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**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**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Tomás Ojea Quintana, submitted in accordance with Assembly resolution [73/180](#).

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\* [A/74/150](#).



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

### *Summary*

The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea is submitted pursuant to General Assembly resolution [73/180](#). In the report, the mandate holder provides an overview of recent developments in the human rights situation in the Democratic People's Republic of Korea in the context of the current progress in political, peace, security and denuclearization efforts on the Korean Peninsula. The Special Rapporteur hopes to inform the ongoing negotiations and reiterates the need for integrating a human rights agenda into the peace talks. In this regard, the Special Rapporteur presents a series of recommendations to the Government of the Democratic People's Republic of Korea and other key parties.

## I. Introduction

1. The Democratic People's Republic of Korea is still at a critical junction. On 30 June 2019, the first-ever trilateral discussions between the leader of the Democratic People's Republic of Korea, Kim Jong Un, the President of the Republic of Korea, Moon Jae-in, and the President of the United States of America, Donald Trump, were held in the Korean demilitarized zone. The Special Rapporteur pays tribute to the commitment of the key parties to keeping the momentum of the discussions alive and remains positive with regard to the advancement of the peace process, denuclearization and the inter-Korean relationship. At the same time, in order to realize a peaceful and prosperous Korean Peninsula, right and just decisions now need to be made. Despite the fact that there is no sign of improvement in the situation of people's human rights in the Democratic People's Republic of Korea, human rights considerations have not been part of the agenda in the peace talks to date.

2. Regrettably, the Government of the Democratic People's Republic of Korea, the primary duty bearer relating to human rights obligations, continues to oppress its people's fundamental freedoms and violate their human rights. In the present report, the Special Rapporteur focuses on key human rights concerns stemming from the information he has received from escapees, the family members of victims of human rights violations and other contacts. The Special Rapporteur hopes that such issues will inform the ongoing peace negotiations.

## II. Overview of the political and security situation

3. Following the summit in Hanoi, on 27 and 28 February 2019, which ended in no agreement, on 30 June, during a two-day state visit to Seoul, Mr. Trump held an impromptu summit with Mr. Kim at the truce village of Panmunjom in the demilitarized zone. Mr. Trump became the first sitting United States president to set foot in the Democratic People's Republic of Korea when he and Mr. Kim walked across the military demarcation line. Following a subsequent closed-door meeting, Mr. Trump said that the two countries had agreed to restart working-level talks within the next two to three weeks. The presence of Mr. Moon saw the first-ever trilateral discussions between the three leaders. The Special Rapporteur notes the symbolic significance of these meetings for peace and denuclearization discussions.

4. On 25 July 2019, the Democratic People's Republic of Korea launched two short-range missiles into the ocean in the direction of Japan. The launch was carried out partly as a response to the annual joint military exercise of the Republic of Korea and the United States planned in August 2019. State media of the Democratic People's Republic of Korea reported that Mr. Kim had said that this was a "solemn warning" to the military "warmongers" of the Republic of Korea. The Government of the Republic of Korea announced that it would proceed with the planned joint military exercise despite the warning. Mr. Trump played down the missile exercise, calling them "very standard missiles". The Prime Minister of Japan, Shinzo Abe, said that the launches posed no threat to his country's national security. On 31 July and 2 August, the Democratic People's Republic of Korea again launched short-range missiles.

5. During his most recent visit, the Special Rapporteur spoke with a number of escapees from the Democratic People's Republic of Korea about their views on the prospects for peace and prosperity in the Korean Peninsula. They were mindful of the need to achieve peace and prosperity, but expressed scepticism that any outcome would benefit the people. Aware of the absence of the voices of the citizens of the Democratic People's Republic of Korea from ongoing negotiations, including the

voices of women, the Special Rapporteur calls for a spirit of compromise on both sides to enable the human rights of those citizens to be better protected as the talks proceed. This could at the very least include a binding agreement requiring the Democratic People's Republic of Korea to cooperate with the United Nations human rights mechanisms and engage with and grant access to independent human rights monitoring, including by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

6. The Special Rapporteur highlights that the easing of specific sanctions can have an impact on enabling inter-Korean economic and cultural cooperation to take place, including on those areas of cooperation agreed during the inter-Korean summit held in Pyongyang from 18 to 20 September 2018, which in turn can have a positive impact on the right to an adequate standard of living.<sup>1</sup> The 19 September declaration of the summit included a commitment to normalize the Kaesong industrial complex and the Mount Kumgang tourism project<sup>2</sup> and to discuss the formation of a “west coast joint special economic zone” and an “east coast joint special tourism zone”.<sup>3</sup> The Special Rapporteur underscores the role that the Republic of Korea can play in ensuring that the labour rights of workers from the Democratic People's Republic of Korea are upheld in these projects, setting an important example for the rest of that country and serving as an entry point for wider human rights discussions.

7. Prior to Mr. Trump's visit, the President of China, Xi Jinping, travelled to Pyongyang on 20 June for a two-day visit. The visit was described in the State media of the Democratic People's Republic of Korea as a “state visit”, and was the first visit by a Chinese head of State in nearly 15 years. On 25 April, the first summit since 2011 was held between the Democratic People's Republic of Korea and the Russian Federation in Vladivostok, with discussions focused on the economy. The Special Rapporteur notes that the Democratic People's Republic of Korea continues to hold strategic and economic interest for the world's major powers, and urges them to place the human rights of that country's people above narrow national self-interest.

### **III. Missions undertaken by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea**

8. The Special Rapporteur conducted two official country missions to the Republic of Korea from 7 to 11 January and from 17 to 21 June 2019. The Special Rapporteur met with officials of the Ministry of Foreign Affairs and the Ministry of Unification, a member of the National Assembly, members of the Corporate Association of Kaesong Industrial Complex, researchers of the Korea Institute for National Unification, members of the United Nations and civil society organizations, media

<sup>1</sup> The Special Rapporteur has also expressed concern about the detrimental impact of sanctions against ordinary communities in the Democratic People's Republic of Korea. For example, in July 2019, the Korea Trade-Investment Agency released a report attributing the decline in trade volume in that country, down 48.8 per cent from a year earlier, to Security Council sanctions. See Nam Hyun-woo, “Sanctions halve North Korea's 2018 trade”, *Korea Times*, 19 July 2019. In a country such as the Democratic People's Republic of Korea, where the public distribution system no longer works, trade allows people to survive. That is why barriers to trade have an impact on its most basic economic and social rights. See also Jang Seul Gi, “Sanctions hit North Korea's South Pyongan Province hard”, *Daily NK*, 11 July 2019.

