|  |  |  |  |
| --- | --- | --- | --- |
|  | United Nations | A/72/394 | |
|  | **Advance unedited version** | | Distr.: General  19 September 2017  Original: English |

**Seventy-second session**

Item 73(c) of the provisional agenda[[1]](#footnote-2)\*

**Promotion and protection of human rights: human**

**rights situation and reports of Special Rapporteur**

**and Representatives**

Situation of human rights in the Democratic People’s Republic of Korea

|  |
| --- |
| *Summary* |
| In the present report, the mandate holder takes stock of the monitoring and advocacy activities that he conducted in his first year as Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea. The report outlines political and security developments with direct implications for the country’s human rights situation, as well as efforts by the authorities to engage with United Nations human rights mechanisms. In addition, the Special Rapporteur reviews recent trends that were brought to his attention, including through interviews with people who have recently left the Democratic People’s Republic of Korea and other sources in civil society and the United Nations system. On the basis of this information, the Special Rapporteur outlines proposals to promote changes on the ground, and reiterates the need for the Government to take immediate action to redress grave human rights violations. |
|  |

Contents

*Page*

I. Introduction 3

II. Overview of the political and security situation 3

III. Cooperation between the Government and the United Nations human rights system 6

A. Mandate of the Special Rapporteur 6

B. The OHCHR field-based structure in Seoul 6

C. The Group of Independent Experts on accountability 7

D. Human Rights Mechanisms 7

IV. Field visits of the Special Rapporteur 10

V. Recent Developments in the situation of human rights 11

A. The situation of persons in detention 11

B. Abductions and separated families 14

C. Right to food 16

D. Impact of corruption on human rights 17

E. Freedom of information 18

VI. Conclusions 19

VII. Recommendations 20

I. Introduction

1. The present report outlines and analyses developments in the situation of human rights in the Democratic People’s Republic of Korea since the report of the Special Rapporteur to the seventy-first session of the General Assembly in October 2016.
2. The human rights situation in the Democratic People’s Republic of Korea has been subject to close international scrutiny for several years. Although restrictions on access to independent human rights monitors have made it challenging to collect up-to-date information, patterns of serious violations continue to be documented by various external sources. Calls have been made to ensure accountability for crimes against humanity, including through referral to the International Criminal Court. In response, the Democratic People’s Republic of Korea has maintained a generally defensive stance, accusing some countries of sponsoring a politically-driven campaign against its leadership. Nonetheless, the Democratic People’s Republic of Korea has made more efforts to engage with United Nations human rights mechanisms than in the past.
3. The Special Rapporteur assumed his functions a little over a year ago, in a context that required identifying ways to achieve a balance between the pursuit of accountability for the violations that have been uncovered, and the promotion of engagement with the Democratic People’s Republic of Korea to redress the situation. Recent developments have shown that these two aims reinforce rather than undermine one another. The more the international community has insisted on the necessity to seek justice and uphold universal human rights principles, the more the authorities have seemingly opened to a conversation with human rights mechanisms on ways to fulfil their obligations, at least in certain areas. This trend highlights the opportunity for the international community to improve the situation in the Democratic People’s Republic of Korea using multiple means. In particular, it shows that the process of reporting to human rights mechanisms can trigger substantive interactions with the authorities, with a focus on making progressive changes to laws, policies, and decision-making processes.
4. In this report, the Special Rapporteur outlines the activities he conducted in the past year with this objective in mind. Although the Democratic People’s Republic of Korea continues to reject the country mandate, the mandate holder has been able to work with various actors to collect, document and evaluate information on the situation in the country. The Special Rapporteur has been committed to meeting the highest standards of independence, impartiality and accuracy in assessing this data. Some of the input has been provided in interviews with people who left the Democratic People’s Republic of Korea in late 2016 and in 2017. Although the Government has accused its nationals abroad of giving false testimonies, the information received has been cross-checked with other independent sources, making it difficult to invalidate. The Special Rapporteur would have preferred to receive and analyse these testimonies inside the Democratic People’s Republic of Korea, including the views of the authorities. However, the Government continued to reject his requests to carry out a country visit.

II. Overview of the Political and Security Situation

1. A number of key developments have marked the period under review, the most striking of these being the launch of long-range missiles using ballistic technology. Between 1 January and 31 August 2017 the Democratic People’s Republic of Korea fired 13 missiles, more than the total number of successful attempts that have been carried out in the past three decades. A nuclear test was conducted on 9 September 2016, resulting in the adoption of United Nations Security Council Resolution 2321 of 30 November 2016 that condemned the country’s pursuit of ballistic and nuclear weapons “at the expense of its own people’s welfare”.[[2]](#footnote-3) In June 2017, the Security Council decided to strengthen its sanctions regime on the Democratic People’s Republic of Korea. Resolution 2356 of 2 June 2017 announced a travel ban and asset freeze on certain officials, and a number of trading firms in the extraction and financial industries were also blacklisted.[[3]](#footnote-4) On 5 August, Security Council resolution 2371 was passed with the aim of reducing export revenues by a third. Thus, sanctions extended export bans to sectors such as coal, iron, lead and seafood, and restricted joint ventures with entities or individuals in the Democratic People’s Republic of Korea.[[4]](#footnote-5) On 3 September 2017, the authorities announced that they tested a hydrogen bomb, prompting an emergency meeting of the Security Council and the prospect for further sanctions to be imposed.[[5]](#footnote-6)
2. The Special Rapporteur is concerned about the possibility that Security Council sanctions may have a detrimental impact on some vital economic sectors for part of the population, and reiterates the need to give human rights concerns further consideration when drafting and revising sanction decisions to ensure that they do not affect ordinary people’s livelihoods. The Security Council sanctions regime is not punitive in nature, and a comprehensive assessment on its unintended negative impact on the enjoyment of human rights, in particular economic, social and cultural rights, is needed.[[6]](#footnote-7) For instance, the Special Rapporteur was informed that Security Council sanctions may have prevented access for cancer patients to essential chemotherapeutic medicine. As also pointed out by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, international organizations applying economic sanctions are under the obligation “to take steps, individually and through international assistance…in order to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country”.[[7]](#footnote-8) The Government of the Democratic People´s Republic of Korea should seek every opportunity to engage in meaningful analysis of the economic and social impact of international sanctions, including through the provision of relevant and reliable statistical data.
3. As political and military tensions escalated, a series of harsh declarations were made by the Democratic People’s Republic of Korea and other governments. The tensions peaked several times, including in April 2017 when the United States of America deployed an aircraft carrier group to East Asia in response to the missile launches of the Democratic People’s Republic of Korea. The Special Rapporteur issued an appeal to all countries concerned to reduce conflict rhetoric and incitement to armed confrontation,[[8]](#footnote-9) and he remains deeply concerned about statements and actions that continue to feed hostilities. The Special Rapporteur considers that this environment reduces opportunities to discuss the vital needs and protection concerns of ordinary citizens in the Democratic Peoples’ Republic of Korea. The international community has a particular responsibility to ensure these disputes do not escalate into armed conflict, to prevent an arms race in the region, and to create the necessary conditions for dialogue to take place including in the area of human rights.
4. In the Republic of Korea, Mr Moon Jae-in was elected president in May 2017 following the impeachment of former President Park Geun-hye. President Moon played a key role in the Sunshine policy of the early 2000s that sought to normalise relations between the two Koreas and encourage economic cooperation. Soon after taking office, he announced an initiative to resume dialogue in the military and humanitarian fields. Whereas joint preventive activities to fight Malaria resumed in May 2017, no bilateral military talks have been held at the time of writing. However, in June, the Moon administration suspended the deployment of the United States Terminal High Altitude Area Defence (THAAD) pending an environmental impact assessment of this anti-missile system. In July, President Moon outlined his plan to seek denuclearisation as well as unification through peaceful means in a speech in Berlin. He also reaffirmed his country’s commitment to working in close coordination with the United States of America and other regional and international allies to ensure peace and prosperity for all in the Korean Peninsula. The policy of President Moon maintains that any decision by the United States of America regarding the security situation in the Democratic People’s Republic of Korea should be based on continued consultation with the Republic of Korea, which has helped mitigate the impact of hostilities that have built up in recent months.
5. The Special Rapporteur learned that the Democratic People’s Republic of Korea welcomed the call for dialogue in President Moon’s speech, emphasising that its leader made a few such calls in the past to the Republic of Korea without success. This included two offers for dialogue made by the Supreme Leader since 2015. The Government reportedly criticised the choice of Berlin for President Moon’s first speech abroad for the specific model of unification it represents.[[9]](#footnote-10) Furthermore, the continued pursuit of joint military exercises between the Republic of Korea and the United States of America is said to have undermined trust in the pledge made by President Moon from the perspective of the Democratic People’s Republic of Korea. Nonetheless there are signs that the Democratic People’s Republic of Korea is open to resuming peace talks in two separate tracks with the Republic of Korea and the United States of America. In addition, reopening the Kaesong Industrial complex seems to be on the agenda of the two Koreas. The Special Rapporteur welcomes further rapprochement between the two countries and once more strongly encourages the Democratic People’s Republic of Korea to use it as a platform to discuss human rights.

