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

Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

Summary

In the present report, the Special Rapporteur provides an overview of recent developments in the human rights situation and of women's human rights in the Democratic People's Republic of Korea. During the reporting period, the stalled political negotiations have pushed the Government of the Democratic People's Republic of Korea towards an unattainable focus on self-reliance. There was no sign of improvement in the human rights situation, nor progress in advancing accountability and justice for human rights violations in the Democratic People's Republic of Korea. The Special Rapporteur strongly hopes that engagement by the international community and the Democratic People's Republic of Korea in dialogue and cooperation will be strengthened.

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



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I. Introduction

1. In the present report, submitted to the Human Rights Council pursuant to Council resolution 40/20, the Special Rapporteur covers the main human rights developments in the Democratic People's Republic of Korea since his previous report to the Council. The present report should be considered in conjunction with the report most recently submitted by the Special Rapporteur to the General Assembly (A/74/275/Rev.1). The Government of the Democratic People's Republic of Korea continues to refuse to cooperate with the mandate of the Special Rapporteur.

2. During the reporting period, the Special Rapporteur conducted an official country mission to the Republic of Korea from 17 to 21 June 2019. He was unable to conduct his second mission to the Republic of Korea in late 2019 due to scheduling difficulties. From 2 to 4 December 2019, he conducted an official country mission to Japan, where he met with the minister in charge of the abductions issue, the Minister for Foreign Affairs, other government officials, members of Parliament, families of abduction victims and members of civil society and the academic community.

3. During the period covered, there was no sign of improvement in the human rights situation, nor progress in advancing accountability and justice for human rights violations in the Democratic People's Republic of Korea. The human rights situation may further deteriorate as a result of reported lower crop production in 2019;¹ tightened border control, continuing surveillance and trade bans under the current threat of the coronavirus disease (COVID-19); and the impact of continued sanctions. The Special Rapporteur devotes a large part of the present report to highlighting women's human rights. He hopes that this will help to increase the focus on the particular human rights challenges faced by women in the Democratic People's Republic of Korea, and will lead to broader inclusion of women in all aspects of the political negotiations.

II. Overview of the political and security situation

4. The deadline of the Democratic People's Republic of Korea for resuming denuclearization and peace talks with the United States of America passed on 31 December 2019 without any significant developments. The Government of the Democratic People's Republic of Korea has not conducted any nuclear tests since September 2017. During the fifth plenum of the Seventh Central Committee of the Workers' Party of Korea, held from 28 to 31 December 2019, the Chairman of the Workers' Party, Kim Jong Un, stressed the need for self-reliance and said "that the real intention of the United States is to seek its own political and diplomatic interests while wasting time away under the signboard of dialogue and negotiations and at the same time keep sanctions so as to gradually reduce our strength". He recognized that "it is true that we urgently need external environment favourable for our economic construction, but we can never sell our dignity which we have so far defended as valuable as our own life, in the hope of gorgeous transformation".² In December 2019, China and the Russian Federation circulated a draft resolution to Security Council members seeking to lift sanctions on the return of workers of the Democratic People's Republic of Korea; exports of statues, seafood and textiles; and imports of metal products for humanitarian use; and apply an exemption from such sanctions to rail and road projects carried out jointly by the People's Democratic Republic of Korea and the Republic of Korea. For the second year in a row, the Security Council did not discuss the situation of human rights in the Democratic People's Republic of Korea.

5. To date, no cases of COVID-19 have been officially confirmed in the Democratic People's Republic of Korea and the authorities are taking preventative action, including strict controls on entry into the country and seeking assistance from United Nations entities.

¹ Food and Agriculture Organization of the United Nations (FAO), *Crop Prospects and Food Situation*, Quarterly Global Report, December 2019, p. 5.

² See <https://kcnawatch.org/newstream/1577943153-613054498/fifth-plenary-meeting-of-seventh-central-committee-of-workers-party-of-korea-held/>.

The Special Rapporteur emphasizes that the outside world should be prepared to respond and the Government of the Democratic People's Republic of Korea should allow full and unimpeded access to medical experts and humanitarian actors, and relax restrictions on access to information.

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

A. Economic and social rights

6. The International Covenant on Economic, Social and Cultural Rights, ratified by the Democratic People's Republic of Korea, recognizes the right of everyone to an adequate standard of living for himself or herself and his or her family, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and obliges States parties to take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international cooperation based on free consent.

7. The Office for the Coordination of Humanitarian Affairs has stressed the chronic nature of food insecurity and malnutrition in the Democratic People's Republic of Korea, as well as the lack of access to life-saving essential services.³ Moreover, it has highlighted that in April 2019 only 7 per cent of the surveyed population had acceptable food consumption, which was 13 per cent lower than five months earlier.⁴ Diarrhoea and pneumonia remained the two main causes of death among children under 5 years of age. About 39 per cent of the population does not have access to a safely managed water source and 16 per cent does not have access to basic sanitation facilities.⁵ In 2020, 10.8 million people in the country are in need of humanitarian assistance. Given the expectations of a below-average crop production, the overall food security situation is not expected to improve in 2020.⁶ The Government reportedly guarantees the public distribution system only to certain key professions and to the population in Pyongyang as well as cities where tourism projects are being developed. Outside of those areas, the population has to find ways of earning a living, while also working in State-assigned employment where salaries are insufficient to meet basic needs.

8. Owing to the lack of conditions necessary to fulfil the right to favourable conditions of work with adequate remuneration,⁷ many people, mainly women, engage in small-scale commercial activities in informal markets (*jangmadang*). The growth of informal markets throughout the country has led to the emergence of economically powerful entrepreneurs, known as *donju*, who control the supply of goods from China and other key economic activities. Reports indicate an increase in conflicts of interest between the *donju* and officials, including in areas related to State construction projects and the supply of materials. Although the Government of the Democratic People's Republic of Korea has initiated partial reforms to accommodate the new reality of private economic activities, such activities are still conducted in a legal grey area,⁸ which compromises basic human rights. Without systematic reform, the tension between officials and the emerging entrepreneurial class may lead to instability, harm people's economic activities and more broadly have a negative impact on the development of the country.⁹

³ Office for the Coordination of Humanitarian Affairs, *Global Humanitarian Overview 2020*, p. 66.

⁴ *Ibid.*

⁵ The Special Rapporteur has encouraged both the Government of the Democratic People's Republic of Korea and the Special Rapporteur on the human rights to water and sanitation to interact and arrange a country mission.

⁶ FAO, *Crop Prospects and Food Situation*, Quarterly Global Report, December 2019, p. 26.

