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

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

### **Note by the Secretary-General**

#### *Summary*

The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea is submitted pursuant to General Assembly resolution [74/166](#). In the report, the mandate holder provides an overview of recent developments in the human rights situation in the Democratic People's Republic of Korea in the context of the threat of the coronavirus disease (COVID-19) outbreak and of progress made towards peace, security and denuclearization on the Korean Peninsula. He updates the international community on issues of concern regarding the situation of human rights and reiterates the importance of engagement with the Democratic People's Republic of Korea.

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

\*\* The present report was submitted after the deadline so as to include the most recent information.



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## I. Introduction

1. To date, no cases of coronavirus disease (COVID-19) have been officially confirmed in the Democratic People's Republic of Korea. The authorities are continuing their preventative actions, including by imposing strict border controls. The prolonged closure of the borders has resulted in a drastic decline in trade and commercial activities, affecting the overall economy and the livelihoods of the people. The COVID-19 preventative measures have made it impossible for the diplomatic presence and international organizations to continue their operations in the Democratic People's Republic of Korea. The number of escapees from the Democratic People's Republic of Korea arriving in the Republic of Korea has declined significantly. With the limited international presence inside the country and the reduction in escapee arrivals in the Republic of Korea, who provide first-hand information, the paucity of information on the human rights situation in the country is worse than ever.

2. The Special Rapporteur regrets that he has not been invited to conduct an official visit to the Democratic People's Republic of Korea. Owing to travel restrictions, he has also been unable to undertake any official missions to the Republic of Korea or neighbouring countries since his visit to Japan from 2 to 4 December 2019 and to Thailand from 28 to 29 November 2019. Limitations on the availability of first-hand information and the lack of opportunities to hear the voices of people from the Democratic People's Republic of Korea bring additional challenges to a comprehensive review of the human rights situation in the country. The Special Rapporteur held a series of online meetings with victims of human rights violations, their family members, civil society organizations, United Nations agencies and governments. Through that engagement, he learned of the worrying human rights situation of people impacted by the COVID-19 preventative measures, the effects of sanctions on economic and social rights, and human rights violations relating to the existing labour system in the Democratic People's Republic of Korea.

## II. Political and security situation

3. The Democratic People's Republic of Korea has not conducted any nuclear tests since September 2017. While it has not launched intercontinental ballistic missiles since November 2017, it has conducted several missiles and weapons tests and launches including short-range ballistic missiles (S/2020/151, annex, p. 4). There have been no significant developments on denuclearization and peace talks. The implementation of the Panmunjom Declaration on Peace, Prosperity and Reunification of the Korean Peninsula, adopted on 27 April 2018, has been affected by a lack of progress on denuclearization and on the lifting of sanctions. Regrettably, the agreement to open a permanent facility for family reunions and to give priority to video reunions has also not been implemented.

4. The human rights situation in the Democratic People's Republic of Korea remains extremely serious and shows no sign of improvement or progress in advancing justice and accountability for human rights violations. Transparency, participation and human rights reforms are the key to peace negotiations and the realization of sustainable peace, which is intended to benefit and improve the lives of the people and is supported by the population on the Korean Peninsula.

5. The increased implementation of sanctions has started to seriously affect the entire economy of the country, which is having adverse consequences on the exercise of the economic and social rights of the people. The Panel of Experts established pursuant to Security Council resolution 1874 (2009) considered that the four new

sanctions adopted in 2017 “could exacerbate an already difficult situation in the country for those employed in sectors directly or indirectly affected by sanctions”, including through loss of employment and increased restrictions on commercial activities (S/2020/151, annex, para. 209). The textile sector, one of the export-prohibited sectors, and informal commercial activities, for instance, are dominated by women, and any detrimental consequences on those sectors have a particular impact on women’s rights. Since the adoption of additional sanctions in 2017,<sup>1</sup> exports from the Democratic People’s Republic of Korea have significantly decreased, from \$2.63 billion in 2016 to \$1.65 billion in 2017 and \$200 million in 2018.<sup>2</sup> The country’s exports to China experienced a 90 per cent decrease in 2018 compared to 2017 and its trade dependence on China increased to 95.2 per cent in 2019.<sup>3</sup> Foreign currency reserves have been decreasing and ordinary citizens in the country have been suffering from the failing economy and increasing demand from the Government to provide monetary and labour contributions.

6. In January 2020, when the global COVID-19 outbreak began, the Democratic People’s Republic of Korea had to contend with difficulties relating to the pandemic in conjunction with one of the most severe sanctions regimes imposed on any country in the world, as well as systemic economic problems and unusually bad weather conditions. Since January 2020, the authorities have suspended all travel in and out of the country, imposed travel restriction between cities and regions and introduced strict quarantine measures.

7. In August and September 2020, the country was hit hard by a series of natural disasters resulting in damage to infrastructure, including roads, railroads and bridges, and houses and crops. Owing to strict COVID-19 preventative measures, the international staff presence of the United Nations humanitarian agencies in the country has fallen below 20 per cent, which will have an impact on their response. Several Political Bureau meetings of the Central Committee of the Workers’ Party of Korea were held to discuss issues involving COVID-19 and typhoons. On 19 August, at the Sixth Plenary Meeting of the Seventh Central Committee of the Workers’ Party of Korea, Chairman Kim Jong Un reportedly admitted that the authorities had failed to improve the lives of citizens. The adopted decisions stated that the “economy was not improved in the face of the sustaining severe internal and external situations and unexpected manifold challenges, thereby planned attainment of the goals for improving the national economy has been seriously delayed and the people’s living standard not been improved remarkably”.<sup>4</sup> That realistic assessment of the economic challenges in the country should be the basis for a new five-year economic plan to be announced in January 2021.

8. In June 2020, partly as a reaction to the balloons with anti-leadership leaflets launched across the border by civil society organizations in the Republic of Korea, the authorities of the Democratic People’s Republic of Korea heightened tensions with the Republic of Korea. On 9 June, State media reported that Kim Yo Jong and

<sup>1</sup> Security Council resolutions 2371 (2017), 2375 (2017) and 2397 (2017) adopted in August, September and December, respectively.

<sup>2</sup> Hong Jea Hwan, “COVID-19 shock and North Korea economy”, Korea Institute for National Unification, Online Series, 12 August 2020, p. 2.

<sup>3</sup> Korea International Trade Association, “Inter-Korean Trade Report 2019”, vol. 3, p. 4 (in Korean). Available at [www.kita.net/asocGuidance/nesDta/nesDtaFileDown.do?nPostidx=8789&nIndex=2&originFileNm=%EB%AC%B4%ED%98%91%EB%B3%B4%EA%B3%A0%EC%84%9C-2019%20%EC%83%81%EB%B0%98%EA%B8%B0%20%EB%B6%81%EC%A4%91%20%EB%AC%B4%EC%97%AD%EB%8F%99%ED%96%A5%EA%B3%BC%20%EC%8B%9C%EC%82%AC%EC%A0%90\(%EB%82%A8%EB%B6%81%ED%98%91%EB%A0%A5%EC%8B%A4\).pdf](http://www.kita.net/asocGuidance/nesDta/nesDtaFileDown.do?nPostidx=8789&nIndex=2&originFileNm=%EB%AC%B4%ED%98%91%EB%B3%B4%EA%B3%A0%EC%84%9C-2019%20%EC%83%81%EB%B0%98%EA%B8%B0%20%EB%B6%81%EC%A4%91%20%EB%AC%B4%EC%97%AD%EB%8F%99%ED%96%A5%EA%B3%BC%20%EC%8B%9C%EC%82%AC%EC%A0%90(%EB%82%A8%EB%B6%81%ED%98%91%EB%A0%A5%EC%8B%A4).pdf).