III. Cooperation between the Government of the Democratic People’s Republic of Korea and the United Nations Human Rights System

1. The role of international cooperation in realising human rights has been recognised as a core component of the United Nations system since it was established, a principle enshrined in article 1.3 of the United Nations Charter and in the Preamble of the Universal Declaration of Human Rights. The Special Rapporteur has attempted to broaden the scope of cooperation with the Democratic People’s Republic of Korea as a member of the United Nations, bound by the Charter, and as a State party to several human rights treaties. His efforts have included reaching out to the national authorities but also to other human rights mechanisms and to civil society organisations at the international and regional levels. The Special Rapporteur stresses that all forms of international cooperation are important to achieve, in particular to challenge the misconception that cooperation implies interference in the domestic affairs of the Democratic People’s Republic of Korea. The Special Rapporteur will continue to seek an incremental, multi-actor strategy that aims at achieving improvements to the situation on the ground. The approach will bring together different efforts without undermining the country mandate, which remains a key component of the human rights system.

A. Mandate of the Special Rapporteur

1. The Democratic People’s Republic of Korea continues to reject the mandate of the Special Rapporteur, and two requests to carry out an official country visit in November 2016 and July 2017 were not granted. The Special Rapporteur has also exchanged correspondence with the Permanent Mission of the Democratic People’s Republic of Korea to the United Nations in Geneva, seeking their follow-up on a proposal made by the country’s diplomats in New York to facilitate a private visit of the mandate holder in his capacity as Professor of Law from Argentina.[[10]](#footnote-11) The visit would have involved, the Special Rapporteur understands, taking part in academic events or providing a technical opinion on the human rights aspects of joint programmes with the United Nations. Whilst the Special Rapporteur signalled his availability for further discussion, the Permanent Mission in Geneva declined taking the conversation forward so long as he remained on the mandate. The Special Rapporteur continues to make informal contacts with officials of the Democratic People’s Republic of Korea with the support of a wide network of regional and international civil society organisations, and urges the country to consider these avenues for dialogue as a starting point for formal cooperation with his mandate.

B. The OHCHR field-based structure in Seoul

1. The Democratic People’s Republic of Korea declines cooperation with the OHCHR field-based structure in Seoul, which has been actively monitoring the human rights situation since June 2015.[[11]](#footnote-12) The office continues to collect information including through interviews with persons who left the Democratic People’s Republic of Korea. It has undertaken outreach and advocacy activities in the Northeast Asia region and outside, and continues to seek engagement and capacity-building with Governments, civil society and other stakeholders. OHCHR has been supporting the mandate of the Special Rapporteur. It released a thematic report on the human rights dimension of the involuntary separation of Korean families in December 2016, which proposes a victims-centred and rights-based approach to the resolution of this longstanding issue.[[12]](#footnote-13) The Special Rapporteur urges the Democratic People’s Republic of Korea to implement these recommendations, and to explore further thematic areas in which dialogue with OHCHR could take place.

C. The Group of Independent Experts on Accountability

1. The Democratic People’s Republic of Korea refused to cooperate with the Group of Independent Experts on accountability for human rights violations in the Democratic People’s Republic of Korea established pursuant to Human Rights Council Resolution 31/18. The group presented their recommendations in an annex to the Special Rapporteur’s report to the Human Rights Council in March 2017.[[13]](#footnote-14) They stressed the importance of adopting a multi-pronged and comprehensive approach in line with international norms and standards, including the need to seek accountability through the International Criminal Court or an *ad hoc* international tribunal. In addition, the group recommended undertaking coordinated and comprehensive consultations with victims and other relevant stakeholders to seek their views on accountability. The group further called on the Human Rights Council and the General Assembly to strengthen OHCHR through additional resources to enhance its current monitoring and documentation efforts in line with international norms and standards. This includes supporting an assessment by international criminal justice experts of available information and evidence to identify gaps and develop possible investigation and prosecution strategies, as well as blueprints of suitable international or internationally-assisted court models. The Human Rights Council, in its resolution 34/24 of April 2017, decided in favour of the above recommendations to strengthen OHCHR, to allow for an enhancement of current monitoring and documentation efforts and establishing a central information and evidence repository with a view to developing possible strategies to be used in any future accountability process. The Special Rapporteur will closely attend to the implementation of this resolution.