⁷ International Covenant on Economic, Social and Cultural Rights, art. 7.

⁸ Office of the United Nations High Commissioner for Human Rights, "The price is rights: the violation of the right to an adequate standard of living in the Democratic People's Republic of Korea", 2019, pp.16–17.

⁹ See A/HRC/40/66.

9. Regarding sanctions, the Special Rapporteur notes the continuing comprehensive nature of combined unilateral¹⁰ and United Nations sanctions on trade, investment and financial transactions.¹¹ According to information received, overall market activities have slowed down owing to sanctions, the shutdown of borders and uncertainties in the political and economic environment, which has had a negative impact on people's livelihoods, particularly those living in border areas. The joint rapid food security assessment undertaken by the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme highlighted the impact of sanctions on agricultural production, in particular restrictions on the import of fuel, machinery and spare parts for equipment.¹² The import of medical equipment such as X-ray, anaesthesia and ultrasound machines has also been blocked. United Nations entities operating in the Democratic People's Republic of Korea continue to highlight the detrimental impact of sanctions on humanitarian operations, including restrictions related to transit-country import waivers and suspended banking channels.¹³ In that regard, the Special Rapporteur commends the decision by the Global Fund to Fight AIDS, Tuberculosis and Malaria to resume its grant to the Democratic People's Republic of Korea, including the drug-susceptible tuberculosis and malaria components of the grant implemented by the United Nations Children's Fund (UNICEF) and the World Health Organization, as well as the multidrug-resistant tuberculosis component implemented by the Eugene Bell Foundation.

10. In October 2019, the Special Rapporteur met with non-governmental organizations working in the Democratic People's Republic of Korea to provide humanitarian assistance. They emphasized that small non-governmental organizations do not have the necessary capacity, including the legal expertise, to secure exemptions from the Security Council Committee established pursuant to resolution 1718 (2006). They stressed that permission was needed from the Committee for such seemingly innocuous things as water filters, hygiene kits and money for building wells, which has had a negative impact on the population's access to clean water, including in hospitals, in a country where half of the schools and health facilities lack adequate water and sanitation facilities. The Special Rapporteur urges the Committee to adopt a broader interpretation of humanitarian work, so that exemptions are provided for items that are necessary to improve access to clean water, sanitation and hygiene.

11. While in New York, the Special Rapporteur met with the Deputy Permanent Representative of Germany to the United Nations, as the Permanent Representative of Germany is the current Chair of the Committee. The Special Rapporteur welcomes the decision by the Committee's Panel of Experts to include in its report a section on the humanitarian impact of sanctions to record the negative impact on the rights of the citizens of the People's Democratic Republic of Korea, including a large number of children under 5 years of age, in the areas of food security and agriculture, nutrition, health, water and sanitation and disaster risk reduction.¹⁴ He also welcomes the progress made by the Committee in improving transparency in the exemptions process for humanitarian agencies working in the Democratic People's Republic of Korea, including the improved guidance provided to United Nations entities in the country, and the biannual briefing provided by the Office for the Coordination of Humanitarian Affairs to the Committee.

12. The Special Rapporteur welcomes in particular the recommendation made by the Committee's Panel of Experts in its 2019 report to the Security Council calling upon the Secretary-General to request the Secretariat to carry out an assessment of the humanitarian impact of sanctions in the Democratic People's Republic of Korea.¹⁵ That recommendation

¹⁰ Unilateral sanctions have been imposed by Australia, Japan, the Republic of Korea and the United States of America, and by the European Union.

¹¹ For United Nations sanctions, see Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016), 2371 (2017), 2375 (2017) and 2397 (2017).

¹² FAO and the World Food Programme, *Joint Rapid Food Security Assessment: Democratic People's Republic of Korea*, May 2019, p. 14.

¹³ Office for the Coordination of Humanitarian Affairs, *Global Humanitarian Overview 2020*, p. 66.

¹⁴ S/2019/171 and Corr.1, annex.

¹⁵ *Ibid.*, para. 180.

echoes the call made to the Security Council by the Special Rapporteur almost two and a half years ago to develop a comprehensive assessment of the sanctions regime in order to avoid unintended negative impacts on human rights, especially economic, social and cultural rights, and to ensure that the sanctions regime did not impose what would effectively constitute a collective punishment on the ordinary citizens of the Democratic People's Republic of Korea. He therefore encourages the Secretary-General to move forward on that recommendation, with a mandate that includes not only the humanitarian impact of sanctions, but also their impact on the fulfilment of human rights. In that regard, the Special Rapporteur again emphasizes the human rights obligations of Member States in relation to the impact of sanctions, as outlined in general comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights of the Committee on Economic, Social and Cultural Rights.

13. The Government of the Democratic People's Republic of Korea opposes the sanctions regime. During the consideration by the Committee on the Elimination of Discrimination against Women on 8 November 2017 of the combined second to fourth periodic reports of the Democratic People's Republic of Korea, the country's Permanent Representative said that "the United States and other hostile forces impeded in every possible way the enjoyment of human rights by the people of the Democratic People's Republic of Korea, including through manipulating the so-called sanctions resolutions against the country, which violated its right to existence and the right to development. Vulnerable people such as women and children were the victims of those inhumane sanctions. The vicious economic sanctions ran counter to the ideals of humanitarianism and human rights, could never be justified, and should be lifted immediately".¹⁶ However, the Government has not provided access, data or information which would allow an accurate and comprehensive assessment of the detrimental impact of the sanctions. The Special Rapporteur reminds the Government of the steps needed to enable the international community to make an assessment of the human rights impact of sanctions,¹⁷ which, primarily, means providing access to monitoring agencies, as well as providing comprehensive and accurate data.

B. Fundamental freedoms

14. The basic freedoms of the people of the Democratic People's Republic of Korea continue to be limited and dependent on the interests of the Worker's Party of Korea. Control over and surveillance of the population persists, and the population fears arbitrary arrest and mistreatment, including detention in political prison (*kwanliso*). The failed economic and distribution system means that a significant proportion of citizens struggle to meet their basic needs while working in inadequately paid or unpaid State-assigned jobs. Discrimination based on *songbun*¹⁸ also persists. An escapee described her life in the Democratic People's Republic of Korea as "no freedom, no rations, no commercial activities, surveillance and the risk of crackdown, no happiness for anyone in farming areas".

