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Human rights situations that require the Council's attention**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, Tomás Ojea Quintana****Summary*

The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, submitted pursuant to Human Rights Council resolution 46/17, is the final report of the current mandate-holder to the Council. The Special Rapporteur provides an assessment of the human rights situation over the past six years of his mandate and makes practical proposals for future engagement with the Democratic People's Republic of Korea. He calls for the international community as well as the Democratic People's Republic of Korea to make a significant shift in approach to improve human rights and to achieve accountability.

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

Contents

	<i>Page</i>
I. Introduction	3
II. Political and security situation	3
III. Situation of civil and political rights	4
IV. Situation of economic and social rights.....	7
V. Accountability	10
VI. Human rights cooperation	11
A. Improving conditions in detention and the treatment of detainees	12
B. Rights of persons with disabilities.....	13
C. Economic, social and cultural rights	13
D. Reunion of separated families	15
E. Support to civil society.....	15
VII. Conclusion	15
VIII. Recommendations	16

I. Introduction

1. This is the final report of the current mandate holder to the Human Rights Council. Over the past six years of his mandate, he has consistently stated that any improvement in the human rights situation is only possible through sustained engagement and by ensuring that those responsible for past and ongoing widespread and systematic human rights violations are held accountable. The Special Rapporteur in this report outlines practical measures on how the international community and the Democratic People's Republic of Korea can secure improvements to the human rights situation and achieve accountability. The full-scale border shutdown and travel restrictions between cities and regions enforced by the Democratic People's Republic of Korea since January 2020 as part of COVID-19 quarantine measures continue. The Special Rapporteur is gravely concerned about the deteriorating human rights situation under further isolation of the country, in particular the aggravation of the food crisis and stricter control of people's freedoms.

2. The Special Rapporteur undertook an official visit to the Republic of Korea from 15 to 23 February 2022. He received valuable insights from the Government, members of the National Assembly, escapees from the Democratic People's Republic of Korea, representatives of civil society, victims and their families, as well as members of the diplomatic community and other stakeholders. He regrets that the Government of the Democratic People's Republic of Korea continues to oppose his mandate. During his term, on only one occasion did the Special Rapporteur have the opportunity to meet and talk with some members of the Workers' Party of Korea. The Special Rapporteur hopes that the Government will revisit its current policy, and invite him to the country before his term ends in July 2022 so that he can constructively engage on human rights issues and understand unsolved historical grievances such as those experienced during the Korean War and during the Japanese occupation in order to present the country's point of view to the international community.

II. Political and security situation

3. Inter-Korean engagement has remained stalled since the Hanoi Summit between the United States and the Democratic People's Republic of Korea, held in February 2019. In September 2021, in a speech at the United Nations General Assembly, the President of the Republic of Korea proposed an end of war declaration for the Korean Peninsula. President Kim Jong Un, at the 5th Session of the 14th Supreme People's Assembly in September 2021, stated that the hostile policy towards the Democratic People's Republic of Korea must stop before any peace declaration or strengthening of inter-Korean relations can happen.¹ The United States, under the current Biden administration, has stated that it will pursue a calibrated and practical approach and is willing to meet with the Democratic People's Republic of Korea anytime, anywhere and without preconditions. China has urged the United States to take seriously the Democratic People's Republic of Korea's legitimate and reasonable concerns with greater attention to create conditions for resuming dialogue.² The Special Rapporteur continues to support a peaceful resolution to the conflict on the Korean Peninsula, which should involve denuclearization of the Peninsula together with improvements to the human rights situation in the Democratic People's Republic of Korea.

4. Since the beginning of this year, the Democratic People's Republic of Korea has fired 13 missiles during the course of nine test launches, including one launched on 5 March. Out of the 13 missiles, eleven were ballistic missiles. Security Council resolutions expressly prohibit the Democratic People's Republic of Korea from conducting launches that use ballistic missile technology. The Government continues to claim that its missile programmes are for self-defence, and that they do not pose any threat to the security of neighbouring countries.³ Several Member States, including within the European Union, as well as Japan,

¹ Respected Comrade Kim Jong Un Makes Historic Policy Speech "On the Orientation of Present Struggle for a Fresh Development of Socialist Construction" | KCNA Watch

² 刘晓明Liu Xiaoming on Twitter: "Glad to speak with the #US #StateDepartment's @StateDept Special Representative for #DPRK Policy Amb. Sung Kim." / Twitter

³ <http://www.mfa.gov.kp/view/article/14450>

the Republic of Korea and the United States, condemned the launch of ballistic missiles in violation of Security Council resolutions and urged the country to return to dialogue.

5. In March 2021, the European Union designated the Democratic People's Republic of Korea's Central Public Prosecutor's Office, and Ri Yong Gil, former Minister of Social Security and current Minister of the People's Armed Forces in its individual sanctions list for alleged human rights violations. On 10 December 2021, the United States also sanctioned them together with a state-affiliated animation studio.⁴ In October 2021, China circulated a draft resolution on easing sanctions on the Democratic People's Republic of Korea, citing their humanitarian consequences, which was supported by the Russian Federation but not by the other three permanent members of the Security Council.⁵ Earlier this year, the United States expressed its intention to propose additional Security Council sanctions following of the recent ballistic missile tests. With key differences amongst the permanent members remaining, it seems unlikely there will be moves in the near future towards either imposing additional or relieving existing Security Council sanctions.