<sup>2</sup> The Movement for One Korea submitted an application in June 2019 to the Government of the Republic of Korea, demanding the resumption of suspended tours to Mount Kumgang as a symbol of inter-Korean exchanges and peace on the Korean Peninsula.

<sup>3</sup> See <https://english1.president.go.kr/BriefingSpeeches/Briefings/322> for an unofficial translation of the declaration.

specialists and members of the diplomatic community in Seoul. He interviewed women escapees from the Democratic People's Republic of Korea in resettlement centres in the Republic of Korea and also interviewed escapees whose family members were arrested and detained in China and those whose family members were sent to a *kwanliso* (political prison camp). The Special Rapporteur expresses his sincere appreciation to the Government of the Republic of Korea for its continued full cooperation with and commitment to his mandate. He also thanks all those who took the time to meet with him and praises their courage and tireless efforts to improve the human rights situation in the Democratic People's Republic of Korea.

9. Following the visit to the Republic of Korea by the Special Rapporteur from 7 to 11 January, a commentary by a State-controlled website in the Democratic People's Republic of Korea, Uriminzokkiri, condemned the Special Rapporteur's statement as "nothing but a reckless act of an unwelcome guest which pours cold water" on the ongoing inter-Korean affairs. Following the visit from 17 to 21 June, a commentary featured on the website Meari reportedly denounced the Government of the Republic of Korea for carrying out an "intolerable provocation" in allowing the visit. The piece warned that the "human rights racket", which had been "heinously implemented" under previous Governments in the Republic of Korea, had "played a major role in driving inter-Korean relations into the worst state of collapse".

10. The Special Rapporteur reiterates that the best way to address the concerns of the Democratic People's Republic of Korea regarding the United Nations human rights agenda is by engaging with it in dialogue and cooperation. More than 15 years have passed since the mandate of the Special Rapporteur was established by the Human Rights Commission in its resolution 2004/13, and the Government of the Democratic People's Republic of Korea has yet to initiate any communication with the mandate holders. This position from the Government encouraged the United Nations to establish a commission of inquiry on human rights in the Democratic People's Republic of Korea. The Special Rapporteur reminds the Government that he has consistently acknowledged the significance of and supported the inter-Korean rapprochement towards peace and prosperity. Engagement on human rights issues by all the parties, including with regard to economic and social areas, will be beneficial for the advancement of a substantive peace process. Discussion of the rights to work and to an adequate standard of living for workers, for instance, can be a good entry point to advance wider economic cooperation. The Special Rapporteur will continue to seek cooperation with the Democratic People's Republic of Korea, and he urges the Government to follow the lead of the Republic of Korea and allow him to visit the country to engage with relevant counterparts in a constructive and objective manner.

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

### **A. Right to food**

11. The right to food as a component of the right to an adequate standard of living includes not only the quantity of food, but also the quality of food, as well as food security. Food insecurity is at an alarming level in the Democratic People's Republic of Korea.

12. According to the United Nations, 11 million people, or 43.4 per cent of the population, are undernourished. A significant number of people living in the Democratic People's Republic of Korea simply do not have access to continuous and sufficient food and their diets lack vitamins, proteins and fats. According to a survey

conducted by the Central Bureau of Statistics, with support from the United Nations Children's Fund, in 2017, one third of children aged 6 to 23 months did not receive the minimum acceptable diet (i.e., the combination of both the minimum diversity of foods and the minimum number of feedings).<sup>4</sup> The rate of stunting (i.e., low height for age), which is an indication that chronic malnutrition is largely irreversible, fell from 28 per cent in 2012 to 19 per cent in 2017. However, in spite of this improvement, regional disparities prevailed. In the same survey, 2.5 percent of children under the age of 5 were found to be wasted (i.e., low weight for height), and 0.5 per cent were severely wasted. Wasting is a strong predictor of mortality among children under the age of 5. In 2019, 140,000 children are estimated to be affected by undernutrition and of these, 30,000 children in the Democratic People's Republic of Korea face an increased risk of death.<sup>5</sup>

13. The Government of the Democratic People's Republic of Korea has the primary responsibility for ensuring the right to food. It is violating these obligations due to its failing economic and agricultural policies, including shortcomings in the allocation of its resources, and pervasive discrimination in the public distribution system wherein ordinary citizens, especially farmers, have not been receiving rations. In addition, climate conditions, infertile land, natural disasters and the negative impact of sanctions have contributed to further food insecurity.

14. At the same time, the Government has failed to put in place conditions where people can securely access food through markets without facing criminalization. Citizens learned lessons from the famine in the mid-1990s and they supplement food provided through the public distribution system by engaging in informal commercial activities to make money and buy food. However, those who engage in such activities are constantly at risk of harassment by local police, including sexually,<sup>6</sup> and need to pay bribes to protect their commercial activities as well as to be free from State-assigned work.<sup>7</sup> One woman who recently left the Democratic People's Republic of Korea described her frustrations to the Special Rapporteur: "I did not receive rations or allowances. But I was not allowed to freely engage in commercial activities to make money." Human rights law does not prescribe how to ensure people's right to food. However, it does oblige the Government to put in place a framework which ensures that people have access to adequate food and are able to earn a living.

15. While it is anticipated that the food shortages will get worse in the upcoming season, only 11.9 per cent of the humanitarian appeal made by United Nations agencies has been funded. United Nations humanitarian agencies currently have access to all 11 provinces; however, only two agencies have access to Chagang Province, and that only with specific access and monitoring restrictions. International humanitarian agencies need to obtain travel clearance in advance of field visits and international staff must be accompanied by national agency staff, who are usually assigned by the Government of the Democratic People's Republic of Korea. Obstacles such as harsh weather in winter and the lack of road networks outside of Pyongyang, as well as a lack of available baseline data, are also challenges to full access and monitoring. The lack of funding could further affect the scope of access and monitoring.

<sup>4</sup> For details on dietary needs, see Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999) on the right to adequate food, para. 9.

<sup>5</sup> United Nations Children's Fund (UNICEF), "UNICEF DPR Korea country office annual report for 2018", May 2019, p. 1.

<sup>6</sup> Human Rights Watch, *"You Cry at Night but Don't Know Why": Sexual Violence against Women in North Korea* (2018).