D. United Nations Human Rights Mechanisms

1. Notwithstanding its rejection of the above mandates, the Democratic People’s Republic of Korea has taken recent steps to engage with other United Nations human rights mechanisms. On 6 December 2016 the county ratified the Convention on the Rights of Persons with Disabilities (CRPD), its fifth core international human rights treaty.[[14]](#footnote-15) The Special Rapporteur welcomed the ratification, urging the authorities to use it as an opportunity to address other forms of discrimination to which certain groups in society may be subjected based on any attribute.[[15]](#footnote-16)
2. From 3 to 8 May 2017 the Special Rapporteur on the rights of persons with disabilities carried out an official visit to the Democratic People’s Republic of Korea at the invitation of the authorities. During the visit she was able to interact with a number of officials, including from the Ministry of Health and the Korean Federation for the Protection of the Disabled, and she visited some facilities in Pyongyang and Pongchon in the South Hwanghae Province. She highlighted progress in some areas, such as the recognition of the Korean sign language as an official language. However, she noted the prevalence of a medical model to disability that reinforces stigma against persons with disabilities in society.[[16]](#footnote-17) She also agreed to a Government request for technical assistance in the area of accessibility and international standards regarding universal design.[[17]](#footnote-18) The Special Rapporteur on the rights of persons with disabilities is scheduled to report on the findings and recommendations of the visit to the Human Rights Council in March 2018.
3. The national report of the Democratic People’s Republic of Korea to the Committee on the Elimination of all forms of Discrimination Against Women (CEDAW) is scheduled for review in November 2017. The List of Issues that was drawn by the pre-sessional working group included questions to the authorities on specific measures taken to prohibit discrimination against women in the public and private spheres; the availability of a legal counsel and other essential element of access to justice for women; the protection of women returnees from abroad; and the protection of victims of trafficking.[[18]](#footnote-19) The country’s report to the Committee on the Rights of the Child (CRC) will be reviewed in September 2017. The List of Issues adopted by the pre-sessional working group included measures taken by the authorities to protect children from torture and establish appropriate sanctions against perpetrators; to ensure that children who leave the country without authorization are not subjected to punishment; and to make available recent disaggregated statistics regarding the number and situation of children in detention, including those held in political prison camps, as well as children suffering from malnutrition and those of non-Korean ethnic origin, among other groups.[[19]](#footnote-20) The Special Rapporteur encourages Treaty Bodies to further engage with the Democratic People’s Republic of Korea and explore the possibility to carry out a field visit allowing for a detailed needs assessment and the identification of capacity gaps.
4. The Democratic People’s Republic of Korea should make the most of the important openings that have been created with the ratification of the Convention on the Rights of Persons with Disabilities, the visit of the mandate holder on the rights of Persons with Disabilities, and the reviews by the committees on the rights of women and children. In particular, the Government should reach out to a wide range of available sources of expertise within the Special Procedures of the Human Rights Council and Treaty Bodies to discuss opportunities for technical assistance that will help it develop human rights-compliant legislation and public policies. In addition, the country should release updated national statistics that can help set up capacity-building programmes with specific goals, timeframes and performance indicators for monitoring and evaluation.
5. It is not clear whether the authorities have made any efforts to assess the state of implementation of the numerous recommendations that the Democratic People’s Republic of Korea accepted in the latest cycle of the Universal Periodic Review (UPR) in 2014.[[20]](#footnote-21) The country had asserted that “a broad consultation was made among national institutions and organizations concerned”.[[21]](#footnote-22) More information is needed on the process whereby this consultation was conducted and whether there is a need for technical support from the United Nations. Previous measures, such as the enactment of the 2010 Law on the Protection and Promotion of the Rights of Women, have shown that the Universal Periodic Review and other mechanisms can drive concrete changes in national human rights legislation. The 2017-2021 Strategic Framework for Cooperation with the United Nations has integrated relevant recommendations within the Country Team’s strategic priorities and made provisions to monitor their status of implementation with the Government.[[22]](#footnote-23) Moreover, a number of nongovernmental organizations based outside the country are monitoring progress in implementing accepted UPR recommendations.[[23]](#footnote-24) The Special Rapporteur encourages these efforts and calls upon the authorities to take steps towards the implementation of the recommendations that they accepted, including, where applicable, through technical cooperation with relevant United Nations entities. Some of these actions – such as acceding to remaining international human rights instruments, ensuring that humanitarian aid is distributed transparently and taking steps to facilitate the travel of citizens abroad – can be taken immediately as they require no additional financial resources. Other recommendations that the Government supported, such as to strengthen national institutions for the protection and promotion of human rights, open a space for dialogue and technical support from the international community. Member States of the United Nations have an important responsibility to ensure that these recommendations translate into concrete actions. The UPR is among the few platforms currently available to conduct a wide-ranging and meaningful human rights analysis of country situations, and to share best practices. However, endorsing recommendations means nothing without consistent implementation, and Member States should continue to monitor progress beyond the review itself, and offer their technical and financial support as required.
6. The Special Rapporteur encourages the United Nations Country Team in the Democratic People’s Republic of Korea to continue working with the authorities to assess the status of implementation of UPR recommendations. He recommends that cooperation in these areas be based on the guidelines of the 2013 Human Rights up Front initiative that has been endorsed by the current Secretary-General of the United Nations, with a view to preventing serious human rights violations. This includes, among other requirements, increased access to groups that are most vulnerable to shortages in food distribution and in the provision of healthcare. For instance, follow-up on accepted recommendations in the area of healthcare should be carried out in close coordination with the World Health Organizations, whose latest estimate was that 11,000 children and 271,000 adults were affected by Tuberculosis.[[24]](#footnote-25) The World Food Programme has also found that 25.4 per cent of children in the nurseries they support continue to suffer from stunting,[[25]](#footnote-26) statistics that contrast with the Government’s pledge to improve access to basic healthcare and nutrition for children at the last Universal Periodic Review. In addition, the situation of persons in detention should be considered a priority given the absence of publicly available official information on the penitentiary system and lack of access for independent monitors. The country’s vulnerability to natural disasters may place detainees at an ever greater risk. In the wake of Typhoon Lionrock in September 2016, the Special Rapporteur urged the authorities to ensure full access for humanitarian workers to prisons and other facilities hosting vulnerable populations in provinces of the North East. He recalls the Government supported without reservations recommendation 61 of the Universal Periodic Review urging it to “continue giving priority to vulnerable groups in the distribution of international assistance”. The Special Rapporteur commends the commitment of United Nations staff working on the ground to improving the living conditions of all in the Democratic People’s Republic of Korea. He also understands the challenges to access some of the target populations, and encourages the Government to take advantage of the presence of United Nations agencies to ensure they are able to reach larger parts of the county. The Special Rapporteur stands ready to work in close collaboration with the Country Team and the Office of the Resident Coordinator to address these challenges.

IV. Field visits of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea

1. The Special Rapporteur conducted three official missions since his last report to the General Assembly. The first visit involved missions to the Republic of Korea from 16 to 22 November and to Japan from 23 to 25 November 2016. The Special Rapporteur met with Government officials in the two countries, the OHCHR field-based structure in Seoul, nongovernmental organisations, human rights defenders and diplomats. The Special Rapporteur also visited resettlement centres in the Republic of Korea for citizens of the Democratic People’s Republic of Korea, including a facility for women. He conducted interviews with several residents of these facilities. He also interacted with families of persons in the Republic of Korea and Japan who were abducted by the Democratic People’s Republic of Korea and whose fate and whereabouts remain unknown.[[26]](#footnote-27)
2. From 31 May to 4 June 2017, the Special Rapporteur visited Cambodia to take part in a regional civil society dialogue on human rights in the context of humanitarian action and peacebuilding efforts. The discussion brought together a number of nongovernmental organisations that are active in the areas of conflict prevention and humanitarian aid, including some that are operational in the Democratic People’s Republic of Korea. The meeting focussed on the outreach initiatives that have been taken by civil society to promote dialogue with the Democratic People’s Republic of Korea, encourage people-to-people contact, and provide technical assistance to improve access to food and other basic services. The Special Rapporteur welcomes these efforts and encourages humanitarian and religious organisations to continue building bridges with the authorities, and to use these openings as entry points to improve the rights of beneficiaries from technical assistance projects. The Special Rapporteur also notes the scarcity of essential human rights documentation in the Democratic People’s Republic of Korea in English and Korean, including the structure of the United Nations system, the texts of international treaties, the United Nations Charter, and even the Universal Declaration of Human Rights. The Special Rapporteur calls on the United Nations human rights system and the Country Team to widely disseminate these documents as part of cooperation programmes with the Government. This could also provide an opportunity to enable wider access to electronic data storage systems for public officials, on a par with countries at similar level of development.
3. From 17 to 21 July 2017, the Special Rapporteur visited the Republic of Korea. The mission included meetings with Government representatives, the National Assembly, the OHCHR field-based structure, the diplomatic community and civil society groups. During the visit, the Special Rapporteur met with people who left the Democratic People’s Republic of Korea, including a man who wishes to return. The mission also included a visit to a resettlement centre for men who recently arrived from the Democratic People’s Republic of Korea. The Special Rapporteur welcomed President Moon’s initiative to resume dialogue with the authorities in Pyongyang, and emphasised the need to place human rights high on the bilateral talks agenda. He also reiterated his deep concern about the situation in the Democratic People’s Republic of Korea based on the testimonies and other information that he received.[[27]](#footnote-28) The Special Rapporteur plans to visit the Northeast Asia region again before the end of 2017.

