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**Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives**

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

### **Report of the Secretary-General**

#### *Summary*

The present report is submitted pursuant to General Assembly resolution [74/166](#) on the situation of human rights in the Democratic People's Republic of Korea. It provides an overview of the human rights situation in the country from September 2019 to July 2020, including in the context of the coronavirus disease (COVID-19) pandemic. The report also describes the engagement of the Government of the Democratic People's Republic of Korea with the United Nations in the area of human rights.

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\* [A/75/150](#).



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## I. Introduction

1. The present report is submitted pursuant to General Assembly resolution [74/166](#) on the situation of human rights in the Democratic People's Republic of Korea. It gives an update on the human rights situation in the country since September 2019, when the Secretary-General reported to the General Assembly at its seventy-fourth session (see [A/74/268](#)). The report provides an overview of the situation regarding civil, political, economic and social rights in the country, including in the context of the coronavirus disease (COVID-19) pandemic.
2. The report also provides an overview of the Government's cooperation with the United Nations concerning the human rights situation in the country and its engagement with the United Nations human rights mechanisms in that regard. During the reporting period, the Democratic People's Republic of Korea underwent its third universal periodic review in September 2019.
3. The continued lack of access to the country and the perpetuation of severe restrictions on seeking and receiving independent information remained obstacles to obtaining comprehensive and up-to-date information. Nevertheless, the information gathered by the Office of the United Nations High Commissioner for Human Rights (OHCHR) through interviews with individuals who have left the Democratic People's Republic of Korea, as well as from United Nations agencies and other organizations working in the country and credible secondary sources, continues to point to persisting patterns of serious human rights violations.
4. The Secretary-General reiterates his call for the constructive engagement of the Government of the Democratic People's Republic of Korea to address human rights issues and makes recommendations to the Government and the international community aimed at improving the human rights situation.

## II. Political context

5. The reporting period was marked by a deterioration in inter-Korean relations. On 3 March 2020, the First Vice-Department Director of the Central Committee of the Workers' Party of Korea, Kim Yo Jong, who is the sister of Chairman Kim Jong Un, condemned the Office of the President of the Republic of Korea for criticizing the weapons test by the Democratic People's Republic of Korea on 2 March. On 4 June, Kim Yo Jong urged the Republic of Korea to end the activities of defectors' organizations based on its soil, referring to balloons with leaflets sent to the northern side of the demilitarized zone. On 9 June, the Government of the Democratic People's Republic of Korea severed all inter-Korean communication channels.
6. In March 2020, the Democratic People's Republic of Korea carried out launches of various missiles on four separate occasions. Following the launches on 29 March, the Republic of Korea called on the Democratic People's Republic of Korea to immediately halt such military acts, noting that they had been carried out at a time when the world was facing difficulties owing to COVID-19. On 5 and 31 March, the Security Council convened consultations to discuss the missile launches.
7. On 26 February, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Tomás Ojea Quintana, called for a review of sanctions against the country in the context of the COVID-19 outbreak and for further

study of their impact on the human rights situation.<sup>1</sup> On 9 June, in a media statement, he reiterated concerns over the detrimental impact of the sanctions and recommended actions to the Democratic People's Republic of Korea and the international community to better protect the human rights of people in the country amid efforts to contain COVID-19.<sup>2</sup> On 24 March, the United Nations High Commissioner for Human Rights stressed that "broad sectoral sanctions should urgently be re-evaluated in countries facing the coronavirus pandemic, in light of their potentially debilitating impact on the health sector and human rights".<sup>3</sup> The Security Council Committee established pursuant to resolution 1718 (2006) expedited exemption requests related to COVID-19.<sup>4</sup>

### III. Overview of the situation of human rights in the Democratic People's Republic of Korea

#### A. Human rights violations in places of detention

8. During the reporting period, OHCHR continued to interview escapees previously detained in the Democratic People's Republic of Korea.<sup>5</sup> The lack of access to the Democratic People's Republic of Korea remained a major impediment to OHCHR in verifying allegations received during the interviews. The Office evaluates the reliability and credibility of all accounts, including their coherence and consistency with other accounts.

9. The accounts documented by OHCHR during the reporting period add to the growing body of information revealing consistent patterns of human rights violations committed in places of detention. There is now considerable information documented in relation to places of detention in Hyesan city and Pochon County, Ryanggang Province; Kaechon city, Pyongnam Province; Sinuiju city, Pyongbuk Province; and Hoeryong city and Onsong County, Hambuk Province.

10. The High Commissioner for Human Rights, in her oral update to the Human Rights Council at its forty-third session, highlighted that monitoring by OHCHR indicates that systematic human rights violations are committed in detention centres, including sexual violence against women and girls. She added that these violations appear to take place under the direct authority of the Ministry of People's Security and the Ministry of State Security, with the likely involvement of higher authorities. She noted that such violations may amount to crimes against humanity, which could give rise to the individual criminal responsibility of State officials.

<sup>1</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR), "North Korea and the international community should join forces to tackle COVID-19, says UN expert", 26 February 2020. See also OHCHR, "COVID-19: economic sanctions should be lifted to prevent hunger crises – UN expert", 31 March 2020; and OHCHR, "UN rights expert urges Governments to save lives by lifting all economic sanctions amid COVID-19 pandemic", 3 April 2020.

<sup>2</sup> OHCHR, "Media statement by the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea", 9 June 2020.

<sup>3</sup> OHCHR, "Bachelet calls for easing of sanctions to enable medical systems to fight COVID-19 and limit global contagion", 24 March 2020.

<sup>4</sup> See [www.un.org/securitycouncil/sanctions/1718/exemptions-measures/humanitarian-exemption-requests](http://www.un.org/securitycouncil/sanctions/1718/exemptions-measures/humanitarian-exemption-requests).