<sup>7</sup> See Office of the United Nations High Commissioner for Human Rights, "The price is rights: the violation of the right to an adequate standard of living in the Democratic People's Republic of Korea", May 2019.

16. Owing to the sanctions imposed by the Security Council, humanitarian organizations need approval from the Security Council Committee established pursuant to resolution 1718 (2006) (the sanctions committee) and sometimes their own country's government. In March 2019, the spokesperson for the Office for the Coordination of Humanitarian Affairs of the Secretariat said: "While Security Council sanctions imposed on the country clearly exempt humanitarian activities, humanitarian agencies continue to face serious unintended consequence on their programmes, such as lack of funding, the absence of a banking channel for humanitarian transfers and challenges to the delivery of humanitarian supplies."<sup>8</sup>

17. The Special Rapporteur welcomes the decision made by the International Committee of the Red Cross (ICRC) to extend the emergency aid period until October 2019 to help those affected by worsening food shortages after it received an exemption from the sanctions committee on 11 June 2019. The aid includes the installation of water pumps and taps, which requires metal items prohibited for export to the Democratic People's Republic of Korea under the Security Council sanctions. ICRC, in its annual report of 2018, stated that "access to water, medical care and physical rehabilitation remained precarious in the [Democratic People's Republic of Korea], owing to dilapidated infrastructure and an unreliable power supply. International humanitarian actors had difficulty in delivering aid to people in need, because of the [United Nations] sanctions and government-imposed restrictions on all foreign entities in the country".<sup>9</sup>

18. The Special Rapporteur stresses that humanitarian cooperation should be extended without politicization and in full respect of the principles of neutrality and independence. He encourages donors to respond to the humanitarian appeal. At the same time, the Government of the Democratic People's Republic of Korea should provide more information about people's rights to food and allow monitoring and access by external actors in order to ensure that humanitarian aid reaches those who are in need, and to gain donor trust in this regard.

19. Prosperity in the Korean Peninsula, which comes with peace, is one of the main objectives of the ongoing negotiations, and cannot be achieved as long as the serious limitations to accessing adequate food continue in the Democratic People's Republic of Korea. The Government must dramatically transform current systems – and must commit to the reallocation of available fiscal resources – and implement public policies that guarantee access to adequate food for the whole population,<sup>10</sup> as required not only by the human rights treaties to which the Democratic People's Republic of Korea is a State party,<sup>11</sup> but also by article 64 of its own Constitution, which says that the State effectively guarantees the genuine democratic rights and freedoms as well as the material and cultural well-being of all its citizens.

20. The first goal should be to guarantee food to children, who are the most vulnerable to the lack of an adequate diet, since it affects – irreversibly, in more

<sup>8</sup> Christy Lee, "Humanitarian groups say sanctions impede aid to North Koreans", Voice of America, 26 March 2019.

<sup>9</sup> International Committee of the Red Cross, *Annual Report 2018*, vol. I (Geneva, 2018), p. 354.

<sup>10</sup> Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999), para. 21 ("This will require the adoption of a national strategy to ensure food and nutrition security for all, based on human rights principles ... It should also identify the resources available to meet the objectives and the most cost-effective way of using them").

<sup>11</sup> International Covenant on Economic, Social and Cultural Rights, art. 11; Convention on the Elimination of All Forms of Discrimination against Women, art. 12 (2); Convention on the Rights of the Child, arts. 24 (2) (c) and (e), 27 (1)–(3); Convention on the Rights of Persons with Disabilities, arts. 25 (f) and 28 (1). See also Universal Declaration of Human Rights, art. 25.

serious cases – their growth and physical and intellectual development.<sup>12</sup> The Special Rapporteur reiterates the recommendation, made in his most recent report to the Human Rights Council in March 2019 (A/HRC/40/66), that the authorities explore developing and implementing a social protection policy that aims to benefit the most vulnerable. Undoubtedly, the terrible tragedy caused by the famine in the 1990s will never be forgotten by the people of the Democratic Republic of North Korea, and those who suffered it deserve the greatest reparation.<sup>13</sup> That humanitarian catastrophe should serve as a lesson for the Government, demonstrating that it needs to protect its people by fulfilling their right to food.

## B. Freedom of information and communication

21. The surveillance and close monitoring of citizens and other severe restrictions on basic freedoms continue to be widespread in the Democratic People’s Republic of Korea. An escapee from the north-east area described her life there as “no freedom, no rations, no commercial activities, surveillance and the risk of crackdown, no happiness for anyone in farming areas”.

22. Newspapers, radio, television and the Internet are completely controlled by the Government, in particular by the Propaganda and Agitation Department of the Workers’ Party of Korea. The First Vice-Director of this department, Kim Yo Jong, is the sister of Kim Jong Un. Newspapers include *Rodong Sinmun* (the Worker’s Party newspaper, available in both Korean and English), *Joson Inmingun* (the newspaper of the Korean People’s Army), *Minju Choson* (“Democratic Korea”, the newspaper of the Cabinet and the Presidium) and *Chongnyon Jonwi* (“Youth Vanguard”, the newspaper of the Kimilsungist-Kimjongilist Youth League), among others, and local newspapers such as *The Pyongyang Times*. The contents of these papers consist of politics, economy, culture, tourism, sports and international news, as well as national issues including the reunification of the Korean Peninsula and defence against what the media call “hostile forces”. This information aims to disseminate State messages. As a result, citizens of the Democratic People’s Republic of Korea may not have access to full and unbiased news that directly affect their lives, as in the case of shortages of food. Opinions, commentaries and analysis are allowed as long as they are not perceived as opposing the Government. There are a limited number of foreign media outlets based in Pyongyang, including Agence France-Presse, the Associated Press, Kyodo News, TASS, *The People’s Daily*, China Central Television, Xinhua and Prensa Latina, that report only to the outside world. There are foreign radio stations, including North Korea Reform Radio, Voice of America, Unification Media Group, the Far East Broadcasting Company and KBS Hanminjok Radio, who reach the country’s audiences. The Democratic People’s Republic of Korea is ranked the worst out of 180 countries in the 2019 World Press Freedom Index, as evaluated by Reporters Without Borders, based on the level of freedom available to journalists.