V. Recent Developments in the situation of human rights in the Democratic People’s Republic of Korea

1. During his field visits the Special Rapporteur was able to collect a range of testimonies from men and women who left the Democratic People’s Republic of Korea in late 2016 and early 2017. He was informed that in the first six months of 2017, 650 nationals of the Democratic People’s Republic of Korea arrived in the Republic of Korea, 84% of whom were women.[[28]](#footnote-29) The figure represents a decrease of 18% from the same period in 2016, reflecting a possible tightening of border controls. Most witnesses to whom the Special Rapporteur spoke come from the northern provinces of Hamgyong and Ryanggang, and some lived in Pyongyang. Whilst the interviews did not allow for a comprehensive assessment of the situation throughout the country, especially in the interior provinces, they helped to put together, along with other sources, a picture of recent developments in five main areas: detention conditions; involuntary separation of families; right to food; impact of corruption on human rights; and freedom of information.

A. The situation of persons in detention

1. The Special Rapporteur received testimonies pointing to widespread fear among the population of political prison camps. The apprehension is so fierce that people assume anyone who disappears must be detained in one of the camps that are said to be currently operational (camps number 14, 15, 16 and 25). As a man who left in 2017 put it, “all North Koreans grow up knowing about the existence of political prison camps. We know that when someone disappears they must have been sent to one of them. A friend of mine was taken in 2014 for using a satellite phone from China, and I never saw him again”.[[29]](#footnote-30) There is not sufficient information on the situation of detainees in these prisons, but the 2014 Commission of Inquiry situated their number between 80,000 and 120,000.[[30]](#footnote-31) The Government has stated in the past that “political prison camps did not exist and were a complete fabrication”, adding that “those persons sentenced to the penalty of reform through labour under the country’s Criminal Law [serve] their terms in reform institutions”.[[31]](#footnote-32) The Special Rapporteur emphasises the need for the authorities to provide precise statistics on all detainees and conditions of detention, in line with the provisions of the human rights treaties that the country has ratified. The Government’s denial of the existence of political prison camps does not preclude the need to disclose information about, and provide access to, the “reform institutions” under its watch.
2. Deplorable conditions of detention are reported in the holding centres near the border with China. A man who was sent back from China in 2016 told the Special Rapporteur that “everyone is treated like trash and beaten frequently at the holding centres. The guards told us we are nothing but human trash”.[[32]](#footnote-33) A forcibly repatriated woman described to the Special Rapporteur her ordeal when she was detained for one month along with her daughters at a holding centre in Chongjin in November 2012. She said: “Our hands and feet were so frozen that we were not able to sleep. There was very poor hygiene, and corn was the only food provided to us. They gave my youngest daughter a soup of salt water and a spoon she could not even use”.[[33]](#footnote-34) The victim, who tried to escape the country several times, said that the situation had not improved by the time she succeeded to leave in March 2017, and women remain the target of violent practices by prison officials. Her account corroborates information brought to the attention to the Special Rapporteur by external sources on the treatment of women returnees, who are said to be often held in unsanitary conditions and beaten during interrogation and detention.[[34]](#footnote-35) Sexual and Gender-Based Violence, including invasive searches and sexual assaults, are reported to be common in holding centres. The information also shows that women who were forcibly repatriated from China in recent years believed that any woman who was found to be pregnant would necessarily have her pregnancy terminated by force, though the shame and secrecy attached to this practice make precise statistics on cases of forced abortion difficult to collect. The practice does not just breach the international human rights treaties that the Democratic People’s Republic of Korea has ratified, but also the country’s 2012 Criminal Procedure Law which prohibits torture (art.166). The Special Rapporteur is alarmed by this continuing pattern and calls on the authorities to uphold national and international safeguards against the ill-treatment of persons in detention, in particular women and children.
3. The Special Rapporteur received unconfirmed reports indicating that the authorities may have taken some measures to improve detention conditions. For example, the Office of the Prosecutor has reportedly been instructed to inspect some facilities in the past, and some pregnant women at final stages of pregnancy were reportedly released. Two directives by the Ministry of People’s Security may have also been issued in 2010 and 2015 to address the issue of human rights violations in detention. The 2010 directive is said to have urged officials to refrain from violating the rights of detainees during interrogation, and allowed citizens to file a complaint. The 2015 directive reportedly addresses the responsibility of prison officials in deaths in custody. These reports, if confirmed, would be an encouraging step forward. The Special Rapporteur urges the Government to share the text of these directives if they exist as well as any laws and regulations that protect detainees. Further engagement with organisations such as the International Committee of the Red Cross may also help the Government develop a consistent policy to supervise and regularly report on detention conditions.
4. The death on 19 June 2017 of Otto Warmbier, a citizen of the United States who had been given a 15-year prison sentence after he was accused of planning hostile acts against the state, raised questions about detention conditions for foreigners. He was arrested in January 2016 and denied basic entitlements, such as access to consular officers and representation by an independent legal counsel. The authorities reportedly said that Mr Warmbier developed a case of botulism and fell in coma in March 2016 after prison officials gave him a sleeping pill, and he was released comatose 15 months later. Doctors in the United States of America affirmed that Mr Warmbier suffered extensive loss of brain tissue and found no evidence to support the claims of the authorities of the Democratic People’s Republic of Korea.[[35]](#footnote-36) The Special Rapporteur issued a statement shortly after the release, pointing out the lack of access to adequate medical treatment for prisoners in the Democratic People’s Republic of Korea and calling on the Government to clarify the circumstances that led Mr Warmbier to fall into coma.[[36]](#footnote-37)
5. On 9 August Mr Hyeon Soo Lim, a Canadian national, was released from detention by the Democratic People’s Republic of Korea on humanitarian grounds. Mr Lim had been detained since February 2015 on charges of plotting hostile acts against the State. Although the Special Rapporteur welcomed his release,[[37]](#footnote-38) he remains concerned about the situation of several foreign nationals who are still held in detention in Pyongyang, including six citizens of the Republic of Korea and three citizens of the United States of America. As a State party to the 1963 Vienna Convention on Consular Relations, the Democratic People’s Republic of Korea has the obligation to provide these prisoners with essential protections. For example, article 36 of the Vienna Convention confers to foreign detainees in the receiving state the freedom to communicate with and access to consular officers, as well as arrange for legal representation with their assistance.[[38]](#footnote-39) The lack of opportunities for direct communication with the Democratic People’s Republic of Korea regarding these cases has made it difficult for the Special Rapporteur to verify the extent to which the Government has complied with these obligations.

