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**Human rights situations that require the Council's attention****Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea\*****Note by the Secretariat***Summary*

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

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\* The report was submitted after the deadline in order to reflect recent developments.

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## **I. Introduction**

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

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

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

4. The Government of the Democratic People's Republic of Korea continues to refuse to cooperate with the mandate of the Special Rapporteur. The Special Rapporteur conducted official visits to the Republic of Korea from 2 to 10 July 2018 and from 7 to 11 January 2019. In the Republic of Korea, he held meetings with government officials, representatives of civil society organisations, the Korean Red Cross and the National Human Rights Commission of Korea, members of the diplomatic community and the Office of the High Commissioner for Human Rights field-based structure in Seoul. He also met with individuals who had recently left the Democratic People's Republic of Korea. The Special Rapporteur travelled to Thailand from 19 to 21 November 2018 to join the United Nations Strategic Framework Consultation Workshop. During his trip, he also held meetings with regional civil society organisations working on human rights issues in the Democratic People's Republic of Korea. The Special Rapporteur travelled to Geneva from 4 to 7 June 2018 and New York from 22 to 24 October 2018 and held consultations with member states. On 23 February 2019, he also briefed the members of the European Parliament about the human rights situation in the Democratic People's Republic of Korea via video-conference.

## **II. Overview of progress on political, peace, security and denuclearisation**

5. The improved inter-Korean relations that began in early 2018 continued throughout the reporting period, with an unprecedented three summits between the leaders of the

Democratic People's Republic of Korea and the Republic of Korea. In contrast to 2017, the Democratic People's Republic of Korea did not conduct nuclear tests or missile launches during 2018. The first ever summit between the leaders of the Democratic People's Republic of Korea and the United States, held on 12 June 2018 in Singapore, and four summits between the Democratic People's Republic of Korea and China also showed increased efforts to find peaceful solutions to the security situation.<sup>1</sup> The Special Rapporteur acknowledges the significance of this peaceful engagement and dialogue, and highlights that this approach is the only way to secure improvements to the human rights situation in the Democratic People's Republic of Korea.

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

7. The inter-Korean Summits led to the two countries issuing the 27 April 2018 Panmunjom Declaration for Peace, Prosperity and Reunification of the Korean Peninsula and the 19 September 2018 Pyongyang Joint Declaration, which included a commitment to work towards a nuclear free Korean peninsula and to formally end the 1950-53 Korean War with a peace treaty. In the Pyongyang Joint Declaration, the Democratic People's Republic of Korea committed to permanently dismantle the Dongchang-ri missile engine test site and launch platform under international observation, and expressed a "willingness" to permanently dismantle the nuclear facilities in Yeongbyeon as the United States takes "corresponding measures".<sup>2</sup>

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

9. During the Singapore Summit, United States President Donald Trump made a commitment 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", with both leaders "recognising that mutual confidence building can promote the denuclearization of the Korean Peninsula." Following the Summit, encouraging steps have been taken. These include the suspension of

<sup>1</sup> The Democratic People's Republic of Korea and China held summits on 25-28 March 2018, 7-8 May 2018, 19-20 June 2018 and 7-8 January 2019.

<sup>2</sup> Panmunjom Declaration for Peace, Prosperity and Reunification of the Korean Peninsula, [http://www.mofa.go.kr/eng/brd/m\\_5478/view.do?seq=319130&srchFr=&srchTo=&srchWord=&srchTp=&multi\\_itm\\_seq=0&itm\\_seq\\_1=0&itm\\_seq\\_2=0&company\\_cd=&company\\_nm=&page=1&titleNm](http://www.mofa.go.kr/eng/brd/m_5478/view.do?seq=319130&srchFr=&srchTo=&srchWord=&srchTp=&multi_itm_seq=0&itm_seq_1=0&itm_seq_2=0&company_cd=&company_nm=&page=1&titleNm).

<sup>3</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23468&LangID=E>, accessed 24.1.19.

Republic of Korea-United States joint military exercises, cessation of military drills along the Military Demarcation Line, and the removal of guard posts in the Demilitarised Zone. On 10 May 2018, the Special Rapporteur welcomed the release of three United States nationals by the Democratic People's Republic of Korea,<sup>4</sup> as "another important building block for the prospects of peace."<sup>5</sup> He also welcomes the repatriating of US service-member remains, which enables their families to pursue the right to truth and to mourn relatives.<sup>6</sup> The Special Rapporteur hopes that the sudden finalization of the the second summit between the United States and the Democratic People's Republic of Korea, which was being held in Hanoi, Vietnam by the end of February 2019, doesn't compromise the peaceful environment for dialogue that all the parties haven working for during 2018.

