum comprises churches from 11 countries. The groups of pastors pointed to the fact that, in the current situation on the Peninsula, the churches of the two Koreas can meet only with the permission of the two Governments. The exercise of the right to freedom of religion and the exercise of other rights, including freedom of expression, movement and association, facilitate and enable dialogue and peacebuilding on the Korean

[32] Korea Future Initiative, Persecuting Faith: Documenting Religious Freedom Violations in North Korea, vol. 1 (London, 2020), p. 39.

[33] "North Korea rejects South's offer of joint Easter prayer: sources", *The Korea Times*, 26 March 2021.

[34] Republic of Korea, Ministry of Unification, "Pope Francis says, 'I am the one who should feel grateful to Chairman Kum Jong Un… I can go'", 19 October 2018.

[35] Ibid.

[36] Shin Ji-hye, "Pope awaiting invitation to visit North Korea", *The Korea Herald*, 12 July 2021.

[37] The Special Rapporteur sent letters to the Holy See, Korea Peace Prayer Pastors in the Inter-Korean Border Area, National Council of Churches of Korea and Nehemiah Global Initiative on the issues of the exercise of the right to freedom of religion in the Democratic People's Republic of Korea and peace on the Korean Peninsula.

Peninsula. The groups of pastors stated that "the freedom of the churches of the two Koreas [to act] for peace on the Korean peninsula means freedom from the National Security Act (South Korea) and the Social Safety Act (North Korea)". The Special Rapporteur calls upon both Governments to create opportunities to allow people-to-people exchanges between the two countries as a part of a peacebuilding process.

D. Rights of the child

22. The Democratic People's Republic of Korea ratified the Convention on the Rights of the Child in 1990 and was reviewed by the Committee on the Rights of the Child in 1998, 2004, 2009 and 2017. The Act on the Protection of the Rights of the Child, which provides the legal basis for the protection of the rights of the child, was enacted in 2010 and amended in 2014. Article 2 of the Act defines a child as a person under the age of 16. In its State report to the Committee on the Rights of the Child, the Government of the Democratic People's Republic of Korea explained that the definition is based on the age (16–17) of completion of the 11-year compulsory education, and that "children learning under this new [12-year course] system will be 17–18 years old when they finish their 12-year course. Then the legal definition of children will be changed to be the same as the definition provided in the Convention" (CRC/C/PRK/5, para. 28).

Discrimination

23. Article 3 of the Act on the Protection of the Rights of the Child provides that the same rights are guaranteed to all children in the country regardless of status "such as their *songbun* at birth, gender, the office of their parent or guardian, property ownership, or bodily defects". However, in reality, opportunities among children are determined by their family political, social and economic status. Orphans and street children (*kotjebi*) are vulnerable to child labour, including being deployed to shock brigades (*dolgyeokdae*), which usually involve the mobilization of young people to construction sites often affiliated with the Ministry of Defence or the Ministry of People's Armed Forces.[38] During the review by the Committee on the Rights of the Child in 2017, the Government reported that the number of street children was decreasing (CRC/C/PRK/Q/5/Add.1, para. 51). The Special Rapporteur has received reports that children often run away from orphanages owing to the lack of food. The number of street children has also reportedly increased owing to economic difficulties arising from COVID-19 restrictions. In May 2021, the State media reported that more than 160 orphans who had graduated from secondary school had volunteered to work at coal mines and farms to "repay the love the Worker's Party of Korea showed for taking care of them over the years".[39] Usually, young people who cannot join the military owing to their family background (*songbun*), those from families who are unable to bribe authorities and orphans are vulnerable to mobilization to permanent shock brigades[40] for extended periods without pay. The use of child labour involving those under 18 years of age in harmful and hazardous environments, such as coal mines, is considered one of the worst forms of child labour and is prohibited under international law. It is also a concern to the Special Rapporteur that orphans have to volunteer to work to

[38] Article 31 of the Act on the Protection of the Rights of the Child provides that a child without parents or guardians will be raised at an orphanage or an academy at the expense of the Government.