<sup>4</sup> See NK News reporting on the Korean Central News Agency. Available at <https://kcnawatch.jp/newstream/1597875650-385884100/8th-congress-of-wpk-to-be-convened/>.

Kim Yong Chol, another top official tasked with North-South relations, had ordered the suspension of all inter-Korean communication lines by noon the same day. On 16 June, the Democratic People's Republic of Korea blew up the inter-Korea joint liaison office in Kaesong Industrial Zone. Furthermore, Kim Yo Jong reportedly threatened to redeploy soldiers to the demilitarized zone and to send 12 million anti-government leaflets across the border. However, on 23 June, Kim Jong Un reportedly announced the suspension of plans for military action against the Republic of Korea. The Republic of Korea has proposed amendments to the laws to prohibit the sending of anti-leadership leaflets across the border to the Democratic People's Republic of Korea.

9. On 24 September, the Ministry of Defence of the Republic of Korea made public the fact that a 47-year-old official working at the Ministry of Oceans and Fisheries of the Republic of Korea had been shot dead and his body burned by the security forces of the Democratic People's Republic of Korea. President Moon Jae-in and the Ministry of Defence demanded an explanation and for action to be taken against those who were responsible. On 25 September, the Republic of Korea reported that it had received a note from the United Front Department of the Central Committee of the Workers' Party of Korea conveying Chairman Kim Jong Un's regret over the incident. The incident appears to have entailed the unlawful and arbitrary killing of a civilian who was not exhibiting any imminent threat to life of the security guards, which is in violation of international human rights law. The Democratic People's Republic of Korea must disclose all the information about the case, hold those responsible to account, compensate the family of the official and ensure such events are not repeated, which includes reviewing State policy on dealing with alleged trespassers. The Republic of Korea should also provide all available information on the incident and urge the Democratic People's Republic of Korea to comply with its international obligations.

### **III. Impact of coronavirus disease on human rights**

10. According to the World Health Organization (WHO), as at 17 September 2020, the Democratic People's Republic of Korea had tested 3,374 people for COVID-19. All the results had been negative.<sup>5</sup> Also as at 17 September, 31,773 people had been placed under quarantine and 31,163 subsequently released. On 23 April, the Government reportedly extended national emergency quarantine measures until the end of the year. It ordered the public to refrain from attending large gatherings, including weddings, funerals, coming of age ceremonies and ancestral rites. Mobilization for political rallies, farming and ideological sessions by workplaces and political organizations are continuing. On 25 July, after a suspected COVID-19 case was detected in Kaesong city, the Government declared a state of emergency and a lockdown was imposed on the city, which was lifted on 14 August. Reportedly, the suspected case involved a man who had escaped to the Republic of Korea in 2017 and had recently returned to the Democratic People's Republic of Korea.

#### **A. Impact on the right to health**

11. In the Democratic People's Republic of Korea, 47.8 per cent of the total population, 12.2 million people, were undernourished in the period from 2016 to

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<sup>5</sup> See [www.nknews.org/2020/09/north-korea-tested-3374-people-for-covid-19-all-results-negative-who-says/](http://www.nknews.org/2020/09/north-korea-tested-3374-people-for-covid-19-all-results-negative-who-says/).

2018.<sup>6</sup> The rate of tuberculosis was one of the highest in the world before COVID-19, which indicates that a majority of the population are particularly vulnerable to COVID-19. At the end of January 2020, the State Emergency Anti-epidemic Headquarters was activated to coordinate the response. The World Health Organization continues to engage with the Ministry of Public Health on preparedness and response measures. In an important decision, in April, the Supreme People's Assembly approved a 7.4 per cent increase in the health budget in 2020, while the defence budget did not increase.<sup>7</sup> The Government reportedly gave instructions to health facilities at the regional level to follow preventative measures when the outbreak of COVID-19 started in the world in early 2020. Reportedly, 235 mobile teams composed of an epidemiologist, a doctor, a nurse and an official of the Department of Livestock of the Ministry of Agriculture have been formed to investigate cases of COVID-19.

12. While the scale of the pandemic within the country is still unknown, the limited capacity of the health facilities is a concern. In recent years, the Democratic People's Republic of Korea has emphasized the modernization of its health systems, the advancement of medical technology, domestic production of drugs and capacity-building of health workers. On 17 March 2020, Chairman Kim Jung Un inaugurated the construction of Pyongyang General Hospital, to be completed within seven months, by 10 October 2020. Although the country has an extensive network of local clinics and hospitals in the provinces, many of those facilities are not up-to-date. Health facilities also lack adequate water, reliable electricity and basic medical supplies and equipment. Approximately 9 million people have only limited access to quality health services in the country.<sup>8</sup> Despite the guarantee of free medical care for all its citizens prescribed in articles 56 and 72 of the Socialist Constitution of the Democratic People's Republic of Korea and relevant laws, people still have to give money or food in exchange for treatment and medicine. Those who do not have the means to pay a doctor resort to self-medication with medicine bought in pharmacies or the informal market. In some places, the price of medicines has reportedly increased dramatically since the border shutdown.

## B. Impact on access to information and communication

13. In late January 2020, the State media began to broadcast extensive public health information campaigns, focusing on the Government's efforts concerning disinfection and preventive measures. In February, the Korean Red Cross mobilized volunteers to provinces near the border with China to undertake health promotion campaigns and to assist with screening. The Government gave instructions through State media in April to refrain from drinking alcohol, not take medicine without a doctor's approval, change face masks frequently and use local foods such as garlic, onions and honey to prevent infections and improve the immune system.<sup>9</sup> The Government reportedly distributed COVID-19 messages through mobile telephone messaging, and launched

<sup>6</sup> Food and Agriculture Organization of the United Nations (FAO), International Fund for Agricultural Development, United Nations Children's Fund (UNICEF), World Food Programme (WFP) and WHO, *The State of Food Security and Nutrition in the World 2019. Safeguarding against economic slowdowns and downturns* (Rome, Food and Agriculture Organization of the United Nations, 2019), p. 126.

<sup>7</sup> The health budget increased by 5.8 per cent in 2019.

<sup>8</sup> United Nations Development Programme, FAO, WHO, WFP, United Nations Population Fund and UNICEF, "DPR Korea needs and priorities 2019", March 2019, p. 7.