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

10. From 19 to 21 November 2018, the Special Rapporteur joined the United Nations Country Team retreat in Bangkok, Thailand. His meetings with the heads of United Nations agencies operating in the Democratic People's Republic of Korea offered him valuable insights about their work in the field and their perspectives for a better future for the country. It also included discussions on the difficulties faced in carrying out mandates to address the needs of the 10.3 million people (41 per cent of the total population) who continue to suffer from food insecurity and undernutrition, and who lack access to essential health services, clean water and adequate sanitation.<sup>7</sup>

11. The Special Rapporteur continues to be concerned about the significant constraints on humanitarian operations that the international and bilateral sanctions regimes have brought.<sup>8</sup> While recognizing that the United Nations Security Council's use of sanctions is one of the legitimate enforcement measures at its disposal to fulfil its mandate to maintain or restore international peace and security, he is concerned about the possible detrimental impact on the population when sanctions target the economy as a whole. In this regard, the Special Rapporteur 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".<sup>9</sup>

12. With this in mind, the Special Rapporteur is still concerned that, in practice, humanitarian activities continue to suffer significant delays and disruption from the sanctions regime. The disruption of banking channels has made it difficult for the United Nations and other international humanitarian agencies to transfer required funds into the country. Concerns about sanctions violations from suppliers and transport companies has meant that the supply chain for delivery of humanitarian goods has often broken down, and significant delays may occur in customs clearances. The Special Rapporteur also received reports of concerns about the travel restrictions imposed by the United States Government on humanitarian workers with United States citizenship, as well as United States' blocking of essential humanitarian supplies such as surgical equipment for hospitals, stainless steel milk containers for orphanages, and hospital supplies for fighting tuberculosis and malaria being delivered by United States based humanitarian agencies. The Special Rapporteur

<sup>4</sup> Kim Hak Song, Kim Sang-duk ("Tony Kim") and Kim Dong-chul.

<sup>5</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23061&LangID=E>, accessed 24.1.19.

<sup>6</sup> UN Commission on Human Rights, Human Rights Resolution 2005/66: *Right to the Truth*, 20 April 2005, E/CN.4/RES/2005/66.

<sup>7</sup> UN Humanitarian Country Team for the Democratic People's Republic of Korea's "2018 Needs and Priorities" report of March 2018, pg 19, <https://reliefweb.int/report/democratic-peoples-republic-korea/dpr-korea-needs-and-priorities-march-2018> accessed on 10.1.19.

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

<sup>9</sup> In January and February 2019, the Sanctions Committee granted twelve new exemptions facilitating the purchase and delivery of goods related to humanitarian work in North Korea.

welcomes the decision of the US Government to relax these restrictions, and encourages further easing of sanctions and restrictions.

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

14. The Special Rapporteur notes that humanitarian actors operating in-country have access to ten out of 11 provinces, though travel remains strictly regulated by the national authorities without progress throughout the years, and access to up-to-date data continues to be a challenge.<sup>12</sup> He urges the Government of the Democratic People's Republic of Korea to provide greater access to timely and relevant data to facilitate the planning, financing and decision-making processes necessary for effective humanitarian operations directed to those most in need, including persons in detention. Further progress on improving access for humanitarian organisations to enable them to implement their programmes and reach all communities that require assistance will also help to address the reluctance among donors to provide funds.

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

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

### **A. The right to development in relation to the Government's Economic Plan**

16. In 2013, the leadership of Democratic People's Republic of Korea announced the *byungjin* policy of parallel development of the economy and nuclear weapons. In 2016-17, the country conducted nuclear tests on three occasions, and tested different types of missiles, including intercontinental ballistic missiles. In April 2018, at the Third Plenary Meeting of the Seventh Central Committee of the Workers' Party of Korea, a Resolution was passed "On Proclaiming Great Victory of the Line of Simultaneous Development of Economic Construction and Building of Nuclear Force", and it was "solemnly declared that the work for putting on a higher level the technology of mounting nuclear warheads on

<sup>10</sup> In 2017, only 30 percent of requested funds were received. UN Humanitarian Country Team for the Democratic People's Republic of Korea's "2018 Needs and Priorities" report of March 2018, pg. 8: <https://reliefweb.int/report/democratic-peoples-republic-korea/dpr-korea-needs-and-priorities-march-2018> accessed on 18.1.19.

<sup>11</sup> Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 8. See also CESCR's General Comment No. 14, para 41.