15. The fear of being sent to political prison is entrenched in people's daily life. The Ministry of State Security exclusively makes the decision to send those who are accused of committing crimes against the State to political prison. The suspects' families are not informed of the decisions or of the whereabouts of their relatives, which amounts to enforced disappearance. According to personal accounts, although the number of public executions has decreased, they do still occur. One account of such a case in 2018 described how a woman convicted of killing the son of a party secretary was shot multiple times by 10 police officers on a bridge and how thousands of people were mobilized to observe the execution.

¹⁶ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22373&LangID=E.

¹⁷ Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999) on the right to adequate food, para. 37.

¹⁸ *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.

C. Abductions

16. The issue of international abductions remains of concern for the Special Rapporteur. 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. Among those abducted are 11 persons who were among 50 abducted on 11 December 1969, during the hijacking of Korean Air Lines flight YS-11.¹⁹ The Government of Japan recognizes 12 abductees from Japan, who remain unaccounted for. In addition, a number of other foreign nationals were abducted, mainly in late 1970s and early 1980s. Enforced disappearance, including in the form of abductions, is a serious crime that continues to be committed until the fate and whereabouts of every disappeared person has been clarified, and consequently individual criminal responsibility extends to those who currently have control over the crime.

17. During his official mission to Japan in December 2019, the Special Rapporteur met with families of Japanese abductees.²⁰ When sharing their continued suffering, one family member said: “Every morning for the last decades I have woken up hoping that today may finally bring happy news.” However, in spite of that issue repeatedly being raised during summits between the United States and the Democratic People’s Republic of Korea, no progress has been made in resolving it. The Special Rapporteur also met with a family member of Anocha Panjoy, a Thai citizen who was abducted from Macao in 1978, and with a civil society actor who supports the return of Doina Bumbea, a Romanian citizen who disappeared from Italy in 1978. The Special Rapporteur stresses the need for a strategic approach by the international community to collectively address the international crime of abduction, to realize the return of any remaining abductees, and to seek justice and accountability.

D. Situation of people repatriated to the Democratic People’s Republic of Korea

18. The Special Rapporteur has received information on an increasing number of escapees from the Democratic People’s Republic of Korea, including children, who have been detained in China. Since his previous report to the Human Rights Council, he has sent seven urgent appeals to China detailing concerns about 46 escapees. He welcomes future replies from the Government of China containing more detailed information than has been included in previous exchanges. However, the Special Rapporteur highlights the obligation of China under international human rights and refugee law not to repatriate persons to the Democratic People’s Republic of Korea,²¹ and therefore regrets that he has continued to receive reports of individuals from the Democratic People’s Republic of Korea being repatriated. He further reiterates that, regardless of the status of those persons, international human rights law also provides the principle of non-refoulement, which is explicitly included in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which has been ratified by China. There are substantial grounds to believe that escapees would be subjected to torture or other serious human rights violations if repatriated to the Democratic People’s Republic of Korea, and they should therefore be protected as refugees *sur place*. The Special Rapporteur also urges the Government of China to grant permission to 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 seek asylum from persecution.²²

19. The Special Rapporteur is deeply concerned about the decision made by the Government of the Republic of Korea on 7 November 2019 to deport two fishermen of the Democratic People’s Republic of Korea who were reportedly seized in the waters of the

¹⁹ A total of 39 of the abductees were returned to the Republic of Korea on 14 February 1970.

²⁰ The Special Rapporteur was saddened by the passing of the mother of Keiko Arimoto.

²¹ This includes the obligations of China as a party to the Convention relating to the Status of Refugees and the Protocol thereto.

²² As protected under article 14 (1) of the Universal Declaration of Human Rights.

Republic of Korea on 2 November 2019. According to the Government of the Republic of Korea, the decision was based on the fact that it was unable to confirm the authenticity of the fishermen's intention to defect, and on their alleged confession of having killed 16 crew members of the fishing vessel on which they were travelling.²³ The Special Rapporteur is concerned that the decision was taken without due process and that the two men are at risk of serious human rights violations against them upon their return, including enforced disappearance, arbitrary execution, torture and ill-treatment, and trials that do not conform to international fair trial standards. Their whereabouts following their return are unknown. The Special Rapporteur joined 67 civil society organizations and 10 individuals in signing an open letter to the President of the Republic of Korea, Moon Jae-in, expressing concern about the failure to uphold international human rights obligations. In the letter, the Special Rapporteur urged the Government to take corrective action and uphold the right of individuals not to be returned if they are at risk of torture and other ill-treatment. He also called for an investigation into the deportation of the two fishermen.²⁴

IV. Women's human rights

20. Women and girls make up 51.1 per cent of the total population of the Democratic People's Republic of Korea.²⁵ Since he took up his mandate in 2016, the Special Rapporteur has relied on information shared by those who have escaped the country, the vast majority of whom are women. Those accounts indicate that women are excluded from decision-making processes, both in the private and the public spheres and that their experiences often do not receive adequate attention. Therefore, in the present section, the Special Rapporteur summarizes his findings related to the rights of women during their life cycle.

A. Legal framework

21. The Democratic People's Republic of Korea ratified the Convention on the Elimination of All Forms of Discrimination against Women in 2001. In its combined second to fourth periodic reports to the Committee on the Elimination of Discrimination against Women, in 2016, the Government reported that women were "full-fledged masters of the society" and that they "fully exercised equal rights with men in all fields of politics, the economy, social and cultural life, performing great feats in the efforts for the prosperity of the country".²⁶ The Democratic People's Republic of Korea ratified the Convention on the Rights of the Child in 1990 and its Optional Protocol on the sale of children, child prostitution and child pornography in 2014. The Socialist Constitution provides that citizens shall enjoy equal rights in all spheres of State and public activities (art. 65), all citizens who have reached the age of 17 shall have the right to vote and to be elected irrespective of sex, race, occupation, length of residence, property status, education, party affiliation, political views and religion (art. 66) and women shall be accorded equal social status and rights with men (art. 77).

22. A number of other laws protect the rights of women. The Law on Sex Equality (1946), provides for gender equality in many areas, including marriage and divorce, and equal inheritance rights. The Criminal Code specifies that the rape of women, trafficking in persons, forcing a subordinate to have sexual intercourse and child sexual abuse are criminal offences. In 2010, the Government reaffirmed its commitment to ensuring gender equality and intolerance of discrimination against women in whatever form by adopting the Law on the Protection and Promotion of the Rights of Women. This law encompasses the fundamental rights of women, including social and political rights, educational, cultural and

²³ Press release by the Ministry of Unification of the Republic of Korea: https://unikorea.go.kr/eng_unikorea/news/releases/?boardId=bbs_000000000000034&mode=view&cntId=54222&category=&pageIdx=.