[39] See https://kcnawatch.net/newstream/1622095366-436719122/graduates-of-orphans-schools-volunteer-to-work-in-difficult-fields/ and www.nknews.org/2021/05/north-korean-children-rush-to-coal-mines-to-repay-partys-love-state-media/?t=1630196870996.

[40] "Permanent" shock brigades (*dolgyeokdae*) or "formal" shock brigades is a system of longer-term mobilization of young people.

"repay" the care that they have received from the State, when providing such care is a human rights obligation of the State. In June 2021, the Special Rapporteur, the Special Rapporteur on the right to education and the Special Rapporteur on contemporary forms of slavery raised their concerns on the matter in a communication sent to the Democratic People's Republic of Korea, to which there has been no reply.[41]

24. Children with disabilities are vulnerable to isolation from society. It is concerning that there is a lack of available disaggregated data on the situation of children with disabilities, including those living in State institutions.[42] There are reports that persons with disabilities were expelled from Pyongyang and were isolated in restricted areas or … facilities in other cities.[43] The United Nations Children's Fund (UNICEF) reported that the Government was planning a system of inclusive education to gradually include children with disabilities in the regular school system, which is a welcome step.[44] The Special Rapporteur hopes that such a positive step will pave a way to guarantee the rights of children with disabilities as recommended by the Special Rapporteur on the rights of persons with disabilities in her report to the Human Rights Council following her visit to the country in 2017 (see A/HRC/37/56/Add.1).

Malnutrition

25. Owing to the high level of food insecurity, children in rural areas are particularly vulnerable to malnutrition. Diarrhoea and pneumonia remained the two main causes of death among children under 5 years of age. Only one third of children aged 6 to 23 months received the minimum acceptable diet.[45] Malnutrition caused by household food insecurity, inadequate feeding practices and poor access to safe water and sanitation negatively affects children's growth, with children having a high need for nutrients.[46] The Government claims that "remarkable improvement" has been achieved in reducing the malnutrition prevalence among children under 5 years of age.[47] The stunting percentage among children under 5 years of age has been reduced from 19.1 per cent in 2017[48] to 17.4 per cent in 2020, and wasting from 4.8 in 2017 to 4.5 in 2020. These are welcome developments, although such progress could be reversed if the Government does not address current food shortages and economic difficulties under the COVID-19 preventive measures. Further progress is also needed in addressing the disparity between rich and poor and between Pyongyang and rural areas.[49]

Access to information

26. According to the 2017 multiple indicator cluster survey, information, communication and technology skills among the age group of 15–17 years old were relatively high both for boys (65 per cent)[50] and girls (66 per cent). Mobile phone and

[41] See communication No. AL PRK 4/2021.

[42] United Nations Children's Fund (UNICEF), *Analysis of the Situation of Children and Women in the Democratic People's Republic of Korea* (Pyongyang, 2019), p. 4.

[43] Working Group for Human Rights and SDGs in North Korea, *A Human Rights-based Approach to the SDGs in the DPRK: CSO Spotlight Report 2021* (2021), p. 25.

[44] UNICEF, *Analysis of the Situation of Children and Women*, p. 30.

[45] FAO and others, *Asia and the Pacific Regional Overview of Food Security and Nutrition 2020: Maternal and Child Diets at the Heart of Improving Nutrition* (Bangkok, FAO, 2021).

[46] UNICEF, *Analysis of the Situation of Children and Women*, p. 54.

[47] Democratic People's Republic of Korea, *Democratic People's Republic of Korea: Voluntary National Review on the Implementation of the 2030 Agenda* (2021), p. 16.

[48] UNICEF, *Multiple Indicator Cluster Survey 2017: Survey Findings Report* – Democratic People's Republic of Korea, p. 10.

[49] In 2017, the rate of stunting was 27 per cent within the lowest 20 per cent of the wealth distribution and only 14 per cent in the richest 40 per cent. There were wide disparities between provinces too, ranging from 10 per cent in Pyongyang to 32 per cent in Ryanggang.