<sup>12</sup> *Supra* note 4, pgs. 12 & 16.

ballistic rockets has been reliably realized". During the meeting, a second Resolution was passed "On Concentrating All Efforts on Socialist Economic Construction to Meet Requirements of New High Stage of Developing Revolution", and it was stated that "we will create international environment favourable for the socialist economic construction and facilitate close contact and active dialogue with neighbouring countries and the international community in order to defend peace and stability on the Korean peninsula and in the world".<sup>13</sup> In his 2019 New Year address, Chairman Kim Jong Un reemphasized the importance of pursuing economic growth and "improving the people's standard of living radically", including through strengthening key sectors, such as energy production and metallurgy as well as increasing agricultural production and upgrading medical institutions.

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

18. The Special Rapporteur highlights that the important tenets for achieving the right to development are the right to non-discrimination, public participation, freedom of movement, judicial independence, government effectiveness in policymaking and service delivery, government transparency<sup>16</sup> and accountability. These standards currently do not exist in the Democratic People's Republic of Korea, or exist to a limited degree.

19. Discrimination and inequality based on *Songbun*<sup>17</sup> is a reality for the people of the Democratic People's Republic of Korea. *Songbun* plays an important role in all aspects of citizen's life, from being able to join the Korean Worker's Party, determining the amount of food rations, receiving social services, getting government jobs, accessing higher education, on assigning work and even determining where one can live. Other forms of discrimination such as those based on place of residence, economic status and gender exacerbates the inequality. Living conditions vary dramatically between the capital city Pyongyang and rural areas. The general public cannot participate in a meaningful way, such as through dialogue or providing views on governance. The Special Rapporteur is of the view that for sustainable and long lasting economic development, North Korean citizens have to have the possibility to actively participate, contribute to and enjoy the benefits of new economic opportunities.

<sup>13</sup> Information extracted from The National Committee on North Korea webpage, [www.ncnk.org](http://www.ncnk.org).

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

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

<sup>16</sup> Basic information and statistics about food, nutrition, and health come from the work of UN agencies based in the field. The Democratic People's Republic of Korea needs to modernize and publish economic, financial and social statistics to meet international standards of transparency.

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

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

21. Many people rely on earnings from small-scale market activities in the informal economy to meet their basic needs. Broadly worded provisions in the criminal code regarding market activity leaves small scale traders vulnerable to prosecution, as well as exploitation and corruption by local officials. Restrictions on the population's right to freedom of speech, movement and access to information are obstacle to addressing such exploitation and corruption. In addition to undermining efforts towards poverty reduction and exacerbating inequality, this also undermines trust in public institutions. Undoubtedly, the Government and the political system of the Democratic People's Republic of Korea faces the challenge of reconciling with these extended and expanded free market trends. Irrespective of the economic models, the Special Rapporteur believes that any reform process should allow for an inclusive environment which fosters the possibility for sustainable development and the enjoyment of the human rights recognized in the international treaties to which the Democratic People's Republic of Korea is a state party.

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

23. The Special Rapporteur recommends that given the prospects for new economic initiatives and opening up of businesses, it is the right time for the Democratic People's

<sup>18</sup> The provisions on the Right to Work are stipulated in Article 70 of the Socialist Constitution of the Democratic People's Republic of Korea and in the Labour Protection Law, 2010.

<sup>19</sup> Interview with escapee from the Democratic People's Republic of Korea.

<sup>20</sup> Likewise, Special Economic Zones, a project being developed by the authorities, will require compliance with basic labour and rights standards.

<sup>21</sup> In particular, the UN Guiding Principles on Business and Human Rights (2011).



Republic of Korea to implement the human rights based approach to development. The government should put in place and implement a robust labour standards and regulatory framework, which ensures the right to freely chose work, receive fair wages, respects the physical and mental integrity of workers, ensures occupational health and safety, promotes social dialogue between the employer and employees, and allows for right to association and collective bargaining. These policies should also be committed to eradicating forced labour in all its forms, abolishing child labour and prohibiting all forms of discrimination. The Special Rapporteur recommends that the Democratic People's Republic of Korea become a member of the International Labour Organisation and seeks its technical support to introduce and implement core labour standards.<sup>22</sup> The notion of prosperity for the Democratic People's Republic of Korea should be aimed towards creating an environment where all people including the most vulnerable ones have the opportunity to flourish at their full potential rather than about just achieving economic growth.

