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**Promotion and protection of human rights:
human rights situation and reports of
Special Rapporteur and Representatives**

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

Note by the Secretary-General

Summary

The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea is submitted pursuant to the General Assembly resolution 72/188. In this report, the mandate holder provides an overview of recent developments in the human rights situation in the Democratic People's Republic of Korea, in particular after the country opened up to peace and denuclearisation dialogue with the Republic of Korea and the United States of America. The Special Rapporteur analyses the implications of these talks for human rights and provides recommendation as to how this opening can be used to improve the human rights situation in the Democratic People's Republic of Korea. The analysis is based on the results of recent testimonies of people who left the Democratic People's Republic of Korea, as well as additional information collected during the mandate holder's latest visits to the Northeast Asia region.

* A/73/50.

** The present report was submitted after the deadline in order to reflect the outcomes of the Special Rapporteur's latest visit to the Republic of Korea, as well as the most recent developments.

I. Introduction

1. The rapprochement between the two Koreas, which started at the Pyeongchang Winter Olympics and continued with the recent Summit between the Democratic People's Republic of Korea and US leaders, represent extraordinary developments and the possibility of achieving longstanding peace in a denuclearized Korean peninsula, and beyond. The Special Rapporteur, who has been stressing the relevance of dialogue since assuming his position in 2016, commends and welcomes the determination of all governments involved to this end, and hopes for successful negotiations.

2. Undoubtedly, the promotion and protection of human rights is inextricably linked to the conditions needed for sustainable peace. Despite the marked improvement in the geopolitical situation, there have been no substantial changes in the serious human rights situation in the Democratic People's Republic of Korea. It is therefore imperative that the parties involved in the peace negotiations, the relevant United Nations agencies, and the international community as a whole develop a clear and explicit strategy to start improving the human rights situation on the ground.

3. The unfortunate reality is that human rights remains off the agenda in the expanding dialogue among the parties involved, including Democratic People's Republic of Korea, the Republic of Korea, the United States of America, the People's Republic of China, and the Russian Federation. No human rights language has been included in the key inter-Korean public statements that have emerged during the latest rapprochement, nor in the Singapore statement following the Democratic People's Republic of Korea and US leaders' meeting on 12 June.

4. While being aware of the geopolitical complexity and the vicissitudes of the ongoing peace and denuclearization process, the Special Rapporteur reiterates that history has shown time and again that, if the human rights issues at the root of any conflict are not addressed, there can be no genuine or sustainable peace, security or development. In this regard, at this session of the General Assembly, where the human rights situation in the Democratic People's Republic of Korea will be discussed upon the report presented by this Special Rapporteur, members States will have to confront an historical challenge: to push for a peace process that contemplates the need to improve the human rights in the Democratic People's Republic of Korea, and that brings this issue onto the negotiation table. It is the belief of the Special Rapporteur that to side-line human rights in peace agreements and dialogues is to weaken the international system of protection for the people living in the Democratic People's Republic of Korea.

II. Overview of the Political and Security Situation

5. The reporting period began with an acute escalation in political and security tensions in the wake of the continued nuclear and ballistic missile tests by the Democratic People's Republic of Korea. On 22 December 2017, the Security Council, in its resolution 2397 (2017), extended the sanctions regime to the import of petroleum products and the deployment of workers abroad. The resolution was preceded by three others adopted earlier in 2017 – resolutions 2356 (2017), 2371 (2017) and 2375 (2017) – which targeted, inter alia, the extractive and financial industries and the fisheries sector.

6. However, the Pyeongchang Winter Olympics in the Republic of Korea in February 2018 ushered in an Olympic Truce, which was followed by a series of high-level talks that brought together the leader of the Democratic People's Republic of Korea with those of the Republic of Korea, the United States of America and People's Republic of China. In a welcome development after years of conflict rhetoric and manoeuvre, the Supreme Leader of

the Democratic People's Republic of Korea announced on 21 April that the country would halt nuclear tests and intercontinental ballistic missile launches, while the United States and the Republic of Korea suspended cyclical military exercises in the Korean Peninsula. The inter-Korean Summit of 27 April 2018 in Panmunjom resulted in a joint declaration in which the two leaders pledged to end the Korean War, promote peaceful unification and work toward the denuclearisation of the Korean Peninsula. The Democratic People's Republic of Korea committed to a nuclear-free Korean peninsula for the first time since the joint declaration made between the two countries in 1992.

7. The Special Rapporteur welcomed this historic opportunity to restore peace and security on the Peninsula and beyond. In the lead-up to the 27 April Summit, he issued a statement¹ calling on the two countries to fully integrate pressing human rights concerns in the Democratic People's Republic of Korea in their talks, reiterating the need to bring the human rights agenda back into focus. Warning that any denuclearisation deal will remain fragile if it side-lines the rights and needs of the Democratic People's Republic of Korea population, he reiterated that peace and security cannot be achieved only in the form of intergovernmental agreements but also, and perhaps more importantly, in the shape of domestic policies that guarantee the full enjoyment of human rights without discrimination.

8. On 5 May, prior to the Summit in Singapore between the Democratic People's Republic of Korea and the United States, three citizens of the United States who had been detained in Pyongyang were released by the Democratic People's Republic of Korea. The Special Rapporteur issued a public statement² on the release in which he welcomed the decision, while urging the Government of the Democratic People's Republic of Korea to release the six nationals of the Republic of Korea, including three pastors, who remain in detention. The Special Rapporteur continues to be concerned by reports that the foreign detainees do not receive due legal process and may be held in inhumane conditions without consular access. In this regard, he urges the authorities to strengthen the protection system of national and foreign detainees in line with the standard minimum rules for the treatment of prisoners.

9. On 7 June 2018, the Special Rapporteur held a press conference³ at the United Nations in Geneva, just ahead of the Singapore Summit between the two leaders of the Democratic People's Republic of Korea and the United States of America. He underscored the importance of including human rights in the high-level talks, raising concern that the failure to do so will have negative repercussions for building a "sustainable agreement with the Democratic People's Republic of Korea with regard to denuclearization". He also made a call to the authorities to free political prisoners through a general amnesty to signal its commitment to universal human rights principles.