²⁴ See www.hrw.org/news/2019/12/16/letter-president-moon-jae-re-roks-stance-human-rights-north-korea.

²⁵ As of 2018, see <https://data.worldbank.org/indicator/SP.POP.TOTL.FE.ZS?locations=KP>.

²⁶ CEDAW/C/PRK/2-4, para. 3.

medical rights, and labour rights. It incorporates the Convention on the Elimination of All Forms of Discrimination against Women into the domestic legal framework, stating that this treaty “shall have the same effect” as domestic law. In addition, it makes progress in prohibiting all forms of domestic violence, although it does not provide a legal and institutional framework to prosecute perpetrators and protect victims. The Special Rapporteur encourages the Government to seek technical assistance to advance further in this important area.

23. The Law on the Protection and Promotion of the Rights of Women also specifies that the Korean Democratic Women’s Union, known since November 2016 as the Socialist Women’s Union of Korea, is an organization for the protection and promotion of women’s rights. According to the Government, the Women’s Union, a mass social organization of women with branches all over the country, keeps track of the implementation of the State policy and legislation on gender equality in close cooperation with other local party structures, and plays an important role in disseminating information on and raising awareness of women’s rights.²⁷ However, according to some accounts, the Women’s Union has not adequately promoted all areas of women’s rights.

B. Political participation

24. The Socialist Constitution of the Democratic People’s Republic of Korea, the Law on the Election of Deputies to People’s Assemblies at All Levels and the Law on the Protection and Promotion of the Rights of Women provide legal guarantees for women to participate in all levels of political life. The Law on the Protection and Promotion of the Rights of Women stipulates that the State shall actively involve women in social and political activities and raise the ratio of women deputies in each level of the People’s Assembly (art. 12). In its national report submitted in connection with its third Universal Periodic Review of the Human Rights Council, the Democratic People’s Republic of Korea noted that, “Measures were undertaken to appoint able women to the leading posts and give wide publicity to their achievements. As a result, in 2018 alone the proportion of women leaders at or above the departments of ministries and ministry-level institutions significantly increased.”²⁸ However, women continued to be underrepresented in the main decision-making bodies.

25. On 10 March 2019, the Democratic People’s Republic of Korea held elections to the fourteenth Supreme People’s Assembly. Deputies representing the 687 constituencies of the country were elected for a five-year term. Since the 1970s, the representation of women in the Supreme People’s Assembly has been between 15 and 20 per cent, while their representation at the local level has been between 20 and 30 per cent. According to the Government, the proportion of women deputies to the thirteenth Supreme People’s Assembly (2014–2019) was 20.2 per cent.²⁹ The ratio of women in the national or local-level people’s assemblies does not necessarily represent the actual political participation of women. In the Presidium, the body that undertakes core State functions when the Supreme People’s Assembly is not in session, and in the Central Committee, the main governing body of the Workers’ Party of Korea, both of which have significant political influence, the representation of women is lower. In the Presidium of the fourteenth Supreme People’s Assembly, out of 17 members, 1 is a woman (5.88 per cent), while the 49-person Cabinet includes 2 women (4 per cent). In the State Affairs Commission, 1 of the 14 members (7.14 per cent) is a woman.³⁰ In the Ministry of Foreign Affairs, 16.5 per cent of officials are women and 4.9 per cent of overseas diplomats are women.³¹

²⁷ Ibid., paras. 40, 52, 56, 62 and 160.

²⁸ A/HRC/WG.6/33/PRK/1, para. 67.

²⁹ Ibid. Figures for the fourteenth session were not available at the time of writing.

³⁰ Choe Son Hui, who is also a member of the Central Committee of the Workers’ Party of Korea and First Vice Minister of Foreign Affairs.

³¹ CEDAW/C/PRK/2-4, paras. 88–89.

26. Women also continued to be underrepresented in the main bodies of the Korean Workers' Party. As of March 2018, the Chairman and 11 Vice-Chairmen of the Central Committee of the Workers' Party of Korea were all men, as were the majority of its members. Kim Yo Jong, younger sister of Chairman Kim Jong Un, was the only female member of its powerful Political Bureau. Kim Yo Jong has been playing an important and visible role in peace negotiations. She accompanied Kim Jong Un to the summit between the leaders of the Democratic People's Republic of Korea and the United States held in Singapore on 12 June 2018 and the subsequent summit held in Hanoi on 27 and 28 February 2019. She was the lead delegate of her country at the opening ceremony of the Olympic Winter Games in Pyeongchang, Republic of Korea, in 2018. In June 2019, Kim Yo Jong delivered a condolence letter from Kim Jong Un on the death of Lee Hee-ho, former First Lady of the Republic of Korea, to high officials of the Republic of Korea at the border between the two countries. In April 2018, prior to the summits with the Republic of Korea and with the United States, respectively, Kim Jong Un gave his wife, Ri Sol Ju, the official title of "respected First Lady". She met with the First Lady of the Republic of Korea during the summit between their two countries and participated in hosting the visit of the President of China and his wife in June 2019.

Arts and music

27. The Democratic People's Republic of Korea has a tradition of State-supported arts, music, dance and performances. It appears to use art troupes to promote its *juche* ideology domestically and to demonstrate high standards in artistic areas internationally. At the Olympic Winter Games, held in Pyeongchang, Republic of Korea, in 2018, for instance, the Government deployed a large troupe of performers, many of whom were women, and a large number of female cheerleaders. Another artistic performance group was reportedly sent to Beijing when Chairman Kim Jong Un visited the city in January 2019 as a symbol of friendship between the two countries. Performances are also used to earn foreign currency – groups of women often sing and dance in restaurants abroad at which food from the Democratic People's Republic of Korea is served in order to attract customers.

C. Rights to education, work, health, water and sanitation

Right to education

28. The right to education in the Democratic People's Republic of Korea is equally guaranteed for boys and girls by laws and policies. Completion rates for the 12 years of compulsory education was nearly universal (99.9 per cent) in 2017.³² Even though education is free, schools collect materials such as scrap steel, paper and animal fur from students, which puts additional pressure on parents and in some cases prevents poorer students from attending school. In 2018, the enrolment rate of women in higher education was 18.18 per cent, while it was 35.45 per cent for men, indicating that it is more difficult for women to gain access to higher education.³³ The Government reported to the Committee on the Elimination of Discrimination against Women in 2014 that only 9.9 per cent of women had gained access to university-level education.³⁴ While social status and economic ability are reportedly the main determining factors for admission to universities, gender plays a significant role both in admission and in the selection of courses. Gender stereotypes are reflected in national regulations and policies, including the Standards of Job Assignment, which prescribes that 100 per cent of nurses and telephone operators must be women.³⁵ The Committee on the Elimination of Discrimination against Women has

³² The 2017 Multiple Indicator Cluster Survey (MICS) carried out by the Central Bureau of Statistics of the Democratic People's Republic of Korea with technical support from UNICEF.

