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

Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

Summary

In the present report, the Special Rapporteur evaluates the situation of human rights in the Democratic People's Republic of Korea in the context of the current progress in political, peace, security and denuclearization efforts in the Korean Peninsula. While highlighting that human rights and the humanitarian situation continues to be of serious concern in the Democratic People's Republic of Korea, the Special Rapporteur advocates that the Democratic People's Republic of Korea implement a human rights-based approach to development and guarantee fundamental freedoms to ensure that all people, including the most vulnerable ones, benefit from the new economic opportunities in the country. He continues to reiterate the need for integrating a human rights agenda into the ongoing denuclearization and peace discussions and urges the Democratic People's Republic of Korea to enhance its human rights engagement with the international community.

* The present report was submitted to the conference services after the deadline in order to reflect recent developments.



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I. Introduction

1. In the present report, submitted to the Human Rights Council pursuant to Council resolution 37/28, the Special Rapporteur covers the main human rights developments in the Democratic People's Republic of Korea since his previous report to the Council. The present report should be considered in conjunction with the report most recently submitted by the Special Rapporteur to the General Assembly (A/73/386), in which he noted the ongoing developments and the prospects for achieving long-lasting peace in the Korean Peninsula and called upon Member States to push for a peace process that included measures to improve the human rights situation in the Democratic People's Republic of Korea.

2. In the present report, the Special Rapporteur reflects upon the overall progress in political, peace, security and denuclearization efforts and reiterates that respect for human rights remains central to the peace and denuclearization agenda in the Korean Peninsula. He also evaluates the impact of sanctions on the economic and social rights of the population of the Democratic People's Republic of Korea. He highlights that the country's pursuit of economic growth and improved living standards can only be achieved through a human rights-based approach to development and urges the Government to guarantee fundamental freedoms, respect labour rights and uphold the rule of law. The Special Rapporteur sees the upcoming universal periodic review cycle as an important opportunity to enhance human rights cooperation with the international community and recommends that the Government use that forum to initiate open and evidence-based human rights dialogue at both the international and national levels.

3. While summit diplomacy and other interactions have progressed, the human rights situation on the ground remains mostly unchanged and continues to be of extremely serious concern. The Special Rapporteur continues to receive reports of the existence of political prison camps, where people are being sent without due process. Torture and ill-treatment reportedly remain widespread and systematic in detention facilities. The surveillance and close monitoring of the population, as well as severe restrictions on their basic freedoms, remains widespread. There are also consistent reports of corruption by State officials, leading to further violations of rights of the most vulnerable individuals and groups in particular. The Special Rapporteur is of the view that the only way to achieve prosperity, peace and economic stability is by embracing and implementing the universal fundamental rights and that the participation of the population of the Democratic People's Republic of Korea should be a central part of determining the path towards peace and prosperity.

4. The Government of the Democratic People's Republic of Korea continues to refuse to cooperate with the mandate of the Special Rapporteur. The Special Rapporteur conducted official visits to the Republic of Korea from 2 to 10 July 2018 and from 7 to 11 January 2019. In the Republic of Korea, he held meetings with government officials, representatives of civil society organizations, the Korean Red Cross and the National Human Rights Commission of Korea and members of the diplomatic community and the Office of the United Nations High Commissioner for Human Rights field-based structure in Seoul. He also met with individuals who had recently left the Democratic People's Republic of Korea. The Special Rapporteur visited Thailand from 19 to 21 November 2018 to join a United Nations strategic framework consultation workshop. During that visit, he held meetings with regional civil society organizations working on human rights issues in the Democratic People's Republic of Korea. The Special Rapporteur held consultations with Member States in Geneva, from 4 to 7 June 2018, and in New York, from 22 to 24 October 2018. On 23 February 2019, he provided a briefing via videoconference to the members of the European Parliament about the human rights situation in the Democratic People's Republic of Korea.

II. Overview of progress on political, peace, security and denuclearization

5. The improved inter-Korean relations that began in early 2018 continued during the reporting period, with an unprecedented three summits held between the leaders of the Democratic People's Republic of Korea and the Republic of Korea. In contrast to 2017, the Democratic People's Republic of Korea did not conduct nuclear tests or missile launches in 2018. The first ever summit between the leaders of the Democratic People's Republic of Korea and the United States of America, held on 12 June 2018 in Singapore, and four summits between China and the Democratic People's Republic of Korea, also showed increased efforts to find peaceful solutions to the security situation.¹ The Special Rapporteur acknowledges the significance of this peaceful engagement and dialogue and highlights that this approach is the only way to secure improvements to the human rights situation in the Democratic People's Republic of Korea.

6. While acknowledging the importance of the confidence-building diplomacy that took place in 2018, the Special Rapporteur highlights that 2019 represents a critical juncture at which human rights issues must be brought into the ongoing talks. He emphasizes that all parties involved in the negotiations must ensure that diplomacy paves the way to sustainable peace and prosperity that places the rights and aspirations of the people of the Democratic People's Republic of Korea at the very centre. The United Nations must play an active and engaged role in this process, in line with its global aims of realizing peace and security, development and human rights.

7. The inter-Korean summits led to the two countries issuing, on 27 April 2018, the Panmunjom Declaration for Peace, Prosperity and Reunification of the Korean Peninsula and, on 19 September 2018, the Pyongyang Joint Declaration; in the Declarations, the parties committed to working towards a nuclear-weapon-free Korean Peninsula and to formally ending the 1950–1953 Korean War with a peace treaty. In the Pyongyang Joint Declaration, the Democratic People's Republic of Korea committed to permanently dismantling the Dongchang-ri missile engine test site and launching platform under international observation and expressed its "willingness" to permanently dismantle the nuclear facilities in Yeongbyeon as the United States took "corresponding measures".²

8. Included in the Declarations were important proposed steps for developing cross-border cultural, social and economic exchanges to build trust and ensure progress towards a denuclearized Korean Peninsula. The Special Rapporteur welcomes the accompaniment of those commitments with concrete actions. Subsequently, cross-border talks took place on 36 occasions in 2018 and, in September, the countries established a joint liaison office in Kaesong, Democratic People's Republic of Korea. The Panmunjom Declaration also provided for a reunion event for families separated by the border, which took place in August 2018. The Special Rapporteur welcomed the event and encouraged both sides to arrange additional reunion events.³ Furthermore, in December 2018, the two countries held a ceremony initiating an inter-Korean project to reconnect and modernize roads and railways across the border, a commitment made in the Pyongyang Joint Declaration. The Special Rapporteur welcomes the sanctions exemption, granted by the Security Council, that enabled the ceremony to take place and encourages further exemptions and the easing of sanctions so as to support the ongoing momentum towards closer inter-Korean relations in 2019.