[50] UNICEF, *Multiple Indicator Cluster Survey 2017*, pp. 32–33.

domestic intranet usage are rapidly spreading, particularly among the young. Content, however, continues to be strictly controlled by the Government. Access to the global Internet is also prohibited. These controls have recently been tightened, including through increased restrictions on access to information in the 2020 Reactionary Thought and Culture Denunciation Law. The Law explicitly prohibited books, songs, movies, photographs, videos or similar materials from "hostile" nations such as the United States, the Republic of Korea and Japan. Moreover, the law stipulates that speaking or writing in a South Korean style, singing a song in a South Korean style or making a publication in a South Korean font shall be, depending on the circumstances, punished by up to two years of reform through labour. The Government appears to be concerned about the increasing influence of movies and music from the Republic of Korea on the younger population, viewing it as a serious threat to the unitary political system. In July 2021, the Government also called for stronger discipline and ideological education, in particular for young citizens.[51]

The right to education

27. The laws and policies of the Democratic People's Republic of Korea provide for equal guarantees to the right to education for boys and girls. The completion rate for compulsory education was nearly universal (99.9 per cent) in 2017.[52] At the end of lower secondary school, at the age of 13 (at the age of 14 under the 2014 law), 97.5 per cent of children have acquired foundational reading skills and 83.2 per cent have acquired foundational numeracy skills.[53] Nearly all the escapees who OHCHR has interviewed in the past six years could read the pre-survey questionnaires and at least write their names. Although education is free by law, in practice schools collect payments and other contributions, such as scrap steel, paper and even animal fur, from students for their daily operations. This puts additional pressure on parents and inhibits children from poorer economic backgrounds from attending school. An escapee recently interviewed by OHCHR stated that she had stopped going to school at the third grade of secondary school because she could not afford to provide monetary and in-kind contributions to her school. Even after she left school, the youth group of the Workers' Party of Korea visited her house and pressured her to provide contributions to the school.

28. Article 43 of the Constitution provides that "the State shall embody the principles of socialist pedagogy so as to raise the rising generation to be steadfast revolutionaries who will fight for society and the people, to be people of the new Juche type who are knowledgeable, morally sound and physically healthy". Testimonies from escapees suggest that children learn about former leaders Kim Il Sung and Kim Jong Il from kindergarten, and from primary school learn about the three generations of leadership and the Workers' Party policy.[54] At the fourteenth National Conference of Teachers, held in Pyongyang in September 2019, President Kim Jong Un stated that "while science and technology is a driving force of national economic development and an important symbol of national prowess, the mother of science and technology is education". The Korea Institute for National Unification analysed that President Kim's remarks "illustrate that a focus of education policy has shifted from political ideology-oriented to science technology-centred education."[55]

[51] Yonhap News Agency, "N. Korea warns youth against adopting foreign speaking habits, lifestyles", 18 July 2021.

[52] UNICEF, *Multiple Indicator Cluster Survey 2017*, p. 119.

[53] Ibid., pp. 126 and 129.

[54] See http://pscore.org/life-north-korea/forced-to-hate/.

[55] See Jeong-ah Cho, "North Korea's education policy and its prospects based on analysis of National Conference of Teachers", Korea Institute for National Unification, Online Series, 11 September 2019, p. 1.

Labour

29. The Convention on the Rights of the Child defines a child as any human being below the age of 18 years and expressly recognizes the need to protect children and young people against all forms of economic exploitation and hazardous work. Article 4 of the Socialist Labour Law of the Democratic People's Republic of Korea provides that, under socialism, every citizen is duty bound to participate in labour and that all able-bodied citizens take part in social labour according to their abilities. Even though the Act on the Protection of the Rights of the Child prohibits child labour, both the Socialist Constitution and the Socialist Labour Law stipulate that the minimum age for labour is 16 years of age; therefore, children at the ages of 16 and 17 are not legally protected against hazardous labour. A woman who had lost her parents when she was a child and later escaped from the Democratic People's Republic of Korea told OHCHR that she had joined a shock brigade from the age 15 to 17 and worked on the construction of a power plant. She said "work was physically tough especially because I was not an adult but had to work with adults and exactly the same as the others". In its voluntary national review report on the implementation of the 2030 Agenda, the Government reported that "forced labour and child labour which are common problems in the world do not exist in the Democratic People's Republic of Korea, the Sustainable Development Goal target 8.7 had already been achieved".[56] The denial of the existence of child labour, in particular of 16- and 17-year-old children, is concerning. On 16 August 2021, the State media reported that more than 200,000 Youth League officials and members had taken part in the "youth shock brigade activities" since the tenth Congress of the Youth League, held in April 2021.[57]