B. Abductions and separated families

1. During his missions, the Special Rapporteur met with the families of nationals of Japan and the Republic of Korea who were abducted by the Democratic People’s Republic of Korea. Political tensions have made it difficult to achieve progress in this area and to date, 12 Japanese citizens and 516 citizens of the Republic of Korea remain unaccounted for. The Democratic People’s Republic of Korea had agreed with Japan under the May 2014 Stockholm accord that it would establish a special investigation committee to locate the whereabouts of Japanese abductees and others of Japanese descent in the Democratic People’s Republic of Korea. The investigation was interrupted in retaliation against Japan’s unilateral measures to sanction the Democratic People’s Republic of Korea for the resumption of nuclear tests at the beginning of 2016. In the case of the Republic of Korea, the absence of talks for family reunions and lack of other formal communication channels between the two countries has not allowed for a discussion of abduction cases or their inclusion in the lists of people eligible for reunion as was the case in the past.
2. Since the end of the Korean War, 129,616 nationals of the Republic of Korea have registered for reunion with their families in the Democratic People’s Republic of Korea. Among them, 2,325 families were able to meet their relatives at least once since the June 2000 Intra-Korean summit. More than half of the applicants for reunions have died without being able to restore contact, and the majority of survivors are above the age of 80.[[39]](#footnote-40) Family reunion events were interrupted as political and military tensions increased in early 2016, which prevented the two countries from agreeing on a timeline for reunions.[[40]](#footnote-41) In a public statement, the Special Rapporteur called on the authorities of the two Koreas to consider the unification of separated families as an entitlement for all survivors, and to ensure that reunions go ahead without conditions in order to alleviate the suffering of relatives in old age.[[41]](#footnote-42)
3. The separation of Korean families continues to take new forms and affect new categories of victims. The most recent form of involuntary separation has been caused by a wave of forced repatriations of citizens of the Democratic People’s Republic of Korea from China, many of whom have family members in China and the Republic of Korea. The Special Rapporteur received numerous accounts of forced repatriation, including several cases of children under 16, between December 2016 and July 2017. Civil society organisations have estimated that by the end of July, up to 200 citizens of the Democratic People’s Republic of Korea may have been detained in prisons across China and scheduled for repatriation. Chinese authorities consider nationals of the Democratic People’s Republic of Korea who transit through their territory as economic migrants who do not require special protection, except when there are grounds to believe that they are victims of human trafficking networks. The Special Rapporteur wishes to pursue this conversation further with China to ensure that these individuals, who risk being tortured and ill-treated if refouled, can benefit from the protections to which they are entitled in international human rights law as well as in China’s domestic laws.[[42]](#footnote-43) This protection should be guaranteed regardless of the reasons people leave the Democratic People’s Republic of Korea. The Special Rapporteur urges China to address this challenge on a case-by-case basis, and particularly ensure that the principle of non-refoulement applies to all detainees from the Democratic People’s Republic of Korea, also in line with the recommendations of the 2014 Commission of Inquiry to China and other stakeholders.
4. Among the other forms of family separation that were brought to the attention of the Special Rapporteur during his last visit to the Republic of Korea is the case of 12 women from the Democratic People’s Republic of Korea. In April 2016, the women arrived in the Republic of Korea from China, where they had been working in a restaurant, along with their male manager. The Democratic People’s Republic of Korea accused the Republic of Korea of abducting this group, and it conditioned the resumption of family reunions on their return. In July 2017, the Government reacted in writing to a public statement by the Special Rapporteur urging the resumptions of family reunions,[[43]](#footnote-44) in which it recalled the situation of these women and insisted it considers them as forcibly disappeared. The Special Rapporteur has learned that these women are not held in detention and he continues to monitor their situation. He received conflicting accounts about the circumstances of their departure from China, with some indicating that some members may not have fully consented to a mass escape. The case requires further consideration by the concerned Governments and the welfare of these women and their families should be treated as priority. The Special Rapporteur will continue to work with the authorities in the two Koreas to ensure that the short and longer-term protection needs of these women and their families, as well as the possibility to restore contact, are duly considered.
5. During his last visit to the Republic of Korea, the Special Rapporteur also met a man who wishes to return to the Democratic People’s Republic of Korea, where his wife and son currently live. The man escaped in 2014 and, despite being aware of the risk of being punished for travelling abroad without authorisation, is willing to go back to his home country to recover his lost family ties. The Special Rapporteur was made aware of the case of a woman who also wishes to return. As is the case for all citizens of the Republic of Korea, the National Security Law prevents individuals who seek to return from establishing formal contact with the Democratic People’s Republic of Korea without approval by the authorities, or expressing affinity with the country.[[44]](#footnote-45) The Special Rapporteur recalls that restrictions on the right to freedom of movement must comply with international law and be based on imperative reasons of national security. He calls upon the Republic of Korea to consider cases of persons who wish to return to the Democratic People’s Republic of Korea on their individual merit, placing the person’s well-being and right to family life above other considerations.

C. Right to food

1. The Democratic People’s Republic of Korea remains especially vulnerable to food insecurity. The Food and Agriculture Organization maintains the country on a list of 37 states that require external assistance due to a chronic shortage in food supply.[[45]](#footnote-46) The International Food Policy Research Institute has categorised the Democratic People’s Republic of Korea among states with consistently serious hunger levels, with 41.6 per cent of the population that is undernourished (2014-2016 reference years) and 17.9 per cent of children who are stunted (2011-2015 reference years).[[46]](#footnote-47) In March 2017 the United Nations Country Team found that chronic food insecurity is tied to a range of unmet humanitarian needs. For example, the majority of children under 2 years and half of pregnant and breastfeeding women have insufficient dietary diversity. Moreover, 3.5 million people do not access to safe water, sanitation and hygiene, including in schools and health facilities.[[47]](#footnote-48)
2. The provinces of North and South Pyongan and North and South Hwanghae have been affected by decreased rainfall in the first half of 2017, which may lead to a decrease of 30 to 50 per cent in the yields of some crops.[[48]](#footnote-49) At the end of June, United Nations agencies inspected water reservoirs in the South Hwanghae Province that were reportedly well below capacity.[[49]](#footnote-50) Rains in July 2017 provided some relief but were too late to allow planting of season crops to be harvested in autumn, and cereal import requirements are likely to increase in 2017/2018.[[50]](#footnote-51) The dry spell reportedly resulted in a decrease in government rations, on which 70% of the population currently rely, from 400 grams per person per day to 300 grams, well below the target of 573 grams.[[51]](#footnote-52)
3. Chronic deficiencies in the Public Distribution System, a legacy of the 1990s famine, have aggravated food insecurity and pushed the population to adopt new coping mechanisms using the large and growing informal sector. The situation seems to be especially difficult in the Northern provinces that have been affected by cycles of severe drought and flooding in the past few years. A woman who comes from the North Hamgyong Province told the Special Rapporteur that “the Public Distribution System is not working and the rationing is not equitable. It has become the duty of everyone to make a living, so some people cultivate food in the mountain and others take more risks by doing business with China”.[[52]](#footnote-53) Recent reports on the Public Distribution System depict a policy of discriminatory and unequal access to food, with many people either left out of the system or given irregular rations.[[53]](#footnote-54)
4. The Special Rapporteur was informed that by the end of 2016, the United Nations system collected 115 million dollars in humanitarian aid for the Democratic People’s Republic of Korea out of a fundraising appeal for 142 million dollars.[[54]](#footnote-55) Reduced interest from donors as well as unfavourable political circumstances made it difficult to achieve the target figure. International sanctions are also said to have greatly complicated logistical arrangements to carry out direct financial transfers. The Special Rapporteur appeals to the donor community to maintain their commitment to assisting the Democratic People’s Republic of Korea, and calls on the United Nations system to ensure that the sanctions regime does obstruct the timely delivery of international aid.
5. As the Supreme Leader of Democratic People’s Republic of Korea announced a five-year strategy for economic development in his 2017 New Year address, the Special Rapporteur urges the authorities to duly integrate shortcomings in the Public Distribution System in this strategy, and particularly ensure that food security is considered a priority. Economic planning should carefully balance out subsistence needs with defence and security expenditures, and a specific plan to address chronic malnutrition should be in place to allow the country to fully utilise its human capital. The development strategy should especially include policies aimed at addressing inequalities in access to food and target vulnerable groups. The Special Rapporteur will support offers for technical assistance that may help the country rework its strategic priorities for economic development.