10. During the Summit, held on 12 June in Singapore, "President Trump committed to provide security guarantees to the Democratic People's Republic of Korea and Chairman Kim Jong Un reaffirmed his firm and unwavering commitment to complete denuclearization of the Korean Peninsula".⁴ In the joint statement issued as a result of the Summit, both leaders "committed to cooperate for the development of new U.S.-DPRK relations and for the

¹ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22988&LangID=E>.

² <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23061&LangID=E>.

³ <http://webtv.un.org/meetings-events/treaty-bodies/watch/ohchr-press-conference-human-rights-in-dprk-geneva-7-june-2018/5794701580001/?term=http%3A%2F%2Fwebtv.un.org%2Fmeetings-events%2Ftreaty-bodies%2Fwatch%2Fchildren-on-the-move-preventing-child-trafficking-by-implementing-the-un-global-plan-of-action%2F5588262537001%2F&sort=date>.

⁴ Joint Statement of President Donald J. Trump of the United States of America and Chairman Kim Jong Un of the Democratic People's Republic of Korea at the Singapore Summit, June 12, 2018.

promotion of peace, prosperity, and security of the Korean Peninsula and of the world”, and agreed to the recovering of POW/MIA remains, and the immediate repatriation of those already identified.⁵

11. All these developments are of great significance for the countries involved and humanity as a whole. However, the Special Rapporteur regrets that neither the Panmunjom Declaration nor the Democratic People’s Republic of Korea-US Statement included any human rights terminology. In following the rapidly shifting political environment, the Special Rapporteur reiterates his strong hope that there will soon be progress on tackling the human rights situation as an integral part of the peace, security and denuclearization agenda.

12. On 16 June, it was reported by the Korean Central News Agency (KCNA) of the Democratic People’s Republic of Korea that the country will “grant an amnesty to those who had been convicted of the crimes against the country and people on the occasion of the 70th founding anniversary of the DPRK.” The Special Rapporteur, having previously called for this, welcomed the announcement in a letter sent to the Permanent Mission of the Democratic People’s Republic of Korea in Geneva on 16 June, but also enquired about further details of the planned amnesty, including number of prisoners benefited and locations of detention.

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

13. The Special Rapporteur conducted two official missions during the reporting period. From 10 to 16 December 2017, he visited the Republic of Korea and Japan. The visit to the Republic of Korea included meetings with officials of the Ministries of Foreign Affairs, Unification and Justice, as well as additional meetings with civil society organisations, members of the diplomatic corps in Seoul, and the OHCHR field-based structure. The Special Rapporteur also interviewed escapees from the Democratic People’s Republic of Korea in resettlement centres in the Republic of Korea. In Japan, he participated in a symposium organised by the Government of Japan, and met with government officials and families of people who were abducted by the Democratic People’s Republic of Korea and who remain unaccounted for.

14. On 31 May, the Special Rapporteur undertook a visit to Stockholm, Sweden. During the visit, he met with officials within the Ministry for Foreign Affairs of Sweden including the Special Envoy for the Korean Peninsula of the Government of Sweden. The visit was informative with respect to the important role of Sweden in having had a long history of diplomatic relations with the Democratic People’s Republic of Korea, and in representing the consular interests of the Governments of the United States, Australia, Canada and the Nordic countries. The lack of adequate consular access for Otto Warmbier was addressed in particular.

15. On 1 June, the Special Rapporteur undertook a visit to Brussels to meet with the European Parliament Secretariat for the Foreign Affairs Committee and Subcommittee and the European Commission European External Action Service (EEAS). During the visit, the Special Rapporteur engaged in useful discussions about the role of the European Union in the ongoing rapprochement on the Korean peninsula, and the importance of pushing for a human rights dialogue with the Democratic People’s Republic of Korea.

16. The Special Rapporteur also visited Geneva twice during the reporting period, in March 2018 to report to the 37th session of the Human Rights Council, and in June 2018,

⁵ Ibid.

and used both occasions to engage and exchange views on issues pertaining to the situation of human rights in the Democratic People's Republic of Korea with member states, including the People's Republic of China as well as other stakeholders.

17. The Special Rapporteur conducted his second official mission in the reporting period to the Republic of Korea from 2 to 10 July 2018. During the visit, he met with senior Government officials from the Ministry of Foreign Affairs and the Ministry of Unification. He also held meetings with the Korean Red Cross, the Korean Institute for National Unification, the National Human Rights Commission of Korea, members of the diplomatic community, as well as the OHCHR field-based structure. He also received first-hand accounts from people who left North Korea, including young students at Hangyore High School, and had meetings with human rights organizations and civil society actors offering a broad range of views and perspectives.

18. The Special Rapporteur is grateful to all those who took the time to share insights and information with him during the aforementioned visits. The Democratic People's Republic of Korea remained closed to formal cooperation with the mandate of the Special Rapporteur during the reporting period despite the repeated requests made.

IV. Recent developments in the situation of human rights in the Democratic People's Republic of Korea

A. Humanitarian Situation

19. OCHA, the UN's Humanitarian Agency, has stated that the Democratic People's Republic of Korea is facing a "protracted humanitarian crisis that is largely overlooked by the rest of the world".⁶ The United Nations has reported that chronic food insecurity, early childhood malnutrition and nutrition insecurity are widespread in Democratic People's Republic of Korea, and over 10 million people, or 40% of the population, are said to require humanitarian assistance. The total food production in the country has seen a decrease by 7.42% in 2018 compared to last year, and reportedly some 10.3 million out of a population of 25 million (41%) are undernourished, while around a third of pregnant women are anaemic.⁷ Over a quarter (27.9%) of children under five are stunted due to chronic malnutrition, with implications for cognitive development.⁸ While there are many complex intertwined factors that have contributed to this situation, including the deviation of critically needed resources to develop nuclear weapons and ballistic missiles, the breakdown of the Public Distribution System, the impact of climate change on food production⁹ and the impact of sanctions, addressing the economic and social rights of the people of the Democratic People's Republic of Korea is especially crucial for the prospects of a durable peace environment in the Korean Peninsula, North East Asia and beyond.

⁶ <https://reliefweb.int/report/democratic-peoples-republic-korea/un-humanitarian-chief-visit-democratic-people-s-republic>.

⁷ Statement by the Resident Coordinator to the 1718 Sanctions Committee on the humanitarian situation in the Democratic People's Republic of Korea, p. 4.

⁸ Ibid.