30. Children also provide labour through the school system. Article 32 of the 1999 Act on Childcare and Education provides that State institutions, as well as other childcare and education institutions, should encourage children to enjoy work and to become accustomed to labour from a young age. Students from primary school to secondary school have 21 days set aside for work experience on farms or in factories.[58] Throughout the education system, students are also sent to construction sites to work. In addition, students typically go home for lunch after school and provide labour to collective farms in the afternoon.[59] The Korean Children's Union or the Youth League also collect in-kind support to fulfil quotas assigned to each school, and the Youth League organizes construction projects using student labour.[60] Children are also mobilized to participate in various performances on national holidays and for mass games.

IV. Engagement

31. COVID-19 has brought unprecedented setbacks in the economic, social and political situation in many countries. The Democratic People's Republic of Korea is no exception to this. The Special Rapporteur stresses that the Democratic People's Republic of Korea should take an objective assessment of the situation and institute a policy that balances the necessary COVID-19 prevention measures and the basic economic and social rights of the people. People in the Democratic People's Republic of Korea should not have to choose between the fear of hunger and the fear of COVID-19. The country cannot close its border indefinitely and will eventually have

[56] Democratic People's Republic of Korea, *Democratic People's Republic of Korea: Voluntary National Review*, p. 31 (see footnote 47).

[57] See https://kcnawatch.net/newstream/1629105526-299140904/youth-shock-brigade-activities-brisk-in-dprk/.

[58] UNICEF, *Analysis of the Situation of Children and Women*, p. 79 (see footnote 42).

[59] Lim Hyo-Kyung, Chang Heidi Hee-Kyung and Nam Bada, *Unending Toil: Child Labour within North Korea* (Seoul, People for Successful Corean Reunification, 2018), p. 30.

[60] Ibid., p. 130.

to open up. The Special Rapporteur suggests that a practical approach would be to shift from a complete shutdown of the border to a more sustainable way of controlling COVID-19, such as the launch of a vaccination campaign and the strengthening of its health sector, and the facilitation of people's economic activity through the opening of its border and relaxation of internal restrictions on movement. The Democratic People's Republic of Korea should also seize the opportunity to restart economic and institutional reforms. The international community should also be more forthcoming in providing vaccines and humanitarian support to combat the COVID-19 pandemic and its socioeconomic consequences.

32. Following the further isolation of the country, family members are extremely worried about the whereabouts and safety of those who have been forcibly disappeared in the Democratic People's Republic of Korea, including people who were abducted from the Republic of Korea during and after the Korean War, as well as Japanese and other foreign nationals who were abducted in the 1970s and 1980s. The Government of the Democratic People's Republic of Korea must present a concrete plan to resolve the issue of enforced disappearances, including abductions, which is a serious crime with multiple human rights implications for both the victims and their families. Regarding separated families, the Special Rapporteur urges both the Democratic People's Republic of Korea and the Republic of Korea to fulfil their commitments on reunions of separated families made in the Panmunjom Declaration of 2018 (A/72/109-S/2018/820, annex, para. 1 (5)). According to the Republic of Korea, the equipment necessary for virtual communication has already been set up and the Special Rapporteur does not see any reason to further postpone virtual reunions. He emphasizes that this simplest of measures would mean a great deal to the long-suffering families arbitrarily separated along the 38th parallel and, as nothing more than a gesture of humanity and compassion for these families, the facilitation of such contact should be arranged with immediate effect.