24. The 2030 Agenda for Sustainable Development is based on a commitment to 'leave no-one behind'. "If everyone is to benefit from economic gains, policymakers will need to reformulate their strategies and programmes to ensure that those most in need benefit fairly from current and future economic and social development".<sup>23</sup> Given the protracted humanitarian crisis that the Democratic People's Republic of Korea continues to face<sup>24</sup>, with dramatic incidence in the enjoyment of economic, social and cultural rights of the majority of the population, the Special Rapporteur recommends that the authorities explore implementing a social protection policy in the benefit of the most vulnerable. The Asia-Pacific region offers good examples of cash transfer programs, conditional or unconditional aimed to reduce poverty, such as the *Dibao*, a minimum living standard guarantee scheme in China, the *Mahatma Gandhi National Rural Employment Guarantee Scheme* in India, or the *Benazir Income Support Programme* in Pakistan.<sup>25</sup>

25. United Nations agencies working in the Democratic People's Republic of Korea have vast experience of supporting humanitarian and development initiatives, and in the opinion of the Special Rapporteur they should be viewed as a catalyst for development.<sup>26</sup> In parallel to the denuclearization process, the UN Security Council, as well as individual member states imposing unilateral coercive measures, should ease the sanctions in order to gradually integrate development initiatives in their engagement framework.<sup>27</sup> Pursuing development would also require expanding areas of cooperation with the international community.<sup>28</sup> While there is no coherent shared vision among countries on how to move forward in this direction, the ongoing negotiations present an opportunity and should shape the process of economic, social and political development in the Democratic People's Republic of Korea in consonance with international human rights standards. Indeed, the

<sup>22</sup> At the 2014 Universal Periodic Review process, the Democratic People's Republic of Korea partially accepted the recommendation to become a member of the International Labour Organization. No steps have been taken until now to implement this recommendation.

<sup>23</sup> "Sustainable Social Development in Asia and the Pacific. Towards a people-centred transformation". UNESCAP, December 2017, page. 10

<sup>24</sup> Mark Lowcock, Under-Secretary-General and Emergency Relief Coordinator, July 2018.

<sup>25</sup> UNESCAP Social Protection toolbox at <https://www.unescap.org/resources/social-protection-toolbox>. See General Observation No. 19. The Right to Social Security (art.9), Committee on Social, Economic and Cultural Rights. It is to be seen, in relation to the Leadership's commitment of *concentrating all efforts* to develop the economy, to what extent resources allocated to military will be directed towards addressing the dire living conditions of the population, particularly in the rural areas.

<sup>26</sup> Food and Agriculture Organisation, United Nations Development Programme, United Nations Population Fund, World Health Organisation, World Food Programme and United Nations Children Funds are currently operating inside the Democratic People's Republic of Korea. Other UN agencies such as UNESCO are engaging with the authorities. The Strategic Framework for the cooperation between the United Nations and the Democratic People's Republic of Korea (2017-21) includes the integration of the human rights based approach in the implementation of the programmes.

<sup>27</sup> Development initiatives have been banned by the sanctions regime.

<sup>28</sup> While the *Juche* idea of self-reliance to develop the economy continues to influence decisions by the authorities, multilateral and bilateral cooperation exchanges may gradually increase, including technical assistance and capacity building activities in the field of management, finance, governance and human rights.

right of people's to self-determination," *by virtue of which they have the right freely to determine their political status and to pursue their economic, social and cultural development*<sup>29</sup> will guide the people of the Democratic People's Republic of Korea in defining the terms of the reform process, but they will have to be "*mindful of the obligation of States to promote universal respect for and observance of human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status*"<sup>30</sup>.

## B. Rights of Persons deprived of Liberty

26. Although information regarding the current and recent situation of the system of political prison camps is very limited, the Special Rapporteur continues to receive reports about people being sent to these camps, accused of committing crimes against the State, without any legal or procedural guarantees, in a manner that amounts to enforced disappearance, with the family not knowing their whereabouts and with little or no chance of them returning to society.<sup>31</sup> Fear of being sent to these political prison camps is very real and deeply embedded in the consciousness of the ordinary citizens. Although the Democratic People's Republic of Korea continues to deny the existence of such camps, the government has an obligation under international human rights law to address this extremely serious allegations. A pragmatic approach for the government would be to provide access to international monitoring groups to those camps, and to give details of the number of detainees and locations of the detention facilities and start a genuine prison reform process. A meaningful proactive policy would also be to progressively release prisoners, a call made by the Special Rapporteur.