¹ China and the Democratic People's Republic of Korea held summits on the following dates: 25–28 March 2018; 7–8 May 2018; 19–20 June 2018; and 7–8 January 2019.

² Pyongyang Joint Declaration, available from www.mofa.go.kr/eng/brd/m_5478/view.do?seq=319132&srchFr=&srchTo=&srchWord=&srchTp=&multi_itm_seq=0&itm_seq_1=0&itm_seq_2=0&company_cd=&company_nm=&page=1&titleNm=.

³ Office of the United Nations High Commissioner for Human Rights (OHCHR), "Family reunions between North and South Koreans welcomed by UN Special Rapporteur", press release, 20 August 2018. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23468&LangID=E.

9. At the summit held in Singapore on 12 June 2018, the President of the United States, Donald J. Trump, made a commitment to providing security guarantees to the Democratic People's Republic of Korea, and the Chairman of the State Affairs Commission of the Democratic People's Republic of Korea, Kim Jong Un, reaffirmed his firm and unwavering commitment to the complete denuclearization of the Korean Peninsula, with both leaders recognizing that mutual confidence-building could promote the denuclearization of the Korean Peninsula. Following the summit, encouraging steps have been taken. They include the suspension of Republic of Korea-United States joint military exercises, the cessation of military drills along the military demarcation line and the removal of guard posts in the demilitarized zone. On 10 May 2018, the Special Rapporteur welcomed the release of three United States nationals⁴ by the Democratic People's Republic of Korea as another important building block for the prospects of peace.⁵ He also welcomes the repatriating of the remains of United States service members, which enables their families to pursue the right to truth and to mourn relatives.⁶ The Special Rapporteur hopes that the abrupt conclusion of the subsequent summit, held in Hanoi on 27 and 28 February 2019 between the Democratic People's Republic of Korea and the United States, does not compromise the peaceful environment for dialogue that all parties have been working for since 2018.

III. Humanitarian situation in the Democratic People's Republic of Korea

10. From 19 to 21 November 2018, the Special Rapporteur joined the United Nations country team at its retreat, held in Bangkok, at which he met with the heads of United Nations agencies operating in the Democratic People's Republic of Korea, who offered him valuable insights about their work in the field and their perspectives for realizing a better future for the country. Also discussed were the difficulties faced in carrying out mandates to address the needs of the 10.3 million people (41 per cent of the total population) who continue to suffer from food insecurity and undernutrition and who lack access to essential health services, clean water and adequate sanitation.⁷

11. The Special Rapporteur continues to be concerned about the significant constraints on humanitarian operations owing to the international and unilateral sanctions regimes.⁸ While recognizing that the Security Council's use of sanctions is one of the legitimate enforcement measures at its disposal, which it uses to fulfil its mandate to maintain and restore international peace and security, he is concerned about the possible detrimental impact on the population when the sanctions target the economy as a whole. In this regard, the Special Rapporteur welcomes the decision of the Security Council Committee established pursuant to resolution 1718 (2006) of 6 August 2018 to issue guidelines for obtaining exemptions for the delivery of humanitarian assistance to the Democratic People's Republic of Korea.⁹

⁴ Kim Hak Song, Kim Sang-duk (also known as Tony Kim) and Kim Dong-chul.

⁵ OHCHR, "Release of U.S. nationals by North Korea: a welcome step to further address human rights concerns, says UN expert", press release, 10 May 2018. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23061&LangID=E.

⁶ Commission on Human Rights resolution 2005/66 of 20 April 2005 on the right to the truth (see E/2005/23-E/CN.4/2005/135, chap. II.A).

⁷ United Nations, Office for the Coordination of Humanitarian Affairs, "2018 DPR Korea: needs and priorities", March 2018, p. 19. Available from <https://reliefweb.int/report/democratic-peoples-republic-korea/dpr-korea-needs-and-priorities-march-2018>.

⁸ Following the Democratic People's Republic of Korea's nuclear tests and ballistic missile launches, the Security Council adopted four resolutions, namely, 2356 (2017), 2371 (2017), 2375 (2017) and 2397 (2017), which included the targeting of the extractive and financial industries, the fisheries sector and the import of petroleum products.

⁹ The guidelines are contained in implementation assistance notice No. 7. Available from www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/1718_implementation_assistance_notice_7.pdf. In January and February 2019, the Committee granted 12 new exemptions facilitating

12. With that in mind, the Special Rapporteur is still concerned that, in practice, humanitarian activities continue to suffer from significant delays and disruption owing to the sanctions regime. The disruption of banking channels has made it difficult for the United Nations and other international humanitarian agencies to transfer required funds into the country. Concerns about sanctions violations from suppliers and transport companies have led to the frequent breakdown of the supply chain for the delivery of humanitarian goods, and significant delays may occur in customs clearance. The Special Rapporteur has also received reports of concerns about the Government of the United States imposing travel restrictions on humanitarian workers with United States citizenship and its blocking of essential humanitarian supplies, such as surgical equipment for hospitals, stainless steel milk containers for orphanages and hospital supplies for fighting tuberculosis and malaria, from being delivered by United States-based humanitarian agencies. The Special Rapporteur welcomes the decision of the Government of the United States to relax those restrictions and encourages the further easing of sanctions and restrictions.

13. International sanctions also contribute to a reluctance among donors to provide funds to the Democratic People's Republic of Korea.¹⁰ The Special Rapporteur urges the Democratic People's Republic of Korea to work with United Nations agencies in-country to provide data that will enable the international community to properly assess the impact that sanctions are having on the economic and social rights of the people. It will also enable the Security Council to take the steps necessary to ensure that Member States fulfil their obligations under international human rights law in relation to the impact of sanctions regimes on economic and social rights.¹¹

14. The Special Rapporteur notes that humanitarian actors operating in-country have access to 10 of the 11 provinces, although travel still remains strictly regulated by the national authorities, and access to up-to-date data continues to be a challenge. He urges the Government of the Democratic People's Republic of Korea to provide greater access to timely and relevant data, in order to facilitate the planning, financing and decision-making processes necessary for effective humanitarian operations that are directed to those most in need, including persons in detention. Further progress on improving access for humanitarian organizations, to enable them to implement their programmes and reach all communities that require assistance, will also help to address the reluctance among donors to provide funds.