³³ Ibid.

³⁴ CEDAW/C/PRK/2-4, para. 102.

³⁵ Ibid., para. 45.

expressed concern over provisions in laws or directives limiting women's access to some studies and professions based on women's characteristics as defined by the State party.³⁶

Right to work

29. In the Democratic People's Republic of Korea, all men and unmarried women are assigned work at a State-owned workplace. According to personal accounts, they are poorly paid or not paid at all. As a result, in many cases married women, who are exempt from State-assigned jobs as they are expected to carry out household work, become the main breadwinners in their families. A woman who recently escaped from the Democratic People's Republic of Korea stated that she sold bean oil and soybean products in the informal market. The woman stated that, on a good day, she could earn up to 10,000 won (\$11), equivalent to the price of two kilograms of rice, from that activity. She stated that she had made a one-time payment of 15,000 won (\$17) for a market stall, as well as paying a daily fee of 1,000 won (\$1.1). Another woman recounted paying 6,000 yuan (\$292) for a space in another market, and a daily fee of 2,000 won (\$2.2) to the private market managers. Other women who could not afford to pay for a market space recounted selling cooked food just outside of the market. However, doing so was illegal, and they faced the risk of being punished if caught by inspectors.

30. Married women belong to the Socialist Women's Union of Korea and are required to participate in labour mobilization campaigns led by the Union. According to personal accounts, the mobilization of women to provide labour for State projects, including at construction sites in remote areas for months at a time, has increased. As women are already the primary caregivers in their families and, in many cases, also the main breadwinners, this mobilization has a detrimental impact on the livelihoods of households. In some cases it is possible to avoid unpaid mobilization by paying a fine or bribes, but not all women can afford this. In some cases, women retain their State-assigned jobs after marriage, in spite of receiving an inadequate or no salary, in order to avoid mobilization through the Socialist Women's Union of Korea.³⁷

Right to health

31. The Socialist Constitution and relevant laws of the Democratic People's Republic of Korea provide for free medical care for all its citizens.³⁸ In reality, the number of health facilities is limited and access to adequate equipment and medicine is even more limited. According to the United Nations, approximately 9 million people have only limited access to health services in the country.³⁹ Undernutrition, malnutrition and anaemia are particularly common among women owing to an unvaried diet. The rate of anaemia is high among women of childbearing age.⁴⁰ Many escapees state that they eat corn or rice with pickled cabbages every day. According to reports, 92.2 per cent of women give birth at a hospital or maternity hospital.⁴¹ While the maternal mortality rate has decreased, it is still high at 89 of 100,000 births in 2017.⁴² The risk of maternal death is higher when women give birth at home due to the risk of postpartum haemorrhage, infection and sepsis.

32. Although the Socialist Constitution provides for free universal health care, escapees recount giving money or food in exchange for treatment by doctors and medicine. Doctors are not properly paid by the State, and many hospitals reportedly lack electricity and basic supplies. Those who do not have the means to pay to see a doctor, self-medicate with medicine bought in pharmacies or in the informal market. A woman who recently escaped from the Democratic People's Republic of Korea recounted her experience as a broker of

³⁶ CEDAW/C/PRK/CO/2-4, para. 11 (d).

³⁷ Korean Institute for National Unification, White Paper on Human Rights in North Korea 2019, pp. 52–53.

³⁸ Socialist Constitution of the Democratic People's Republic of Korea, arts. 56 and 72.

³⁹ United Nations, "DPR Korea: Needs and Priorities", 2019, p. 7.

⁴⁰ 2017 MICS.

⁴¹ *Ibid.*, p. 55.

⁴² World Health Organization (WHO), *Trends in maternal mortality 2000 to 2017: estimates by WHO, UNICEF, UNFPA, World Bank Group and the United Nations Population Division*, p. 71.

antibiotics. She stated that she bought medicines, including some that were provided by the United Nations as humanitarian assistance, in informal markets or factories and distributed them to retailers in different regions.

Rights to water and sanitation

33. The human right to safe drinking water entitles everyone, without discrimination, to have access to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic use. The human right to sanitation entitles everyone, without discrimination, to have physical and affordable access to sanitation, in all spheres of life, that is safe, hygienic, secure, socially and culturally acceptable and that provides privacy and ensures dignity.⁴³ In the Democratic People's Republic of Korea, it is estimated that 46 per cent of those in rural areas do not have access to a safe or adequate water source.⁴⁴ Escapees from rural areas have recounted collecting water from rivers. Collecting water is an additional burden on women, and contaminated water can cause diarrhoea, including among small children, with the burden then falling on women to care for them and arrange medical treatment. The lack of access to safe and adequate water, sanitation and hygiene also creates challenges for menstrual hygiene management for women. A pack of sanitary pads reportedly costs more than 5,000 won (\$5.6), and most women use pieces of cloth as an alternative. Education on menstruation is insufficient, and both women's and men's understanding of menstruation is limited. According to a study, women perceived menstruation as shameful and embarrassing⁴⁵ and a source of stigma. For example, if a car had a flat tyre, a North Korean man might say "Who is on her period?"

D. Violence against women

34. Accounts from escapees indicate that domestic violence is widespread and that economic hardship, drug abuse and patriarchal attitudes contribute to domestic violence. Victims do not have access to protection mechanisms where they can report such violence and seek protection. One female escapee stated that the police took action only when domestic violence led to the death of the victim. The Family Law provides for divorce when the couple can no longer maintain marital relations for various reasons, including when a spouse betrays the partner, undermining the love and the trust between the two. Divorce is rare, and requires a court ruling.⁴⁶

35. Women who engage in financial activities are vulnerable to sexual exploitation. In some cases, local officials and market managers ask for bribes or sexual favours in return for allowing women to trade in the market. An increasing number of women travel between different cities, often without official permission, to buy and sell products for trading. According to some personal accounts, this leaves women vulnerable to sexual exploitation at train stations where local officials may allow unauthorized travel in exchange for sexual favours or bribes.⁴⁷ Crowded railway carriages and lack of proper accommodation during travel also leaves women vulnerable to sexual violence while travelling. In 2017, the Government reported to the Committee on the Elimination of Discrimination against Women that sexual exploitation of women was in no way a social problem in the country.⁴⁸ The Committee expressed its concern that the Law on the Protection and Promotion of the Rights of Women and the Family Law focus on reconciliation rather than the prosecution of

⁴³ General Assembly resolution 70/169 of 17 December 2015, para. 2.