33. On 13 July 2021, the Democratic People's Republic of Korea participated in the voluntary national review on the implementation of the Sustainable Development Goals at the United Nations high-level political forum on sustainable development. Civil society organizations based in the Republic of Korea jointly asked valuable questions with the good intention of positive engagement to improve the human rights situation of the people in the Democratic People's Republic of Korea. While the Special Rapporteur welcomes the Government's engagement with the United Nations, he also encourages the Government to fully engage in open dialogue and address all the questions raised by civil society organizations and other Member States. In this regard, the Special Rapporteur also urges the Democratic People's Republic of Korea to fully cooperate with United Nations human rights mechanisms, in particular himself, in his capacity as Special Rapporteur, and OHCHR. The Special Rapporteur encourages the Government to respond to the list of issues sent by the Human Rights Committee in June 2021 (CCPR/C/PRK/QPR/3). In any possible upcoming peace negotiations, the Republic of Korea and the United States of America should secure commitments with measurable benchmarks from the Democratic People's Republic of Korea to a meaningful process of engagement on human rights. This can start with inviting the Special Rapporteur and thematic mandate holders to visit the country.

V. Conclusions

34. The present report is the final report of the current mandate holder to the General Assembly. The Special Rapporteur takes this opportunity to urge all relevant parties to take key concrete steps towards finding a peaceful resolution to the long-standing conflict on the Korean Peninsula. The people of the Democratic People's Republic of Korea have already suffered and waited too long for peace, security, development and

basic human rights. The COVID-19 restrictions have worsened their ordeal owing to further isolation, wider and harsher State command over people's lives, the further stifling of economic activity and the exodus of humanitarian agencies from the country. The status quo in the political, denuclearization and security situation might be seen as a tolerable outcome in the current political environment; however, this is certainly not the case for the ordinary citizens of the Democratic People's Republic of Korea, who are struggling on a daily basis to live a life of dignity. The Special Rapporteur cautions that the current worsening humanitarian situation could turn into a crisis and must be averted.

35. The approach of prioritizing pressure through sanctions has further isolated the Democratic People's Republic of Korea, with limited space for diplomacy, and had unintended humanitarian and human rights consequences. It is time that a comprehensive review of this approach be undertaken to more effectively address denuclearization and security concerns while minimizing the negative consequences on economic and social rights. The gradual expansion of diplomatic engagement should allow for meaningful dialogue on the human rights situation, including on sensitive issues, such as the release of political prisoners, and encourage the Government to recognize the human rights violations involved in operating a system of *kwanliso* (political prison camps) and pursue their urgent dismantlement.

36. While monitoring the human rights situation in the Democratic People's Republic of Korea has been a recurring agenda item for the General Assembly, the Human Rights Council and the Security Council over the years, addressing human rights during denuclearization talks has become contingent on first making progress on the security agenda. The Special Rapporteur wishes to encourage more imaginative thinking on how engagement on mutually agreed goals can produce human rights outcomes, despite stalled negotiations. This can include expanding engagement on the Sustainable Development Goals and the implementation of universal periodic review and treaty body recommendations processes within the United Nations architecture to which the Democratic People's Republic of Korea has actively reported and with which it has constructively engaged. The Democratic People's Republic of Korea is encouraged to take up the offer by OHCHR for technical assistance and to invite the High Commissioner and her staff to visit the country. Likewise, the Government is recommended to build upon the experience of the country visit of the Special Rapporteur on the rights of persons with disabilities in 2017 and engage with other relevant thematic mandate holders. Through increased diplomatic engagement on such initiatives, relations of greater trust can develop between the Democratic People's Republic of Korea and international counterparts, as part of a non-contentious human rights approach. This can further enable progress in other areas, including the establishment of mutually agreed security guarantees that will enable progress on denuclearization, will contribute to peace settlements and thereby set the basis for the conception of the reunification of the Korean Peninsula, which is the desire of both the Democratic People's Republic of Korea and the Republic of Korea.