15. The Special Rapporteur highlights the need for an economic and political road map whereby the Democratic People's Republic of Korea can emerge from the protracted humanitarian situation it is in and begin to fulfil its obligations under international law in relation to the basic economic rights of the people. Essential to realizing that goal will be the emergence of the Democratic People's Republic of Korea from diplomatic isolation and its integration into the rules-based global economic order as a responsible and trustworthy actor. Integral to the process will be a systematic and sustained parallel track of human rights diplomacy in coordination with the current high-level track on denuclearization. The human rights diplomatic track would also pursue step-by-step measures to secure the necessary domestic legislative and institutional reforms required under international human rights law, matched by a reciprocal easing of sanctions that would enable participation in international trade and financial systems.

the purchase and delivery of goods relating to humanitarian work in the Democratic People's Republic of Korea.

¹⁰ In 2017, only 30 per cent of the requested funds were received. United Nations, "2018 DPR Korea: needs and priorities", p. 8.

¹¹ Committee on Economic, Social and Cultural Rights, general comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights. See also the Committee's general comment No. 14 (2000) on the right to the highest attainable standard of health, para. 41.

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

A. The right to development in relation to the Government's economic plan

16. In 2013, the leadership of Democratic People's Republic of Korea announced the policy of *byungjin* (parallel development) of the economy and nuclear weapons. Between 2016 and 2017, the country conducted nuclear tests on three occasions and tested different types of missiles, including intercontinental ballistic missiles. In April 2018, at the third plenum of the Seventh Central Committee of the Workers' Party of Korea, a resolution, entitled "On proclaiming great victory of the line of simultaneous development of economic construction and building of nuclear force" was passed, in which it was "solemnly declared that the work for putting on a higher level the technology of mounting nuclear warheads on ballistic rockets has been reliably realized". At the plenum, a second resolution, entitled "On concentrating all efforts on socialist economic construction to meet requirements of new high stage of developing revolution", was passed, in which it was stated that "we will create international environment favourable for the socialist economic construction and facilitate close contact and active dialogue with neighbouring countries and the international community in order to defend peace and stability on the Korean Peninsula and in the world".¹² In his 2019 new year address, Chairman Kim Jong Un re-emphasized the importance of pursuing economic growth and "improving the people's standard of living radically", including through strengthening key sectors, such as energy production and metallurgy as well as increasing agricultural production and upgrading medical institutions.¹³

17. Economic growth is connected to the general concepts enshrined in the Declaration on the Right to Development, to the 2030 Agenda for Sustainable Development and to the International Covenant on Economic, Social and Cultural Rights, to which the Democratic People's Republic of Korea is a party.¹⁴ According to article 1.1 of the Declaration, the right is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized. The Declaration further requires the active, free and meaningful participation of individuals and populations in development and underlines the importance of the fair distribution of the benefits of development (art. 2). It allows for no distinction as to race, sex, language or religion (art. 6). The Declaration specifically states that women should have an active role in the development process (art. 8.1) and calls for the elimination of sex-based discrimination in access to all human rights and fundamental freedoms (art. 6.1).¹⁵

18. The Special Rapporteur highlights that the important principles for realizing the right to development are the right to non-discrimination, public participation, freedom of movement, judicial independence, government effectiveness in policymaking and service

¹² Information extracted from the National Committee on North Korea web page. See https://www.ncnk.org/resources/publications/dprk_report_third_plenary_meeting_of_seventh_central_committee_of_wpk.pdf.

¹³ Ibid.

¹⁴ In 2011, the Committee on Economic, Social and Cultural Rights, which monitors the implementation of the International Covenant on Economic, Social and Cultural Rights, emphasized the close relationship and the complementarity between the Covenant and the Declaration on the Right to Development and pointed out that, by monitoring the implementation of the rights enshrined in the Covenant, the Committee contributed simultaneously to the full realization of the relevant elements of the right to development. (E/C.12/2011/2, paras. 1 and 7).

¹⁵ The Declaration on the Right to Development, which was adopted by the General Assembly by its resolution 41/128 of 4 December 1985, is not in itself legally binding. However, many of its provisions are anchored in legally binding instruments, such as in the Charter of the United Nations and the International Covenants on Human Rights to which the Democratic People's Republic of Korea is a party.

delivery, accountability and government transparency.¹⁶ Those principles currently are not respected in the Democratic People's Republic of Korea or exist only to a limited degree.

19. Discrimination and inequality based on *songbun*¹⁷ is a reality for the people of the Democratic People's Republic of Korea. *Songbun* plays an important role in all aspects of citizens' lives, determining whether they are able to join the Korean Worker's Party, the amount of their food rations, whether they receive social services, whether they can acquire government jobs, their access to higher education, their assigned work and even where they can live. Other forms of discrimination, such as those based on place of residence, economic status and gender, exacerbates those inequalities. Living conditions vary dramatically between Pyongyang and the rural areas of the country. The general public cannot participate in a meaningful way, such as through dialogue or providing their views, in governance. The Special Rapporteur is of the view that, for sustainable and long-lasting economic development, citizens of the Democratic People's Republic of Korea must be afforded the possibility to actively participate, contribute to and enjoy the benefits of new economic opportunities.

20. National laws of the Democratic People's Republic of Korea recognize the individual's right to work and contain provisions on protecting the right to remuneration, the freedom to choose jobs, security of employment, safe working conditions, non-discrimination at work and social security.¹⁸ In contrast to such legal provisions, interviewees have described being required to work in places assigned by the Government and having no possibility to refuse. The assignment of the nature and place of work usually depends upon an individual's *songbun*, relationship with government officials and ability to pay bribes, rather than on qualifications or interests. Working conditions are often poor, and workers do not receive adequate compensation for their work. Interviewees have described being mobilized for various types of manual labour, including construction of railroads and factories, under conditions that fall far below international labour standards. In some cases, those practices reportedly amounted to forced labour, given that people were mobilized to work with very little compensation, if any, and without adequate safeguards. A woman who joined a unit that carried out repairs along a railroad line, in 2014, when she was 18 years old, stated that she worked without pay "from early morning to late at night, after dark. ... We were given corn to eat. We did not receive a large amount, but we did receive corn three times per day. We were not free to leave. We were not locked up, but it was impossible to leave because we were too far from anything. Those who ran were caught, brought back and beaten up."¹⁹