<sup>5</sup> The detailing of human rights violations committed in the country's places of detention in the previous report of the Secretary-General to the General Assembly (A/74/268, paras. 7–18) remains valid, with no evidence of progress in addressing the situation received during the reporting period.

11. As at June 2020, six citizens of the Republic of Korea remained detained in the Democratic People's Republic of Korea. No information is available regarding their health or the conditions of their detention, or whether they have access to consular assistance.

## 1. Women in detention

12. On 28 July 2020, OHCHR issued a report on the situation of women in detention in the Democratic People's Republic of Korea,<sup>6</sup> in which it described widespread ill-treatment of women who had escaped the Democratic People's Republic of Korea and were subsequently repatriated. OHCHR interviews with over 100 women, upon which the report was based, revealed the gender-specific human rights violations experienced by women when subjected to arrest and detention, notably an increased risk of sexual violence (including during strip searches and invasive body searches) and other forms of gender-based physical and verbal violence; the denial of access to facilities and materials required to meet their specific hygiene needs; the denial of gender-specific health-care services; and violations of sexual and reproductive rights. Other human rights violations have physical and mental impacts specific to women, such as the denial of the right to food causing interrupted menstrual cycles and malnutrition having specific impacts on pregnant and breastfeeding women (and their children).

## 2. Political prison camps

13. The Government of the Democratic People's Republic of Korea continues to deny the existence of political prison camps (*kwanliso*) run by the Ministry of State Security, and it remains impossible to verify the number of persons held in these camps.<sup>7</sup>

14. The process through which individuals are sentenced to imprisonment in political prison camps remains secretive. It appears from witness accounts documented by OHCHR that the Ministry of State Security conducts an investigation to determine whether a suspect has committed a political crime and other acts deemed to undermine the State, which may include contacting people from the Republic of Korea or Christian groups. If a person is found to have committed a political crime, it appears that no trial takes place and that the prosecutor's office of the Ministry of State Security unilaterally determines guilt and sentencing on the basis of its own investigation.<sup>8</sup> If the Ministry determines that an individual has committed an "ordinary crime", the suspect is transferred to the Ministry of People's Security for further investigation in accordance with criminal procedures.

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<sup>6</sup> OHCHR, *Human Rights Violations against Women Detained in the Democratic People's Republic of Korea: "I Still Feel the Pain..."* (2020).

<sup>7</sup> During the reporting period, the non-governmental organization NK Watch estimated that 135,000 political prisoners continued to be held in four political prison camps. In 2013, the Korea Institute for National Unification, a think tank funded by the Government of the Republic of Korea, estimated that between 80,000 and 120,000 political prisoners were detained in five political prison camps (Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2019*, pp. 451–452).

<sup>8</sup> OHCHR, *Human Rights Violations against Women Detained in the Democratic People's Republic of Korea*, pp. 28, para. 76, and 69. See also Korea Institute for National Unification, *White Paper*, pp. 149–151.

15. People who are at risk of being sent to political prison camps include those suspected of trying to leave for the Republic of Korea<sup>9</sup> or of trafficking people there, those suspected of providing information to the Republic of Korea, those meeting with missionaries and members of the elite who have fallen out of favour with the Government.

16. Inmates in the camps are vulnerable to the same violations as those in other places of detention, such as exploitation through forced labour; physical and mental violence and mistreatment; and inadequate nutrition, sanitation and health care. They are also vulnerable to enforced disappearance given the clandestine nature of the camps, which operate without judicial oversight, and the fact that family members of detainees are not informed of their whereabouts.

## **B. Rights to freedom of expression, freedom of thought, conscience and religion, and freedom of association and peaceful assembly**

17. The Democratic People's Republic of Korea continues to severely restrict the rights to freedom of expression, freedom of thought, conscience and religion, and freedom of association and peaceful assembly, despite its international legal obligations, including those under articles 18, 19, 21 and 22 of the International Covenant on Civil and Political Rights. During the reporting period, there was no evidence of any improvement with respect to the fulfilment of these fundamental rights and freedoms.<sup>10</sup>

18. The Government maintains a monopoly over information<sup>11</sup> and retains total control of organized social life (see [A/HRC/25/CRP.1](#)). It runs a pervasive system of surveillance through entities such as the Youth League, the Union of Agricultural Workers, the Socialist Women's Union and the neighbourhood watch units (*inminban*). The *inminban* cover from 20 to 40 households, and escapees have consistently reported to OHCHR that the units serve as a surveillance tool, whereby people are encouraged to spy on neighbours and report to the authorities. *Inminban* leaders or other groups, such as Group 109,<sup>12</sup> may conduct house searches without prior notice or warrants. Escapees have reported that it is safe to confide in close family members only.

19. Despite the maintenance of strict State controls, information from outside the country continues to enter through the movement of people across the land border with China, including for work and trade. Moreover, new information technologies are increasingly available through private markets. While new technology offers more means for people to gain access to information, it also provides more opportunities for State surveillance. For example, it enables more accurate location tracking of

<sup>9</sup> In the first quarter of 2020, 135 escapees (96 women and 39 men) from the Democratic People's Republic of Korea arrived in the Republic of Korea, compared with 229 during the same period in 2019. See Republic of Korea, Ministry of Unification, "Policy on North Korean defectors" (accessed on 10 April 2020).

<sup>10</sup> More broadly, there is no credible evidence that the situation documented by the commission of inquiry on human rights in the Democratic People's Republic of Korea ([A/HRC/25/CRP.1](#), para. 259) has improved.

<sup>11</sup> The State owns and controls all telecommunications, postal and broadcasting services and regulates all information through its Propaganda and Agitation Department. No independent media, literature or cultural performances are permitted.