D. Impact of corruption on human rights

1. A consistent feature in all the testimonies received by the Special Rapporteur is the role of bribes in securing access to public services, seeking employment, travelling, or avoiding punishment when one is arrested. Corruption is portrayed as endemic and pervasive, with officials at the central and provincial levels frequently asking people to pay them in cash or in kind to allow them to access basic services. There appears to be a correlation between corruption and social exclusion, a connection that could be seen for instance in the testimony of a woman, who described her experience of the public health system to the Special Rapporteur in these terms: “Free medical treatment does not exist in practice. People pay doctors with cigarettes, money, or whatever they can give. I was asked to pay to even get a simple injection or a pill”.[[55]](#footnote-56) For another man who was refouled from China in 2016, bribing officials in the Democratic People’s Republic of Korea was a way of negotiating the terms of his own punishment. He said: “I was detained at a holding centre then transferred to a district level security office, where I was informed that I would be sent to a political prison camp for planning to go to South Korea. So I bribed the prosecutor and the Ministry of State Security officer to be sent to a labour camp instead. I gave them 3000 yuan that I had earned in China”.[[56]](#footnote-57) The man left the country again as soon as he was released from detention; “I paid border guards to seek freedom”, he added.
2. The rapid growth of the informal sector has reportedly contributed to increasing corruption levels, though it has also given more individuals opportunities to enhance their material comfort and adopt a lifestyle of their choosing. These freedoms are protected under article 6 of the International Covenant on Economic, Social and Cultural Rights to which the Democratic People’s Republic of Korea is a State party. According to a former Pyongyang resident who spoke to the Special Rapporteur, “all you need to do is pay 100 US dollars to a district official every time you need clearance for something: running your own business, living in a particular area, staying in a house”.[[57]](#footnote-58) The man managed a company that allowed him to remain part of what he calls “the middle class”. His business was profitable enough to allow him to pay Government officials to rent a house, drive a car and travel to other parts of the country. Increased marketization may have opened up more opportunities for people to improve their living standards, but it has further entrenched corruption and increased inequality.
3. The observation that a civil and political or a social and economic right can be “bought” through bribes raises the question of the role that corruption has come to play in society in the Democratic People’s Republic of Korea. In particular, the increase in corruption is symptomatic of poorly structured economic, political and social institutions. As the Supreme Leader’s five-year strategy for economic development is underway, the Special Rapporteur urges the authorities to recognise the scope of this challenge while at the same time take advantage of the rapid growth of the informal sector to consider alternative ways to enable access to public services. The reform may come in the shape of an organised and fair taxation system, the development of commercial laws that reflect the reality of trading activities, as well as the relaxation of restrictions on freedom of movement.

E. Freedom of information

1. The Democratic People’s Republic of Korea maintains a strict system of surveillance on all forms of communication both within the country and with the outside world. According to non-governmental sources, a network of neighbourhood watches called *inminban* is tasked by the Government of monitoring people’s radio and television watching habits and reporting them to the Ministry of State Security.[[58]](#footnote-59) The Special Rapporteur was informed of a recent crackdown on audio-visual materials with foreign content. A former resident of North Hamgyong Province said that Government and local structures of the Workers Party of Korea strengthened their monitoring of the population’s access to foreign media in the past few years, especially radios. A man from Pyongyang said that he had watched films and television shows from the Republic of Korea with his friends since 2007. He was able to receive this material through traders who regularly travel to China. In January 2017 the man was caught during a police raid on his home, and the prospect of receiving a severe punishment, possibly the death penalty, pushed him to bribe security officers to allow him to escape the country within a few hours.[[59]](#footnote-60)
2. The Special Rapporteur met several people from the Democratic People’s Republic of Korea who were computer literate, a skill that seemed to be at odds with a Government policy that prevents them from accessing the internet. Many people to whom the Special Rapporteur spoke, including those who come from impoverished areas, said that they owned a smartphone when they lived in the country. Whereas some of these phones were acquired in the Democratic People’s Republic of Korea at a relatively high price and through a formal registration process with the Government, the majority were manufactured and smuggled in from China. Brokers in border areas reportedly take high commissions to help people make telephone calls abroad, including with relatives in China and the Republic of Korea. Telephone calls are made in mountain areas where people can circumvent Government surveillance and use Chinese mobile networks. As pointed out by OHCHR, these communications are vital for many as they allow them to receive remittances from relatives abroad, but they also place an unfair financial burden on many people and expose them to the risk of receiving harsh prison sentences if they are caught by the authorities.[[60]](#footnote-61)

VI. Conclusions

1. **The situation of human rights in the Democratic People’s Republic of Korea is complex and changing in some respects. Patterns of grave violations continue to be observed despite limitations on access to independent human rights monitors. The situation of detainees is of particular concern, as is the condition of citizens abroad who are forcibly repatriated. No progress has been made in investigations to determine the whereabouts of foreign abductees, and political considerations continue to hamper the organisation of reunions for families that have been separated since the Korean War. The rapid development of the informal economy has compensated from some of the structural deficiencies of the Public Distribution System and created loopholes for some people enabling them to travel or set up a business, but this has come at the cost of rampant corruption. More sections of society seem to have access to information than in the past, despite severe restrictions by the Government on communications within the country and with the outside world. The Democratic People’s Republic of Korea has taken recent steps to reach out to United Nations human rights mechanisms and start a discussion on ways to promote and realise certain rights. Other initiatives are also taking place with the support of international nongovernmental organisations that are active inside the country. This mixed picture invites an assessment that takes into consideration the possibility to achieve immediate, concrete changes on the ground, using the openings that have been created through these interactions.**
2. **The rise in military tensions in the Korean Peninsula over the past year has been a serious impediment to human rights dialogue. The international community should support current efforts to promote engagement with the Democratic People’s Republic of Korea and reduce hostilities. Action should also be taken at the regional and international levels to help integrate human rights concerns in intra-Korean dialogue for the benefit of all people on the peninsula, not least the thousands of families split across the 1953 Armistice line who long to regain contact. At the same time, the Democratic People’s Republic of Korea should give the utmost priority to the subsistence and development needs of its population, which remain largely unfulfilled. The pursuit of conflict prevention and trust-building efforts is critical to help operate the necessary shift in the country’s priorities.**
3. **The call for accountability remains an essential component of advocacy for the protection of people in the Democratic People’s Republic of Korea, and the options to hold officials to account are multiple. As discussions on the prospect for international criminal prosecution continue, the Government, through its recent interactions with United Nations human rights instruments, has an opportunity to ensure immediate redress and remedy for certain violations of a grave nature, including human trafficking; torture and ill-treatment in detention; and Sexual and Gender-Based Violence. There could also be an opening for a conversation on human rights obligations through the policy of rapprochement that the Republic of Korea is pursuing, or if the Supreme Leader’s pledge to tackle corruption and improve governance is to take effect. The Democratic People’s Republic of Korea should fully embrace these possibilities, which will serve to ensure freedom and dignity for its people and keep the Government within the ambit of international cooperation. Members of the international community should also support the country through the provision of adequate resources and technical expertise, in line with the principles of the United Nations Charter, and press for effective changes in current policies.**