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

28. In May 2018, the Democratic People's Republic of Korea released from detention United States citizens Kim Hak Song, Kim Sang-duk ("Tony Kim") and Kim Dong-chul.<sup>33</sup> The Special Rapporteur issued a press statement<sup>34</sup> welcoming the release of the three United States citizens as an important building block for the prospects of peace in the Korean peninsula. However, the Special Rapporteur remains concerned about reports of foreign detainees not receiving due legal process and being held in inhumane conditions

<sup>29</sup> Preamble of the Declaration on the United Nations Declaration on the Right to Development.

<sup>30</sup> Preamble of the Declaration on the United Nations Declaration on the Right to Development.

<sup>31</sup> The 2014 Report of the commission of inquiry on human rights in the Democratic People's Republic of Korea concluded that thousands of people were being held in political prison camps (A/HRC/25/63), paras 59-63.

<sup>32</sup> Interviewees informed that detainees had to kneel, keep their head down and face towards the floor in front of MPS Officers. Moreover, if MPS Officers walk along the corridor in front of the cell, detainees are expected to bow, turn their face towards the wall and wait for the officers to pass.

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

<sup>34</sup> OHCHR, "Release of U.S. nationals by North Korea: A welcome step to further address human rights concerns- UN rights expert", 16 June 2017.

without consular access. Furthermore, he urges the authorities to release six South Korean nationals, including three pastors, who are being held in the Democratic People's Republic of Korea. As a State Party to the Vienna Convention on Consular Relations, the Democratic People's Republic of Korea has a legal obligation to provide foreign prisoners with essential protections including the freedom to communicate with and access consular officers and to arrange for legal representation with their assistance.<sup>35</sup>

29. The International Covenant on Civil and Political Rights, to which the Democratic People's Republic of Korea is a State party, prohibits torture or cruel, inhuman or degrading treatment at all times and in all circumstances. Under international law, States cannot suspend this obligation even during times of war, during internal political instability or during other public emergencies.<sup>36</sup> The Criminal Procedures Law of the Democratic People's Republic of Korea contain some provisions on the need for ensuring human rights and fair trial guarantees of detainees.<sup>37</sup> However, in practice law enforcement officials regard torture and ill-treatment as a way to secure confessions and punish detainees. The Special Rapporteur urges the authorities to undertake robust criminal justice reforms with the aim of ensuring rule of law, good governance and respect for human rights including to provide for humane conditions of detention for all persons deprived of their liberty. In this regard, the government can seek technical expertise from United Nations human rights system and other relevant actors to assist reform of the penitentiary system in line with international standards. The Special Rapporteur also urges the government to ratify the International Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol.

### C. Fundamental Freedoms

30. Surveillance and close monitoring of citizens as well as other severe restrictions on basic freedoms are widespread in the Democratic People's Republic of Korea. Remarks that are perceived to be critical of the ruling family, government or the ruling party are not tolerated. The media is fully controlled by the government and plays a dominant role in disseminating State messages. Internet access and electronic media remains limited to that provided by the Government and mobile phones can only be used for domestic calls. Making international phone calls or travelling outside of the country without the required permission is a punishable crime. Even travel within the country needs permission from state authorities and Pyongyang remains off limits for the majority of citizens. Most aspects of a citizen's life are closely monitored and people are regularly required to undergo ideological sessions. In the absence of rule of law –while rule by law exists--and with rampant corruption at all levels, these restrictions not only curtail the people's right to form and express opinions, engage in constructive dialogue, participate in public affairs, explore and innovate new ideas, and seek new economic opportunities but also allows the government to exercise constant control over its citizens through fear, punishment and coercion. The restrictions on the fundamental freedoms as well as the fear of state authorities and surveillance is so deeply ingrained in the North Korean society that one of the escapees the Special Rapporteur met with in Seoul during his recent visit concluded: "The whole country is a prison". The Special Rapporteur also continues to receive reports of arrest and detention of individuals for traveling outside of the country, for making phone calls to their relatives outside of the Democratic People's Republic of Korea, for watching and listening to music and movies from the Republic of Korea and for selling products from the so-called "hostile countries".<sup>38</sup>

31. The Special Rapporteur is of the view that the Democratic People's Republic of Korea cannot achieve its commitment towards advancing peace and security in the region by continuing to implement harsh and regressive policies and practices against its own

<sup>35</sup> Article 36 (b) and (c) of the Vienna Conventions on Consular Relations, 1963.

<sup>36</sup> Article 7 and Article 4(2) of the International Covenant on Civil and Political Rights.

<sup>37</sup> Article 6 and Article 37 of the Criminal Procedure Law of the Democratic People's Republic of Korea.