<sup>12</sup> Group 109 is an interdepartmental censorship body that was established in 2004 to assist with the censoring of foreign media, publications, radio and DVDs. The number "109" stands for the date on which the order to control foreign media publications was issued (9 October). Officials are dispatched to the group from a range of organizations, including the Propaganda and Agitation Department, the Ministry of State Security and the Ministry of People's Security.

people making calls from mobile phones,<sup>13</sup> improved monitoring of the land border with China<sup>14</sup> and the jamming of signals from foreign broadcasters. The country continues to operate an Internet system that allows access to domestic websites and email only, preventing access to the World Wide Web.

20. The Criminal Code contains broadly formulated provisions for harsh sentences that enable the criminalization of any speech or other actions deemed political. For instance, article 60 criminalizes demonstrations opposing the State; article 62 criminalizes “propaganda and agitation with a view to opposing the State”; and article 68 criminalizes “betraying the interests of the Korean nation to imperialists”. Cases deemed “grave” under these articles are subjected to “reform through labour for an indefinite period” or the death penalty.<sup>15</sup> The widespread fear of being sent to a political prison camp further buttresses a culture of self-censorship against any comments or actions that may be interpreted as critical of the State and its policies.

### C. Right to freedom of movement

21. During the reporting period, freedom of movement within and outside the country remained severely curtailed, with citizens required to obtain permission for travel within the country and for travel abroad, which is effectively prohibited (see [A/73/308](#), paras. 23–24).

22. In the light of the punishments for those who were returned from travelling abroad without permission, the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea sent numerous communications, including to the Governments of China and the Republic of Korea, in which he detailed concerns about the repatriation of escapees to the Democratic People’s Republic of Korea and outlined States’ respective obligations under international law.<sup>16</sup>

23. On 7 November 2019, the Republic of Korea repatriated to the Democratic People’s Republic of Korea two alleged fishermen who were alleged by the Republic of Korea to be involved in the killing of 16 crew members on a ship. The Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea expressed concern that “the decision was taken without due process and that the two men are at risk of serious human rights violations upon their return, including enforced disappearance, arbitrary execution, torture and ill-treatment, and trials that do not conform to international fair trial standards” ([A/HRC/43/58](#), para. 19). In February 2020, the Government of the Republic of Korea responded to a joint communication sent by the special procedures of the Human Rights Council,<sup>17</sup> noting that its decision to expel the two men had been made on the grounds that they were

<sup>13</sup> The Government launched a domestic mobile phone service in 2008, and it is estimated that there are now 5 million mobile phones in the country. The phone network is operated under a joint venture with Orascom Telecom of Egypt.

<sup>14</sup> Martyn Williams, *Digital Trenches: North Korea’s Information Counter-Offensive* (Washington, D.C., Committee for Human Rights in North Korea, 2019), pp. 11, 16 and 35–37.

<sup>15</sup> See International Covenant on Civil and Political Rights, art. 6. In its general comment No. 36 (2018) on the right to life ([CCPR/C/GC/36](#)), the Human Rights Committee highlights that deprivation of life authorized by domestic law may still be arbitrary, as the notion of “arbitrariness” includes elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity and proportionality (para. 12).

<sup>16</sup> All communications and replies received are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

<sup>17</sup> The joint communication is available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24975>.

“heinous” criminals and that their intent to defect to the Republic of Korea was disingenuous.<sup>18</sup>

24. The Government has implemented strict measures in response to COVID-19, including further restrictions on the freedom of movement of people and goods. In late January, the authorities announced the suspension of all travel in and out of the country, imposed travel restrictions between cities and regions, and introduced strict quarantine measures.<sup>19</sup> All commercial flights in and out of the country have been suspended since February, cross-border train services to China and the Russian Federation have been closed since early February, and sea and road connections to China and the Russian Federation have mostly been closed since mid-February.<sup>20</sup> As at 24 June, the authorities had reported no cases of COVID-19.

#### D. Rights to food, water and sanitation

25. Pursuant to its obligations under article 2, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights, the Democratic People’s Republic of Korea has a duty to deploy the maximum available resources to fulfil its core obligations under the Covenant, including to ensure access to the minimum essential levels of food, water and sanitation, without discrimination.<sup>21</sup> The COVID-19 pandemic poses further challenges to the State in fulfilling these obligations.

26. According to United Nations entities operating in the Democratic People’s Republic of Korea, 10.4 million people are in need of humanitarian assistance, including nutrition support, and improved access to basic services, such as health services, clean water, sanitation and hygiene, and 10.1 million people – 40 per cent of the population – are food insecure and in urgent need of food assistance.<sup>22</sup> According to the 2019 Global Hunger Index, the country has a score of 27.7, which is classified as “serious”. According to *The State of Food Security and Nutrition in the World* report of 2019, the prevalence of undernutrition in the total population of the Democratic People’s Republic of Korea was 47.8 per cent in 2016–2018, meaning that 12.2 million people were estimated to be undernourished.

27. Children, pregnant and breastfeeding women and older persons, particularly in rural communities, remain most vulnerable to violations of their right to food. Faced with food shortages, people often adopt negative coping strategies, such as skipping meals or reducing meal portions. One third of children aged 6 to 23 months do not

<sup>18</sup> The response of the Republic of Korea Government is available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=35189>.

<sup>19</sup> The opening of the school year was also postponed, and all events and meetings were suspended. The State emergency anti-epidemic headquarters was activated to coordinate the response (see [www.globalsecurity.org/wmd/library/news/dprk/2020/dprk-200130-kcna01.htm](http://www.globalsecurity.org/wmd/library/news/dprk/2020/dprk-200130-kcna01.htm)).

<sup>20</sup> On 27 February, Pyongyang announced that the border would remain closed until a cure for COVID-19 is found. However, container traffic at Nampho reportedly resumed on 11 March, and there were reports of vessels regularly traversing the Nampho-Dalian water route by mid-May.