⁴⁴ 2017 MICS.

⁴⁵ Database Centre for North Korean Human Rights, *"Periods are a Shameful Thing in North Korea": the State of Menstrual Health of North Korean Women*, 2018, p. 43.

⁴⁶ In 2016, there were 2,000 divorce cases in a population of 25.3 million. See responses by the delegation of the Democratic People's Republic of Korea to the Committee on the Elimination of Discrimination against Women: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22373&LangID=E.

⁴⁷ Human Rights Watch, "You Cry At Night but Don't Know Why: Sexual Violence Against Women in North Korea", (2018).

⁴⁸ CEDAW/C/PRK/2-4, para. 70.

perpetrators of gender-based violence.⁴⁹ Accounts by escapees indicate that there is no effective protection or reporting mechanism for women who are victims of violence, and that perpetrators, with only a few exceptions, are not held accountable for such crimes.

E. Trafficking in and sexual exploitation of women seeking to leave the country

36. The Democratic People's Republic of Korea acceded to the United Nations Convention against Transnational Organized Crime on 16 June 2016, but has not yet ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention. The 2010 Law on the Protection and Promotion of the Rights of Women prohibits the act of "abducting, trafficking, raping or gang raping a woman" and provides that the institutions concerned are to take stringent measures for the prevention of the aforementioned acts, while imposing severe legal punishments on those who commit such acts. However, there are no legal provisions to criminalize trafficking in persons or define punishments. In that regard, the Special Rapporteur urges the Government to seek technical assistance to duly comply with its law. A survey by the Office of the United Nations High Commissioner for Human Rights (OHCHR) of 636 women who arrived in the Republic of Korea in 2018 and 2019 showed that the majority of them had spent several years in China prior to their arrival. Accounts indicate that many women have been trafficked and sold into forced marriage or the sex trade. It has reportedly become more difficult for women from the Democratic People's Republic of Korea who have crossed the border irregularly to remain in China for a longer period without proper identification. Children born in China to mothers from the Democratic People's Republic of Korea are in some cases unregistered and therefore unable to attend school. Some women escape to the Republic of Korea without their children, either leaving them behind or seeking to be reunited with them after acquiring citizenship and settling in the Republic of Korea.

F. Treatment in detention and treatment upon repatriation

37. In the OHCHR survey of 636 women who arrived in the Republic of Korea in 2018 and 2019, 27 per cent of the women had been detained on at least one occasion prior to leaving the Democratic People's Republic of Korea. According to personal accounts, conditions in detention for women failed to meet basic human rights standards.⁵⁰ Many women described insufficient and poor quality of food, lack of privacy, lack of access to sanitation and hygiene, and hard labour during detention. One woman who escaped from the country in 2019 stated that she was detained in a labour training camp for a month because she had visited a fortune teller when her mother was ill. She said that her detention experience finally convinced her to leave the country because "everything [in detention] was so hard – the toilet was not properly equipped, men and women had to sleep in the same room, the work was from eight in the morning to eight at night, and from five in the morning for those who worked outside of the camp, and the learning of the ten principles⁵¹ and [detention] regulations was from nine to eleven at night". One former detainee described an improvement in access to sanitation in one pretrial detention centre close to the border with China. In that facility, detainees were reportedly provided with soap, salt in place of toothpaste, towels and tissue paper, and menstruating women were given sanitary pads.

38. Women in detention remain vulnerable to sexual violence and sexual harassment. Guards are male and there are no safe avenues for filing complaints. Cases of guards or investigators demanding bribes or sexual favours in return for better treatment, including

⁴⁹ CEDAW/C/PRK/CO/2-4, para. 11 (c).

⁵⁰ General Assembly resolution 65/229 of 21 December 2010.

⁵¹ "Ten Principles for the Establishment of the Monolithic Ideological System", announced by Kim Jong Il in 1974, are regulations that citizens should comply with.

improved access to food or less arduous labour assignments, have been reported. Women who attempt to exercise their right to leave the country are vulnerable to arrest and detention, and are thereby at risk of further human rights violations. During interrogation, the use of beatings and other forms of torture to extract confessions appears to be standard practice. The ability of the accused to pay bribes can influence the outcome of the investigation, including the determination of whether a detainee is released.⁵² There is no judicial oversight or respect of suspects' right to a fair trial throughout the process, in violation of the State's international obligations, including under articles 9 and 14 of the International Covenant on Civil and Political Rights.

G. Resettlement in the Republic of Korea

39. As at December 2019, a total of 33,523 escapees from the Democratic People's Republic of Korea had entered the Republic of Korea since recording began in 1998.⁵³ In 2019, a total of 1,047 escapees arrived in the Republic of Korea, which constitutes a small decrease on previous years.⁵⁴ More than 70 per cent of escapees arriving in the Republic of Korea were women, and nearly 80 per cent were aged between 20 and 49 at the time of their arrival. The Government of the Republic of Korea provides escapees with support services and benefits⁵⁵ in the areas of protection, education, employment, accommodation, medical care⁵⁶ and other basic needs.⁵⁷

40. In spite of such support, many escapees struggle with integration into society in the Republic of Korea. According to research, the employment rate of woman escapees increased from 50.6 per cent in 2015 to 56.6 per cent in 2018.⁵⁸ However, a survey of 431 escapees conducted by a civil society organization indicated that many escapees were employed as temporary or dayworkers, and as a result did not have job security.⁵⁹ A total of 23.8 per cent of the escapees reportedly survived on government subsidies in 2019 – a figure that is seven times higher than the overall national figure.⁶⁰ In addition, the majority of escapees stated that they sent money to relatives in the Democratic People's Republic of Korea.⁶¹ It was therefore often difficult for escapees to save up for their retirement. In July 2019, a female escapee and her 6-year-old son were found dead in Seoul. They had

⁵² Office of the United Nations High Commissioner for Human Rights, "The price is rights: The violation of the right to an adequate standard of living in the Democratic People's Republic of Korea", 2019, pp. 25–26 and pp. 34–39.

⁵³ See www.unikorea.go.kr/eng_unikorea/relations/statistics/defectors/.

⁵⁴ In 2018, a total of 1,137 escapees arrived. In 2017, a total of 1,127 escapees arrived. See www.unikorea.go.kr/eng_unikorea/relations/statistics/defectors/.