21. Many people rely on earnings from small-scale market activities in the informal economy to meet their basic needs. Broadly worded provisions in the Criminal Code regarding market activity leaves small-scale traders vulnerable to prosecution, as well as to exploitation and corruption by local officials. Restrictions on the rights to freedom of speech, movement and access to information are obstacles to addressing such exploitation and corruption. In addition to undermining efforts towards poverty reduction and exacerbating inequality, they also undermine trust in public institutions. Undoubtedly, the Government and the political system of the Democratic People's Republic of Korea face the challenge of reconciling with those extended and expanded free market trends. Irrespective of the economic model, the Special Rapporteur is of the view that any reform process should allow for an inclusive environment that fosters the possibility for sustainable

¹⁶ Basic information and statistics about food, nutrition and health come from the work of United Nations agencies based in the field. The Democratic People's Republic of Korea must modernize and publish economic, financial and social statistics in order to meet international standards of transparency.

¹⁷ *Songbun* is a social classification system based on perceived loyalty to the regime, linked to family, social and economic factors. There are three main categories (loyal class, wavering class and hostile class) and many sub-categories.

¹⁸ The provisions on the right to work are stipulated in article 70 of the Socialist Constitution of the Democratic People's Republic of Korea and in the Labour Protection Law, 2010.

¹⁹ Interview with an escapee from the Democratic People's Republic of Korea.

development and the enjoyment of the human rights recognized in the international treaties to which the Democratic People's Republic of Korea is a party.

22. The absence of conditions favourable to realizing the right to development will also impact negatively on putting into place the conditions needed for international cooperation, including in relation to the construction of railways, roads and pipeline projects and the possible reopening of the Kaesong industrial complex.²⁰ Although States have a duty to take steps individually and collectively to formulate international development policies with a view to facilitating the full realization of the right to development, those from the international community who wish to operate in the Democratic People's Republic of Korea must put into place stringent human rights safeguards, including in relation to respecting worker's rights and monitoring the human rights impact of projects. All development programmes must be targeted towards providing those most in need with the opportunities to realize basic social and economic rights, through participatory and accountable processes. Such programmes can only occur in a context in which the Democratic People's Republic of Korea puts into place policies that would promote the right to development in accordance with international standards. In addition, with the emerging role of State-owned enterprises and private companies, the United Nations framework on business and human rights will become equally important to reflect upon.²¹

23. The Special Rapporteur recommends that, given the prospects for new economic initiatives and the opening up of businesses, it is the right time for the Democratic People's Republic of Korea to implement the human rights-based approach to development. The Government should put into place and implement a robust labour standards and regulatory framework that ensures the right to freely choose work and receive fair wages, respects the physical and mental integrity of workers, ensures occupational health and safety, promotes social dialogue between the employer and employees and allows for the right to association and collective bargaining. The policies should also be committed to eradicating forced labour in all its forms, abolishing child labour and prohibiting all forms of discrimination. The Special Rapporteur recommends that the Democratic People's Republic of Korea become a member of the International Labour Organization and seek its technical support with a view to introducing and implementing core labour standards.²² The notion of prosperity for the Democratic People's Republic of Korea should be aimed at creating an environment in which all people, including the most vulnerable, have the opportunity to flourish at the realization of their full potential, rather than solely at achieving economic growth.

24. The 2030 Agenda for Sustainable Development is based on a commitment to leave no one behind. If everyone is to benefit from economic gains, policymakers will need to reformulate their strategies and programmes to ensure that those most in need benefit fairly from current and future economic and social development.²³ Given the protracted humanitarian crisis that the Democratic People's Republic of Korea continues to face,²⁴ with incidents of the violation of the enjoyment of economic, social and cultural rights of the majority of the population, the Special Rapporteur recommends that the authorities explore implementing a social protection policy for the benefit of the most vulnerable. The Asia-Pacific region offers good examples of conditional and unconditional cash transfer programmes aimed at reducing poverty, such as the minimum living standard guarantee

²⁰ Likewise, special economic zones, a project being developed by the authorities, will require compliance with basic labour and rights standards.

²¹ In particular, the Guiding Principles on Business and Human Rights (A/HRC/17/31, annex).

²² During the second cycle of the universal periodic review process, the Democratic People's Republic of Korea partially accepted the recommendation to become a member of the International Labour Organization. To date, no steps have been taken to implement the recommendation.

²³ United Nations, Economic and Social Commission for Asia and the Pacific, "Sustainable social development in Asia and the Pacific: towards a people-centred transformation", December 2017, p. 10.

²⁴ Mark Lowcock, Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, July 2018.

scheme in China, the Mahatma Gandhi National Rural Employment Guarantee Scheme in India and the Benazir Income Support Programme in Pakistan.²⁵

25. United Nations agencies working in the Democratic People's Republic of Korea have vast experience supporting humanitarian and development initiatives and, in the opinion of the Special Rapporteur, they should be viewed as a catalyst for development.²⁶ In parallel with the denuclearization process, the Security Council, as well as individual Member States that are imposing unilateral coercive measures, should ease sanctions in order to gradually integrate development initiatives into their engagement framework.²⁷ Pursuing development would also require expanding areas of cooperation with the international community.²⁸ While there is no coherent shared vision among countries of how to move forward in this direction, the ongoing negotiations present an opportunity and should shape the process of economic, social and political development in the Democratic People's Republic of Korea in consonance with international human rights standards. Indeed, the people's right to self-determination, by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development,²⁹ will guide the people of the Democratic People's Republic of Korea in defining the terms of the reform process, but the Government must be mindful of the obligation of States to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.³⁰

B. Rights of persons deprived of liberty

26. Although information regarding the current and recent situation of the system of political prison camps is very limited, the Special Rapporteur continues to receive reports about people who have been accused of committing crimes against the State being sent to such camps, without any legal or procedural guarantees, in a manner that amounts to enforced disappearance, with their families not knowing their whereabouts and with little to no chance of them returning to society.³¹ Fear of being sent to a political prison camp is very real and deeply embedded in the consciousness of the ordinary citizens. Although the Democratic People's Republic of Korea continues to deny the existence of such camps, the Government has an obligation under international human rights law to address those extremely serious allegations. A pragmatic approach for the Government would be to

²⁵ United Nations, Economic and Social Commission for Asia and the Pacific, social protection toolbox (www.unescap.org/resources/social-protection-toolbox). See also Committee on Social, Economic and Cultural Rights, general comment No. 19 (2007) on the right to social security. In relation to the leadership's commitment to concentrating all efforts towards developing the economy, it remains to be seen to what extent resources allocated to the military will be directed towards addressing the dire living conditions of the population, in particular in the rural areas of the country.