<sup>21</sup> The Democratic People’s Republic of Korea became a State party to the International Covenant on Economic, Social and Cultural Rights on 14 September 1981. See International Covenant on Economic, Social and Cultural Rights, arts. 11 and 12. See also Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990) on the nature of States parties’ obligations (E/1991/23-E/C.12/1990/8, annex III, para. 10); and Committee on Economic, Social and Cultural Rights, general comment No. 14 (2000) on the right to the highest attainable standard of health (E/C.12/2000/4, paras. 43–49).

<sup>22</sup> Office for the Coordination of Humanitarian Affairs, *DPR Korea Needs and Priorities 2020*, (2020), pp. 5, 14, 22, 23, 36 and 38. The calculation of food security is based on a new methodology that uses household food consumption data collected during the joint food security assessment conducted by the Food and Agriculture Organization of the United Nations and the World Food Programme in April 2019. It therefore reflects a lower number of people compared with that reported in 2019 (10.9 million people).



receive the minimum acceptable diet because they do not receive the minimum diversity of foods or the minimum number of feedings.

28. Despite significant progress to overcome underweight, stunting and wasting over the past two decades, nearly 1 in 10 children under the age of 5 years is underweight, and nearly one in five children is stunted (owing to chronic malnutrition) and faces the prospect of impaired physical and cognitive growth.<sup>23</sup> Stunting reaches 27 per cent of children within the poorest 20 per cent of the population, compared with 14 per cent among the richest 40 per cent. There are also wide variations in the rate of stunting between provinces, ranging from 10 per cent in Pyongyang to 32 per cent in Ryanggang. The proportion of stunted children increases sharply after the age of 1 year owing to continuing poor practices in complementary feeding. Stunting among children aged from 48 to 59 months in the poorest 20 per cent of the population is 41 per cent.

29. Chronic and acute malnutrition is also linked to unsafe drinking water, poor sanitation and hygiene, and the absence of essential medicines. About 33 per cent of the population – 8.4 million people – do not have access to a safely managed water source, and the proportion rises to 50 per cent in rural areas.<sup>24</sup> One in five people do not have access to basic sanitation facilities.<sup>25</sup> Much of the population is therefore regularly exposed to the risk of waterborne diseases, such as diarrhoea, which is among the leading causes of child mortality and malnutrition in the country.<sup>26</sup> The lack of safe water makes it difficult to follow the hygiene guidelines issued by the authorities to prevent the spread of COVID-19.<sup>27</sup>

30. COVID-19 measures have further hindered the realization of the right to food, compounding chronic food insecurity and malnutrition.<sup>28</sup> The economy remains agriculture-based, and the impediments to planting and the inability to move internally or import seeds and food under the COVID-19 restrictions have further heightened food insecurity. Furthermore, restrictions on the freedom of movement of people and goods have resulted in a near halt of trading and exchange for a few months, delays in the importation of materials, and long quarantines for people and cargo. Imports from China in March 2020 reportedly declined by nearly 91 per cent compared with March 2019.<sup>29</sup>

<sup>23</sup> United Nations Children's Fund (UNICEF), *Analysis of the Situation of Children and Women in the Democratic People's Republic of Korea 2019* (Pyongyang, 2019), p. 54.

<sup>24</sup> Office for the Coordination of Humanitarian Affairs, *DPR Korea Needs and Priorities*, p. 44.

<sup>25</sup> *Ibid.*, p. 14.

<sup>26</sup> *Ibid.*, p. 47.

<sup>27</sup> See, for instance, Phuong DPRK Daily, "DPRK TV: common knowledge to prevent coronavirus epidemic (Engl. subt.)", video broadcast on Korean Central Television on 26 February 2020. Available at [www.youtube.com/watch?v=iZA-H63ScfY](http://www.youtube.com/watch?v=iZA-H63ScfY).

<sup>28</sup> The country was referred to by the World Food Programme as one of the chronically food insecure countries most vulnerable to the economic and food security implications of the COVID-19 pandemic (World Food Programme, "COVID-19: potential impact on the world's poorest people – a WFP analysis of the economic and food security implications of the pandemic", April 2020, p. 13).

<sup>29</sup> Troy Stangarone, "North Korea's trade with China continues rapid decline", *The Diplomat*, 9 May 2020.

31. COVID-19 restrictions on the movement of goods and people across country borders and within the country have further prevented people from resorting to coping strategies in order to realize their right to food, such as engaging in private market activity in response to the failing public distribution system.<sup>30</sup> A survey of recent escapees indicated that nearly 50 per cent of them had made a living in the “private sector” between 2016 and 2019 before leaving for the Republic of Korea.<sup>31</sup> Others reported that average citizens now earn at least two-thirds of their income through *jangmadang* – the illicit-but-tolerated markets.<sup>32</sup> Before the COVID-19 restrictions, they were already vulnerable to a range of human rights violations, including of the right to freedom of movement, and arbitrary arrest and detention,<sup>33</sup> and their already limited market opportunities are likely to be further curtailed. On 7 May, in the context of COVID-19, the High Commissioner for Human Rights sent a letter to the Democratic People’s Republic of Korea in which she highlighted the need to take steps to ensure a secure environment for people living in poverty to gain access to essentials, including a safe environment for market activities to take place.