23. An Australian citizen, Alek Sigley, who was studying at Kim Il Sung University and running a tourism business for foreigners in Pyongyang, was detained by authorities of the Democratic People’s Republic of Korea for one week and released on 27 June 2019 after multiple diplomatic efforts. He subsequently left the country. On 6 July 2019, NK News issued a statement in response to the State media report claiming that Mr. Sigley had been detained for committing anti-State incitement using

<sup>12</sup> Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999), para. 28 (“Even where a State faces severe resource constraints ... measures should be undertaken to ensure that the right to adequate food is especially fulfilled for vulnerable population groups and individuals”).

<sup>13</sup> *Ibid.*, para. 32 (“All victims of such violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or guarantees of non-repetition”).



the Internet by handing over the data and photos he had collected and analysed at the instigation of NK News and other anti-State media: “The six articles Alek published represent the full extent of his work with us and the idea that those columns, published transparently under his name between January and April 2019, are ‘anti-State’ in nature is a misrepresentation which we reject.”<sup>14</sup> The Special Rapporteur is concerned about the negative implications that this case may have for members of the foreign media working in the country, and recommends that the Government refrain from using the same practice in the future, so as to encourage a favourable environment for freedom of expression.

24. The Government continues its policy focus on science and technology. Mobile communications is the fastest-growing of all information technology sectors and technology in this industry has been catching up with global trends.<sup>15</sup> The vast majority of people, 69.0 per cent of all households and 90.6 percent of Pyongyang households, had their own mobile phones as of 2017.<sup>16</sup> People can use mobile phones to shop online in some areas. However, people are strictly prohibited by law from making international calls. In Pyongyang, as of 2017, nearly 40 per cent of households had a computer, while in Ryanggang and South Hwanghae provinces only 15.9 per cent and 9.5 per cent, respectively, had a computer.<sup>17</sup> There is an Intranet system in the country, which contains many business sites, but access to the global Internet is prohibited. Recently, the Government has been stating that the commercialization of Wi-Fi will take place. At the Exhibition of IT Achievements, held in Pyongyang in November 2018, for instance, a device equipped with the ability to access domestic and international commercial information and videos using a Wi-Fi connection was revealed.<sup>18</sup>

25. In border areas, people use mobile phones that are smuggled from China to make international calls illegally. If caught, they are punished. A woman who recently escaped from the Democratic People’s Republic of Korea testified that she was sentenced to one year in prison for lending her friend’s sister her mobile phone to make an international call. It has also been reported that local officials have been cracking down on the illicit use of phones to collect cash, as people who are caught using the phones then use that cash to pay bribes to avoid detention or to secure release from custody. According to information received, there appear to be illegal download centres in many places where people pay to download foreign content. During the recent mission to the Republic of Korea, many people talked about the order and illegal purchase of foreign media content on memory sticks by people in the Democratic People’s Republic of Korea.

26. Article 19 (2) of the International Covenant on Civil and Political Rights<sup>19</sup> provides that the right to freedom of expression includes “freedom to seek, receive

<sup>14</sup> NK News, “NK News statement on release of Alek Sigley”, 6 July 2019.

<sup>15</sup> Korea Institute for National Unification, “The realities and characteristics of informatization under the Kim Jong Un regime: a focus on the ICT sector”, KINU Insight 19-02, February 2019 (in Korean only).

<sup>16</sup> UNICEF and Democratic People’s Republic of Korea, Central Bureau of Statistics, *Multiple Indicator Cluster Survey 2017: Survey Findings Report* (2018).

<sup>17</sup> Ibid.

<sup>18</sup> Korea Institute for National Unification, “The realities and characteristics of informatization under the Kim Jong Un regime: a focus on the ICT sector”.

<sup>19</sup> On 25 August 1997, the Democratic People’s Republic of Korea notified the Secretary-General of its withdrawal from the International Covenant on Civil and Political Rights. Since the Covenant does not contain provisions for a withdrawal or denunciation, the Secretary-General issued a statement affirming that withdrawal from the Covenant was not possible unless all States parties agreed to such a withdrawal. Because that has not happened, the Democratic People’s Republic of Korea continues to be a State party to the International Covenant on Civil and Political Rights and is obliged to act in accordance with its provisions.

and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”. The heavily controlled system in the Democratic People’s Republic of Korea is a complete denial of this fundamental freedom. The Government justifies restrictions imposed on freedom of expression by stating that the restrictions are necessary to protect national security. During the third cycle of the universal periodic review at the Human Rights Council in May 2019, the representative of the country’s delegation stated that “the right to freedom of expression is a fundamental right of citizens enshrined in the Constitution of the Democratic People’s Republic of Korea<sup>20</sup> ... However, the [Democratic People’s Republic of Korea] maintains the principle of restricting the right to exercise the freedom of expression that impairs the rights or reputations of others or detrimental to the protection of national security or of public order or of public health and morals.<sup>21</sup> These restrictions are clearly stipulated in the criminal law and other relevant laws”.

27. Article 19 (3) of the International Covenant on Civil and Political Rights permits limitations to the right to freedom of expression if provided by law and if the limitations are necessary for respect of the rights or reputations of others, or for the protection of national security, public order or public health or morals. Under international human rights law, however, the general rule is that limitations to the freedom of expression should be the exception. Restrictions must be “necessary” and “proportionate” for a legitimate purpose.<sup>22</sup> The Human Rights Committee expressed its concern in the review of the second periodic report of the Democratic People’s Republic of Korea in 2001 that “the notion of ‘threat to the State security’ may be used in such ways as to restrict freedom of expression” (see [CCPR/CO/72/PRK](#)). That situation remains unchanged in the view of the Special Rapporteur.

28. For instance, the Criminal Law provides that “a person who, without any purpose to oppose the State, listens to the enemy’s broadcasts systematically, gathers, keeps or disseminates materials or goods sent in or spread by the enemy shall be committed to disciplining through labour of less than one year”, and that “a person who commits the above-mentioned acts repeatedly or in large numbers shall be committed to reform through labour of less than five years”.<sup>23</sup> The Special Rapporteur questions the necessity and proportionality of such restrictions. There is no direct link between watching soap operas from the Republic of Korea or listening to foreign music and threats to State security.

29. A citizen’s life is closely monitored by the government authorities but also by peers. Every citizen is supposed to belong to a group, whether a youth league, a worker’s union or a women’s league, and is required to participate in self-criticism sessions (*saenghwal chonghwa*) every Saturday. This practice violates the right to hold opinions without interference and the right to privacy.<sup>24</sup> Citizens who had recently left the country informed the Special Rapporteur that during a self-criticism session, each person has to confess his or her wrongdoings during the week with regard to not following the words of Kim Jong Il and Kim Il Sung, not being diligent and faithful at work and not behaving morally towards other people. One of the women said she was tired of being summoned to criticize others and that, even if there was nothing to criticize, she had to criticize others.