⁹ According to the International Federation of Red Cross and Red Crescent Societies (IFRC), at the time of the preparation of this report, "the Democratic People's Republic of Korea (DPRK) is facing the worst drought in 100 years, a catastrophe which now threatens to cause widespread food and water shortages in the country". See <http://www.ifrc.org/ar/news-and-media/news-stories/asia-pacific/korea-democratic-peoples-republic-of/red-cross-prepares-to-respond-to-the-drought-in-dprk-69021/?print=true>.

20. Following the call made in his previous report to the General Assembly on the potential adverse impact of sanctions on the population in the Democratic People's Republic of Korea,¹⁰ the Special Rapporteur continued to monitor the situation during the reporting period. He was informed of the continued slowdown in the operations of humanitarian actors as a result of operational difficulties, including with respect to banking channels and custom clearance delays. The United Nations country team has reported that the logistics for humanitarian actors are becoming increasingly complex, costly and time consuming, resulting in fewer available supplies for those in need when they are needed most.¹¹ Chronic food insecurity is reported to have been exacerbated by the lack of access to modern agricultural equipment and fertilisers due to sanctions, among other challenges.¹²

21. In November 2017, the Special Rapporteur exchanged correspondence with the Panel of Experts established pursuant to Security Council resolution 1874 (2009) to monitor compliance with the sanctions regime, where he called for a comprehensive assessment of the unintended impact of sanctions on the enjoyment of human rights. He therefore welcomes the Security Council Sanctions Committee's decision of 6 August 2018, to issue "Guidelines for Obtaining Exemptions to Deliver Humanitarian Assistance to the Democratic People's Republic of Korea", necessary "to provide a clear explanation of its comprehensive humanitarian exemption mechanism".¹³ The Special Rapporteur also encourages the Sanctions Committee to consider further exemptions to facilitate exchanges and cooperation between the two Koreas which aim to achieve peace and prosperity in the peninsula. At the same time, the Special Rapporteur reiterates his call upon that the Democratic People's Republic of Korea to publicize specific information, such as historic records and disaggregated economic data that may help with this assessment.¹⁴

B. Inter-Korean developments

22. As the Democratic People's Republic of Korea and the Republic of Korea work together to encourage more active cooperation, visits and contacts at all levels with the aim of rejuvenating the sense of national reconciliation and unity, as stated in the Panmunjeon Declaration, the Special Rapporteur reminds all actors of the importance of ensuring such efforts are made in full compliance with international human rights standards. The Panmunjeon Declaration included a pledge to promote economic growth and prosperity in the Democratic People's Republic of Korea by adopting practical steps to modernise roads and railways. Whereas this is a welcome initiative, the human rights implications of economic cooperation projects with the Democratic People's Republic of Korea should

¹⁰ The Special Rapporteur recalled general comment No. 8 (1007) of the Committee on Economic, Social and Cultural Rights on the relationship between economic sanctions and economic, social and cultural rights, in which the Committee emphasized that, although it had no role to play in decisions to impose sanctions, it did have responsibility to monitor compliance by all States parties with the International Covenant on Economic, Social and Cultural Rights. The Special Rapporteur holds an analogous responsibility.

¹¹ Statement by the Resident Coordinator to the 1718 Sanctions Committee on the humanitarian situation in the Democratic People's Republic of Korea, p. 13.

¹² Statement by the Resident Coordinator to the 1718 Sanctions Committee on the humanitarian situation in the Democratic People's Republic of Korea, p. 4.

¹³ <https://www.un.org/press/en/2018/sc13445.doc.htm>.

¹⁴ On 24 November 2017, the Special Rapporteur addressed a communication to the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office at Geneva, in which he invited the Government to forward him any additional information that it might have on any negative impact that sanctions had on the population in the Democratic People's Republic of Korea. He also requested a courtesy call to discuss the matter further.

inform future steps. Domestic employment practices fall well below international labour standards. Workers are vulnerable to various forms of abuse, including forced mobilisation, unsafe working conditions, and the absence of adequate pay. Restrictions on women's access to the labour market, which has been highlighted by the CEDAW Committee, also requires attention.¹⁵ Implementation of joint inter-Korean initiatives, including the construction of railways, roads, pipeline projects, the possible reopening of Kaesong Industrial Complex, the promotion of tourism and unified sports participation, will all have important human rights implications, and involve responsibilities for the authorities in both the North and South, including those contained in the human rights treaties to which both Governments are party to. The Special Rapporteur calls upon the Government of the Republic of Korea and the Democratic People's Republic of Korea to ensure that the cooperation dialogue addresses such concerns, and that people who are mobilised for construction projects are guaranteed the protections they are entitled.

C. Human Rights Issues

23. The interviews of the Special Rapporteur with persons who recently left the Democratic People's Republic of Korea during the reporting period indicate that the lives of ordinary citizens continue to be dire. Serious difficulties in the living conditions, including severe restrictions on freedoms and the chronic food insecurity, continue to be cited as the reason that people leave, particularly those from the country side who make up the majority of the population. Based on these interviews and other information collected, in this section the Special Rapporteur focuses on the following substantive areas: the rights of persons deprived of liberty; the separated families and abductions; the right to health; and the right to water and sanitation.

(i) Rights of persons deprived of liberty

24. While the Special Rapporteur is still unable to collect information regarding the conditions of detainees in political prison camps given the secrecy surrounding them, he continued to receive information on cases of ill-treatment in other places of detention¹⁶. The situation of those in detention continues to highlight the particular vulnerability of these persons to serious violations of human rights, including what may constitute a deliberate denial of economic and social rights.

25. Torture and ill-treatment were reported by many interviewees who had gone through interrogation by the Ministry of State Security (MSS). In addition to prolonged and severe restrictions of movement such as being forced to sit in a still position all day with heads down, legs crossed and hands on the knees with short or no breaks, beating was reportedly common during interrogation. Various interviewees confirmed having been ill-treated, beaten, tortured or threatened with torture if they did not reveal the information the MSS Officers considered to be true. In two separate accounts, women who were held at the MSS kuryujang(pre-trial detention facility) in Hyesan City in Ryanggang Province recounted having been beaten. One woman, who was detained in 2017, described her experience as

¹⁵ In its concluding observations, the Committee recommended the State, among others, to (a) Review its labour laws and policies, including occupational tables, that restrict the participation of women in the labour market or assign low-paid jobs to women, with a view to ending gender segregation at work; (b) Promote the participation of women in managerial and leadership positions, including by adopting temporary special measures such as quotas or fast-track selection processes (see par. 36).