32. COVID-19 measures have also had an impact on the efforts of humanitarian actors to address food insecurity and malnutrition. Following the closure of borders and the introduction of strict quarantine measures, United Nations personnel have been unable to return to the country. As at June 2020, fewer than 25 per cent of the regular international United Nations staff were present in the country. Moreover, since June 2020, field visits outside Pyongyang have not been permitted, which has prevented humanitarian actors from delivering and monitoring humanitarian assistance. Consequently, in food-insecure counties, very limited assistance has been provided to people in need, including pregnant and breastfeeding women, children and tuberculosis patients, or to paediatric wards in hospitals. The risk has therefore increased for approximately 560,000 beneficiaries who will not be receiving their daily micronutrient-fortified cereals and biscuits. Children are particularly at risk because they have not been able to return for very long to nurseries or kindergartens, from which they receive humanitarian provisions, since the beginning of the school holidays at the end of 2019 owing to the subsequent COVID-19 restrictions.<sup>34</sup>

## E. Right to health

33. Pursuant to its obligations under article 2, paragraph 1 of the International Covenant on Economic, Social and Cultural Rights, the Democratic People’s Republic of Korea has a duty to ensure the minimum essential levels of the right to the highest attainable standard of physical and mental health. Although the health infrastructure network covers the entire country with a relatively high number of health personnel, it continues to face challenges in the delivery of high-quality health services. The problems faced in the country include the inadequate availability of essential life-saving medicines; laboratory consumables and diagnostics; medical, therapeutic and diagnostic equipment; and supplies for critical and emergency health interventions. The country also lacks adequate assistive and mobility devices for persons with disabilities, and qualified professionals who can provide services to

<sup>30</sup> OHCHR, “The price is rights: the violation of the right to an adequate standard of living in the Democratic People’s Republic of Korea”, May 2019, pp. 8–18.

<sup>31</sup> The survey was commissioned by the Ministry of Unification and conducted by the Korean Association of North Korean Studies and the Hyundai Research Institute. The survey is not public, but a summary was distributed to journalists. A related media report is available at [www.koreaherald.com/view.php?ud=20200213000858](http://www.koreaherald.com/view.php?ud=20200213000858).

<sup>32</sup> The Economist, “North Korea is changing, but still dangerous”, 8 April 2020.

<sup>33</sup> OHCHR, “The price is rights”, pp. 16–18.

<sup>34</sup> Schools have been suspended since January because of COVID-19. In June, all levels of school briefly reopened, but they reportedly closed again in July for the school holidays. With no alternative education options, such as online schooling, children have lost their access to education.

them. This situation is exacerbated in peripheral and rural areas by the inadequate supply of safe water, stable electricity and heating, which poses a challenge to health facilities throughout the country.<sup>35</sup>

34. Consequently, about 9 million people are estimated to have limited access to essential health services.<sup>36</sup> This has particularly severe consequences for communicable and non-communicable diseases, as well as sexual and reproductive health,<sup>37</sup> children's health and care for persons with disabilities. The situation in Pyongyang is relatively better than elsewhere, particularly compared with rural and isolated communities.<sup>38</sup> Furthermore, although article 72 of the Constitution specifies that "citizens shall be entitled to free medical care", accounts from escapees collected by OHCHR indicate that access to medical treatment, including hospitalization, surgery and medicine, is dependent on the ability to pay.

35. The Democratic People's Republic of Korea has taken some important steps in response to the COVID-19 pandemic in the area of health. For example, it has established 235 mobile teams, each comprising an epidemiologist, a doctor, a nurse and an official from the Department of Livestock of the Ministry of Agriculture, to investigate cases of COVID-19. However, the pandemic has magnified existing concerns, as outlined above.

36. Populations vulnerable to COVID-19 include those with tuberculosis,<sup>39</sup> persons with disabilities and institutionalized groups, including orphans and prisoners. Accounts of former detainees documented by OHCHR reveal that places of detention lack health-care facilities or practitioners;<sup>40</sup> are invariably cramped, unsanitary and unventilated; and do not provide adequate and nutritious food or clean water.<sup>41</sup> Guards and other staff of such facilities are also at high risk (see [CAT/OP/10](#)). The delivery of vaccines in June helped to ensure that immunization services remained uninterrupted despite the COVID-19 travel restrictions.<sup>42</sup>

## F. Right to work

37. The statutory requirements for people to perform State-assigned jobs, as determined by the State Planning Commission, remain in place.<sup>43</sup> According to article 90 of the Administrative Penalties Law, failure to show up to the State-assigned workplace can lead to punishment of up to three months in a labour training camp (*rodongdanryondae*).<sup>44</sup> Such punishment is in contravention of article 6 of the International Covenant on Economic, Social and Cultural Rights, under which States parties are obliged to recognize "the right of everyone to the opportunity to gain his

<sup>35</sup> Office for the Coordination of Humanitarian Affairs, *DPR Korea Needs and Priorities*, p. 42.

<sup>36</sup> Office for the Coordination of Humanitarian Affairs, *Global Humanitarian Response Plan COVID-19: United Nations Coordinated Appeal, April–December 2020* (Geneva, 2020).

<sup>37</sup> A high maternal mortality ratio of 65.9 per 100,000 live births is reported (Office for the Coordination of Humanitarian Affairs, *DPR Korea Needs and Priorities*, p. 24).

<sup>38</sup> Korea Institute for National Unification, *White Paper*, p. 280.

<sup>39</sup> The country has one of the highest tuberculosis mortality rates in the world for children under the age of 5 years, with 80 to 120 deaths per 100,000 population.

<sup>40</sup> The Human Rights Committee, in its general comment No. 36, clarifies that "the duty to protect the life of all detained individuals includes providing them with the necessary medical care and appropriate regular monitoring of their health" (CCPR/C/GC/36, para. 25).

<sup>41</sup> OHCHR, *Human Rights Violations against Women Detained in the Democratic People's Republic of Korea*, pp. 12–16, 26–27, 40–43, 45–49, 67–68 and 73.

<sup>42</sup> Ridwan Gustiana, "Lifesaving immunization services continue for children in Democratic Republic of Korea (DPR Korea)", UNICEF, 10 June 2020.