37. The Special Rapporteur calls for more attention to nurturing the synergies between humanitarian assistance and human rights advocacy. For instance, a COVID-19 vaccine rollout in the Democratic People's Republic of Korea through COVAX can explicitly be aligned with the human rights principles of non-discrimination (including on the basis of *songbun*) and attention to marginalized and vulnerable populations. Collaboration on a COVID-19 vaccine rollout can be pursued in a way that dovetails with existing efforts to alleviate the humanitarian situation and address human rights concerns made more acute by the pandemic, including access to food and health care. In this regard, sanctions relief to enable international collaboration and support on improving the capacity of the Democratic People's Republic of Korea to fulfil its human rights obligations concerning domestic

food production and distribution and health-care provision can be more thoroughly explored, including through regular dialogue between the United Nations country team and the Security Council Committee established pursuant to resolution 1718 (2006).

38. It is a serious concern that the increased challenges in accessing information on the human rights situation in the Democratic People's Republic of Korea are leading to a creeping apathy in global attention to the worsening human rights situation there. The Special Rapporteur calls for continued and increased attention to the situation of the Democratic People's Republic of Korea in fulfilling its international human rights obligations, including in the context of its response to COVID-19. The Special Rapporteur highlights that, despite the limited information, there are grounds to believe that the human rights situation continues to worsen within the country, including in relation to access to food and health care and the oppression of civil and political rights, in particular the right to participation in public affairs and access to information.

39. In this regard, the Special Rapporteur highlights that adopting a determined approach to engagement does not require the neglect of those serious human rights violations which also qualify as crimes against humanity. These crimes are likely ongoing, epitomized by the continued operation of large political prison camps. The Special Rapporteur reiterates that the existence of *kwanliso* (political prison camps) represents the worst excesses of a system of governance that systematically violates the human rights of its people. Victims have a right to justice, and accountability will remain due until it is achieved. The Special Rapporteur highlights the imperative of the Democratic People's Republic of Korea to undertake a process of reform whereby human rights are respected and protected and to cease ongoing crimes against humanity occurring, including through the system of political prisons. In the meantime, he calls for the release of political prisoners on humanitarian grounds in the context of COVID-19 and the associated national shortages in food, health care and other resources. He also calls on the international community to keep its attention on those gross human rights violations that may constitute crimes against humanity. International attention remains one of the only means of recognition and acknowledgement of the plight of these people and the violations that they suffer. He further renews calls for referral of the situation in the Democratic People's Republic of Korea to the International Criminal Court or the establishment of an ad hoc tribunal or other comparable mechanism. In the interim, it is imperative to ensure that information continues to be collected and preserved to support accountability strategies at all levels. OHCHR should be provided with adequate resources to support its work on the collection and preservation of information and evidence, as well as the assessment of all relevant information and testimonies, of serious human rights violations that have occurred and are ongoing within the Democratic People's Republic of Korea. The Special Rapporteur also wishes to highlight the crucial role that civil society organizations have been and will be playing in efforts to improve the human rights situation and move forward the peace process. Such continued efforts, which the Special Rapporteur commends, will keep alive the prospects of future justice initiatives, including recognition of the truth and redress for the violations that people in the Democratic People's Republic of Korea have suffered.

VI. Recommendations

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

(a) **Urgently invest the maximum available resources, including through international cooperation, to ensure that the basic needs for food, water, sanitation and housing are met, prioritizing the most marginalized communities;**

(b) **Assess the impact of the current COVID-19 preventive measures on the exercise of human rights, including economic and social rights, and revise any measures that violate these rights;**

(c) **Initiate the legal and institutional reforms needed to guarantee economic and social rights;**

(d) **Fulfil the necessary technical requirements for receiving vaccines through the COVAX Facility and start its vaccination programmes;**

(e) **Gradually open its borders and allow for economic activity and movement of people;**

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

(g) **Consider the further granting of amnesties to political prisoners, as a part of a long-term ongoing process, while ensuring transparency in the process;**

(h) **Follow the guidelines set out in the joint statement on COVID-19 in prisons and other closed settings made by UNODC, WHO, UNAIDS and OHCHR, and abide by the Nelson Mandela Rules and consider the release of prisoners who are not a threat to the public, in particular those in vulnerable situations;**