<sup>38</sup> United States, Republic of Korea and Japan are referred to as the so called hostile states.

citizens. If the Democratic People's Republic of Korea genuinely wants to end the era of self-isolation and be recognized as a responsible member of the international community, it is imperative that it makes a fundamental shift in the way it functions and embraces the universal core value of respecting human rights. The Special Rapporteur reiterates his call to the Democratic People's Republic of Korea to create an environment for progress in the human rights situation, where people have the right to receive and express opinions, participate in public affairs, have freedom of movement, including the right to leave one's own country, and are protected from arbitrary implementation of the law. This is, in view of the Special Rapporteur, the one and only route through which the Democratic People's Republic of Korea can achieve its goal of stability, national security and inclusive prosperity.

#### **D. Separated Families**

32. In August 2018, a total of 170 people from the Democratic People's Republic of Korea and the Republic of Korea met with their family members from whom they had been separated since the Korean war.. The Special Rapporteur issued a press statement welcoming the resumption of family reunion events, which had not taken place since October 2015.<sup>39</sup> He highlighted that family reunions were a significant step on the path to fully respecting and honouring the human rights of all people living in the Korean peninsula and beyond. During his recent visit to Republic of Korea, the Special Rapporteur discussed the issue of separated families with the Government authorities and the President of the Korean Red Cross. The Special Rapporteur was pleased to be informed of the ongoing progress in connecting family members including through video messages. According to the separated family information integrated system, of the total 132,603 applicants who registered to meet their separated families, 56,862 persons are still alive and 85 percent of them are in their seventies. Bearing in mind the ages of those affected, the Special Rapporteur urges both sides to arrange more of these reunions as soon as possible so that more people can get together with their relatives and are allowed to remain in touch with them. Sustainable long-term channels for family members to maintain permanent contact through regular written correspondence, telephone communications and video messaging should be established. The Special Rapporteur expressed to the authorities of the Republic of Korea his desire to participate in any such events as an observer.

#### **E. Situation of people repatriated**

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

34. The Special Rapporteur highlights the obligation of China under international human rights and refugee law not to repatriate persons from the Democratic People's Republic of Korea,<sup>40</sup> and to grant permission to the UN Refugee Agency to travel to relevant border areas to enable North Korean escapees access to their right to seek asylum from persecution.<sup>41</sup> He continues to receive allegations which reveal the systematic nature of serious human rights violations committed against persons repatriated to the Democratic People's Republic of Korea, including torture and sexual violence. The systematic nature

<sup>39</sup> HCHR, Family reunions between North and South Koreans welcomed by UN Special Rapporteur, 20 August 2018 <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23468&LangID=E>

<sup>40</sup> This includes obligations China has as a state party to the 1951 Refugee Convention and its 1967 protocol.

<sup>41</sup> As protected under Article 14(1) of the UDHR.

of the violations stem from a criminal code which continues to severely limit the freedom to leave the country<sup>42</sup> - a right which is enshrined in international human rights law<sup>43</sup> - together with a penal system which denies due process and fair trial guarantees.<sup>44</sup> Human rights violations occur systematically during interrogation, which involves torture, cruel or degrading treatment, during the invasive strip searches of suspected escapees, and through the violence, detainees are subjected to as part of disciplinary procedures. Furthermore, serious human rights violations derive from detention conditions in cramped cells with inadequate water, sanitation and hygiene; the denial of access to recreation; forced labour in dangerous conditions; and grossly inadequate food and healthcare. While the primary obligation rests with the Government of the Democratic People's Republic of Korea State to address these systematic human rights violations through legal and institutional reforms, the Special Rapporteur highlights that North Korean escapees should be protected by China and other States as refugees *sur place*.

35. In addition to these unilateral measures, the Special Rapporteur urges high-level dialogue between China and the Democratic People's Republic of Korea to develop a policy to help ensure the rights of citizens of the Democratic People's Republic of Korea who live in China or transit through its territory are upheld according to international human rights and refugee law. The policy should protect freedom of movement, and allow persons to seek asylum in countries of their choosing, as well as protect persons from abuse by third parties. In this regard, the Special Rapporteur highlights that people's desire to access life's basic necessities by crossing the borders of Democratic People's Republic of Korea, combined with the threat of prosecution and harsh punishment if caught leaves potential escapees extremely vulnerable to human trafficking, in particular women trafficked into forced marriages with Chinese men or into sex work. The Special Rapporteur highlights that the State's human rights obligations extend to the positive obligation to protect persons within their jurisdiction against abuse by third parties. In this respect, he notes that the Government of China has taken some recent steps to address trafficking, including by cooperating with international authorities to address forced and fraudulent marriages in China; seeking criminal accountability for officials complicit in commercial sex crimes that may have included sex trafficking; and continuing trainings for officials on victim identification and assistance, in conjunction with international organizations. The Special Rapporteur urges the Governments of China and the Democratic People's Republic of Korea to work together to tackle human trafficking utilising a victim-centred approach as required by international standards.<sup>45</sup>