<sup>43</sup> Once formally married, women can register as housewives and become exempt from this duty, which partly explains the prominence of women in private market activity.

<sup>44</sup> Korea Institute for National Unification, *White Paper*, pp. 301–302.

living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right”.<sup>45</sup>

38. There are no independent trade unions working for the protection or promotion of workers’ rights in the country. Contrary to its obligations under article 8, paragraph 1 (a) of the International Covenant on Economic, Social and Cultural Rights, the State does not allow such unions to be formed.

39. Interviews with escapees by OHCHR continued to reveal the widespread mobilization of forced labour, including in agriculture and construction, as an affirmation of party ideology and as a contribution to the economic development of the country. For example, all students are required to work on farms and in factories during the course of the school year.

40. Under the Administrative Penalties Law, up to six months of “education through labour” can be imposed unilaterally, for a range of criminal offences, without judicial process, by State organs, including the Ministry of People’s Security and “guidance committees” (arts. 17, 332–333 and 335–337). Furthermore, persons placed in pretrial “holding centres” (*jipkyulso*) are required to engage in hard labour; under article 8, paragraph 3 (b) of the International Covenant on Civil and Political Rights, imprisonment with hard labour as a punishment for a crime is permitted only in pursuance of a sentence “by a competent court”.

41. Interviews with former detainees conducted by OHCHR reveal that women and men detained in labour camps, holding centres and ordinary prisons (*kyohwaso*)<sup>46</sup> were required to perform hard manual labour, often in the construction or agricultural sectors. Interviewees indicated that the “afflictive” nature of the labour<sup>47</sup> was compounded by insufficient and inadequate food rations and by the absence of machinery to assist workers in physically demanding tasks, protective equipment, health care for injuries sustained and compensation for work or work-related injuries, including death. Those who were unable to handle physically demanding tasks were not allowed to rest.<sup>48</sup>

## G. International abductions and separated families

42. No reunion events for separated families took place during the reporting period. Since such events began in 2000, only 20,761 of the 133,385 applicants from the Republic of Korea who have registered to meet their family members have been able to participate, with the last event taking place in August 2018. Moreover, about 65 per cent of the separated family members who are still alive<sup>49</sup> are in their eighties or older, highlighting the urgency with which this long-standing issue needs to be resolved.<sup>50</sup> There are also an estimated 100,000 or more Korean Americans with relatives in the Democratic People’s Republic of Korea who have had limited opportunities to reunite with their family members.<sup>51</sup>

<sup>45</sup> See also Committee on Economic, Social and Cultural Rights, general comment No. 18 (2005) on the right to work (E/C.12/GC/18, para. 6).

<sup>46</sup> OHCHR has also received indirect witness accounts of the standard use of forced labour in political prisons.

<sup>47</sup> Rule 97 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) provides that labour in prison “must not be of an afflictive nature” in terms of causing pain, distress or grief.

<sup>48</sup> OHCHR, *Human Rights Violations against Women Detained in the Democratic People’s Republic of Korea*, pp. 19–20, 48 and 60–63. See also witness accounts in Korea Institute for National Unification, *White Paper*, pp. 74 and 77.

<sup>49</sup> Of the 133,385 applicants from the Republic of Korea, 51,614 are still alive.

<sup>50</sup> Data taken from the Integrated Information System for Separated Families of the Ministry of Unification, Republic of Korea, as at 30 April 2020.

<sup>51</sup> Paul Lee, “US-North Korea divided families”, issue brief, National Committee on North Korea,

43. The fate of 12 Japanese nationals who were abducted in the 1970s and 1980s remained unresolved.

44. As at 15 May 2020, the Working Group on Enforced or Involuntary Disappearances had submitted a total of 316 cases to the Government of the Democratic People's Republic of Korea. Since 1980, the year the Working Group was established, none of those cases have been clarified. The caseload includes 34 cases submitted by the Working Group at its 119th session and 7 at its 120th session. In its reports on its 119th and 120th sessions, the Working Group expressed its continued disappointment regarding the standard replies provided by the Government. On 13 February 2020, several special procedures mandate holders, including the Working Group, issued a press release on the fiftieth anniversary of the return to the Republic of Korea of 39 persons who were among the 50 passengers and crew of Korean Air Lines flight YS-11, which was hijacked in December 1969. The special procedures called for the Democratic People's Republic of Korea to engage in genuine cooperation to clarify the fate and whereabouts of the remaining 11 passengers and crew, as well as all other disappearance cases. They also referred to their previous call for the Security Council to consider referring the situation to the International Criminal Court.<sup>52</sup>

45. No progress has been made in establishing the fate of tens of thousands of individuals abducted during the Korean War<sup>53</sup> or the 516 individuals abducted after the Korean War who the Republic of Korea has officially recognized. On 25 June, marking the seventieth anniversary of the Korean War, the United Nations special procedures urged the Democratic People's Republic of Korea to repatriate hundreds of people abducted during and after the Korean War and put an end to the decades of anguish for the families of those taken.<sup>54</sup>

## **IV. Cooperation between the Government of the Democratic People's Republic of Korea and the United Nations concerning the human rights situation in the country**

### **A. Cooperation with United Nations intergovernmental bodies and treaty bodies**

46. In September 2019, the Human Rights Council adopted the outcome report of the third universal periodic review of the Democratic People's Republic of Korea (A/HRC/42/10). The Government declared its commitment to implement 132 of the 262 recommendations issued during the process (see A/HRC/42/10/Add.1). This indicates that it is committed to increasing engagement with the United Nations human rights system, improving access to humanitarian agencies operating in-country and adopting legislative and capacity-building measures to promote and protect human rights. Recommendations not accepted include, most notably, those related to addressing certain forms of sexual violence, such as forced genital searches, rape and trafficking, marital rape and sexual violence against women in detention.