<sup>20</sup> In fact, article 67 of the Constitution states: “Citizens are guaranteed freedom of speech, of the press, of assembly, demonstration and association.”

<sup>21</sup> The Government never declared or notified a derogation of freedom of expression due to a state of public emergency under article 4 of the Covenant.

<sup>22</sup> Human Rights Committee, general comment No. 34 (2011) on the freedoms of opinion and expression.

<sup>23</sup> Democratic People’s Republic of Korea, Criminal Law, art. 185.

<sup>24</sup> International Covenant on Civil and Political Rights, arts. 19 and 17, respectively.

## C. Rights of persons deprived of liberty

### *Kwanliso* (political prison camps)

30. Civil society organizations continued to share their concerns about *kwanliso*, the system of political prison camps, and escapees who recently left the Democratic People's Republic of Korea shared with the Special Rapporteur the entrenched fear of being sent to a *kwanliso*. During the recent mission, the Special Rapporteur met some people whose family members had been arrested and detained in China. They were extremely worried about their fates as “execution or *kwanliso*”.

31. The administration of *kwanliso*, literally translated as “management centre or unit”, is under Bureau No. 7 (Farming Bureau) of the Ministry of State Security.<sup>25</sup> As *kwanliso* are not official detention facilities,<sup>26</sup> a former political prisoner in a *kwanliso* testified that in the official document of his life records, it was written that he was a “labour of the Military Unit No. X under the Korean People's Army”. He also stated that officials of the Ministry of State Security would understand from that record that he was detained in a *kwanliso*.

32. The Ministry of State Security is the agency that deals with serious political crimes: “anti-State” and “anti-people” crimes. Article 2 of the 2012 Criminal Procedure Law emphasizes that the State should distinguish allies and enemies in combat against anti-State and anti-national crimes. However, the law itself does not define what constitutes crimes of a political nature. Suspects of anti-State and anti-national crimes are arbitrarily arrested by Ministry of State Security agents without any warrant or notification of reasons, and without judicial guarantees. After the arrest, the Ministry interrogates the suspects at interrogation detention centres, which exist at the county, provincial and national level. In addition, according to information received, the Ministry of State Security has a number of secret underground interrogation detention facilities, including a large one in Pyongyang (A/HRC/25/CRP.1, para. 700). According to testimonies collected by the Korea Institute for National Unification, Ministry of State Security agents carry out executions of political prisoners. Many suspects also cannot survive the interrogations they are subjected to in detention centres.

33. The decision to send the suspect to a *kwanliso* seems to be made exclusively by the Ministry of State Security, who can either use the normal legal procedures or simply issue an administrative order. A defector who himself was a prisoner in a *kwanliso* explains that “following the interrogation and investigation, the authorities determine the duration of the sentence and where the suspect will be imprisoned”.<sup>27</sup> Internal regulations and decrees that are likely to have a significant impact on how the process works are not publicly available. Information on procedures applicable to individuals whom the Ministry of State Security accuses of committing political crimes is likewise not available.

34. The suspects' families are never informed of the decisions or of the whereabouts of their relatives, despite the guarantee of the notification of arrest and detention by article 182 of the Criminal Procedure Law. When a prisoner dies, his or her family do not receive the body and are not informed of the burial site. In the past, suspects' entire families have been sent to a *kwanliso* on the basis of the principle of “guilt by

<sup>25</sup> Except for *kwanliso* No. 18 in Kaechon, which is operated by the Ministry of People's Security. See Dong-ho Han and others, *White Paper on Human Rights in North Korea 2018* (Seoul, Korea Institute for National Unification, 2018), table V-1.

<sup>26</sup> Dong-ho Han and others, *White Paper on Human Rights in North Korea 2018*, p. 442.

<sup>27</sup> No Chain, “An investigation into the human rights situation in North Korea's political prison camps: testimonies of detainee families”, March 2018, sect. 4.

association”. Some recent testimonies indicate that guilt by association is rarely or no longer applied.

35. During the universal periodic review of the Human Rights Council in May 2019, the representative of the Government responded to this issue, saying “there is no such thing as ‘political prisoner’ or ‘political prison camp’ in the vocabulary of the criminal law and the criminal procedural law” of the Democratic People’s Republic of Korea. He continued, saying “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”.

36. The Special Rapporteur has been calling for the progressive release of political prisoners (A/HRC/40/66, para. 26). During the universal periodic review, the representative of the Government stated that “telling us to show leniency to such criminals and to release them is like telling us to act, to do harm to the security of the State, society and the people with our own hands”. The Special Rapporteur regards this statement as a response from the Government and is ready for further dialogue, especially in the cases of children, the elderly, persons with mental health or physical illnesses or disabilities, and pregnant women and nursing mothers under detention in *kwanliso*, who do not pose any threat to the State or the society. In this regard, he would like to remind the Government that “the penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation”.<sup>28</sup> In addition, and reflecting on the progress of the peace agenda, the Special Rapporteur is of the view that it is the time for the Democratic People’s Republic of Korea to review what acts can genuinely be a threat to State security, and to define “anti-State” and “anti-people” crimes in detail.

37. Finally, in compliance with its international obligations, and in order to demonstrate its openness to human rights, the Special Rapporteur calls on the Government to:

- (a) Provide access for international monitoring groups to *kwanliso* facilities;
- (b) Disclose all available information regarding the administration of those camps, in particular: (i) the number of detainees; (ii) the gender and ages of the detainees; (iii) the crimes attributed to the detainees and the sentences imposed; (iv) the labour regimen; (v) the feeding regime; (vi) access to water and sanitation; (vii) medical service; (viii) releases, deaths and burial sites; (ix) the family visit regime, and any other relevant information;
- (c) Provide information about the Government branch responsible for the administration of *kwanliso*, and also about whether there exists a national body or mechanism mandated to inspect these camps.

#### **Torture and ill-treatment in detention facilities**

38. The Special Rapporteur continues to receive testimonies that in the *kuryujang* (pretrial detention facilities) run by the Ministry of State Security and the Ministry of People’s Security, detainees are forced to sit in a still position all day with short or no breaks. If they move slightly, they are either beaten, kicked or forced to kneel down on the bare floor and stay still for a period of time as punishment. Such violence is commonly used to compel suspects to confess to a crime, or to provide information in a short amount of time. Some escapees stated that they took such treatment for granted and thought that the treatment was normal because they broke the law.