(i) **Address allegations of enforced disappearances, including in the form of abductions of foreign nationals, and provide accurate information to the families of the victims on the fate and whereabouts of their missing relatives;**

(j) **Initiate a process of dialogue with the Special Rapporteur, as well as thematic mandate holders, and invite them to carry out an official country visit;**

(k) **Carry out research and release statistics and other data to enable an assessment of the impact of international sanctions on the economic and social rights of the people;**

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

(m) **Engage with the Republic of Korea to resume reunions of separated families, including through virtual platforms;**

(n) **Provide space for the exercise of the right to freedom of religion and belief as guaranteed by the Constitution;**

(o) **Protect children under the age of 18 from child labour;**

(p) **Review the Reactionary Thought and Culture Denunciation Law and promote and protect freedom of expression, access to information and freedom of religion, including for young people.**

41. **The Special Rapporteur recommends that the Republic of Korea:**

(a) **Integrate human rights into negotiations with the Democratic People's Republic of Korea;**

(b) **Engage with the Democratic People's Republic of Korea to resume reunions of separated families;**

(c) **Engage with civil society organizations with a view to enabling victims, families, escapees and civil society organizations to continue their efforts in fighting impunity, and supporting peacebuilding and access to information;**

(d) **Continue its efforts to provide protection to people escaping from the Democratic People's Republic of Korea to third countries;**

(e) **Facilitate people-to-people exchanges with the Democratic People's Republic of Korea by lowering limitations on freedom of communication.**

42. **The Special Rapporteur recommends that the key parties should actively engage with the United Nations in exploring practical approaches to pursuing denuclearization, peace and human rights on the Korean Peninsula.**

43. **The Special Rapporteur recommends that other Member States:**

(a) **Apply the principle of non-refoulement to individuals from the Democratic People's Republic of Korea who are at risk of serious human rights violations upon repatriation;**

(b) **Enhance engagement with the Special Rapporteur and OHCHR on the issue of repatriation and other human rights issues in the Democratic People's Republic of Korea;**

(c) **Engage with the Democratic People's Republic of Korea in view of providing support to the people in combating the COVID-19 pandemic;**

(d) **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 with respect to the situation of human rights in the country;**

(e) **Continue to provide support to the efforts of civil society actors to address the situation of human rights in the Democratic People's Republic of Korea.**

44. **The Special Rapporteur recommends that the Security Council:**

(a) **Consider lifting sanctions that negatively affect humanitarian assistance and human rights, including during the COVID-19 pandemic;**

(b) **Continue to discuss the human rights situation in the Democratic People's Republic of Korea and refer the situation to the International Criminal Court or establish an ad hoc tribunal or other comparable mechanism.**

45. **The Special Rapporteur makes the following recommendations to the United Nations Secretariat:**

(a) **The Secretary-General and OHCHR, in collaboration with the United Nations country team, should conduct a comprehensive study of the detrimental impact of sanctions on the human rights of the people of the Democratic People's Republic of Korea and on the humanitarian situation in the context of the current COVID-19 preventive measures;**

(b) **The Secretary-General and OHCHR should continue to explore and support technical cooperation projects on human rights with the Democratic People's Republic of Korea;**

(c) **OHCHR should continue its efforts on accountability, including by strengthening monitoring and its documentation efforts, further developing the information and evidence repository and exploring possible strategies and mechanisms for future accountability processes;**

(d) **The Secretary-General should revitalize the engagement efforts of the United Nations with the Democratic People's Republic of Korea, building upon the 2017 visit by the Under-Secretary-General for Political Affairs.**

46. **The Special Rapporteur recommends that civil society organizations:**

(a) **Engage with the States Members of the United Nations to advocate for the advancement of a peace agreement and the integration of human rights into negotiations;**

(b) **Continue their efforts to promote accountability, peacebuilding and access to information;**

(c) **Continue to engage with the community of escapees in their human rights monitoring work.**