VII. Recommendations

1. **The Special Rapporteur recommends that the Democratic People’s Republic of Korea:**
2. **Refrain from using any form of punishment or retaliation against people who are forcibly repatriated;**
3. **Investigate and hold accountable prison officials including in the detention centres near the border with China who use violence against children, men and women returnees from abroad;**
4. **Initiate discussions concerning access to detention facilities by the International Committee of the Red Cross (ICRC), relevant agencies of the United Nations Country Team, OHCHR, international human rights mechanisms, and relevant civil society organisations;**
5. **Abolish restrictions on access to information and communication both inside the country and with the outside world;**
6. **Resume family reunions with the Republic of Korea, and ensure that a fair and transparent system is in place to help relatives in the Democratic People’s Republic of Korea sign up for these events;**
7. **Resume investigations regarding the abduction of Japanese nationals and include cases of abductions from the Republic of Korea on the agenda of future bilateral talks;**
8. **Investigate and hold accountable, in accordance with human rights standards, public officials at the central and provincial levels who accept bribes as the only way to provide people with access to essential public services;**
9. **Establish fair criteria for access to food rations and prioritise those in the most vulnerable conditions, including persons in detention;**
10. **Continue to cooperate with the Special Rapporteur on the rights of persons with disabilities and reach out to other Special Procedures of the Human Rights Council to identify possibilities for technical assistance;**
11. **Continue to cooperate with Treaty Bodies, including through regular reporting on the state of implementation of their recommendations;**
12. **Use the mandate of the Special Rapporteur on the situation human rights in the Democratic People’s Republic of Korea as a reference point for all cooperation with the United Nations human rights system;**
13. **Invite the country mandate holder to carry out a country visit in the near future.**
14. **The Special Rapporteur recommends that the Republic of Korea:**
15. **Continue to pursue engagement efforts with the Democratic People’s Republic of Korea by placing the country’s human rights obligations high on the dialogue agenda;**
16. **Use future openings for cooperation in the economic and humanitarian areas to promote transparency, accountability and non-discrimination in the delivery of public services in the Democratic People’s Republic of Korea;**
17. **Take steps to facilitate the reunions of separated families using an approach that fully accounts for the rights and protection needs of all persons concerned, also in line with the recommendations of OHCHR.**
18. **The Special Rapporteur recommends that the United Nations:**
19. **Conduct a full assessment on the impact of the Security Council sanctions regime on human rights in the Democratic People’s Republic of Korea, with a focus on the extent to which they may put livelihoods at risk;**
20. **Support confidence- and peace-building initiatives with the Democratic People’s Republic of Korea, including by Member States and nongovernmental organisations, in order to reduce the country’s isolation from the international community;**
21. **Establish further technical assistance programmes with the Democratic People’s Republic of Korea with clear guidelines for monitoring and evaluation, and a specific focus on the situation of vulnerable groups;**
22. **Set up capacity-building programmes in the Democratic People’s Republic of Korea with a view to implementing accepted recommendations from the Universal Periodic Review cycle, Treaty Bodies, and other recommendations, including from OHCHR where relevant;**
23. **Promote accountability for human rights violations through practical measures to press for an immediate change in public policies in the Democratic People’s Republic of Korea;**
24. **Seek an expansion of humanitarian assistance to the most vulnerable groups, including persons in detention.**
25. **The Special Rapporteur recommends that civil society organisations:**
26. **Monitor the situation of human rights in the Democratic People’s Republic of Korea using the recommendations of the Human Rights Council and Treaty Bodies as a baseline;**
27. **Encourage opportunities for a human rights dialogue with the Democratic People’s Republic of Korea that also includes its neighbours and other developing countries in Asia;**
28. **For those humanitarian organisations that are operational in the Democratic People’s Republic of Korea, continue to build bridges with the authorities while also identifying and reaching out to the most vulnerable groups among the beneficiaries from technical assistance projects;**
29. **Continue engaging with donors and encourage them to support capacity-building initiatives at the intersection of humanitarian assistance, conflict prevention and human rights monitoring.**

1. [↑](#footnote-ref-2)
2. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3CF6E4FF96FF9%7D/s_res_2321.pdf>. [↑](#footnote-ref-3)
3. <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_res_2356.pdf>. [↑](#footnote-ref-4)
4. <https://www.un.org/sc/suborg/en/sanctions/1718/resolutions>. [↑](#footnote-ref-5)
5. Although the report covers the period ending 31 August 2017 this development may have serious short-term implications that require it be included in the overview. [↑](#footnote-ref-6)
6. The 2014 Commission of Inquiry also established that it “does not support sanctions imposed by the Security Council or introduced bilaterally that are targeted against the population or the economy as a whole” (A/HRC/25/63, para 1225a). [↑](#footnote-ref-7)
7. The assessment refers to general comment No. 8 (1997) of the Committee on Economic, Social and Cultural Rights. The Special Rapporteur’s report is available at: http://ap.ohchr.org/documents/dpage\_e.aspx?si=A/71/287. [↑](#footnote-ref-8)
8. “UN human rights expert urges halt to conflict rhetoric on Korean peninsula”: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21526&LangID=E. [↑](#footnote-ref-9)
9. It is worth noting that the speech, which was delivered in the former ‘East Berlin’, outlined a vision of unification in which the Republic of Korea “will not work towards any kind of unification through absorption, neither will [it] pursue an artificial unification”: http://www.koreaherald.com/view.php?ud=20170707000032. [↑](#footnote-ref-10)
10. Press briefing by the Permanent Representative of the Democratic People’s Republic of Korea in New York,15 November 2016: <http://webtv.un.org/media/watch/kim-in-ryong-dprk-press-conference-15->november-2016/5211267770001. [↑](#footnote-ref-11)
11. A/HRC/RES/25/25. [↑](#footnote-ref-12)
12. “Torn Apart: the human rights dimension of the involuntary separation of Korean families”, OHCHR Report, 2016. [↑](#footnote-ref-13)
13. A/HRC/34/66.add1. [↑](#footnote-ref-14)
14. Other core treaties previously ratified are: ICCPR, ICESCR, CEDAW and CRC. [↑](#footnote-ref-15)
15. “Use disability convention to boost human rights in North Korea- UN expert”, 20 December 2016: [http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21051&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21051&LangID=E). [↑](#footnote-ref-16)
16. End of mission statement by the Special Rapporteur on her visit: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21610&LangID=E. [↑](#footnote-ref-17)
17. ibid. [↑](#footnote-ref-18)
18. <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno>=