<sup>28</sup> International Covenant on Civil and Political Rights, art. 10 (3).

39. The food provided is inadequate in quantity and quality. Access to sanitation is limited to a small toilet and washing facility inside the cell and the detainees have to wash themselves quickly with cold water during breaks. One former detainee said that the detainees were given 150 grams of corn porridge and soup with salted radishes or dried cabbage three times a day.

### **Enforced disappearance**

40. People who have been accused of committing crimes against the State are being sent to such camps, without any legal or procedural guarantees, in a manner that amounts to enforced disappearance. Those who believed that their family members had been sent to a *kwanliso* told the Special Rapporteur that they had used any means available to them, such as bribes and connections, and had found out that their family members had indeed been sent to a *kwanliso*, but could not obtain further information. They still did not know what had happened to their family members even after many years.

41. Enforced disappearances in the Democratic People's Republic of Korea also include 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 (A/HRC/25/63, chap. III, sect. F). According to the Working Group on Enforced or Involuntary Disappearances, as of May 2019, 275 cases of enforced or involuntary disappearance were outstanding. To date, the Government of the Republic of Korea officially recognizes 516 people from the Republic of Korea as abductees since the end of the Korean War, while thousands of others who were abducted during the Korean War remain unaccounted for.

42. Twelve abductees from Japan remain unaccounted for. On 27 May 2019, the families of the abductees met with Mr. Trump during his visit to Japan. The family member stressed that "now is the last chance for resolving the issue". The return of the victims is becoming more urgent given the ageing family members. The father of Yokota Megumi, who was abducted at the age of 13, is 86 years old and has been hospitalized for more than a year. The resolution of the issue of abductions, a serious crime with implications for the long-term enjoyment of multiple human rights of victims and their families, must be included in the peace process negotiations. The rights of the families of abductees to know the fate and whereabouts of their loved ones should be also duly considered in the process.

### **Foreigners in detention**

43. Six citizens of the Republic of Korea continue to be detained in the Democratic People's Republic of Korea. One of them was reportedly sentenced to an indefinite period of labour in 2015 and one was sentenced to life imprisonment in 2014. There is a possibility that more citizens of the Republic of Korea are being detained.

44. According to the information available, the arrest and subsequent release of an Australian citizen, Mr. Sigley, which was summarized above, seems to mark a significant change in the treatment of detained foreigners, and is regrettably different from the case of Otto Warmbier. Mr. Warmbier, an American college student, was arrested in January 2016 at Pyongyang International Airport, and adequate consular access was never established. He was released in a comatose state and died six days after his return to the United States in June 2017. The Government of the Democratic People's Republic of Korea remains responsible for the critical state of health in which Mr. Warmbier was found, and has not yet given accurate information about what happened to him. In the case of Mr. Sigley, the swift action of the protecting power, Sweden, was effective and allowed for the guarantee of basic rights to which all foreigners under arrest are entitled. The Special Rapporteur recommends that from

now on this should be the practice of the Democratic People's Republic of Korea, and that legal and transparent procedures should be established for the treatment of foreign prisoners.

#### **D. Vulnerability of escapees, risk of repatriation and hardship of separated families**

##### **Vulnerability of escapees**

45. Those who have fled from the Democratic People's Republic of Korea to China are extremely vulnerable, and suffer from the risk of arrest and repatriation, the absence of access to social services and vulnerability to abuse by traffickers, employers and Chinese "husbands" and families-in-law. In addition, the children of an escapee and a Chinese man do not necessarily have Chinese citizenship. One escapee stated that she bought fake Chinese citizenships for her children so they could attend school.

46. Most escapees from the Democratic People's Republic of Korea are women. The majority of them are trafficked into the sex trade, including forced marriage and prostitution.<sup>29</sup> Although it is difficult to estimate the full extent, according to a London-based organization, the sexual exploitation of escapee women generates at least \$105,000,000 annually in China.<sup>30</sup> The vast majority of people crossing the border rely on "brokers", who are in many cases also traffickers, and escapees are often in a large amount of debt to their broker. Some escapees agree to pay the debt to their brokers upon the receipt of the settlement benefits provided by the Government of the Republic of Korea.

47. Most escapees interviewed stated that they sent money they earned in China to relatives in the Democratic People's Republic of Korea through costly channels. One escapee explained that at least 30 per cent of the money she sent was taken as commissions by multiple brokers before the money reached her mother.

48. Those who arrive in the Republic of Korea have experienced hard journeys from the Democratic People's Republic of Korea by way of China. One woman described the details of her long, dangerous journey from China to South-East Asia and eventually to the Republic of Korea. She was married to and had a child with a Chinese man, but was forced to leave the child in China.

##### **Risk of repatriation**

49. The Special Rapporteur has been receiving information on an increasing number of individual cases of escapees from the Democratic People's Republic of Korea, including children, detained in Shenyang City, in the Liaoning Province of China. He sent four urgent appeals to China detailing concerns about 23 escapees. He welcomes replies from the Government of China that contain more detailed information than previous exchanges.

50. The Government of China takes a firm position that those who enter China through illegal channels for economic reasons are not refugees and that they violate

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<sup>29</sup> Yoon Hee-Soon, "Sex slaves: the prostitution, cybersex and forced marriage of North Korean women and girls in China", Korea Future Initiative, May 2019. According to the report, an estimated 60 per cent of female North Korean refugees in China are trafficked into the sex trade. Of that number, close to 50 per cent are forced into prostitution, over 30 per cent are sold into forced marriage and 15 per cent are pressed into cybersex.

<sup>30</sup> Yoon Hee-Soon, "Sex slaves: the prostitution, cybersex and forced marriage of North Korean women and girls in China".

Chinese laws. The Government also states that it handles such cases in accordance with international law, domestic law and humanitarian principles.

51. In terms of international law, the Governments of China and of the Democratic People's Republic of Korea have agreed to mutually cooperate on preventing illegal border-crossing. The Special Rapporteur, however, highlights the obligation of China under international human rights and refugee law not to repatriate persons to the Democratic People's Republic of Korea.<sup>31</sup> He further reiterates that, regardless of refugee status, international human rights law also provides the principle of non-refoulement, which is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

52. There are substantial grounds to believe that escapees would be subjected to torture or other serious human rights violations if repatriated to the Democratic People's Republic of Korea. 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. 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*.