<sup>42</sup> Article 221 of the Criminal Law of the Democratic People's Republic of Korea states that, "A person who illegally crosses the border shall be committed to disciplining through labour of less than one year. In case the above-mentioned act constitutes a grave offence, he or she shall be committed to reform through labour of less than five years." Furthermore, Article 63 states: "A citizen who defects to a foreign country in betrayal of the country, or commits such a traitorous act as betraying secret shall be committed to more than five years of reform through labour. In case of an extremely grave crime, he or she shall be given the penalty of reform through labour for an indefinite period or the death penalty and the penalty of confiscation of property."

<sup>43</sup> Article 13 (2) of the Universal Declaration of Human Rights states: "Everyone has the right to leave any country, including his own, and to return to his country." Article 12(2) of the International Covenant on Civil and Political Rights (ICCPR), to which Democratic People's Republic of Korea is a State party, affirms: "Everyone shall be free to leave any country, including his own."

<sup>44</sup> As protected, *inter alia*, under articles 3, 6-11 of the UDHR, and articles 9, 14-16 of the ICCPR.

<sup>45</sup> The Recommended Principles and Guidelines on Human Rights and Human Trafficking, developed by OHCHR, provide practical, rights-based approach policy guidance on the prevention of trafficking and the protection of trafficked persons and can facilitate the integration of a human rights perspective into national, regional, and international anti-trafficking laws, policies and interventions. The Guidelines and their implementation should be considered within the broader framework of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime and other relevant conventions and treaties.

## V. Third Universal Periodic Review: Opportunities

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

37. The success of the Universal Periodic Review depends on how well the recommendations are implemented and how it ultimately contributes to improving the human rights situation on the ground. During the 2014 Universal Periodic Review, the Democratic People's Republic of Korea accepted 113 recommendations, including: increasing dialogue, consultations and cooperation with UN bodies including UN human rights mechanisms and OHCHR; working closely with humanitarian agencies to ensure free and unimpeded access to all populations in need; improving the national human rights protection system; increasing women's participation in decision making positions; strengthening the independence of the judiciary; creating national mechanisms to review complaints on human rights violations and; ensuring the right to access to information. Many of these recommendations remain to be implemented. In the upcoming review, the Democratic People's Republic of Korea should show willingness to engage in an open and frank discussion with member states on what efforts it has made to implement these recommendations and whether these efforts were adequate to bring about positive human rights changes in the country. It should also provide credible evidence and data to substantiate its claims. The Special Rapporteur acknowledges that these discussions can be hard and contentious but, if taken in the spirit of collaboration and cooperation, will be extremely important for a meaningful human rights dialogue. Member states also have a responsibility to support the Democratic People's Republic of Korea by making concrete and implementable recommendations, by monitoring their implementation, and by providing technical and financial support to implement them.

38. The Special Rapporteur is conscious that, due to limitations on the right to freedom of expression and opinion and the right to freedom of association and assembly, it is not possible for independent civil society organisations to operate in the Democratic People's Republic of Korea. Therefore, as in previous cycles, no civil society organisations based in the country submitted stakeholders reports.<sup>46</sup> The Special Rapporteur encourages the government to create a conducive environment where civil society organisations can function independently without fear of surveillance, arrest or other forms of punishment. The Special Rapporteur also stresses that the upcoming Universal Periodic Review should be used as an opportunity to promote human rights dialogue within the country. The Government should organise consultations on the human rights situation in the country with different stakeholders as well as translate the national report and the Universal Periodic Review outcome document into the Korean language and widely disseminate them to the general public. Following the review, the government should establish an inter-ministerial national mechanism for reporting and follow-up to strengthen coordination and implementation of recommendations and to develop a national plan for implementing recommendations. OHCHR and UN agencies working in the Democratic People's Republic of Korea can provide technical support to the government in implementing the recommendations.