¹⁶ Recent commercial satellite imagery highlighted by the Committee for Human Rights in North Korea shows what appears to be a group of prisoners and guards at the political Camp 25 in Chongjin, in November 6, 2017. See: http://www.hrnkinsider.org/2018/08/satellite-imagery-shows-captives-inside_30.html.

follows: "While in the cell, I was forced to sit still the whole time. When I moved by mistake, I was punished by being forced to crawl on my knees between the door and the bars, from one end of the cell to the other. This was painful and my knees got scratched up, because the floor was not even, but was made out of rough wooden planks".

26. In addition to acts of torture and ill-treatment, the Special Rapporteur received numerous accounts of what appears to be the deliberate denial of economic and social rights of persons in detention, in particular of the right to food, the right to health and the right to clean water and sanitation, amounting to cruel and inhuman treatment.

27. While all the individuals with experience of detention attested to not having sufficient food, there were some variations in the amount of food provided according to location and type of detention facilities. Most detainees recounted being fed corn meal, corn or grains of poor quality and without variation. Malnutrition was common, and reports of deaths in custody due to malnutrition were also received, involving in particular those who contracted illnesses.

28. Denial of the right to adequate healthcare, including access to medication, is a form of ill-treatment. The Special Rapporteur received information by an individual who had been in a *kuryujang* who had witnessed other detainees dying from tuberculosis as no medication was given to them by the prison authorities. It was reportedly left for their family to provide them with such medication. Sick and healthy detainees were reportedly mixed together in some of these detention facilities, including cells containing detainees with tuberculosis but placed in the same corridor as the other cells without any separation. There were also reports of seriously ill detainees being released, in some cases following bribes or with documents provided by relatives guaranteeing they would be responsible for keeping the individual at home.

29. Prison inmates remain vulnerable to inadequate access to water and sanitation. For example, a man who was detained at a *kyohwaso* in Kangwon Province described his experience as follows: "It was hard to have access to drinking water, because three or four cells out of 30 at the *kyohwaso* had tap water, and those provided for one hour in the morning because of the ageing pipelines. We had to walk 500-600 meters to get water. It took an hour to reach drinking water, so it was hard to wash your face or shower. The head of each cell could enjoy washing but not the rest of us". A woman who was held in a MSS *kuryujang* in Hyesan City in Ryanggang Province recounted that the small cell in which she was placed with 9 to 10 other female detainees had a toilet which was just a hole in the floor with no running water. A 50 litre bucket was filled every morning by the prison guards for washing and for toilet, but in reality to save work for the guards who carried the water, they were only allowed to use half of the water for one day. Drinking water was not always provided upon request: "it depended on the guard whether we were given water". Another woman who was held at a MPS *kuryujang* in Samjiyon, Ryanggang Province described the sanitary conditions in the small cell with 20 to 30 women that was not large enough for them to stretch their legs or lie down to sleep as "very poor", and said: "there was just a bucket where we could relieve ourselves".

30. The Special Rapporteur recalls that persons deprived of their liberty shall not be subjected to hardship or constraint other than that resulting from the deprivation of liberty, and the dignity of such persons must be guaranteed under the same conditions as for that of free persons¹⁷. While it is difficult to categorically establish that the denial of adequate nutrition, medical care and hygiene including tap water and washing facilities to detainees are currently being used as a deliberate policy to punish the detainees further, what is clear is that such denial of basic rights can amount to torture and ill-treatment and that the

¹⁷ Human Rights Committee, General Comment No. 21 on article 10, 13 March 1992.

authorities of the Democratic People's Republic of Korea have a clear responsibility to ensure that the treatment of prisoners is in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners and other international instruments. The Special Rapporteur urges the authorities of the Democratic People's Republic of Korea to seek technical expertise from the United Nations human rights system as well as the International Committee of the Red Cross in order to reform the penitentiary system in line with international standards. He also urges the authorities to give humanitarian agencies access to detention facilities so basic needs of detainees are addressed.

(ii) Separated families and Abductions

31. At the time of writing, the first family reunion event in three years was being organised by the two Koreas to take place from 20 to 26 August, resuming a tradition that the political deadlock of the past three years had halted.¹⁸ The Special Rapporteur praises the efforts that have gone into organizing this event, and shares the happiness of the family members. It would be important that the event be the start of a series of ongoing initiatives that will allow for the establishment of sustainable, long-term channels for family members to maintain permanent contact beyond reunion events, via written correspondence, telephone communications and visits to both countries. It is important that the selection process of candidates for reunions be as inclusive of the family members as possible, and that it be based on the principles of transparency, accountability and non-discrimination, so that all families wishing to restore lost family ties are able to do so regardless of nationality or financial circumstances. In this regard, the Special Rapporteur shares the view of the OHCHR's report on this issue, that the responses should be "formulated on the basis of entitlement rather than according to need", and he encourages to reflect on the recommendations included in that report.¹⁹

32. The Special Rapporteur was also glad to hear that the Republic of Korea National Red Cross is working tirelessly to establish, with their Northern counterpart, the fate of separated families with a view to facilitating the contact, or in cases where the family members are deceased, for the surviving family members to visit the hometown or the gravestone of their loved ones to pay their last tribute. The Special Rapporteur urges the two countries to also make full use of the technical expertise of the International Committee of the Red Cross in restoring family ties.

33. The issue of international abductions remains unresolved, although the situation of Japanese abductees has been mentioned at the high-level talks that took place in recent months. To date, officially, 12 abductees from Japan and 516 from the Republic of Korea remain unaccounted for. The issue continues to affect the families of abductees in profound ways. Enforced disappearances is a serious crime that places the persons subjected thereto outside the protection of the law with implications on their enjoyment of the right to life, the right to liberty, security and dignity of the person, and the right not to be subjected to torture or other cruel, inhuman or degrading treatment. It is a continuous crime until the fate and whereabouts of every disappeared person is clarified. In the efforts to bring back the loved ones to their families, there is also the need to bring truth to the families, who in the absence of any information not indicating that they are still alive, will keep searching for their loved ones for their return. The rights of the families of abductees should be duly considered in further dialogue with the Democratic People's Republic of Korea with a view to providing

¹⁸ On August 20, the Special Rapporteur issued a press statement on the issue:
<https://www.ohchr.org/SP/NewsEvents/Pages/DisplayNews.aspx?NewsID=23468&LangID=E>.