<sup>9</sup> See [www.nknews.org/2020/04/in-covid-19-fight-north-koreans-told-to-avoid-alcohol-and-unapproved-medicines/?t=1586308291537](http://www.nknews.org/2020/04/in-covid-19-fight-north-koreans-told-to-avoid-alcohol-and-unapproved-medicines/?t=1586308291537).

an e-book on commonly asked COVID-19 questions.<sup>10</sup> However, the campaigns did not provide information on the treatment of infected persons. The Government continues to strictly control all information in the media – newspapers, radio, television and the Internet – limiting citizens’ right to access full and unbiased news that directly affect their lives, including in relation to the COVID-19 pandemic.

### C. Impact on the right to food

14. In the Democratic People’s Republic of Korea, 10.1 million people, 40 per cent of the population, were already living with food insecurity and in urgent need of food assistance in April 2019,<sup>11</sup> before the country was affected by COVID-19. While the country experiences a staple food shortage every year in spring ahead of the next harvest, it was particularly difficult in 2020 owing to the low harvest in 2019 coupled with the prolonged border shutdown since January 2020. The price of food has increased, although the Government has reportedly intervened to control food prices.

15. The country’s trade with China in March and April declined by over 90 per cent. In the first half of 2020, exports dropped by 74.7 per cent compared to the same period in 2019.<sup>12</sup> In May, trade increased modestly (from \$21 million in April to \$58 million in May); however, imports were limited to basic necessities such as flour, cooking oil and sugar. The majority of the population living in the border regions and relying on commercial activities have lost their source of income and are struggling to fulfil their basic needs. People are reportedly selling their assets and furniture, taking out loans and going to the mountains to find medicinal herbs, forage for food and cultivate small patches of land to survive. Information suggests that many families cannot afford two meals a day, some may be starving and some have become homeless. The Government has reportedly not provided financial support or rations through the public distribution system to those poor families. There are reports that *kotjebi* (street children) are escaping from government facilities owing to the poor living conditions and lack of food, but the authorities are forcing them to remain inside to prevent the spread of COVID-19. An increase in the number of street children is an indicator of a deteriorating economic situation.

16. Farmers suffered from a lack of necessary agricultural inputs such as fertilizer and gasoline at a critical time when they were planting seeds, growing seedlings and transplanting rice. In the first half of 2020, the import of fertilizer totalled \$4.38 million, which is one ninth of the import of the previous year.<sup>13</sup> Access to agricultural supplies, which was already negatively affected by sanctions prior to the implementation of COVID-19 preventative measures, was further limited owing to the border shutdowns and movement restrictions. The lack of supplies is likely to impact the harvest in September and October 2020, which constitutes 90 per cent of the country’s food production. On 19 May 2020, a research institute report estimated the amount of annual rice production of the Democratic People’s Republic of Korea to be 1.36 million tons,<sup>14</sup> 18,000 tons less than the 2018/2019 production estimate. If the estimate is accurate, that will be the lowest harvest since 1994 (about 1.5 million tons), which saw the Arduous March and the onset of famine. Furthermore, flooding caused by heavy rains in August and September 2020 left thousands of hectares of crops

<sup>10</sup> The majority of the population relies on domestic smartphones. See [www.nknews.org/2020/03/north-korea-published-an-e-book-on-coronavirus-state-media/](http://www.nknews.org/2020/03/north-korea-published-an-e-book-on-coronavirus-state-media/).

<sup>11</sup> Office for the Coordination of Humanitarian Affairs, “DPR Korea needs and priorities 2020”, April 2020, pp. 5 and 23.

<sup>12</sup> Hong Jea Hwan, “COVID-19 shock and North Korea economy”, p. 5.

<sup>13</sup> Ibid.

<sup>14</sup> The Economic Research Service under the United States Department of Agriculture, “Rice outlook monthly tables May 2020”. Available at [www.ers.usda.gov/publications/pub-details/?pubid=98445](http://www.ers.usda.gov/publications/pub-details/?pubid=98445).

damaged. As a result of the pervasive discrimination in the public distribution system, ordinary citizens, including farmers, do not receive rations. Prospects of a further deepening of food shortages and widespread food insecurity is a serious concern, not only owing to the danger of starvation, but also concerning the health and well-being of large segments of the population due to poor nutrition. The Special Rapporteur urges the Government to invest the necessary resources to overcome that serious food insecurity and to break the cycle of isolation. He also calls on the international community to reassess the implications of the measures being taken, including sanctions, that impact the right to food.

17. Malnutrition is common in prisons in the Democratic People's Republic of Korea because prisoners receive very little or poor-quality food. In many cases, prisoners depend on food brought in by their families, but family visits have been difficult owing to COVID-19 preventative measures. In prisons, access to safe drinking water is limited, sanitation facilities are inadequate and health services barely exist. Those who are repatriated from China are also placed under harsh conditions in detention facilities. Accounts refer to frequent deaths of prisoners as a result of hard work, lack of food, contagious diseases and overcrowding. The secrecy surrounding the political prison camps (*kwanliso*) is particularly concerning. The Government should follow the guidelines in the United Nations Office on Drugs and Crime (UNODC), WHO, the Joint United Nations Programme on HIV/AIDS (UNAIDS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR) joint statement on COVID-19 in prisons and other closed settings,<sup>15</sup> and abide by the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). It must provide information about those prisoners and allow independent monitoring. The Special Rapporteur calls once again for consideration of release of prisoners, particularly those who are most vulnerable: older, ill and undernourished persons, persons with disabilities, children, pregnant and lactating mothers and nursing parents. In addition, alternatives to detention should be implemented to mitigate the risk of harm within places of detention, including for persons who have committed minor, petty and non-violent offences or those with imminent release dates.

#### **D. Humanitarian access**

18. In April, the leadership of the Democratic People's Republic of Korea emphasized the need for the population to exercise self-reliance and frugality and warned about the dangers associated with dependence on aid from Western countries. The obstacles facing international humanitarian actors in the country also negatively impact access to health care. In the Global Humanitarian Response Plan for COVID-19, launched on 25 March, it is noted that in the Democratic People's Republic of Korea, the current low funding level and extremely poor availability of cash will impact response. It is also noted that quarantine measures, the inability to import medical supplies, the rotation of international staff and the inability to effectively engage with government officials have hampered the response.

19. The Special Rapporteur encourages the Government to comply with the COVID-19 guidance issued by the United Nations High Commissioner for Human Rights, which calls for solidarity and cooperation to tackle the virus, and to mitigate the effects of measures designed to halt its spread.<sup>16</sup> He also recommends that the Government: (a) further seek international assistance for testing and make public transparent data relating to the pandemic, disaggregated at a minimum by sex, age

<sup>15</sup> See [www.ohchr.org/Documents/Events/COVID-19/20200513\\_PS\\_COVID\\_and\\_Prisons\\_EN.pdf](http://www.ohchr.org/Documents/Events/COVID-19/20200513_PS_COVID_and_Prisons_EN.pdf).