53. As stated above, the Government of China also applies humanitarian principles to the situation of escapees. Pursuant to General Assembly resolutions [46/182](#) and [58/114](#), these principles encompass: humanity, neutrality, impartiality and independence. In the case of escapees facing repatriation, two of these principles are of special consideration: the principle of humanity, which declares that human suffering must be addressed wherever it is found and that the purpose of humanitarian action is to protect life and health and ensure respect for human beings; and the principle of neutrality, which states that humanitarian actors must not take sides in hostilities or engage in controversies of a political, racial, religious or ideological nature. The former acts to prevent the serious human rights abuses that escapees may face if sent back to the Democratic People's Republic of Korea; the latter neutralizes any political relations or interests among stakeholders that compromises humanitarian treatment of individuals.

54. The Special Rapporteur also urges the Government of China to grant permission to the Office of the United Nations High Commissioner for Refugees to travel to relevant border areas to enable escapees from the Democratic People's Republic of Korea access to their right to seek asylum from persecution.<sup>32</sup>

55. During the recent visit to the Republic of Korea, the Special Rapporteur was encouraged by various efforts put by several States, in particular the Republic of Korea, to prevent the repatriation of escapees, and he urges the parties to reinforce these efforts. According to data released by the Ministry of Unification on 2 July 2019, there were 546 escapees from the Democratic People's Republic of Korea who entered the Republic of Korea in the first half of 2019, an increase from 487 recorded during the same period in 2018.

56. In conclusion, the Special Rapporteur wishes to stress again that any escapees in China should not be repatriated to the Democratic People's Republic of Korea under international law and humanitarian principles. The threat of the repatriation of

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<sup>31</sup> This includes the obligations of China as a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.

<sup>32</sup> As protected under art. 14 (1) of the Universal Declaration of Human Rights.

escapees from the Democratic People's Republic of Korea must be part of the ongoing negotiations.

### **Hardship of separated families**

57. Those who left the Democratic People's Republic of Korea cannot easily contact the family members they left behind. Many women must also leave their children with their Chinese fathers when they leave China for the Republic of Korea. When the Special Rapporteur asked an escapee about her plans in the Republic of Korea, she said: "I do not have much power but I want to bring my [blind] father to South Korea." The strict restrictions on the freedom of movement for external travel and the harsh punishments imposed on repatriated people are creating a new cycle of separated families.

58. The suffering of the families separated during the Korean War continues. In August 2018, 170 people met with their separated family members. The Special Rapporteur welcomed the agreement from the summit in Pyongyang on 19 September 2018 to "strengthen humanitarian cooperation to fundamentally resolve the issue of separated families", including through the opening of a "permanent facility" for family reunion meetings in the Kumgang area "at an early date", and to resolve "the issue of video reunions and exchange of video messages between the separated families".<sup>33</sup> The Special Rapporteur supports the plan to connect family members, including through video messages. At the time of his visit to the Republic of Korea in June 2019, there had been no significant development on this plan. The Special Rapporteur hopes to witness the next round of meetings of the separated families in the near future.

## **V. Cooperation with the United Nations human rights system**

### **A. Mandate of the Special Rapporteur**

59. The Government of the Democratic People's Republic of Korea continues to take a firm position that it "categorically rejects" and "will in the future too neither accept nor recognize" the Human Rights Council resolution and the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. During the universal periodic review in May, the delegation stated that "the Special Rapporteur is used as a political tool of the hostile forces". The Special Rapporteur has not been able to exchange views either by meeting with the authorities in Geneva or New York or through the exchange of letters. The Special Rapporteur would like to stress that his engagement with the Government will be strictly guided by the principles of independence, neutrality and impartiality, and it would be beneficial for the Government to invite independent monitoring of the human rights dialogue. The peace process requires transparency and openness with regard to the human rights situation in the Democratic People's Republic of Korea in order to gain trust and confidence from the relevant parties and from the international community. At the same time, sustainable peace requires the realization of the human rights of ordinary citizens, because peace should be for the people and the sustainment of peace needs to be supported by the population. The dialogue on denuclearization and peace must place the improvement of ordinary citizens' lives at the heart of discussions. The Special Rapporteur will continue to seek opportunities for formal and informal engagement with the Government of the Democratic People's Republic of Korea.

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<sup>33</sup> See <https://english1.president.go.kr/BriefingSpeeches/Briefings/322>.



## **B. Universal periodic review of the Human Rights Council**

60. On 9 May 2019, the human rights record of the Democratic People's Republic of Korea was reviewed for the third time by the Working Group on the Universal Periodic Review of the Human Rights Council. The country received 262 recommendations from 87 delegations; it agreed to review 199 recommendations. The Government stressed its efforts to improve the social rights of the people and the protection of people in vulnerable situations, and cited a stronger cooperation with the international human rights mechanisms. The 63 recommendations initially rejected by the Government were related to political prison camps, arbitrary detention, torture and ill-treatment, abductees, the *songbun* class system and cooperation with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. Prior to the review, the Special Rapporteur, in a press release, called for States to persuade the Democratic People's Republic of Korea to change direction and to prioritize improving the lives of ordinary citizens. The Special Rapporteur takes positively the fact that the Government sent a delegation of officials, including women, from its various branches and engaged in dialogue with other States. While those 63 recommendations concerning the fundamental rights of citizens were initially rejected by the Government, talking openly about these controversial issues is an important first step to address these human rights concerns. The Government stated that they "highly value the dialogue and cooperation for the promotion and protection of human rights, in particular the [universal periodic review] mechanism" and that they had "implemented all the recommendations provided in the previous cycles". In this regard, the Special Rapporteur encourages the Government to consider accepting advice and support from external actors in the implementation of the recommendations.

## **C. Office of the United Nations High Commissioner for Human Rights**

61. Taking advantage of the opportunity of the presence of the delegation from Pyongyang in Geneva for the universal periodic review, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Department of Political and Peacebuilding Affairs organized a workshop on the United Nations human rights system for the Democratic People's Republic of Korea that focused on the implementation of recommendations from the special procedures, the treaty bodies and the universal periodic review. The Special Rapporteur encourages the Government to continue constructive engagement with OHCHR. He particularly supports initiating preparations for a visit by the High Commissioner to the Democratic People's Republic of Korea to discuss long-term plans of engagement and identify areas for technical assistance.