¹⁹ "TORN APART: The Human Rights dimension of the involuntary separation of Korean families" see at: <https://seoul.ohchr.org/EN/Documents/2016/TORN%20APART%20final%2007122016%20LAUNCH.pdf> (par. 18).

them with the knowledge of the fate and whereabouts of their loved ones, as well as other remedial measures to which they are entitled.

34. The Democratic People's Republic of Korea approached OHCHR to help to resolve outstanding cases involving its nationals in the Republic of Korea, including the case of 12 women restaurant workers allegedly taken from China to the Republic of Korea against their will in April 2016. Throughout the period under review, the Special Rapporteur has highlighted his concerns regarding the lack of clarity in the circumstances of their arrival in the Republic of Korea. The Special Rapporteur has called for an independent investigation into the case, while also stressing that the utmost priority must be given to respecting the rights of these women and their families, including of their safety, their right to privacy, as well as their right to leave the country. On this last point, the Special Rapporteur welcomes the decision by the Republic of Korea to grant them passports. He will continue to follow the case with a view to engaging in further advocacy with the Governments concerned and relevant actors as necessary.

35. During his field visits, the Special Rapporteur met with a woman named Kim Ryon Hui and a man named Kwon Chol Nam, who currently reside in the Republic of Korea and wish to return to the Democratic People's Republic of Korea to be reunited with their families. The two have been reportedly convicted on espionage charges and are unable to return to their homeland owing to restrictions imposed by the authorities of the Republic of Korea. The current political momentum should serve to resolve cases of this nature and bring greater freedom of movement between the two countries. The Special Rapporteur calls on the authorities of the Republic of Korea to review these cases with a view to granting them the possibility to travel back to the Democratic People's Republic of Korea, based on humanitarian grounds.

36. During the period under review, the Special Rapporteur received additional information concerning a wave of arrests in China in March 2018 targeting citizens of the Democratic People's Republic of Korea. Information received by the Special Rapporteur of women and girls who were trafficked from the Democratic People's Republic of Korea to China, including those who were then repatriated from China, as well as those who transited through China onto the Republic of Korea, continue to reveal the vulnerability of these women and the girls to serious violations of their human rights on both sides of the border.

37. The testimonies of women who were trafficked from the Democratic People's Republic of Korea to China, and who escaped from their Chinese husbands for the Republic of Korea also highlighted the vulnerability of the trafficking victims as well as of children born to these trafficked women. A woman who fled from her husband and left him with a four-year-old daughter in 2018 described her ordeal in these words: "My [Chinese] husband was not good to me because he thought that since I was North Korean I should not complain. He was not sure we should get an ID for my daughter because of my origin". Many such children cannot attend school due to lack of citizenship, and many are orphaned when the mother is arrested for repatriation. The testimony is an important reminder of the multiple layers of vulnerability of these women and children who have sought to escape a situation of human rights violation or a better life to face another reality of abuses.

38. As documented in the previous reports of the Special Rapporteur, people who are forcibly returned from China, most of whom are trafficked women, remain especially vulnerable to detention, torture and ill-treatment upon repatriation. Testimonies of ill-treatment by women who experienced repatriation from China confirm that any forcible return of persons who had left the Democratic People's Republic of Korea should be

considered as an act of refoulement, given the likelihood of the serious human rights violations they will face upon return.²⁰

39. On 6 March 2018, the Special Rapporteur issued a joint appeal²¹ together with the Working Group on Arbitrary Detention urging the Chinese authorities not to repatriate six people, including a five year-old girl, whom they arrested in February 2018²². In April 2018, it was reported that many people were released from detention and allowed to stay in China. Whereas this is a positive development, the Special Rapporteur urges the two countries to agree on a full-fledged protection policy and legal framework for citizens of the Democratic People's Republic of Korea who live in China or transit through its territory. The policy should be designed with a view to protecting these people's freedom of movement, allow them to settle in countries of their choosing, and provide the most vulnerable among them, particularly children, with adequate healthcare and education as well additional protections against loss of family ties and human trafficking.²³ He also urges the Government of China to give UN agencies access to the concerned areas.

(iii) Rights to health

40. Article 72 of the Constitution of the Democratic People's Republic of Korea states that: "Citizens are entitled to free medical care, and all persons who are no longer able to work because of old age, illness or a physical disability, the old and children who have no means of support are all entitled to material assistance. This right is ensured by free medical care, an expanding network of hospitals, sanatoria and other medical institutions, State social insurance and other social security systems". While the Democratic People's Republic of Korea has experienced many public health gains in recent years, including improved immunisation coverage, obstetric care and significant reductions in under-five, infant and maternal mortality rates²⁴, inequalities persist in access to healthcare. Information received by the Special Rapporteur highlights the particular challenges faced by people living in the provinces to access an adequate and affordable standard of health care by qualified professionals. Medical care, with the notable exception of vaccinations for children, is only provided upon payment. Those who cannot afford the expenses related to illnesses or accident will simply not receive the medical care needed: "If you can't pay, you will be turned away",

²⁰ In its concluding observations, the Committee on the Elimination of Discrimination against Women expressed further concern that "upon repatriation, women who are victims of trafficking are reportedly sent to labour training camps or prisons, on the charge of "illegal border crossing", and may be exposed to further violations of their human rights, including sexual violence by security officials and forced abortions" (par. 27).

²¹ UA CHN 6/2018.

²² In its response on 19 July, the Permanent Mission of the People's Republic of China maintained its position that the "so-called 'North Korean refugees' are not refugees" but are people who have crossed the border illegally and have come to China for economic reasons. It stated that China will continue to take measures with respect to such persons in accordance with the respective and combined principles of domestic law, international law and humanitarianism (Permanent Mission of the People's Republic of China, letter to the Office of the High Commissioner for Human Rights, 19 June 2018).

²³ Both the Childs and the CEDAW Committees expressed concerns in their concluding observations about the guarantees of civil registration and access to nationality of children. For example, the former recommended that "the State party review its bilateral agreements to ensure that children born to mothers who are citizens of the Democratic People's Republic of Korea residing outside the territory of the State party have access to birth registration and nationality without the children or their mothers being forcibly returned to the State party's territory" (see paragraph 19.).