²⁶ The Food and Agriculture Organization of the United Nations, the United Nations Development Programme, the United Nations Population Fund, the World Health Organization, the World Food Programme and the United Nations Children's Fund are currently operating in the Democratic People's Republic of Korea. Other United Nations agencies, such as the United Nations Educational, Scientific and Cultural Organization, are engaging with the authorities. The strategic framework for cooperation between the United Nations and the Democratic People's Republic of Korea for the period 2017–2021 includes the integration of the human rights-based approach in the implementation of programmes.

²⁷ Development initiatives have been banned under the sanctions regime.

²⁸ While the *Juche* (self-reliance) ideology continues to influence the decisions by the authorities in developing the economy, multilateral and bilateral cooperation exchanges may gradually increase, including technical assistance and capacity-building activities in the fields of management, finance, governance and human rights.

²⁹ Preamble of the Declaration on the Right to Development.

³⁰ *Ibid.*

³¹ In its 2014 report, the commission of inquiry on human rights in the Democratic People's Republic of Korea concluded that thousands of people were being held in political prison camps (A/HRC/25/63, paras. 59–63).

provide access to international monitoring groups to the camps, to provide details on the number of detainees and the locations of the detention facilities and to start a genuine prison reform process. A meaningful proactive policy would also be to progressively release prisoners, which has been called for by the Special Rapporteur.

27. Torture and ill-treatment remains widespread and systematic in detention facilities operated by the Ministry of State Security and the Ministry of People's Security. Detainees are forced to remain in a still position with their heads down for prolonged periods and are beaten and ill-treated as punishment for failing to remain immobile. Various interviewees confirmed being subjected to ill-treatment and torture for failing to confess to the accusations brought by the authorities during interrogations, as a means of enforcing discipline inside the detention facilities and for not maintaining "adequate respect" in front of the authorities.³² It was also reported that detainees did not have access to lawyers or to family visits. Payment of bribes to the police and party officials is common in order to avoid arrest, secure family visits, secure assignment of less physically arduous work, dismiss the allegations or secure leniency in charges or in sentencing. Female detainees have also reportedly suffered sexual abuse in detention.

28. In May 2018, the Democratic People's Republic of Korea released from detention United States citizens Kim Hak Song, Kim Sang-duk ("Tony Kim") and Kim Dong-chul.³³ The Special Rapporteur issued a press statement welcoming the release of the three United States citizens as an important building block for the prospects of peace in the Korean Peninsula. However, the Special Rapporteur remains concerned about reports of foreign detainees being denied due process of law and being held in inhumane conditions without consular access. Furthermore, he urges the authorities to release the six nationals of the Republic of Korea, including three pastors, who are being held in the Democratic People's Republic of Korea. As a State party to the Vienna Convention on Consular Relations, the Democratic People's Republic of Korea has a legal obligation to provide foreign prisoners with essential protections, including the freedom to communicate with and access to consular officers and to arrange for legal representation with their assistance.³⁴

29. The International Covenant on Civil and Political Rights, to which the Democratic People's Republic of Korea is a party, prohibits torture or cruel, inhuman or degrading treatment at all times and in all circumstances. Under international law, States cannot suspend that obligation even during times of war, during internal political instability or during other public emergencies.³⁵ The Criminal Procedure Law of the Democratic People's Republic of Korea contains some provisions on the need for ensuring human rights and fair trial guarantees for detainees.³⁶ However, in practice, law enforcement officials regard torture and ill-treatment as a way to secure confessions and punish detainees. The Special Rapporteur urges the authorities to undertake robust criminal justice reforms, with the aim of ensuring the rule of law, good governance and respect for human rights, including to provide for humane conditions of detention for all persons deprived of their liberty. In this regard, the Government can seek technical expertise from the United Nations human rights system and other relevant actors to assist in reforming the penitentiary system in line with international standards. The Special Rapporteur urges the Government to ratify the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto.

³² Interviewees reported that detainees were made to kneel, keep their heads down and faces towards the floor when in front of Ministry of People's Security officers. Moreover, if the officers walked along the corridor in front of the cell, detainees were expected to bow, turn their faces towards the wall and wait for the officers to pass.

³³ Kim Hak Song was arrested in May 2017 on charges of plotting hostile acts against the State. Kim Sang-duk was arrested in April 2017 on espionage charges, and Kim Dong-Chul was arrested in 2015 on spying charges and was sentenced to 10 years of hard labour in April 2016.

³⁴ Article 36 (b) and (c) of the Vienna Conventions on Consular Relations of 1963.

³⁵ Articles 7 and 4 (2) of the International Covenant on Civil and Political Rights.

³⁶ Articles 6 and 37 of the Criminal Procedure Law of the Democratic People's Republic of Korea.

C. Fundamental freedoms

30. The surveillance and close monitoring of citizens and other severe restrictions on basic freedoms are widespread in the Democratic People's Republic of Korea. Remarks that are perceived to be critical of the ruling family, the Government or the ruling party are not tolerated. The media is fully controlled by the Government and plays a dominant role in disseminating State messages. Internet access and electronic media remain limited to that which are provided by the Government, and mobile phones can only be used for making domestic calls. Making international phone calls or travelling outside of the country without the required permission is a punishable crime. Even travel within the country requires permission from State authorities, and Pyongyang remains off limits for the majority of citizens. Most aspects of a citizen's life are closely monitored, and people are regularly required to undergo ideological sessions. In the absence of the rule of law – while rule by law exists – and with rampant corruption at all levels, those restrictions not only curtail the people's rights to form and express opinions, engage in constructive dialogue, participate in public affairs, explore and innovate new ideas and seek new economic opportunities, they allow the Government to exercise constant control over its citizens through fear, punishment and coercion. The restrictions on the fundamental freedoms, as well as the fear of State authorities and surveillance, are so deeply ingrained in the society of the Democratic People's Republic of Korea that one of the escapees with whom the Special Rapporteur met in Seoul during his recent visit concluded that: "The whole country is a prison." The Special Rapporteur continues to receive reports of the arrest and detention of individuals for travelling outside of the country, for making phone calls to their relatives outside of the Democratic People's Republic of Korea, for watching and listening to music and movies from the Republic of Korea and for selling products from so-called "hostile countries".³⁷