<sup>16</sup> See [www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx](http://www.ohchr.org/EN/NewsEvents/Pages/COVID19Guidance.aspx).



and disability, as such data are necessary to inform health responses and identify those most at risk of being left behind; (b) respect the freedom to seek and receive information through any medium and regardless of frontiers, especially by allowing the use of electronic communication during lockdowns, quarantines or while other special measures are in place; and (c) facilitate access to the country by international organizations providing humanitarian assistance within the context of the measures to contain COVID-19.

20. In a briefing paper issued by the Korea Institute for National Unification in August 2020, the author argued that while China might provide the Democratic People's Republic of Korea with support to mitigate the crisis resulting from COVID-19, such support would not be sufficient to offset completely the shocks that the sanctions cause to the country's economy.<sup>17</sup> The sanctions imposed on the country make it difficult to enjoy the basic human right to an adequate standard of living. The negative impact of the sanctions on the people is particularly worrying when the country is further isolating itself and information received from within the country is further limited with the reduced presence of the international community and only a trickle of escapees arriving in the Republic of Korea. Under the unprecedented situation of the COVID-19 pandemic, the need to re-evaluate parts of the sanctions regime is more compelling than ever. The Special Rapporteur welcomes the swift response of the Security Council Committee established pursuant to resolution 1718 (2006) to provide humanitarian exemptions. He recommends that the Security Council study the policy on a standing exemption for humanitarian organizations. He also urges the Secretary-General to conduct a study on the humanitarian impact of sanctions, as recommended by the Panel of Experts established pursuant to Security Council resolution 1874 (2009) (S/2019/171 and Corr.1, annex, para. 180). The Government of the Democratic People's Republic of Korea is further isolating the country from the rest of the world and the authorities are slowing down the acceptance of humanitarian aid. That is a dangerous trend and the Special Rapporteur encourages the Government to reflect on that policy and urgently reverse it. The measures to contain the outbreak of COVID-19 must not compromise programmes aimed at advancing basic human rights such as the rights to health, food, water and sanitation and housing, which are equally necessary to combat the COVID-19 pandemic in the short and the long term.

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

### A. Labour system

21. The labour system controlled by the Workers' Party of Korea, based on the policy and practice of State ownership, central planning and the *juche* ideology of economic self-sufficiency<sup>18</sup> determines the entire life of the people in the Democratic People's Republic of Korea. The existing labour system warrants a detailed analysis through a human rights lens, particularly given the economic challenges facing the people in the context of the COVID-19 pandemic. The preamble to the Charter of the Workers' Party of Korea states that its current goal is to build a powerful socialist nation in the "northern half of Korea" and to implement the task of national liberation and democratic revolution throughout the nation. The Workers' Party of Korea, under

<sup>17</sup> Hong Jea Hwan, "COVID-19 shock and North Korea economy", p. 10.

<sup>18</sup> The State's "self-reliance" ideology, established by Kim Il Sung, postulates that man is the master of his destiny and that the masses have to act as the masters of the revolution and construction under the leader.

the leadership of Chairman Kim Jong Un, oversees and controls all political processes and State bodies to pursue its goals. The Central Committee of the Workers' Party of Korea, the highest body of the Worker's Party, decides on economic policy objectives, based on which the State Planning Commission determines the number of people required in each economic sector,<sup>19</sup> including new recruits to the military and the shock brigades (*dolgyeokdae*). The Workers' Party is also able to exert its power through basic social units such as farms, factories, schools and villages.

22. The State-controlled labour system applies to all citizens from the age of 17, the age at which students graduate from high school. Article 4 of the Socialist Labour Law states that under socialism, every citizen is duty bound to participate in labour, and that all able-bodied citizens take part in social labour according to their abilities. Both the Socialist Constitution and the Socialist Labour Law stipulate that the minimum age for labour is 16 years of age. According to the account of a woman who recently left the country, on turning 17 years old, one is considered an adult and issued with a national card. In 2018, the enrolment rate in higher education was only 18.18 per cent for women and 35.45 per cent for men, which indicated that the majority of the population at the age of 17 (81.82 per cent of women and 64.55 per cent of men) were required to attend mandatory military service, shock brigades (*dolgyeokdae*) or State-assigned jobs.

23. The system of State-assigned labour appears to violate the right to work, as guaranteed under the International Covenant on Economic, Social and Cultural Rights, to which the Democratic People's Republic of Korea has been a party since 1981. According to article 6 of the Covenant, the right to work includes "the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts". Also, some forms of labour practised in the Democratic People's Republic of Korea may amount to forced labour, which is prohibited under article 8 (3) of the International Covenant on Civil and Political Rights, to which the State has also been a party since 1981.<sup>20</sup> The Convention on the Rights of the Child, to which the State has been a party since 1990, defines a child as anyone below the age of 18 years and expressly recognizes the need to protect children and young people against all forms of economic exploitation and hazardous work. The different forms of labour and mandatory military service in the Democratic People's Republic of Korea are examined below.

### 1. Mandatory military service

24. The Military Service Act, enacted in December 2003, created a national military service system that obliges the entire population to perform military service in regular or reserve forces or the civilian forces. There is no fixed term for mandatory military service in the Democratic People's Republic of Korea. The Military Service Act allows the Government to determine the term based on the military's demands; the Government can also determine the conditions of service and the roles of the personnel.<sup>21</sup> In 2020, the initial term appears to have been set at 13 years for men and 8 years for women. It is common for soldiers to be sent home prior to completing their mandatory service because of malnutrition. Owing to shortages of military

<sup>19</sup> Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2019* (Seoul, September 2019), p. 299.

<sup>20</sup> The Democratic People's Republic of Korea is not a Member of the International Labour Organization (ILO). Article 2 of the ILO Forced Labour Convention, 1930 (No. 29) defines forced labour as "all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily".

<sup>21</sup> Asia Press, "<Inside N. Korea> a look at Korean People's Army recruitment through secretly obtained documents (part 1): 13 years of stolen youth", *Rimjin-Gang* (Osaka), 13 July 2020. Available at [www.asiapress.org/rimjin-gang/2020/07/military/military-service/](http://www.asiapress.org/rimjin-gang/2020/07/military/military-service/).

personnel, women are increasingly being recruited into military service. Women made up 30 per cent of new recruits in 2019 and 40 per cent in 2020.<sup>22</sup> After completing military service, people have the opportunity to become a member of the Workers' Party, although one escapee said that "being a party member does not bring any real benefit – no salaries, no rations, no privileges".

25. Under the International Covenant on Civil and Political Rights<sup>23</sup> and the ILO Forced Labour Convention 1930 (No. 29), compulsory military service is not regarded as forced labour. However, conditions of military service, including in relation to the rights to food and health, are a genuine human rights concern; those rights should be respected during mandatory military service. In 2017, the Committee on the Rights of the Child, during its review of the State's fifth periodic report, recommended that the Government "take measures to prevent the early militarization of children, particularly boys, and to prevent the recruitment of children under 18 years of age" (CRC/C/PRK/CO/5, para. 53 (b)).