²⁴ UNOCHA, Democratic People's Republic of Korea Needs & Priorities March 2018, p.6, available at <https://reliefweb.int/report/democratic-peoples-republic-korea/dpr-korea-needs-and-priorities-march-2018>.

said a woman from the Northern Hamgyong province that the Special Rapporteur interviewed. She had lost her son to cancer, because she could not pay for the treatment. With travel by foot being the main means of transport in the Democratic People's Republic of Korea, in the absence of an affordable and reliable transport network in most rural areas, inability to physically access medical facilities prevents many who are ill, injured or living without family members from obtaining the medical care they require. People continue to rely on traditional herbs or traders that sell medicine, as hospital visits are prohibitively expensive. A former nurse who worked at a rural hospital in North Hwanghae Province said that people were able to see a doctor but they had to pay for their own medicine. The nurse, who did not undergo any specialised training before she took up the job, said that "in the DPRK, anyone who can do injections into the bloodstream can work as a nurse".

41. Tuberculosis is still a major health concern in the Democratic People's Republic of Korea, and the situation has worsened after the Global Fund to fight AIDS, Tuberculosis and Malaria suspended grants to the country to fight the disease at the end of June 2018.²⁵ To date, the World Health Organisation maintains the Democratic People's Republic of Korea on a list of the worst-affected countries by Tuberculosis. Cooperation with the Republic of Korea resumed in late 2017 with the setup of joint inspection teams and the delivery of lifesaving medicine and other humanitarian aid. The current opening for humanitarian dialogue between the two countries should be used to strengthen the exchange of medical expertise as well as outreach to international donors to help contain the incidence of Tuberculosis.

42. According to official media in the DPRK, high temperatures during the summer caused medical institutions to conduct information campaigns to improve awareness of preventive health measures amongst the general populace, and ensured that hospitals and clinics in Pyongyang and other parts of the country had secured medicines for circulatory and cerebral diseases which are of high incidence in sultry weather. It was also reported that the hygienic and anti-epidemic institutions have tightened their supervision and control over the public catering facilities and soft drink stalls.²⁶

43. However, the information received by the Special Rapporteur repeatedly underscored the complete breakdown of the health care system, and others such as the Public Distribution System, together with no social safety net provided by the State. Testimonies by those who left the Democratic People's Republic of Korea in the past year reveal a situation whereby there is no assistance provided by the State in any form to guarantee the right to social security of all. Any shortfalls in meeting the basic needs, such as chronic food shortages, or any medical needs arising out of illnesses, accidents or disability, can only be overcome by supplementary incomes in the informal economy. As a 22 year old woman from Northern Hamgyong province expressed: "We were taught that everything is equal and fair under the socialist system, but when I lived there (in the North), it didn't feel that way. [...] Life was so difficult for everyone. Everyone lived for their own good, for themselves, and couldn't care about anyone else".

44. In the view of the Special Rapporteur, the urgent need to reform the social security system from the perspective of the ongoing humanitarian situation in the country is made even more pressing by the dire situation of those who have fallen through the cracks. The Special Rapporteur encourages the Government in the meantime to enhance the assistance of the United Nations country team in meeting the needs of particularly vulnerable groups, which includes providing them with free and unimpeded access to all parts of the country.

²⁵ No specifics came out of the decision of the Global Fund to suspend aid to DPRK.

²⁶ <https://kcnawatch.co/newstream/1533780057-60622886/deep-attention-paid-to-health-protection-in-dprk/>

(iv) Right to safe drinking water and sanitation

45. Access to safe drinking water and sanitation remain a challenge for provincial communities, which make up the majority of the population of the Democratic People's Republic of Korea. While both communicable and non-communicable diseases continue to be major health concerns,²⁷ a survey undertaken by UNICEF²⁸ indicated that 60% of rural areas had poor waste disposal, resulting in contaminated water, to the point that 54.1% of rural household populations were found to have faecal contamination in household drinking water.²⁹

46. It is rare for households in the provincial areas to have an indoor toilet and many people use outdoor facilities that are not connected to a public sewage system. Sanitation systems that are managed by households are not necessarily defective, but they do imply a health concern to users and to the community at-large in the absence of government oversight and awareness-raising. None of the escapees interviewed by the Special Rapporteur had had access to treated, readily available water at home, or to a toilet inside their homes but only to outdoor toilets or latrines that are not connected to a public sewage system. A woman from Hyesan City of Ryanggang Province said: "We lived close to Yalu River and we got our drinking water from the river. We used to go before sunrise when it was still clean and people did not start washing their clothes. This is the case for most people in Hyesan City". Another woman from Musan County in North Hamgyong Province described the struggle to access clean water as follows: "Our house had a toilet outside. We had water at home but we had to pump it. It was not always clear. It was mixed with sand and it was intermittent as well. We could also get water from a river stream close to the house when the supply at home was not enough and this was the case for other people". The testimonies point out the serious risk posed by the consumption of river waters that are vulnerable to contamination and pollution. The Special Rapporteur urges the authorities to adopt a comprehensive plan to monitor the quality and safety of river waters, and to ensure that people who are not able to access drinking water through government supply can nonetheless receive their supply of purified river waters in specific collection points that are run by the government.

47. In its concluding observations, the Committee on the Rights of the Child welcomed the State party's 2016 intersectoral initiative to integrate water, sanitation and nutrition, and drew attention to target 6.2 of the Sustainable Development Goals. The Committee also recommended that the State party prioritize water, sanitation and nutrition interventions and participate in South-South learning exchanges on technology and use of gravity-fed water systems.³⁰ The Special Rapporteur encourages the authorities to engage with the Special Rapporteur on the human rights to safe drinking water and sanitation. In this regard, the recent engagement of the Government with the Special Rapporteur on the rights of persons with disabilities, including a field visit, must serve as a good example for further cooperation in the future with the water and sanitation mandate holder, and others.

²⁷ UNOCHA, Democratic People's Republic of Korea Needs & Priorities March 2018, p. 7, available at <https://reliefweb.int/report/democratic-peoples-republic-korea/dpr-korea-needs-and-priorities-march-2018>.