31. The Special Rapporteur is of the view that the Democratic People's Republic of Korea cannot achieve its commitment towards advancing peace and security in the region by continuing to implement harsh and regressive policies and practices against its own citizens. If the Democratic People's Republic of Korea genuinely wants to end the era of self-isolation and to be recognized as a responsible member of the international community, it is imperative that it make a fundamental shift in the way that it functions and embrace the universal core value of respecting human rights. The Special Rapporteur reiterates his call upon the Democratic People's Republic of Korea to create an environment for progress towards the realization of human rights, in which people have the rights to receive and express opinions, participate in public affairs and freedom of movement, including the right to leave one's own country, and are protected from arbitrary implementation of the law. This is, in the view of the Special Rapporteur, the one and only route through which the Democratic People's Republic of Korea can achieve its goal of stability, national security and inclusive prosperity.

D. Separated families

32. In August 2018, 170 people from the Democratic People's Republic of Korea and the Republic of Korea met with their family members from whom they had been separated since the Korean War. The Special Rapporteur issued a press statement welcoming the resumption of family reunion events, which had not taken place since October 2015, in which he highlighted that family reunions were a significant step on the path to fully respecting and honouring the human rights of all people living in the Korean Peninsula and beyond. During his recent visit to the Republic of Korea, the Special Rapporteur discussed the issue of separated families with the government authorities and the President of the Korean Red Cross. The Special Rapporteur was pleased to be informed of the ongoing progress in connecting family members, including through video messages. According to the integrated system for separated families, of the 132,603 applicants who registered to meet their separated families, 56,862 persons are still alive and 85 per cent of them are in

³⁷ Japan, the Republic of Korea and the United States are referred to as the so-called "hostile States".

their seventies. Bearing in mind the ages of those affected, the Special Rapporteur urges both sides to arrange more such reunions as soon as possible, so that more people can get together with their relatives, and to allow the family members to remain in touch with each other. Sustainable long-term channels for family members to maintain permanent contact through regular written correspondence, telephone communications and video messaging should be established. The Special Rapporteur expressed to the authorities of the Republic of Korea his desire to participate in any such events as an observer.

E. Situation with regard to repatriation

33. In 2018, the Special Rapporteur, together with other relevant mandate holders, sent four urgent appeals to China detailing concerns over 18 cases of escapees from the Democratic People's Republic of Korea who have been detained by China and are at risk of repatriation. The cases were brought to his attention by family members of the detained, and he suspects that there are many more such cases. According to provisional data released by the Ministry of Unification of the Republic of Korea on 16 January 2019, the number of escapees of the Democratic People's Republic of Korea entering the Republic of Korea in 2018 was 1,137, a slight increase compared with the 1,127 cases recorded in 2017.

34. The Special Rapporteur highlights the obligation of China under international human rights and refugee law not to repatriate persons to the Democratic People's Republic of Korea³⁸ and to grant permission to the Office of the United Nations High Commissioner for Refugees to travel to relevant border areas to enable escapees of the Democratic People's Republic of Korea access to their right to seek asylum from persecution.³⁹ He continues to receive allegations that reveal the systematic nature of serious human rights violations committed against persons repatriated to the Democratic People's Republic of Korea, including torture and sexual violence. The systematic nature of the violations stem from a Criminal Code that continues to severely limit the freedom to leave the country,⁴⁰ a right which is enshrined in international human rights law,⁴¹ together with a penal system that denies due process and fair trial guarantees.⁴² Human rights violations occur systematically during interrogations, which involve torture or cruel or degrading treatment, during the invasive strip searches of suspected escapees and through the violence to which detainees are subjected as part of disciplinary procedures. Furthermore, serious human rights violations derive from the detention conditions of cramped cells with inadequate access to water, sanitation and hygiene, the denial of access to recreation, forced labour in dangerous conditions and grossly inadequate food and health care. While the primary obligation rests with the Government of the Democratic People's Republic of Korea to address those systematic human rights violations through legal and institutional reforms, the Special Rapporteur highlights that escapees should be protected by China and other States as refugees *sur place*.

³⁸ That includes China's obligations as a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

³⁹ As protected under article 14 (1) of the Universal Declaration of Human Rights.

⁴⁰ Article 221 of the Criminal Law of the Democratic People's Republic of Korea states that: "A person who illegally crosses the border shall be committed to disciplining through labour of less than one year. In case the above-mentioned act constitutes a grave offence, he or she shall be committed to reform through labour of less than five years." Furthermore, article 63 states that: "A citizen who defects to a foreign country in betrayal of the country, or commits such a traitorous act as betraying secrets shall be committed to more than five years of reform through labour. In case of an extremely grave crime, he or she shall be given the penalty of reform through labour for an indefinite period or the death penalty and the penalty of confiscation of property."

⁴¹ Under article 13 (2) of the Universal Declaration of Human Rights, everyone has the right to leave any country, including his own, and to return to his country. Article 12 (2) of the International Covenant on Civil and Political Rights, to which Democratic People's Republic of Korea is a party, affirms that everyone shall be free to leave any country, including his own.

⁴² As protected, inter alia, under articles 3 and 6 to 11 of the Universal Declaration of Human Rights and under articles 9 and 14 to 16 of the International Covenant on Civil and Political Rights.