47. OHCHR continued to engage with the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in Geneva to discuss follow-up

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April 2020.

<sup>52</sup> OHCHR, "UN experts urge North Korea to repatriate 11 abducted from plane hijack 50 years ago", 13 February 2020.

<sup>53</sup> OHCHR, "Torn apart: the human rights dimension of the involuntary separation of Korean families", 2016, paras. 12 and 46.

<sup>54</sup> OHCHR, "UN experts urge DPRK to repatriate abductees on 70th anniversary of the Korean War", 25 June 2020.

activities to a human rights workshop held in May 2019 for members of the State delegation that attended the universal periodic review.

48. The Democratic People's Republic of Korea continued to reject all cooperation pursuant to Human Rights Council resolution 25/25, including with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and the OHCHR field-based structure in Seoul. No visits by thematic special procedures mandate holders were conducted, and the Government did not accept any requests for future visits.

49. The country's third periodic report to the Committee on Economic, Social and Cultural Rights has been overdue since 30 June 2008, and its third periodic report to the Human Rights Committee has been overdue since 1 January 2004.

50. In its resolution 74/166, the General Assembly condemned the long-standing and ongoing systematic, widespread and gross violations of human rights in and by the Democratic People's Republic of Korea, including those that may amount to crimes against humanity according to the commission of inquiry on human rights in the Democratic People's Republic of Korea, and the continuing impunity for such violations. In its resolution 43/25 on the situation of human rights in the Democratic People's Republic of Korea, the Human Rights Council urged the Government to end human rights violations.

51. On 30 March 2020, in its resolution 2515 (2020), the Security Council decided to extend until 30 April 2021 the mandate of the Panel of Experts established pursuant to Security Council resolution 1874 (2009), which assists the Security Council Committee established pursuant to resolution 1718 (2006). The resolution was adopted unanimously under Chapter VII of the Charter of the United Nations.

## **B. Cooperation with the Office of the United Nations High Commissioner for Human Rights**

52. Pursuant to Human Rights Council resolution 25/25, the OHCHR field-based structure in Seoul continued to conduct monitoring, documentation, capacity-building and outreach activities. It engaged with Governments, civil society actors, individuals who had left the Democratic People's Republic of Korea, United Nations entities and humanitarian workers operating in the country, as well as other stakeholders.

53. In this context, OHCHR conducted a visit to Japan in October 2019, during which it engaged with victims of human rights violations by the Democratic People's Republic of Korea and with the Japanese authorities and legal experts. Since its establishment, and as of July 2020, the Office has interviewed over 400 victims of human rights violations in the Democratic People's Republic of Korea. On 28 July, OHCHR released its report on human rights violations against women detained in the Democratic People's Republic of Korea.

54. On 6 November 2019, OHCHR hosted, together with the National Human Rights Commission of the Republic of Korea, an international symposium on human rights in the Democratic People's Republic of Korea, focused on promoting peace on the Korean Peninsula and human rights through the Sustainable Development Goals.

55. On 10 March 2020, the High Commissioner for Human Rights provided an oral update on the human rights situation in the Democratic People's Republic of Korea to the Human Rights Council, pursuant to its resolution 40/20. She provided an update on the work of her Office to strengthen human rights monitoring and documentation, to develop an information and evidence repository, and to explore strategies for future accountability for human rights violations committed in the country. She called on the Council and

Member States to engage with her Office in supporting possible strategies for accountability and to provide the support necessary to enable the Office to continue such work.

### C. Cooperation with United Nations entities operating in the Democratic People's Republic of Korea

56. United Nations entities operating in the Democratic People's Republic of Korea remain confronted with a severe lack of access to data and information, which continues to present challenges in assessing humanitarian needs and providing aid to the most vulnerable persons. The publication of information on State budget allocations, including the national five-year plan, would greatly assist humanitarian organizations in their work. The provision of more disaggregated data would help in assessing the extent of inequality and discrimination based on gender, age, disability and the part of the country in which people live, and in evaluating implementation of international human rights obligations.

57. In 2019, the funding gap for United Nations humanitarian operations in the Democratic People's Republic of Korea was 72 per cent, with \$32 million received.

58. The absence of a banking channel as a consequence of sanctions continued to hamper the delivery of humanitarian aid. One reported impact of the cash constraints was the inability to carry out field trips for monitoring and implementation owing to the failure to procure fuel for vehicles.

59. While access and monitoring conditions for humanitarian organizations have improved in recent years, significant restrictions remain in place. Independent contact with the local population and consultations with beneficiaries during the programming process remain a challenge. Restrictions have worsened in 2020 in the light of the measures to contain the COVID-19 pandemic. It should be noted that the Government accepted the recommendations of the universal periodic review regarding the provision of unlimited humanitarian access to all provinces (A/HRC/42/10, recommendations 126.56, 126.58 and 126.59).

60. In 2019, sanctions exemption requests were processed by the Security Council Committee established pursuant to resolution 1718 (2006) with a turnaround of 5 to 15 working days. For non-regular items, such as vehicles and ambulances, the process sometimes took longer. Sanctions exemptions for the procurement of COVID-19-related equipment have been processed in up to three days by the Committee, with the main challenge being to secure a humanitarian channel for the delivery of goods into the country. In response to requests of humanitarian organizations and given the global impact of COVID-19, some exemptions were granted for a full year. Humanitarian organizations consider the standard validity of exemption approvals of six months to be insufficient given the large amount of paperwork required to secure an extension. While the United Nations Resident Coordinator Office is facilitating more applications, the process of securing exemptions continues to burden smaller non-governmental organizations undertaking humanitarian work, including in terms of obtaining access to the requisite legal expertise when making applications (see A/HRC/43/58, paras. 9–13).