²⁸ UNICEF Multiple Indicator Cluster Survey, 2018, https://mics-surveys-prod.s3.amazonaws.com/MICS6/East%20Asia%20and%20the%20Pacific/Korea%2C%20Democratic%20People%27s%20Republic%20of/2017/Final/Korea%20DPR%202017%20MICS_English.pdf.

²⁹ P. 148, UNICEF Multiple Indicator Cluster Survey 2018.

³⁰ CRC/C/PRK/CO/5, paragraph 44.

V. Cooperation with the United Nations human rights system

A. Mandate of the Special Rapporteur

48. The Democratic People's Republic of Korea continues to stay closed to any form of cooperation or engagement with the mandate of the Special Rapporteur and has declined his repeated requests for meetings with the Permanent Missions to the United Nations in Geneva and in New York. While the Government rejects the mandate alleging politicisation and double standards of the mechanism itself, the Special Rapporteur has continued to call for dialogue with the authorities while being strictly guided by the principles of independence, neutrality and impartiality.

49. In view of the ongoing rapprochement with key member states, the Special Rapporteur believes there is an urgent need for the Government of the Democratic People's Republic of Korea to step up the human rights dialogue, and to extend a parallel opening alongside the current openings on peace and denuclearization. The call is to end the era of self-isolation, and to engage, as a credible member of the United Nations, in a process of dialogue with the Special Rapporteur as a concrete sign of their commitment, which will only serve to reinforce the ongoing process.

50. In the meantime, the Special Rapporteur continues to seek indirect contacts with officials of the Democratic People's Republic of Korea with the support of a multitude of regional and international actors.

B. Office of the United Nations High Commissioner for Human Rights

51. The Special Rapporteur believes that the appointment of the new High Commissioner for Human Rights offers a unique opportunity for the Office to explore meaningful engagement and cooperation with the Democratic People's Republic of Korea. In this regard, he would strongly support a visit by the High Commissioner to the Democratic People's Republic of Korea as a first step towards engaging in human rights issues. There are a number of areas identified by the Special Rapporteur which offer good opportunities for cooperation with the authorities:

(a) Advice and technical assistance to the National Committee for the Implementation of the International Human Rights Treaties, created in April 2015, with a view to enhancing implementation of the treaty obligations and the recommendations emanating from such bodies;

(b) Technical assistance, training and sensitisation on international human rights instruments and mechanisms for Government officials;

(c) Advice and technical assistance in establishing an independent national human rights institution, in accordance with the Paris Principles;

(d) Advice and technical assistance to improve complaint mechanisms for abuses existing at the domestic level³¹;

³¹ In paragraph 11 of its concluding observations, the Committee on the Rights of the Child noted "the information provided by the State party on the existence of complaints departments, complaints boxes and the required confidentiality from complaints officers." (CRC/C/PRK/CO/5).

(e) Advice and technical assistance in developing a system that allows public access to domestic legislation;³²

(f) Advice and technical assistance in enhancing the data collection and analysis of human rights issues, in accordance with the Human Rights-Based Approach to Data (HRBAD)³³, and other guidelines such as “Human Rights Indicators: A Guide to Measurement and Implementation”;³⁴

(g) Advice and technical assistance or the ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the International Convention for the Protection of All Persons from Enforced Disappearance; the International Convention on the Elimination of All Forms of Racial Discrimination; and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

(h) Advice and technical assistance with a view to encouraging the withdrawal by the Democratic People’s Republic of Korea of its unilateral declaration against the treaty obligations under the International Covenant on Civil and Political Rights;

(i) Intermediate with the Government and the International Labour Organization (ILO), with a view for Democratic People’s Republic of Korea to become a member of the ILO and a State Party the core ILO Conventions; and

(j) Providing advice and technical assistance to the two Koreas in exchanges and cooperation initiatives which involves human rights obligations.

52. In regards to the accountability agenda for violations committed in the Democratic People’s Republic of Korea, significant steps have been taken in the past year, in particular the establishment of a dedicated investigation team at the Office of the High Commissioner for Human Rights. In accordance with Human Rights Council resolution 34/24, the capacity of Office, including its Field-based Structure in Seoul, has been reinforced with a dedicated team tasked with conducting monitoring and documentation activities with a view to establishing a central information and evidence repository of cases. The Special Rapporteur, underscoring the superlative importance of seeking truth and justice for crimes against humanity, continues to work closely with the new team, and commends the efforts undertaken to advance the accountability agenda in the Democratic People’s Republic of Korea.

C. Other United Nations human rights mechanisms

53. The Democratic People’s Republic of Korea has complied with its reporting obligations before the Committee on the Rights of the Child (CRC/C/PRK/CO/5), and the Committee on the Elimination of Discrimination against Women (CEDAW/C/PRK/CO/2-4). The country also underwent the second cycle of the Universal Periodic Review in 2014, and will undergo the third cycle review in May 2019. This progress in DPR Korea’s relationship with UN human rights mechanisms, including the past official visit of the Special Rapporteur on the rights of persons with disabilities, needs now to be reflected in terms of steps towards implementation of the recommendations from these mechanisms. In this regard, the Special Rapporteur strongly encourages the Government to seek technical

³² In its concluding observations, the Committee on the Elimination of Discrimination Against Women regretted that “the State party’s laws are not publicly available, which would allow for constructive criticism and independent monitoring”.

³³ <https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>.

³⁴ https://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf.

assistance from the relevant United Nations entities and, once again, insists on the importance of accepting his visit to the country to further address all these human rights issues.

54. The Special Rapporteur also encourages the United Nations Country Team in the Democratic People's Republic of Korea to continue working with the authorities to assist with the implementation of those recommendations, including in the context of the Strategic Framework for Cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for 2017 to 2021. The advancement in the rapprochement between the two Koreas will increase the activities and the roll of the UN office, including the human rights affairs.

55. The visit to Pyongyang made by the Under-Secretary-General for Political Affairs in December 2017 was a valuable opportunity to diffuse tensions and restore political dialogue with the Democratic People's Republic of Korea. The Special Rapporteur encourages the Government to continue to build on this contact, and the United Nations concerned agencies to secure the best from this opening.

VI. Conclusions

56. The rapprochement that the world has witnessed since the beginning of 2018 between the two Koreas comes after 70 years of confrontation and division, with significant meaning for the people and for the prospects of peace and prosperity in the Korean Peninsula and beyond. Likewise, the succeeding Summit between the leaders of the Democratic People's Republic of Korea and the United States of America could represent a pivot in history regarding the denuclearization of the DPR Korea.