## 2. State-assigned jobs

26. After completing school or military service, every citizen is assigned to a workplace by the State. Only married women are exempted from State-assigned jobs. Since the State assigns everyone a job and, in theory, provides for all necessities, the concept of a work contract does not exist. While officially there are no private companies in the country, quasi-private subsidiary companies working alongside State entities and sharing profits are in operation. Some companies which generate profits pay salaries to their employees and people pay bribes to be assigned to such workplaces. One female escapee stated that her husband worked at a mineral mining factory which generated foreign currency and regularly paid salaries to its employees; the salaries came from the company's profits, not from the State.

27. Article 5 of the Socialist Labour Law provides that all working people may choose occupations in accordance with their wishes and talents and will be provided with stable jobs and working conditions. Article 30 stipulates that in assigning workers, various factors (age, gender, physical condition, personal wishes and capability) must be taken into consideration. In practice, family background (*songbun*),<sup>24</sup> personal connections and the ability to bribe State officials are more consequential than personal choice.<sup>25</sup> One escapee said that the children of farmers could sometimes go to university, but were then required to return to their villages as teachers. Another escapee said that, "in the Democratic People's Republic of Korea, no matter how hard you try, you cannot reach beyond a certain level". In 2003, the Committee on Economic, Social and Cultural Rights expressed its concern that the right to work might not be fully assured in the system of compulsory State-allocated employment, which was contrary to the right of the individual to freely choose his or her career or his or her workplace (E/C.12/1/Add.95, para. 14).

<sup>22</sup> Asia Press, "<Inside N. Korea> a look at Korean People's Army recruitment through secretly obtained documents (part 2): cultivating kamikaze dedication to Kim Jong-un", *Rimjin-Gang* (Osaka), 27 July 2020. Available at [www.asiapress.org/rimjin-gang/2020/07/military/military-service2/](http://www.asiapress.org/rimjin-gang/2020/07/military/military-service2/).

<sup>23</sup> The International Covenant on Civil and Political Rights, art. 8 (3) (c), provides that the term "forced or compulsory labour" shall not include any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors.

<sup>24</sup> *Songbun* is a classification system based on the political, social and economic background of a person's direct ancestors, as well as the behaviour of a person and his or her relatives.

<sup>25</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. 20–22.

28. The labour system was originally based on the principle that the State provides people with basic needs and people must provide labour in return. Article 25 (3) of the Socialist Constitution indicates that the State provides all working people with every condition for obtaining food, clothing and housing. However, the public distribution system, which provided food rations, collapsed in the 1990s, contributing to a devastating famine. Since the mid-1990s, wages or rations provided in return for State-assigned jobs have been insufficient to fulfil even the basic needs of workers and their families. That has meant that work outside of State jobs, in the informal sector, has become more prevalent over time. The Committee on Economic, Social and Cultural rights, in its general comment No. 18 (2005), stated that people who operate in the informal economy “do so for the most part because of the need to survive, rather than as a matter of choice” (para. 10).

29. The Socialist Constitution and national legislation prescribe certain working conditions across the country. However, multiple accounts indicate that working conditions and treatment in State-assigned jobs vary largely; while some factories had no work owing to the lack of electricity and factory inputs, others, such as mining companies, imposed hard labour with long hours under harsh conditions and without any safety measures or instructions. Even though the State is not paying any or very little remuneration or providing basic necessities for an adequate standard of living, people are still required to report to their assigned workplaces. Article 18 of the Socialist Labour Law stipulates that working people must strictly maintain the labour discipline of socialism and observe the stated working hours; they are not allowed to leave their workplaces freely without fulfilling the required formalities. Absence from State-assigned workplaces for more than a prescribed period is a punishable crime. Article 90 of the Administrative Penalty Law provides for detention, without judicial oversight, of up to three months in a labour training camp (*rodongdanryonda*) as punishment for absence from work. People pay bribes to senior staff in their workplace to avoid such punishments. Information recently received indicates that COVID-19 measures have led to a tightening of control over workers, resulting in an increase in sentencing to detention in labour training camps.

30. The continuation of the State-assigned employment system is of great concern in relation to the right to work. In recent years, people have increasingly been relying on commercial activities, mainly in markets (*jangmadang*), to make a living. The Government initiated reforms to legalize and regulate some markets; however, it has not yet recognized or regulated the right to work in non-State jobs. The State has an obligation to take steps, without discriminating, to realize just and favourable conditions of work that ensure fair wages, a decent living for workers and their families, safe and healthy working conditions, equal opportunities for promotion, a reasonable limitation of working hours and the guarantee of periodic holidays with pay. The State-assigned job system may also constitute forced labour according to international human rights standards. People in the Democratic People’s Republic of Korea are not allowed to choose their work voluntarily, work under the threat of State sanctions, despite receiving only minimal or no remuneration, and are required to report to their workplaces for fear of being sent to a labour training camp. In 2001, during its review of the second periodic report of the Democratic People’s Republic of Korea, the Human Rights Committee noted that it harboured serious doubts about the compatibility of the provisions of chapter two of the State’s Labour Law, especially articles 14 and 18, with the prohibition of forced labour contained in article 8 (3) (a) of the Covenant (CCPR/CO/72/PRK, para. 17). The Democratic People’s Republic of Korea must work towards the progressive realization of the right to work by finding alternatives to replace the failed public distribution system and the State assignment of labour.

### 3. Mobilization

31. People in the Democratic People's Republic of Korea have to routinely provide unpaid compulsory labour for State projects through mobilization by the Workers' Party of Korea, the Women's Union (which organizes married women and other women not assigned to State jobs) and Neighbourhood Watch units. According to escapee accounts, mobilization of women to construction and agricultural sites has increased in recent months. Women are also vulnerable to sexual violence and assaults in exchange for exemption or easing of work or better treatment, and some also suffer from mental health issues after mobilizations. Soldiers from the Korean People's Army can also be mobilized to work, including in the agricultural and mining sectors. In September, Chairman Kim Jong Un reportedly announced that 12,000 members of the Workers' Party would be sent to the two typhoon-affected provinces to help with the recovery.

32. There also exists a system of longer-term mobilization of young people called "permanent" shock brigades (*dolgyeokdae*) or "formal" shock brigades, which are paramilitary labour brigades affiliated with the Ministry of Defence or the Ministry of People's Armed Forces. Most vulnerable to mobilization into *dolgyeokdae*, for extended periods without pay, are young people who cannot join the military owing to their family background (*songbun*), those from families who are unable to bribe the authorities, and orphans. Some young people in vulnerable situations endure the hardship with shock brigades in order to increase their chances of becoming a party member after completion of service. A female escapee who left the Democratic People's Republic of Korea in mid-2019 was mobilized to a shock brigade in 2009 at the age of 17. She was informed that she had to work for eight years with the shock brigade as a substitute for compulsory military service and would later be granted party membership. She worked as a construction labourer at a power plant, but ran away in 2012, as the work was too physically demanding. She said that people mobilized to shock brigades routinely escaped, but would return after some days. Those who did not voluntarily return would be sent to a labour training camp (*rodongdanryondae*). A man who had been homeless for most of his life and had begged on the streets as a child (*kotjebi*) recounted similar experiences.