39. The Special Rapporteur reiterates his call to the Democratic People's Republic of Korea and the High Commissioner for Human Rights to continue to explore cooperation in

<sup>46</sup> The Universal Periodic Review foresees the involvement of civil society organisations at all stages including during the drafting of the national report, during the review itself, in the monitoring and follow-up of the implementation of the recommendations, and in providing alternative information on the human rights situation in the country.

areas such as technical assistance, with a view to inviting the High Commissioner to the country as a first step towards a meaningful engagement.

## **VI. Progress in the accountability agenda**

40. In accordance with Resolution 34/24 of March 2017, the Human Rights Council decided to strengthen OHCHR's capacity for two years, including its field-based structure in Seoul, to implement the recommendations made by the group of independent experts on accountability. OHCHR was mandated to strengthen its monitoring and documentation efforts, establish a central information and evidence repository and to assess all information and testimonies with a view to developing strategies to be used in any future accountability process.<sup>47</sup> In carrying out this mandate, OHCHR conducted interviews with escapees from the Democratic People's Republic of Korea, analysed available information from an accountability standpoint, and set up an electronic repository to preserve relevant information and analysis for future accountability purposes.

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

## **VII. Engagement with the mandate**

42. The Government of the Democratic People's Republic of Korea continues to refuse to engage with the mandate of the Special Rapporteur, an attitude maintained since the mandate was established in 2004.<sup>48</sup> Despite repeated requests to the North Korean authorities calling for cooperation with the mandate, the Special Rapporteur has not been able to exchange views either by meeting with the authorities in person or through the exchange of letters. The government has also denied access to the Democratic People's Republic of Korea. The Special Rapporteur recommends the Democratic People's Republic of Korea to review its position and to initiate dialogue and cooperation with his mandate. He reiterates his call that the rapid progress being made in the dialogue on denuclearization and peace, which is on the interest of the parties involved but also of the international community, be accompanied with a parallel track on human right diplomacy. The Special Rapporteur will continue to seek opportunities for formal and informal engagement with the authorities from the Democratic People's Republic of Korea.

## **VIII. Conclusion**

43. With the positive developments in the past year 2018, it is all the more regrettable that the serious human rights situation on the ground in the Democratic People's Republic of Korea remains unchanged. Surveillance and close monitoring of all citizens as well as other severe restrictions on their basic freedoms, including freedom of movement, continues to be pervasive, with fear among the population to be sent to prisons, particularly political prison camps, being very real and deeply embedded in the consciousness of all North Koreans.

<sup>47</sup> A/HRC/RES/34/24, para. 12.

<sup>48</sup> The Commission on Human Rights in its resolution 2004/13 of 15 April 2004 requested the Chairperson of the Commission to appoint a Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

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

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

## **IX. Recommendations**

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

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

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

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

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

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

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

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

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

(i) **Consider seeking technical assistance from the United Nations human rights system as well as that of the International Committee of the Red Cross to conduct nationwide review of the detention conditions, to reform the penitentiary**



system in line with international standards and to train law enforcement and prison officials on human rights in prisoner care, management and custody;

(j) Ratify the International Convention against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment and its Optional Protocol;

(k) Use the third cycle of the universal periodic review, in May 2019, as an opportunity to initiate constructive human rights dialogue with the international community; Consider sending a high level delegation, preferable at the ministerial level; Organise human rights consultations with different stakeholders inside the country and disseminate the Universal Periodic Report National Report in Korean language to the public;

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

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

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

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

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

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

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

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

48. The Special Rapporteur recommends that China:

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

(b) Consider adopting a legal and policy framework for citizens of the Democratic People's Republic of Korea who live in China or who transit through its territory that would allow them to seek asylum on a case-by-case basis, or to apply for settlement in countries of their choosing as well as 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.

49. The Special Rapporteur recommends that the international community:

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

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

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

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

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

50. The Special Rapporteur recommends that the United Nations:

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

(b) Support technical cooperation projects on human rights with the Democratic People's Republic of Korea, including in the implementation of the Universal Periodic Review recommendations;

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

51. The Special Rapporteur recommends that the Human Rights Council:

(a) Consider extending the mandate of the OHCHR accountability team and provide appropriate resources to OHCHR to meaningfully implement the project.

(b) The Special Rapporteur recommends that civil society organizations:

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

(d) Engage with the member states to advocate for including human rights in the peace and denuclearisation talks;

(e) Reach out to humanitarian organizations to develop synergies that can support advancing human rights inside the Democratic People's Republic of Korea;

(f) Use the third cycle of the Universal Periodic Review, in May 2019, as an opportunity to continue its efforts to advance the human rights situation in the Democratic People's Republic of Korea and to highlight the status of implementation of the recommendations accepted during the first and second cycles.

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