## V. Conclusions

**61. During the reporting period, momentum towards resolving intractable issues has stalled. The Secretary-General calls for renewed momentum towards resolving the peace and security situation on the Korean Peninsula. He considers that integrating human rights more fully into the diplomatic agenda may contribute to advancing progress, including in relation to the treatment of**



persons in detention and the specific violations faced by female detainees, the release of political prisoners, improved access for humanitarian and human rights actors, and the availability of more comprehensive and credible data and other information on the humanitarian and human rights situation.

62. The Secretary-General notes the challenges faced by all States in preventing the spread of COVID-19 while upholding the full range of their international human rights obligations. However, the economic consequences for countries such as the Democratic People's Republic of Korea may be particularly devastating, especially with regard to the rights to food and health. The closure of the land border with China and increased restrictions on freedom of movement within the country risks undermining the coping mechanisms developed by the population, including engagement in nascent market activity. Severe restrictions also effectively halt the delivery of humanitarian aid to vulnerable populations.

63. The Secretary-General notes the persistent patterns of gross human rights violations in the Democratic People's Republic of Korea, such as the arbitrary arrest and detention of persons exercising fundamental rights and freedoms, including the freedoms of movement and of expression and the right to work. He remains concerned about the conditions and treatment of persons in detention, including those forcibly repatriated. He welcomes the continued efforts by Member States and other stakeholders to follow up on the findings of the commission of inquiry, including efforts towards accountability under international criminal law to hold accountable individuals for conduct that may amount to crimes against humanity.

64. The Secretary-General welcomes the constructive engagement of the Democratic People's Republic of Korea with the universal periodic review process as an indication of the State's willingness to work with the United Nations human rights mechanisms to address some of the human rights challenges it faces. He encourages the continuation of this engagement and extends the United Nations system's offer of assistance.

## VI. Recommendations<sup>55</sup>

65. The Secretary-General recommends that the Government of the Democratic People's Republic of Korea:

(a) Comply with its obligations arising from international human rights law, including customary international law and the five core human rights treaties ratified by the State, and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol;

(b) Implement the recommendations of the universal periodic review and the treaty bodies, increase engagement with the treaty bodies, and submit overdue reports, including its third periodic report to the Committee on Economic, Social and Cultural Rights;

(c) Build on initial steps to engage constructively with the United Nations human rights system, including OHCHR, in capacity development and technical assistance programmes;

(d) Extend an invitation to OHCHR to visit the country;

(e) Begin constructive engagement with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, including in relation to the implementation of recommendations and by inviting

<sup>55</sup> Recommendations made in previous reports of the Secretary-General remain valid.



him to visit the country, and allow additional thematic special rapporteurs to conduct visits to the country;

(f) Take necessary measures to address the findings and recommendations of the commission of inquiry, the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea and OHCHR as contained in the High Commissioner's report on promoting accountability in the Democratic People's Republic of Korea ([A/HRC/40/36](#));

(g) Release all political prisoners, immediately address arbitrary detention cases in accordance with applicable international human rights law, and urgently take steps to ensure that trial proceedings abide by international standards;

(h) Assess the impact of COVID-19 measures on the enjoyment of human rights, in particular the rights to food, water, sanitation, health and education, as well as fundamental freedoms, and take steps to mitigate the adverse impact of such measures, particularly for the most vulnerable;

(i) Conduct urgent assessments to identify those individuals most at risk of contracting COVID-19 in places of detention, taking into account particularly vulnerable groups, and urgently reduce the number of people held in various detention facilities by implementing schemes of early, provisional or temporary release when it is safe to do so;

(j) Deploy the maximum available resources, including through international cooperation, to fulfil minimum core obligations, without discrimination, under the International Covenant on Economic, Social and Cultural Rights, including in relation to food, water, sanitation and health;

(k) Clarify, to the satisfaction of affected families, the history and fate of persons abducted from Japan, the Republic of Korea and other countries;

(l) Take the steps necessary, in collaboration with the Republic of Korea, to resolve the issue of family separation as a matter of priority, and ensure that permanent mechanisms are in place for relatives of both countries to enable them to remain in contact and meet regularly, keeping in mind that such reunion events should become routine and include many more people, including those affected worldwide;

(m) Provide free and unimpeded access to United Nations entities and humanitarian agencies throughout the territory of the Democratic People's Republic of Korea, as well as access to critical data, to enable them to adequately and independently assess and respond to needs and monitor programmes.

66. The Secretary-General recommends that the international community:

(a) Consider appropriate follow-up action to the report of the commission of inquiry, in accordance with Human Rights Council resolutions [25/25](#), [28/22](#), [31/18](#), [34/24](#), [37/28](#) and [40/20](#) and General Assembly resolutions [69/188](#), [70/172](#), [71/202](#), [72/188](#) and [73/180](#);

(b) Consider appropriate follow-up action to the report of the group of independent experts on accountability, including taking further steps to ensure accountability for those responsible for serious human rights violations in the Democratic People's Republic of Korea, in accordance with Human Rights Council resolutions [34/24](#), [37/28](#) and [40/20](#);

(c) Extend protection to citizens of the Democratic People's Republic of Korea who have crossed international borders irregularly, taking into account the different needs and experiences of men and women, and take steps to ensure they are protected and not repatriated;

(d) **Provide adequate and sustainable funding for humanitarian assistance, especially food and medicine, with a view to improving humanitarian conditions and the human rights situation in the country;**

(e) **Take further steps to minimize the unintended adverse humanitarian consequences of sanctions imposed on the Democratic People's Republic of Korea, including in relation to humanitarian assistance, taking into account general comment No. 8 (1997) of the Committee on Economic, Social and Cultural Rights on the relationship between economic sanctions and respect for economic, social and cultural rights ([E/C.12/1997/8](#)).**

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