### 4. Labour in prison

33. The Criminal Code provides for "correctional labour punishment" in prisons (*kyohwaso*) and "labour training punishment" in labour training camps (*rodongdanryondae*). Women and men detained in *rodongdanryondae*, holding centres (*jipkyulso*), *kyohwaso* and political prisons (*kwanliso*) are often required to perform hard manual labour in contravention of international human rights standards. That includes agricultural, logging and mining work, as well as the production of cosmetics and hand-made jewellery components. Female escapees have been assigned to make wigs, eyelashes for dolls and paper hats to be exported to China. Multiple accounts demonstrate that hard labour is imposed on inmates without adequate food or rest. Accounts are consistent concerning lack of food – detainees were given only small portions of cornmeal with or without soup. Beatings or physical punishment, such as remaining in stress positions for prolonged periods, were used as punishment. Often the whole team was punished if one of the team members did not meet their work quota.

34. Labour in prison is not considered to be forced labour under the International Covenant on Civil and Political Rights or the ILO Forced Labour Convention 1930 (No. 29), as long as the prisoners are serving a prison sentence based on court orders, the labour is performed in direct supervision of the competent authorities, and the labour is not performed for any private entities. The ILO Abolition of Forced Labour

Convention, 1957 (No. 105) clarifies that States undertake not to make use of any form of forced or compulsory labour as a means of political coercion or education (art. 1). Furthermore, rule 97 of the Nelson Mandela Rules affirms that prison labour “must not be of an afflictive nature”, referring to the pain, distress and grief caused by such labour. Rule 103 requires that there should be a system of equitable remuneration of the work of prisoners, and that a part of the earnings should be set aside by the prison administration so as to constitute a savings fund to be handed over to the prisoner on his or her release. Rule 101 requires that the precautions laid down to protect the safety and health of free workers should be equally observed in prisons, and that provision should be made to indemnify prisoners against industrial injury, including occupational disease, on terms not less favourable than those extended by law to free workers. Rule 102 requires that the maximum daily and weekly working hours of the prisoners should be fixed by law or by administrative regulation, and that the hours so fixed should leave one rest day a week.

35. Pretrial detainees in holding centres (*jipkyulso*) are subject to re-educational labour. Those convicted through administrative proceedings (i.e., without a trial) are also sentenced to re-educational labour in *rodongdanryondae*, with sentences ranging from five days to six months.<sup>26</sup> A female escapee who was detained in a labour training camp for a month without a trial for visiting a fortune teller stated that she had to chop trees inside the camp. Other detainees had to collect firewood for the camp. Another woman, who had recently arrived in the Republic of Korea, stated that she had worked at State corporations and on farms during her detention in *jipkyulso*. While *jipkyulso* received remuneration for the detainees’ work, the detainees were not paid. Labour in *jipkyulso* (prior to a criminal sentence by a court) and labour in *rodongdanryondae* (as a punitive measure without a trial) may qualify as forced labour, which is prohibited under article 8 of the International Covenant on Civil and Political Rights.

## 5. Enslavement

36. In the Democratic People’s Republic of Korea, thousands of people who have committed “anti-State” and “anti-people” crimes are imprisoned indefinitely in *kwanliso*, the political prison camps. In its 2014 report of its detailed findings, the commission of inquiry on human rights in the Democratic People’s Republic of Korea found that the experience of inmates in *kwanliso* involved all the characteristics of enslavement, and that inmates were subjected to a lifetime of arduous and perilous forced labour. Enslavement is defined in article 7 of the Rome Statute of the International Criminal Court as a crime against humanity. The commission of inquiry found that, while the high threshold of enslavement would not be reached everywhere in the ordinary prison system, the type, duration and intensity of forced labour exacted from inmates in the ordinary prison camps (*kyohwaso*), especially in prison mines, did meet the enslavement threshold. In coming to that finding, the commission had taken into account the overall context of deliberate starvation, inhumane living conditions and harsh punishments imposed on those who failed to fulfil their work quotas or who attempted to flee. Some more recent accounts attest to hard labour in *kyohwaso*, with inmates being provided with insufficient, poor-quality food, inadequate sanitation, overcrowded cells and beatings when they failed to fulfil their work quotas.

<sup>26</sup> Administrative Penalty Law, arts. 14 and 18.

## B. Situation of people who have escaped from the Democratic People's Republic of Korea

37. In the first quarter of 2020, 135 escapees (39 male and 96 female) from the Democratic People's Republic of Korea arrived in the Republic of Korea, a 40 per cent decrease from the same period in 2019.<sup>27</sup> In the second quarter, only 12 escapees arrived in the Republic of Korea. Stricter border control relating to COVID-19, combined with increased oversight in transit countries and the Democratic People's Republic of Korea, has likely discouraged people from leaving the country.

38. On 4 June, the Korean Central News Agency, the State news agency, reported a statement by Kim Yo Jong, the first deputy director of United Front Department of the Central Committee of the Workers' Party of Korea and the younger sister of Kim Jong Un, in which she strongly criticized escapees living in the Republic of Korea for sending anti-leadership leaflets to the North. She demanded that the Republic of Korea at least enact a law to "stop the farce", in accordance with the Panmunjom Declaration on Peace, Prosperity and Reunification of the Korean Peninsula, in which both sides agreed to cease all hostile acts, including the distribution of leaflets in the areas along the Military Demarcation Line.<sup>28</sup> That incident highlights the severe limitations placed in the Democratic People's Republic of Korea on people's freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice, as recognized in article 19 of the International Covenant on Civil and Political Rights.

39. On 8 June, the Special Rapporteur condemned the public insults and threats by the leadership of the Democratic People's Republic of Korea against escapees living in the Republic of Korea.<sup>29</sup> He noted that those persons, most of them women, had escaped hardships and oppression and sought opportunities for a livelihood. They were victims of human rights violations, and were entitled to respect and protection and should not suffer re-victimization. Instead of denigrating escapees with offensive, injurious and discriminatory language because of their decision to leave the country owing to human rights violations, he urged the Government to open up the country to United Nations monitoring, which was the best way to verify the situation on the ground.

40. Following the destruction of the inter-Korea joint liaison office on 16 July, the Ministry of Unification of the Republic of Korea announced that it planned to undertake the first round of business inspections of 25 registered civil society organizations. On 20 July, the Ministry requested 64 non-profit organizations working on human rights issues in the Democratic People's Republic of Korea or on settlement support for escapees from the Democratic People's Republic of Korea to provide all the requisite materials by 30 July to prove the legitimacy of the need for them to retain their registration license under the Ministry. On 30 July, the Special Rapporteur had an online meeting with the Ministry of Unification and expressed concern about the inspections and the fact that documents were being required only of those organizations working on human rights in the Democratic People's Republic of Korea and on the resettlement of escapees in the Republic of Korea. He later recommended to the Deputy Minister that the inspection and administrative audits be put on hold,

<sup>27</sup> See the website of the Ministry of Unification of the Republic of Korea. Available at [www.unikorea.go.kr/eng\\_unikorea/relations/statistics/defectors/](http://www.unikorea.go.kr/eng_unikorea/relations/statistics/defectors/) (accessed on 10 April 2020).