    CEDAW%2fC%2fPRK%2fQ%2f2-4&Lang=en. [↑](#footnote-ref-19)
19. <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno>=

    CRC%2fC%2fPRK%2fQ%2f5&Lang=en. [↑](#footnote-ref-20)
20. List of UPR recommendations accepted by DPRK : https://www.upr-info.org/sites/default/files/document/korea\_dpr/session\_19\_-\_april\_2014/a\_hrc\_wg.6\_19\_prk\_1\_annex\_e.pdf. [↑](#footnote-ref-21)
21. ibid. [↑](#footnote-ref-22)
22. <http://kp.one.un.org/content/dam/unct/dprk/docs/DPRK%20UN%20Strategic%20>

    Framework%202017-2021%20-%20FINAL.pdf. [↑](#footnote-ref-23)
23. <http://www.nkdb.org/en/news/notice_list.php?board=notice_en&act>=

    view&no=109&page=1&search\_mode=&search\_word=&cid=&goUrl=/en/news/notice\_list.php [↑](#footnote-ref-24)
24. <https://extranet.who.int/sree/Reports?op=Replet&name>=

    /WHO\_HQ\_Reports/G2/PROD/EXT/TBCountryProfile&ISO2=KP&outtype=html. [↑](#footnote-ref-25)
25. World Food Programme, “DPR Korea Country Brief”, March 2017. [↑](#footnote-ref-26)
26. “North Korea: UN Expert calls for a people-centered approach”, 25 November 2016: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20937&LangID=E. [↑](#footnote-ref-27)
27. “UN Special Rapporteur urges Seoul and Pyongyang to discuss human rights”, 27 July 2017: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21913&LangID=E. [↑](#footnote-ref-28)
28. Figures provided by the authorities of the Republic of Korea. [↑](#footnote-ref-29)
29. Interview with a man who left the Democratic People’s Republic of Korea, Seoul 18 July 2017. [↑](#footnote-ref-30)
30. A/HRC/25/63. [↑](#footnote-ref-31)
31. A/HRC/27/10, para. 60. [↑](#footnote-ref-32)
32. Interview with a man who left the Democratic People’s Republic of Korea, Seoul, 19 July 2017. [↑](#footnote-ref-33)
33. Interview with woman who left the Democratic People’s Republic of Korea, Seoul, 18 July 2017. [↑](#footnote-ref-34)
34. In this respect, it is worth noting Human Rights Watch’s recent calls to protect returnees from China, whom the organisation found to “regularly endure torture while being interrogated about their activities abroad”: https://www.hrw.org/news/2017/06/29/south-korea-seek-help-north-korean-refugees-china. [↑](#footnote-ref-35)
35. http://edition.cnn.com/2017/06/15/politics/otto-warmbier-north-korea/index.html. [↑](#footnote-ref-36)
36. “US student case is reminder of prison conditions in North Korea- UN rights expert”, 16 June 2017: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21761&LangID=E. [↑](#footnote-ref-37)
37. “UN rights expert welcomes release of Canadian pastor in North Korea”, 11 August 2017: http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21960&LangID=E. [↑](#footnote-ref-38)
38. Vienna Convention on Consular Relations: http://legal.un.org/ilc/texts/instruments/english/conventions/9\_2\_1963.pdf. [↑](#footnote-ref-39)
39. “Torn apart: the human rights dimension of the involuntary separation of Korean families”, OHCHR report, 2016. [↑](#footnote-ref-40)
40. The recent election of Professor Park Kyung-seo as President of the Republic of Korea Red Cross is a positive development. He has conducted many humanitarian missions in the Democratic People’s Republic of Korea and remains a strong advocate for intra-Korean dialogue. [↑](#footnote-ref-41)
41. “UN expert backs moves to restart family reunions within two months”, 13 June 2017.

    [http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21732&LangID=E](https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21732&LangID=E). [↑](#footnote-ref-42)
42. The 2014 Commission of Inquiry and subsequent United Nations monitoring established that returnees to the Democratic People’s Republic of Korea are systematically subjected to torture and ill-treatment, regardless of the reason for which they leave the country. [↑](#footnote-ref-43)
43. “UN expert backs move to restart Korea family reunions within two months”, 13 June 2017, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21732&LangID=E. [↑](#footnote-ref-44)
44. In its concluding observations on the fourth periodic report of the Republic of Korea (2 December 2015) the Human Rights Committee observed that article 7 of the law disproportionately interferes with freedom of opinion and expression: http://tbinternet.ohchr.org/\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fKOR%2fCO%2f4&Lang. [↑](#footnote-ref-45)
45. FAO, “Countries requiring external assistance for food”, December2016: www.fao.org/giews/country-analysis/external-assistance/en/. [↑](#footnote-ref-46)
46. Global Hunger Index, <http://www.ifpri.org/topic/global-hunger-index>. [↑](#footnote-ref-47)
47. “DPR Korea Needs and Priorities, March 2017”, a report by the UN Resident Coordinator: http://reliefweb.int/sites/reliefweb.int/files/resources/DPRK%20Needs%20and%20Priorities%202017.pdf. [↑](#footnote-ref-48)
48. OCHA briefing note, 27 June to 3 July 2017:

    http://reliefweb.int/report/philippines/asia-and-pacific-weekly-regional-humanitarian-snapshot-27-june-3-july-2017. [↑](#footnote-ref-49)
49. ibid. [↑](#footnote-ref-50)
50. FAO/GIEWS special alert No.340:

    http://reliefweb.int/report/democratic-peoples-republic-korea/faogiews-special-alert-no-340-democratic-people-s-republic. [↑](#footnote-ref-51)
51. OCHA weekly briefing note, 18-24 July 2017:

    http://reliefweb.int/report/bangladesh/asia-and-pacific-weekly-regional-humanitarian-snapshot-18-24-july-2017. [↑](#footnote-ref-52)
52. Interview with woman who left the Democratic People’s Republic of Korea, Seoul, 18 July 2017. [↑](#footnote-ref-53)
53. 2016 White Paper of the Korea Institute for National Unification, pp.261-270. [↑](#footnote-ref-54)
54. Briefing by United Nations agencies that have operations in the Democratic People’s Republic of Korea, Geneva, 15 March 2017. [↑](#footnote-ref-55)
55. Interview with a woman who left the Democratic People’s Republic of Korea, Seoul, 18 July 2017. [↑](#footnote-ref-56)
56. Interview with a man who left the Democratic People’s Republic of Korea, Seoul, 19 July 2017. [↑](#footnote-ref-57)
57. Interview with a man who left the Democratic People’s Republic of Korea, Seoul, 19 July 2017. [↑](#footnote-ref-58)
58. This system is discussed in detail in Amnesty International’s 2016 report “Connection Denied”, p.42: https://www.amnesty.org.uk/files/final\_en\_connection\_denied\_full\_report1.pdf. [↑](#footnote-ref-59)
59. Interview with a man who left the Democratic People’s Republic of Korea, Seoul, 19 July 2017. [↑](#footnote-ref-60)
60. “Torn Apart: the human rights dimension of the involuntary separation of Korean families”, OHCHR Report, 2016. [↑](#footnote-ref-61)