⁵⁵ See https://northkoreanrefugee.org/eng/services_benefit/others.jsp. Escapees receive between 8 million and 39 million won as a settlement benefit, as well as between 16 million and 23 million won as a housing subsidy upon leaving resettlement centres. They are integrated into the security and medical care systems of the Republic of Korea. School tuition fees are waived until high school and at national and public universities, and a 50 per cent tuition grant is provided when escapees enter private universities. They are also provided with allowances and job training expenses while receiving vocational training. In an effort to facilitate their employment, the Government supports half of the wages of escapees for a maximum of four years.

⁵⁶ Medical services are free for the first five years after arrival and 90 per cent of medical costs are covered after that. See Hyunmin Ahn and Sungnam Kim, "Social and Economic Integration of North Korean Defectors in South Korea" (available in Korean), 2019, Database Centre for North Korean Human Rights, p. 58.

⁵⁷ North Korean Refugees Protection and Settlement Support Act of the Republic of Korea, 2019, see www.law.go.kr/LSW//lsInfoP.do?lsiSeq=206648&chrClsCd=010203&urlMode=engLsInfoR&viewCls=engLsInfoR#0000.

⁵⁸ Korea Hana Foundation, Settlement Survey of North Korean Refugees in South Korea, 2018, p.136.

⁵⁹ Hyunmin Ahn and Sungnam Kim, "Social and Economic Integration of North Korean Defectors in South Korea" (available in Korean), 2019, Database Centre for North Korean Human Rights, p. 102.

⁶⁰ Overall, the rate of persons surviving on government subsidies in the Republic of Korea is 3.4 per cent.

⁶¹ According to personal accounts, escapees use multiple brokers to send money to their relatives in the Democratic People's Republic of Korea.

reportedly died in late May after being unable to qualify for assistance to cover their basic needs, and their deaths initially went unnoticed. Following the deaths, some escapees called for an improvement in the support programmes for escapees run by the Government of the Republic of Korea. On 2 September 2019, the Ministry of Unification announced comprehensive measures to ensure the social stability of defectors from the Democratic People's Republic of Korea. Those measures included minimizing blind spots in the welfare system, carrying out a comprehensive survey of vulnerable defector households and expanding some areas of support for escapees.⁶²

41. According to research by the Ministry of Gender Equality and Family of the Republic of Korea, 65.2 per cent of female escapees suffer from chronic diseases, 50 per cent are at risk of depression and more than 25 per cent suffer from post-traumatic stress disorder.⁶³ Experts and civil society actors have expressed concern about the lack of support to address anxiety, depression, post-traumatic stress disorder and other mental health issues affecting many escapees. Escapees also mentioned feeling isolated and noted their limited interaction with people of the Republic of Korea as an ongoing challenge.⁶⁴

V. Engagement and political negotiations

42. The Special Rapporteur has not been able to exchange views with the authorities of the Democratic People's Republic of Korea, either by means of meetings in Geneva or New York or an exchange of letters. In a letter dated 2 July 2019, the Special Rapporteur requested a country visit and, in a letter dated 2 October 2019, he sought the Government's views on the impact of sanctions on the situation of human rights. Regrettably, he has not received a response to those letters. During his mission to Japan, the Special Rapporteur contacted *Chongryon*,⁶⁵ the General Association of Korean Residents in Japan, in order to hear its views on the situation in the Korean peninsula, and to learn about the situation in Japan, including the Association's work in schools and universities. Representatives of *Chongryon* declined to meet with him.

43. The Special Rapporteur wishes to stress that his engagement with all Governments is strictly guided by the principles of independence, neutrality and impartiality, and that regular contact with the Government of the Democratic People's Republic of Korea would allow him to reflect its views in his reports. Although the Government continues to refuse to cooperate with his mandate, in disregard of resolutions of the General Assembly and the Human Rights Council, the Special Rapporteur will continue to seek opportunities for formal and informal engagement. In parallel, the Special Rapporteur continues to encourage thematic mandate holders of the special procedures to explore possibilities for conducting country visits to the Democratic People's Republic of Korea.

44. During the reporting period, the Special Rapporteur continued to stress the need for the integration of human rights into peace and denuclearization negotiations. In October 2019, the Special Rapporteur made an informal visit to the United States, where he met and discussed with the United States Special Representative to the Democratic People's Republic of Korea, Stephen Biegun, and other high-ranking government officials, the strategy for integrating human rights into the ongoing peace talks.

45. The Special Rapporteur believes that there is a need to move forward on efforts to sign a peace agreement. He is of the view that a declaration on peace and development in

⁶² See www.unikorea.go.kr/eng_unikorea/news/releases/?boardId=bbs_000000000000034&mode=view&cntId=54214&category=&pageIdx=.

⁶³ Eunjoo Shin et al., Study on North Korean Defector Women's Damage of Violence and Support Measures, Ministry of Gender Equality and Family of the Republic of Korea, 2017, pp. 17 and 42 (Korean).

⁶⁴ Shin Ha-Young, Seoul Foundation of Women and Family, Supporting Policy for North Korean Women. Defectors with Migration Research's Perspective (Korean apart from Abstract), p.132.

⁶⁵ Chae Ilbon Chosonin Ch'ongryonhaphoe in Korean, the Japanese name for the organizations is Zai-Nihon Chosenjin Sorengokai or Chosen Soren.

the Korean peninsula, and a swift resolution of the armistice status, would create the atmosphere and space needed for further discussions on denuclearization, less isolation, more access and greater respect for human rights. In fact, the Declaration on the Rights of Peoples to Peace⁶⁶ states in its preamble that the General Assembly is “Convinced that life without war serves as the primary international prerequisite for the material well-being, development and progress of countries, and for the full implementation of the rights and fundamental human freedoms proclaimed by the United Nations”. In paragraph 4, the General Assembly also “Appeals to all States and international organizations to do their utmost to assist in implementing the right of peoples to peace through the adoption of appropriate measures at both the national and the international level”. The Special Rapporteur is therefore of the view that a peace declaration should not be put on hold pending the completion of denuclearization.

46. The Special Rapporteur also met with members of Women Cross DMZ. In 2015, 30 women from 15 countries crossed the demilitarized zone, demonstrating their commitment to peacemaking. This unprecedented movement engaged with women inside the Democratic People’s Republic of Korea, and has now converged with other groups into a global coalition of women’s peace organizations calling for an end to the Korean War, to sign a peace agreement, and to include women in peace processes.⁶⁷ The Special Rapporteur calls upon concerned Governments to hear the message from this movement.