<sup>28</sup> Jacob Fromer and Oliver Hotham, "Stop activists sending leaflets into North Korea, Kim Yo Jong warns South", NK News, 3 June 2020.

<sup>29</sup> Kelly Kasulis, "End insults against defectors, UN human rights official urges North Korea", NK News, 8 June 2020.

meaningful dialogue explored with the concerned organizations and acceptable measures agreed upon to improve transparency. In September, the Ministry of Unification reported that 109 organizations were subjected to an audit, of which 7 were working on human rights and 16 were led by defectors. As at 6 October, the audit of 22 organizations had been completed and the Ministry was closely engaging with those organizations to improve their operations.

41. The Special Rapporteur sent seven urgent appeals to China detailing concerns about 46 escapees. There are substantial grounds for believing that escapees would be subjected to torture or other serious human rights violations if repatriated, as highlighted in a recent OHCHR report on women in detention.<sup>30</sup> They should therefore be granted protection as refugees where they are. China has obligations under international human rights and refugee law to respect the basic right of escapees from the Democratic People's Republic of Korea to non-refoulement. The Special Rapporteur strongly encourages the Government of China to engage with his mandate, with OHCHR and with the Office of the United Nations High Commissioner for Refugees to provide adequate protection and access to escapees who cross the border into China and are at risk of serious human rights violations if repatriated.

### C. Enforced disappearance and foreigners in detention

42. Enforced disappearances in the Democratic People's Republic of Korea, which also include international abductions, remain a serious concern. The Government of the Republic of Korea officially recognizes 516 of its citizens as post-war abductees, while tens of thousands were abducted during the Korean War. Eleven persons were abducted on 11 December 1969 during the hijacking of Korean Air Lines flight YS-11. 2020 marked the fiftieth anniversary of the release of 39 persons who were on that flight. Japanese and other foreign nationals were abducted in the 1970s and 1980s. The Government of Japan recognizes 12 abductees from Japan who remain unaccounted for. The Special Rapporteur was saddened by the passing in June 2020 of Yokota Shigeru, the father of Yokota Megumi. Mr. Yokota had fought tirelessly for many years for the return of his daughter and other abductees. According to the Working Group on Enforced or Involuntary Disappearances, 316 cases of enforced or involuntary disappearance were outstanding. Enforced disappearance, including in the form of abduction, is a serious crime that continues to be committed until the fate and whereabouts of every disappeared person has been clarified, and consequently responsibility extends to those who currently have control over the crime and information. The Special Rapporteur reiterates the urgent need for the international community to take a strategic approach to collectively address the international crime of abduction, to realize the return of all remaining abductees, and to seek justice and accountability.

43. Six citizens of the Republic of Korea continue to be detained in the Democratic People's Republic of Korea. Two of them were reportedly sentenced to an indefinite period of labour in 2014 and 2015, respectively. No new information is available on their situation. Foreign citizens detained in the Democratic People's Republic of Korea, such as Alek Sigley, are not provided with the minimum guarantees prescribed in article 14 (3) of the International Covenant on Civil and Political Rights, including access to legal counsel and not being compelled to confess guilt. The Government of the Democratic People's Republic of Korea remains responsible for the disclosure of accurate information on what happened to Otto Warmbier, who was released by the

<sup>30</sup> OHCHR, "I still feel the pain..." *Human rights violations against women detained in the Democratic People's Republic of Korea*, 28 July 2020.



authorities in a comatose state and died six days after his return to the United States of America in June 2017.

## V. Two-track approach: accountability and engagement

44. The Special Rapporteur continues to take a two-track approach, consisting of highlighting the human rights violations in the country and the need to explore the full range of possibilities to secure accountability, alongside offering constructive engagement with the Government to work together with the international community to find solutions to human rights issues. Accountability for the most serious human rights violations in the Democratic People's Republic of Korea is imperative to pursue justice, to uphold the rights of victims and to deter future violations. That is an international agenda that will never expire. To that end, the Special Rapporteur supports the work of OHCHR to advance the accountability agenda aimed at developing strategies for potential accountability mechanisms. At the same time, it is crucial that the Democratic People's Republic of Korea overcomes the entrenched culture of impunity – a culture where accountability processes for government action are rare, obscure and arbitrary, and where the leadership has a primary role in imposing punishments on all citizens, but is not accountable for any of its actions.

45. Improvement of the situation of human rights in the Democratic People's Republic of Korea also requires investment in cooperation and engagement. The isolation of the country means the isolation of ordinary people who are subject to patterns of abuses. Providing avenues and entry points for the authorities to gradually open up dialogue and grant access to the country is critical, and the solidarity and unity brought by the COVID-19 era reaffirms that that is the direction to take. Engagement entails a long-term process of setting bases for trust and confidence, where improvement of the institutions and positive changes on the ground are gradual and complex. The Special Rapporteur has not been able to exchange views with the authorities of the Democratic People's Republic of Korea. He has sent four letters to the Government, in which he commended the efforts to prevent a major outbreak of COVID-19 in the country and encouraged the authorities to allow full and unimpeded access to medical and scientific experts and humanitarian actors. He also requested a visit to the country to discuss human rights issues, including the impact of sanctions on people's rights. He further noted his support for the peace initiatives and expressed condolences to and solidarity with all the people who have been affected by the series of recent natural disasters. Although the Special Rapporteur has not received responses on any of those letters, he will continue to reach out the Government of the Democratic People's Republic of Korea.

46. The Special Rapporteur's function is also to play the role of a catalyst for other human rights groups and mechanisms to engage with the Government. They include the Office of the United Nations High Commissioner of Human Rights, the universal periodic review and the special procedure mandate holders of the Human Rights Council, treaty bodies such as the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, the United Nations country team and other United Nations agencies, as well as civil society organizations. Securing access to the country for international human rights mechanisms must be a top priority, and the visit to the country of the Special Rapporteur on the rights of persons with disabilities in May 2017 should be taken as a meaningful precedent for future country visits.

## VI. Conclusions

47. The Democratic People's Republic of Korea claims that the "anti-epidemic situation in our country is now under safe and stable control".<sup>31</sup> Independent assessment is not available; nevertheless, it represents the major efforts that the Government has made to protect the right to life and to health of its people. At the same time, the border closure with China, the travel restrictions between cities and regions, the strict quarantine measures and the reduction of humanitarian operations have also had a devastating impact on trade, which in turn has increased widespread food insecurity, the risk of starvation and had a negative impact on an already undernourished population, in particular children. The crisis highlights the historic economic hardships facing people in the Democratic People's Republic of Korea, worsened by the most severe sanctions regime in the world and the increasing number of natural disasters. Under the unprecedented circumstances of the COVID-19 pandemic, the Special Rapporteur believes that international responsibility for re-evaluating the sanctions regime is more urgent than ever.