35. In addition to those unilateral measures, the Special Rapporteur urges China and the Democratic People's Republic of Korea to undertake a high-level dialogue to develop a policy to help to ensure that the rights of citizens of the Democratic People's Republic of Korea who live in China or transit through its territory are upheld according to international human rights and refugee law. The policy should protect freedom of movement and allow persons to seek asylum in countries of their choosing, as well as protect persons from abuse by third parties. In this regard, the Special Rapporteur highlights that people's desire to gain access to life's basic necessities by crossing the borders of the Democratic People's Republic of Korea, combined with the threat of prosecution and harsh punishment if they are caught, leaves potential escapees extremely vulnerable to trafficking; women escapees in particular are at risk of being trafficked into forced marriages with Chinese men or into forced sex work. The Special Rapporteur highlights that the State's human rights obligations extend to the positive obligation to protect persons within their jurisdiction against abuse by third parties. In this respect, he notes that the Government of China has recently taken some steps to address trafficking, including by cooperating with international authorities to address forced and fraudulent marriages in China, seeking criminal accountability for officials complicit in commercial sex crimes, which may have included sex trafficking, and continuing to conduct training courses for officials on victim identification and assistance, in conjunction with international organizations. The Special Rapporteur urges the Governments of China and the Democratic People's Republic of Korea to work together to tackle trafficking in persons, utilizing a victim-centred approach as required by international standards.⁴³

V. Third cycle of the universal periodic review: opportunities

36. The Democratic People's Republic of Korea will undergo its third cycle of the universal periodic review in May 2019. The review provides a timely opportunity for the Democratic People's Republic of Korea to enhance its cooperation with the international community on human rights issues, in parallel with its engagements on peace and security. The Special Rapporteur is of the view that the Government should constructively use the upcoming review to assess its human rights situation, to understand the gaps and limitations in implementing its human rights obligations and to demonstrate its renewed commitment to international human rights norms and principles.

37. The success of the universal periodic review process depends upon how well the recommendations are implemented and how it ultimately contributes to improving the human rights situation on the ground. During the second cycle of the universal periodic review, in 2014, the Democratic People's Republic of Korea accepted 113 recommendations, including the following: increasing dialogue, consultations and cooperation with United Nations bodies, including United Nations human rights mechanisms and the Office of the United Nations High Commissioner for Human Rights (OHCHR); working closely with humanitarian agencies to ensure free and unimpeded access to all populations in need; improving the national human rights protection system; increasing the participation of women in decision-making positions; strengthening the independence of the judiciary; creating national mechanisms to review complaints on human rights violations; and ensuring the right to access to information. Many of the recommendations remain to be implemented. In the upcoming review, the Democratic People's Republic of Korea should show willingness to engage in an open and frank discussion with Member States on what efforts it has made to implement the

⁴³ The Recommended Principles and Guidelines on Human Rights and Human Trafficking (E/2002/68/Add.1) developed by OHCHR provide practical policy guidance on a rights-based approach to the prevention of trafficking and the protection of trafficked persons and can facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions. The Guidelines and their implementation should be considered within the broader framework of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and other relevant conventions and treaties.

recommendations and whether those efforts were adequate for bringing about positive human rights changes in the country. It should also provide credible evidence and data to substantiate its claims. The Special Rapporteur acknowledges that such discussions can be difficult and contentious but, if taken in the spirit of collaboration and cooperation, will be extremely important for a meaningful human rights dialogue. Member States have a responsibility to support the Democratic People's Republic of Korea by making concrete and implementable recommendations, by monitoring their implementation and by providing technical and financial support for their implementation.

38. The Special Rapporteur is conscious that, due to limitations on the right to freedom of expression and opinion and on the right to freedom of association and assembly, it is not possible for independent civil society organizations to operate in the Democratic People's Republic of Korea. Therefore, as in previous cycles, no civil society organizations based in the country submitted stakeholder reports.⁴⁴ The Special Rapporteur encourages the Government to create a conducive environment in which civil society organizations can function independently without fear of surveillance, arrest or other forms of punishment. The Special Rapporteur stresses that the upcoming review should be used as an opportunity to promote human rights dialogue within the country. The Government should organize consultations on the human rights situation in the country with various stakeholders and translate the national report and the universal periodic review outcome document into Korean and widely disseminate them to the general public. Following the review, the Government should establish an interministerial national mechanism for reporting and follow-up so as to strengthen the coordination and implementation of recommendations and to develop a national plan for implementing recommendations. OHCHR and United Nations agencies working in the Democratic People's Republic of Korea can provide technical support to the Government in implementing the recommendations.

39. The Special Rapporteur reiterates his call upon the Democratic People's Republic of Korea and the United Nations High Commissioner for Human Rights to continue to explore cooperation in areas such as technical assistance, with a view to inviting the High Commissioner to the country as a first step towards meaningful engagement.

VI. Progress in the accountability agenda

40. In accordance with resolution 34/24 of March 2017, the Human Rights Council decided to strengthen the capacity of OHCHR for two years, including its field-based structure in Seoul, to implement the recommendations made by the group of independent experts on accountability. OHCHR was mandated to strengthen its monitoring and documentation efforts, establish a central information and evidence repository and to assess all information and testimonies with a view to developing strategies to be used in any future accountability process.⁴⁵ In carrying out that mandate, OHCHR conducted interviews with escapees from the Democratic People's Republic of Korea, analysed available information from an accountability standpoint and set up an electronic repository to preserve relevant information and analysis for future accountability purposes.

41. The Special Rapporteur supports those efforts and stresses the importance of the continued monitoring and documentation of human rights violations in the Democratic People's Republic of Korea, both for preserving information and for deterring further human rights violations. The establishment of the repository and database will be useful for any national or international accountability mechanisms to be established in the future. The Special Rapporteur recommends that the Human Rights Council extend the mandate of the accountability project and allocate appropriate funding to OHCHR to meaningfully implement that mandate.

⁴⁴ The universal periodic review was designed to include the involvement of civil society organizations at all stages, including during the drafting of the national report, during the review itself, in the monitoring of the implementation of the recommendations and the follow-up thereto and in providing alternative information on the human rights situation in the country.

⁴⁵ Human Rights Council resolution 34/24, para. 12.

VII. Engagement with the mandate

42. The Government of the Democratic People's Republic of Korea continues to refuse to engage with the mandate of the Special Rapporteur, an attitude maintained since the mandate was established in 2004.⁴⁶ Despite repeated requests to the authorities of the Democratic People's Republic of Korea calling for cooperation with the mandate, the Special Rapporteur has not been able to exchange views either by meeting with the authorities in person or through the exchange of letters. The Government has also denied access to the territory of the Democratic People's Republic of Korea. The Special Rapporteur recommends that the Democratic People's Republic of Korea review its position and initiate dialogue and cooperation with his mandate. He reiterates his call for accompanying the rapid progress being made in the dialogue on denuclearization and peace, which is in the interest of the parties involved but also of the international community, with a parallel track on human rights diplomacy. The Special Rapporteur will continue to seek opportunities for formal and informal engagement with the authorities of the Democratic People's Republic of Korea.