62. On 22 March 2019, in its resolution [40/20](#), the Human Rights Council extended the OHCHR mandate with regard to the accountability agenda for two years. OHCHR continues to collect and review individual testimonies and consolidate information from different stakeholders in a database. The Special Rapporteur continues to support these efforts to preserve information for future peace and justice processes and to improve the human rights of the citizens of the Democratic People's Republic of Korea.

## **D. United Nations country team**

63. From 19 to 21 November 2018, the Special Rapporteur joined the United Nations country team retreat in Bangkok and discussed the difficulties faced in carrying out mandates to address the needs of 10.3 million people. He also received

updates from the country team during his country missions in 2019. The country team continues to provide assistance to those people in need with regard to food security, nutrition, essential health services and safe water and adequate sanitation. While the country team consists of humanitarian agencies, the Special Rapporteur wishes to reiterate that every citizen of the Democratic People's Republic of Korea is not merely a beneficiary of humanitarian assistance but also a rights holder of the rights to food, health and water and sanitation. Under the Human Rights Up Front initiative of the Secretary-General, all United Nations staff and agencies are reminded that they are all responsible for supporting the Organization's three pillars of peace and security, development and human rights, in particular with regard to issues that have serious human rights consequences. The Special Rapporteur will continue his constructive engagement with the United Nations country team to support the integration of human rights into its humanitarian and development efforts.

## VI. Conclusions

64. The human rights situation in the Democratic People's Republic of Korea remains extremely serious. The political prison camps, in which a large number of political prisoners are detained in the worst conditions, remain in operation under complete secrecy. There is no freedom of expression and citizens are subject to a system of control, surveillance and punishment that violates their human rights. At the same time, there are serious failures in the State structures, wherein the population, especially those residing in the interior of the provinces, do not have access to basic food. Children, pregnant women and those who breastfeed their children are the ones who suffer most from this structural failure, for which the Government is primarily responsible.

65. Those who take the difficult decision to leave the country in search of better living conditions that include basic rights, which often requires leaving their family behind, must face a dangerous journey during which they can be lured into the pitfalls of smuggling, forced marriage and sex trafficking. Women, who are the vast majority of the escapees, are more vulnerable to those situations. Another trap also lurks: the possibility of being repatriated to the Democratic People's Republic of Korea by Chinese authorities, in violation of the principle of non-refoulement under international human rights and refugee laws. The suffering of those who are repatriated to the Democratic People's Republic of Korea can be devastating, owing to the torture and ill treatment under arbitrary detention and imprisonment to which they are usually subjected.

66. Undoubtedly, the steps that the authorities of the Democratic People's Republic of Korea and other countries involved in the situation on the Korean Peninsula have taken in search of peace and against the proliferation of nuclear weapons are extremely important. The rest of the world looks forward to auspicious positive results. But that peace, if achieved, will be significant for the citizens of the Democratic People's Republic of Korea only if it guarantees them an improvement in the exercise of their most fundamental rights.

67. In this regard, the United Nations will and should continue working on the noble and indispensable task that is the promotion of its three pillars: peace and security, development and human rights.

## VII. Recommendations

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

- (a) Take steps to progressively achieve the realization of the right to an adequate standard of living, including the right to food and the rights to water and sanitation, using the maximum of the State's available resources and prioritizing the most marginalized communities;
- (b) Provide greater and unhindered access as well as timely and relevant data to the United Nations and humanitarian organizations to enable them to reach out to the most vulnerable communities that require assistance;
- (c) Create an environment where people can freely and safely enjoy their right to earn a living through work by reviewing the criminal code and other relevant legislation and by countering widespread corruption;
- (d) Carry out research and release statistical and other data that will allow for an assessment of the impact of international sanctions on the economic and social rights of the people;
- (e) Consider becoming a member of the International Labour Organization with a view to adhering to the core labour standards and enhancing economic cooperation with other countries;
- (f) Review the criminal code and other laws to redefine the acts that constitute "threats to national security" and review the necessity and proportionality of restrictions on freedom of information;
- (g) Relax the surveillance and monitoring of people's private lives by the authorities in order to respect the right to freedom of expression and opinion and the right to privacy;
- (h) Release detailed information about *kwanliso* (political prison camps) and invite independent international monitoring bodies to monitor them;
- (i) Make available the internal regulations, decrees and procedures on the arrest, interrogation, prosecution and detention of people accused of committing "anti-State" and "anti-people" crimes carried out by the Ministry of State Security;
- (j) Consider the further granting of amnesty to political prisoners, particularly those imprisoned for guilt by association, as part of a long-term ongoing process, while ensuring transparency in the process;
- (k) Address allegations of enforced disappearance and provide accurate information to the families of the victims on the fates and whereabouts of their missing relatives;
- (l) Ensure that 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;
- (m) Recognize the fundamental right to leave and enter the country both in law and practice, and ensure that those who are repatriated are not subjected to punishment upon repatriation;
- (n) Establish a monitoring mechanism of the implementation of recommendations stemming from the third cycle of the universal periodic review, in which the Government participated in May 2019;
- (o) Engage with the High Commissioner for Human Rights, including by extending an invitation to visit the country;

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

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

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

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

(b) Undertake consultations with wider stakeholders engaged in issues of relevance to the situation of human rights in the Democratic People's Republic of Korea, including civil society organizations working on the accountability agenda;

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

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

(e) Ensure that a human rights-based framework is integrated into economic and humanitarian cooperation with the Democratic People's Republic of Korea and openly discuss the rights to work and to an adequate standard of living of workers, including by inviting the International Labour Organization to provide advice;

(f) Adopt a rights-based and victim-centric approach to family reunions, allowing for unhindered contact between all relatives, and accept the proposal of the Special Rapporteur to participate in this event as an observer;

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

70. The Special Rapporteur recommends that China:

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

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

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

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

71. 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 that integrates human rights into ongoing peace and denuclearization talks and seeks progress in the human rights situation, in particular by calling for the prevention of violations

and the 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, to enable them to respond to the most urgent humanitarian needs in the country and to support development initiatives;

(c) 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;

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

72. 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 and take the Human Rights Up Front approach to all of its programmes;

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

73. The Special Rapporteur recommends that civil society organizations:

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

(b) Engage with Member States to advocate for the integration of human rights into the peace and denuclearization talks;

(c) Reach out to humanitarian organizations to develop synergies that can support the advancement of human rights in the Democratic People's Republic of Korea.