57. While the Special Rapporteur regrets that neither the Panmunjeom Declaration for Peace, Prosperity and Unification of the Korean Peninsula, nor the Singapore Summit Statement included any human rights terminology, he believes that the resumption of dialogue channels on peace and denuclearization is also an opportunity to lay the foundations of a human rights dialogue with the Government of the Democratic People's Republic of Korea.

58. To achieve peace, denuclearization and prosperity entail multiple actions with implications for human rights, including humanitarian aid, improvement of economic and social statistics, development and infrastructure projects, labour standards, progress on freedoms, environmental impact assessments, cultural and religious exchanges, fostering tourism, and the overall historical challenge of opening up the country to technical cooperation and reliable monitoring and verification. Therefore, the Special Rapporteur is convinced that bringing human rights to the table is not a hindrance but a way of ensuring that peace talks are sustainable and comprehensive. For the authorities of the Democratic People's Republic of Korea, it is the time and the chance to prove its attachment to the international system by upholding universal human rights principles.

59. Addressing human rights in Democratic People's Republic of Korea is not only the responsibility of the parties involved in negotiations, but also a primary burden of the United Nations as a whole, especially in view of continuing grave violations and the findings of the 2014 UN's Commission of Inquiry, including that crimes against humanity have been committed in the country. In this regard, the Special Rapporteur would support a declaration at the UN General Assembly to end the Korean war and to initiate a peace process, but he calls upon the members States and the United Nations institutions, to simultaneously integrate human rights throughout its considerations of the DPR Korea, and not just restrict it to discussions in the Third Committee. Regardless of the extent and progress or backtracking in negotiations, there are many issues that must be addressed without further delay, such as political prison camps, special measures for victims of trafficking, providing

answers to reported enforced disappearance, accountability measures, or the dire socio-economic conditions, which cannot wait until the international community decides that the timing is appropriate or convenient. History has shown time and again that whenever human rights are put aside in a peace process, it will pose risks for the future. In this regard, the Special Rapporteur hopes that the security guarantees demanded by Democratic People's Republic of Korea to denuclearize doesn't result in a renouncement to supervise universal human rights responsibilities, which has been not so long ago a top priority for the international community. Ultimately for the UN mandate that he holds, what matters are tangible results for the people of the DPR Korea.

60. Finally, the Special Rapporteur believes it would be critical for the process of dialogue with the Democratic People's Republic of Korea to be fully inclusive and transparent. It must not remain a process that is exclusively driven by the leaders, but is opened up to other actors for their active participation. In moving forward, the relevant Governments should hold further consultations with all stakeholders, including civil society organisations, so that the peace process can benefit from a diverse range of views and perspectives.

VII. Recommendations

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

(a) **Seek the assistance of the international community in addressing chronic food insecurity and malnutrition, as well as access to essential health services and access to clean water and adequate sanitation, with a particular attention to the vulnerable groups;**

(b) **Consider taking steps to reduce military expenditure with a view to ensuring equitable reallocation of resources to respond to the ongoing humanitarian situation;**

(c) **Recognise the fundamental right to leave and enter the Democratic People's Republic of Korea in law and practice, and ensure that those who are repatriated, including victims of human smuggling and trafficking, are not subjected to punishment upon repatriation;**

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

(e) **Address allegations of enforced disappearance and provide information to the families of the victims on the fate and whereabouts of their missing relatives;**

(f) **Consider reforming the Public Distribution System with a view to ensuring the right to social security for all, in particular those who cannot meet their basic needs due to illnesses, accident, old age, disability or maternity;**

(g) **Review any formal or informal practice that requires children to perform labour tasks that interferes with their rights to education, health, rest and leisure, and prohibit in law employment of children under 18 in harmful or hazardous work;**

(h) **Release statistical and other data that will allow for an assessment of the impact of international sanctions on the population;**

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

(j) Ensure that the 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;

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

(l) Consider seeking the expertise of the United Nations human rights system as well as that of the International Committee of the Red Cross to reform the penitentiary system in line with international standards;

(m) Continue to cooperate with the Human Rights Council, in particular in relation to the upcoming Universal Periodic Review, paying due attention to the implementation of the recommendations accepted during the last review;

(n) Submit the periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights;

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

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

(q) Engage with the High Commissioner for Human rights on the issues recommended in paragraphs 51 and 52;

(r) Engage with the Special Rapporteur on the human rights to safe drinking water and sanitation.

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

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

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

(c) Adopt a rights-based and victim-centric approach to family reunions, allowing for unhindered contact between all relatives;

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

(e) Consider allowing people who wish to go back to the Democratic People's Republic of Korea to do so;

(f) Enforce strict guidelines for economic and humanitarian cooperation, including to ensure aid reaches those most in need.

63. The Special Rapporteur recommends that the People's Republic of 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; and

(c) Consider adopting a legal and policy framework to protect victims of human trafficking in China, in particular women and children, which allows for access to healthcare and education among other basic services.

64. 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 progress in the human rights situation, in particular, by calling for prevention of violations and effective protection of human rights in an accountable manner as well as 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 food, health, nutrition, water, sanitation and hygiene needs in the ongoing humanitarian situation;

(c) Consult and involve civil society actors in efforts of Member States 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 dedicated OHCHR Accountability team;

(e) Use the upcoming 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 implement the recommendations accepted during the first and second cycles.

65. The Special Rapporteur recommends that the United Nations:

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

(b) Supports technical cooperation projects on human rights with the Democratic People's Republic of Korea, including in areas suggested in paragraphs 51 and 52;

(c) Support efforts to promote accountability in the Democratic People's Republic of Korea, in consultation with the dedicated OHCHR Accountability team.

66. The Special Rapporteur recommends that Civil Society Organizations:

(a) Continue to 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) Strengthen advocacy efforts aimed at raising awareness on the link between human rights protection and peacebuilding;

(c) Reach out to humanitarian organisations inside the Democratic People's Republic of Korea to develop synergies that can help advance human rights, including with respect to specific groups, themes or issues; and

(d) Use the upcoming third cycle Universal Periodic Review in May 2019 as an opportunity to highlight the status of implementation of the recommendations accepted during the first and second cycles by the Government of the Democratic People's Republic of Korea.