48. Surveillance and control over the population continue in the Democratic People's Republic of Korea, and the decreased contact with the outside world during the COVID-19 pandemic could exacerbate entrenched human rights violations, with more freedoms being restricted, and discrimination and treatment in detention, including in political prison camps, worsening. The negative impact on the population is particularly worrying when the country is further isolating itself and when the information received from within the country is further limited owing to the decreasing presence of the international community and the small number of escapees arriving in the Republic of Korea. Further isolation from the international community is not the answer. The pandemic concerns the whole world, and no single country can avoid its consequences. It is an example of how self-sufficiency does not come from isolation, but instead from engaging with the community of nations in cooperation and solidarity, including through the sharing of expertise, medicines, health-care equipment, potential vaccines and in all other relevant areas, including human rights.

49. The spirit of unity and cooperation emerging worldwide to address the COVID-19 challenges should also inspire stakeholders to search for a peaceful end to the conflict on the Korean Peninsula, which in 2020 marks its seventieth anniversary. Peace for all Koreans, a precious notion that only Korean people can comprehend, has been taken over by geopolitical interests and the denuclearization agenda. The United Nations should be coherent in pursuing peace, human rights, development and denuclearization in the Democratic People's Republic of Korea. To that end, the Special Rapporteur believes that a search for a peaceful conclusion of the conflict will generate the space and the conditions needed to further discuss denuclearization, better cooperation, increased access and human rights improvements. In that regard, a principled and human rights-based approach to a peace accord would be the only viable approach.

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<sup>31</sup> Statement by head of delegation of the Democratic People's Republic of Korea at the general debate held at the seventy-fifth session of the United Nations General Assembly, on 29 September 2020. Available at [https://estatements.unmeetings.org/estatements/10.0010/20200929/azzQgcBAMYqv/WaUGJrE2AJvT\\_en.pdf](https://estatements.unmeetings.org/estatements/10.0010/20200929/azzQgcBAMYqv/WaUGJrE2AJvT_en.pdf).

## VII. Recommendations

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

(a) Urgently invest its maximum available resources, including through international cooperation, to ensure people's basic need for food, water and sanitation and housing, prioritizing the most marginalized communities;

(b) Assess the impact of COVID-19 preventative measures on people's exercise of human rights, particularly fundamental freedoms and economic and social rights, and review any measures that violate their rights;

(c) Comply with the COVID-19 guidance issued by the United Nations High Commissioner for Human Rights, which calls for solidarity and cooperation to tackle the virus, and to mitigate the effects of measures designed to halt its spread;

(d) Follow the guidelines in the UNODC, WHO, UNAIDS and OHCHR joint statement on COVID-19 in prisons and other closed settings, abide by the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and consider the release of prisoners, particularly those in vulnerable situations;

(e) Create an environment in which people can freely and safely enjoy their right to earn a living through work by reviewing the Criminal Code and other relevant legislation and by countering widespread corruption;

(f) Carry out a reform of the labour system to ensure minimum human rights standards, including the freedom to choose and accept work and the guarantee of remuneration that is sufficient to provide for an adequate standard of living;

(g) Become a member of the International Labour Organization with a view to adhering to the core labour standards and enhancing economic cooperation with other countries;

(h) Review the current labour system, including the practice of State-assigned jobs, labour mobilization and labour in prisons, and outlaw forced labour, in accordance with the International Covenant on Civil and Political Rights;

(i) Carry out research and release statistics and other data that will allow for an assessment to be made of the impact of international sanctions on the economic and social rights of the people;

(j) Provide greater and unhindered access and timely and relevant data to the United Nations and humanitarian organizations to enable them to reach the most vulnerable communities that require assistance;

(k) Address allegations of enforced disappearance, including in the form of abductions, and provide accurate information to the families of the victims on the fates and whereabouts of their missing relatives;

(l) Ensure that foreign nationals, including the six nationals of the Republic of Korea currently detained in Pyongyang, are provided with consular assistance, in accordance with the Vienna Convention on Consular Relations, with a view to their early release, and that their treatment fully complies with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules);

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

(n) **Engage with the Republic of Korea to restart reunions of separated families;**

(o) **Establish accountability mechanisms in the country in line with international human rights standards to demonstrate accountability for human rights violations;**

(p) **Initiate a process of dialogue with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and invite him to visit the country.**

**51. The Special Rapporteur recommends that the Republic of Korea:**

(a) **Put on hold the ongoing inspection and administrative audits of civil society organizations working on human rights in the Democratic People's Republic of Korea and on the resettlement of escapees in the Republic of Korea, and agree on acceptable measures to improve transparency and protect civic space;**

(b) **Integrate human rights into negotiations with the Democratic People's Republic of Korea;**

(c) **Engage with the Democratic People's Republic of Korea to realize the reunion of separated families;**

(d) **Implement the North Korean Human Rights Act passed by the National Assembly of the Republic of Korea in 2016, including the establishment of the North Korean human rights foundation;**

(e) **Continue its efforts to provide protection to people escaping from the Democratic People's Republic of Korea in third countries;**

(f) **Ensure that a human rights-based framework is integrated into possible economic and humanitarian cooperation with the Democratic People's Republic of Korea;**

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

**52. The Special Rapporteur recommends that China:**

(a) **Apply the principle of non-refoulement to individuals from the Democratic People's Republic of Korea who are at risk of serious human rights violations upon repatriation;**

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

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

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

53. The Special Rapporteur recommends that China, the Democratic People's Republic of Korea, the Republic of Korea and the United States of America, with the participation of other States Members of the United Nations as necessary, reach an agreement on peace and prosperity, including provisions to promote human rights and address human rights violations.

54. The Special Rapporteur recommends that the international community:

(a) Urgently reassess the implications of measures being taken, including sanctions, on the right to food of the people in the Democratic People's Republic of Korea;

(b) Provide support to the people of the Democratic People's Republic of Korea in preventing an outbreak of COVID-19;

(c) Provide increased financial and other support to humanitarian actors, including the United Nations, to enable them to respond to the most urgent humanitarian needs in the country and to support development initiatives;

(d) Use any available opportunity for dialogue with the Democratic People's Republic of Korea to create an environment to advance a peace agreement and seek progress in the human rights situation of the country;

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

(f) Support efforts to promote accountability in the Democratic People's Republic of Korea, including OHCHR in Seoul and the work of OHCHR on accountability issues.

55. The Special Rapporteur recommends that the United Nations:

(a) Consider lifting sanctions that negatively affect people's human rights;

(b) Conduct a comprehensive study of the detrimental impact of sanctions on the human rights of the people of the Democratic People's Republic of Korea and on the humanitarian situation in the context of the current COVID-19 preventative measures;

(c) Continue to explore and support technical cooperation projects on human rights with the Democratic People's Republic of Korea;

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

56. The Special Rapporteur recommends that civil society organizations:

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

(b) Engage with the States Members of the United Nations to advocate for the advancement of a peace agreement and the integration of human rights into negotiations;

(c) Continue their efforts to be present and operational in humanitarian assistance and engagement efforts in the Democratic People's Republic of Korea;

(d) Engage with the Special Rapporteur and OHCHR in Seoul, if needed, to seek constructive engagement with the Government of the Republic of Korea to ensure civic space.