VIII. Conclusions

43. With the positive developments in 2018, it is all the more regrettable that the serious human rights situation on the ground in the Democratic People's Republic of Korea remains unchanged. The surveillance and close monitoring of all citizens, as well as other severe restrictions on their basic freedoms, including freedom of movement, continues to be pervasive; deeply embedded in the consciousness of members of the population is the very real fear of being sent to prison, in particular to a political prison camp.

44. The commitment to achieving economic development is a welcome step towards realizing the economic, social and cultural rights of the population, but the Special Rapporteur highlights important tenets regarding achieving development, such as the right to non-discrimination, inclusiveness, public participation, freedom of movement, judicial independence, government effectiveness in policymaking and service delivery, government transparency and accountability. Although the threshold is high, minimum requirements would demand some level of institutional transformation in the system of the Democratic People's Republic of Korea. The international community, by respecting the State's sovereignty, should accompany, support and contribute to that process.

45. The Special Rapporteur reiterates that the crucial progress on the denuclearization and peace agenda demands a parallel track on human rights diplomacy. The Democratic People's Republic of Korea must uphold its international human rights commitments, including cooperating with the Special Rapporteur, while countries involved in negotiations must be reminded that in working towards peace and prosperity, a serious human rights situation which may jeopardize the sustainability of agreements cannot be overlooked. It is tangible improvements in the quality of life of the people living in the Democratic People's Republic of Korea that matter.

IX. Recommendations

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

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

⁴⁶ In its resolution 2004/13 of 15 April 2004, the Commission on Human Rights requested the Chairperson of the Commission to appoint a Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

(b) Ensure that family reunion events are conducted with the interests of the families first and foremost in mind, including by ensuring the possibility for them to maintain longer-term contact with their relatives in the Republic of Korea in a sustainable manner;

(c) Create an environment for progress towards the realization of human rights, in which people have the right to freedom of thought, conscience and religion, the right to freedom of expression and opinion, the right to association and assembly and the right to participate in public affairs and are protected from the arbitrary implementation of the law and in which civil society organizations can function independently;

(d) Release statistical and other data that will allow for an assessment of the impact of international sanctions on the economic and social rights of the people;

(e) Provide greater and unhindered access, as well as timely and relevant data, to United Nations and humanitarian organizations to enable them to reach out to all communities that require assistance;

(f) Consider becoming a member of the International Labour Organization, with a view to adhering to the core labour standards;

(g) Ensure that the foreign nationals, including the six nationals of the Republic of Korea, currently detained in Pyongyang are provided with consular assistance, in accordance with the Vienna Convention on Consular Relations, with a view to their early release, and that their treatment fully complies with the standard minimum rules for the treatment of prisoners;

(h) Consider the further granting of amnesty to political prisoners, in particular those imprisoned for guilt by association, as part of a longer-term ongoing process, while ensuring transparency in the process;

(i) Consider seeking technical assistance from the United Nations human rights system, as well as from the International Committee of the Red Cross, to conduct a nationwide review of detention conditions, to reform the penitentiary system in line with international standards and to train law enforcement and prison officials on human rights in prisoner care, management and custody;

(j) Ratify the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto;

(k) Use the third cycle of the universal periodic review, in May 2019, as an opportunity to initiate constructive human rights dialogue with the international community; consider sending a high-level delegation, preferably at the ministerial level; organize human rights consultations with various stakeholders inside the country; and translate the national report and the universal periodic review outcome document into Korean and widely disseminate them to the general public;

(l) Engage with the United Nations High Commissioner for Human Rights, including by inviting her to visit the country;

(m) Consider seeking the technical assistance of the Office of the United Nations High Commissioner for Human Rights, including by granting access to the country;

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

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

(a) Integrate human rights into the ongoing peace and denuclearization talks;

(b) Adopt a rights-based and victim-centred approach to family reunions, allowing for longer-term and unhindered contact between all relatives, and accept the request of the Special Rapporteur to participate in the event as an observer;

(c) Facilitate people-to-people exchanges with the Democratic People's Republic of Korea by lowering restrictions on freedom of communication;

(d) Ensure that a human rights-based framework is integrated into economic and humanitarian cooperation with the Democratic People's Republic of Korea.

48. The Special Rapporteur recommends that China:

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

(b) Consider adopting a legal and policy framework for citizens of the Democratic People's Republic of Korea who live in China or who transit through its territory that would allow them to seek asylum on a case-by-case basis or to apply for settlement in countries of their choosing, that would protect victims of trafficking in China, in particular women and children, and that would allow for access to health care and education, among other basic services.

49. The Special Rapporteur recommends that the international community:

(a) Use any available opportunity for dialogue with the Democratic People's Republic of Korea to create an environment for integrating human rights into ongoing peace and denuclearization talks and for seeking progress in the human rights situation, in particular by calling for the prevention of violations and effective protection of human rights in an accountable manner and advocating for the participation of the people of the Democratic People's Republic of Korea in determining the path towards peace and prosperity;

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

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

(d) Support efforts to promote accountability in the Democratic People's Republic of Korea, including the work of the OHCHR accountability team;

(e) Use the third cycle of the universal periodic review, in May 2019, as an opportunity to urge the Government of the Democratic People's Republic of Korea to enhance its engagement on human rights with the international community and the United Nations human rights mechanisms and to implement the recommendations of the universal periodic review from the first and second cycles.

50. The Special Rapporteur recommends that the United Nations:

(a) Continue to press for the full inclusion of human rights in peace talks as part of system-wide efforts in a coordinated and unified manner;

(b) Support technical cooperation projects on human rights with the Democratic People's Republic of Korea, including in the implementation of the recommendations made in the context of the universal periodic review process;

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

51. The Special Rapporteur recommends that the Human Rights Council consider extending the mandate of the OHCHR accountability team and provide appropriate resources to OHCHR to meaningfully implement the project.

52. The Special Rapporteur recommends that civil society organizations:

(a) Continue to monitor and document human rights violations and use the results of human rights monitoring to advocate for changes in the laws and policies of the Democratic People's Republic of Korea;

- (b) Engage with Member States to advocate for including human rights in the peace and denuclearization talks;**
 - (c) Reach out to humanitarian organizations to develop synergies that can support advancing human rights inside the Democratic People's Republic of Korea;**
 - (d) Use the third cycle of the universal periodic review, in May 2019, as an opportunity to continue their efforts to advance the human rights situation in the Democratic People's Republic of Korea and to highlight the status of implementation of the recommendations accepted during the first and second cycles.**
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