VI. Accountability

47. The Human Rights Council continues to explore possible options for accountability for human rights violations in the Democratic People’s Republic of Korea. OHCHR, as mandated by the Human Rights Council, collects and analyses victim and witness accounts and consolidates information from different stakeholders. Civil society organizations have also continued to gather information about human rights abuses. The Special Rapporteur supports such efforts to preserve information for future peace and justice processes.

48. The Special Rapporteur is also of the view that the time has come to develop and test concrete avenues for accountability and justice for human rights violations in the Democratic People’s Republic of Korea. Victims of human rights violations cannot wait for the parties to agree on peace and denuclearization. The lack of accountability also means lack of deterrence for ongoing and future abuses. In other country situations, there have been efforts to address violations in the inter-State venue of the International Court of Justice and through creative legal channels at the International Criminal Court and domestic courts under the principle of universal jurisdiction.⁶⁸ Those and other experiences should inform efforts to seek justice for violations in the Democratic People’s Republic of Korea.

49. Six years ago, the Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea presented its report to the Human Rights Council. In that report, it stated that it had found reasonable grounds to conclude that “crimes against humanity have been committed in the Democratic People’s Republic of Korea, pursuant to policies established at the highest level of the State”, and that “crimes against humanity are ongoing in the Democratic People’s Republic of Korea because the policies, institutions and patterns of impunity that lie at their heart remain in place”.⁶⁹ The inaction by the Security Council with regard to referring the case to the International Criminal Court, as recommended by the Commission of Inquiry, should not paralyse all other initiatives and mechanisms aimed at ensuring that justice is done.

⁶⁶ General Assembly resolution 39/11 of 12 November 1984.

⁶⁷ The campaign is called “Korea Peace Now! Women Mobilizing to End the War”.

⁶⁸ This refers to the case of Myanmar.

⁶⁹ A/HRC/25/63, paras. 75–76.

VII. Conclusion

50. The human rights situation in the Democratic People's Republic of Korea continues to be serious. The stalled political negotiations have pushed the Government of the Democratic People's Republic of Korea to focus on an unattainable level of self-reliance. The international sanctions appear to be having a negative impact on the fulfilment of economic rights, and the closing of borders in order to prevent the spread of COVID-19 may further aggravate the situation. These conditions also pose a challenge to progress in the area of human rights. The Special Rapporteur therefore calls for more concrete action and greater efforts to engage with the Democratic People's Republic of Korea in all areas: in efforts to sign a peace agreement; in negotiations on denuclearization; in reviewing sanctions; in ensuring humanitarian access; and, critically, in the protection and promotion of human rights. Concerned States, the entire international community and the United Nations system should seize opportunities to engage. The Government of the Democratic People's Republic of Korea should equally take active steps in those areas with a view to promoting human rights and ending violations against its own population.

51. The Special Rapporteur has encouraged the Government of the Democratic People's Republic of Korea to engage with the international human rights mechanisms. The Government has made small steps by, for instance, actively participating in the universal periodic review process of the Human Rights Council and accepting 132 recommendations.⁷⁰ Engagement in dialogue and cooperation – by the international community accessing the country and citizens of the Democratic People's Republic of Korea making more connections with the outside world – is critical for addressing human rights concerns in the country. The Special Rapporteur encourages the members of the Human Rights Council to build consensus on the optimal approach to facilitate constructive engagement with the Democratic People's Republic of Korea, and calls on the United Nations High Commissioner for Human Rights, the treaty bodies, the special procedures and the Human Rights Council to continue their efforts in that regard.

VIII. Recommendations

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

- (a) Take steps to progressively achieve the realization of the right to an adequate standard of living, including the right to food and the rights to water and sanitation, using the maximum of the State's available resources and prioritizing the most marginalized communities;
- (b) Create an environment where 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;
- (c) Carry out research and release statistical and other data that will allow for an assessment to be undertaken of the impact of international sanctions on the economic and social rights of the people;
- (d) Review the Criminal Code and other laws to redefine the acts that constitute "threats to national security" and review the necessity and proportionality of restrictions on freedom of information;
- (e) Release detailed information about *kwanliso* (political prison camps) and invite independent international monitoring bodies to monitor them;

⁷⁰ A/HRC/42/10/Add.1.

(f) 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;

(g) Relax the surveillance and monitoring of people's private lives by the authorities in order to respect the right to freedom of expression and opinion and the right to privacy;

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

(i) Develop a comprehensive plan of action to address women-specific issues and promote gender equality;

(j) Review the policy of labour mobilization, including as led by the Socialist Women's Union of Korea, and guarantee just and favourable conditions of work and ensure fair wages and equal remuneration;

(k) Review the Criminal Code and other laws to criminalize all forms of gender-based violence against women and ensure that the perpetrators of such violence are prosecuted; and seek technical assistance from OHCHR and others in creating legislation and institutions to address and punish domestic violence;

(l) Establish effective protection and reporting mechanisms for women who are victims of gender-based violence;

(m) Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and seek technical assistance from OHCHR and other relevant entities in creating legislation and institutions to address and prevent trafficking;

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

(o) Continue to seek technical assistance from OHCHR, including by granting access to the country;

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

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

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

(b) Undertake consultations with a wider range of stakeholders engaged in the situation of human rights in the Democratic People's Republic of Korea;

(c) Strengthen its efforts to prevent the repatriation of citizens of the Democratic People's Republic of Korea;

(d) Review the domestic laws to prevent the repatriation of citizens of the Democratic People's Republic of Korea by its authorities;

(e) Broaden its support to escapees in the areas of integration to society and mental health;

(f) Establish the North Korean Human Rights Foundation in accordance with the North Korean Human Rights Act passed by the National Assembly of the Republic of Korea in 2016;

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

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

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

(b) **Consider adopting a legal and policy framework for citizens of the Democratic People's Republic of Korea who live in China or who transit through its territory that would allow them to seek asylum 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 officials 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 gain access to their right to seek asylum from persecution.**

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

56. **The Special Rapporteur recommends that the international community:**

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

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

(e) **Support efforts to promote accountability in the Democratic People's Republic of Korea, including the OHCHR field-based structure in Seoul and the work of OHCHR on accountability issues.**

57. **The Special Rapporteur recommends that the United Nations:**

(a) **Review sanctions by conducting a comprehensive study of their detrimental impact on the human rights of the people of the Democratic People's Republic of Korea and on the humanitarian situation;**

(b) **Support technical cooperation projects on human rights with the Democratic People's Republic of Korea;**

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

58. **The Special Rapporteur recommends that civil society organizations:**

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

(b) **Engage with Member States to advocate for the advancement of a peace agreement and the integration of human rights into negotiations.**