6. In 2022, the Democratic People's Republic of Korea has allocated 15.9 percent of its total national budget for bolstering the country's defence capabilities.⁶ The Special Rapporteur is concerned that these developments signal the onset of a new arms race that will further militarize the region and dampen prospects for peace and denuclearization and divert resources from social and economic priorities. As we witness the war in Ukraine, the Special Rapporteur believes these developments create a new urgency for the international community to secure dialogue with the Democratic People's Republic of Korea to avert heightened tensions and potential catastrophe on the Korean Peninsula.

7. Due to the prolonged COVID-19 related restrictions, in 2021 only 63 escapees, of whom approximately 37 per cent were women, arrived in the Republic of Korea - a significant decrease from the 229 arrivals in 2020 and the 1,047 arrivals in 2019. Most of the recent arrivals have stayed in a third country for several years before travelling to the Republic of Korea. Humanitarian organizations remain unable to return to the Democratic People's Republic of Korea. With a limited international presence inside the country and the significant fall in escapees arriving in the Republic of Korea, documentation of human rights violations has become more challenging than ever. In this respect, the Special Rapporteur encourages Member States to facilitate access by OHCHR and other relevant organizations to interview escapees from the Democratic People's Republic of Korea.

III. Situation of civil and political rights⁷

"I wanted to live life with freedom" (a male escapee)

8. Over the past six years, the Special Rapporteur has examined and raised concerns about the coercive system of governance that deprives the fundamental freedoms of people in the Democratic People's Republic of Korea. This includes arbitrary arrest and detention,⁸ torture and ill-treatment, restrictions on freedom of expression, religion and thought, access to information, freedom of movement and the practice of forced labour. This situation has not improved during his time in the mandate. On the contrary, control over the population has further tightened, particularly since the beginning of 2020 in the context of COVID-19 prevention measures. Furthermore, the prolonged border closures and restrictions on movement in-country have decimated the market activity that has become essential for the

⁴ [Treasury Sanctions Perpetrators of Serious Human Rights Abuse on International Human Rights Day | U.S. Department of the Treasury](#)

⁵ <https://www.securitycouncilreport.org/monthly-forecast/2022-03/dprk-north-korea-15.php>

⁶ [Report on State Budget at 6th Session of 14th Supreme People's Assembly of DPRK | KCNA Watch](#)

⁷ On 25 August 1997, the Democratic People's Republic of Korea notified the Secretary-General of its withdrawal from the International Covenant on Civil and Political Rights. Since the Covenant does not contain provisions for a withdrawal or denunciation, the Secretary-General issued a statement affirming that withdrawal from the Covenant was not possible unless all States parties agreed to such a withdrawal. The Democratic People's Republic of Korea therefore continues to be a State party to the International Covenant on Civil and Political Rights.

⁸ See A/HRC/46/52, paras. 46-50

general population to access basic necessities. Any restrictions to address the pandemic must be necessary, proportionate, non-discriminatory, time-bound, transparent and strictly in line with international law. Draconian measures have further strengthened the State's control over the population, such as the policy of shooting individuals who attempt to enter or leave the country and the Law on the Elimination of Reactionary Thought and Culture, enacted in December 2020, containing grossly disproportionate punishments, including the death penalty for accessing information, particularly of foreign content. The death penalty continues to be applied to crimes that do not fall within the criteria of "the most serious crimes" as provided by article 6. (2) of the International Covenant on Civil and Political Rights. Since September 2021, the authorities have reportedly introduced "tip-off rewards",⁹ rewarding people with cash for reporting so-called anti-socialist behaviours.¹⁰ Surveillance and reporting on fellow citizens was already practiced in the Democratic People's Republic of Korea; however, this new tip-off rewards system will further undermine trust and solidarity within families and communities.

9. Fundamental to the effective control of the population is a system of arbitrary detention, lack of fair trial guarantees and a judiciary that serves the interests of the Government. There is widespread fear of arbitrary arrest and mistreatment in detention, especially those forcibly repatriated, including detention in *kwanliso* (political prison camp). One escapee stated that even elites live under constant fear, and another recent escapee stated that people have strong anger against the system but cannot express it because of fear of the consequences. Throughout his mandate, the Special Rapporteur has expressed concern over the existence of *kwanliso*. The Commission of Inquiry on human rights in the Democratic People's Republic of Korea found that "[p]ersons who are found to have engaged in major political crimes are 'disappeared', without trial or judicial order, to political prison camps (*kwanliso*)... Their families are not even informed of their fate if they die."¹¹ During his recent mission to the Republic of Korea, several recent escapees informed the Special Rapporteur that they were aware of the existence of *kwanliso* and had some information about their size and location. Some had family members or acquaintances who were sent to *kwanliso* but later released. Some accounts stated that without *kwanliso*, the political system in the Democratic People's Republic of Korea was not operational. It is recalled that during its universal periodic review (UPR) in May 2019, the Government stated that "there is no such thing as 'political prisoner' or 'political prison camp' in the vocabulary of the criminal law and the criminal procedural law..." and "those who committed anti-State crimes as provided in the criminal law... are not many in number and are kept in reform institutions but separately from others". The Special Rapporteur repeats his call on the Government to: (a) provide access for international monitoring groups to *kwanliso* facilities; (b) disclose information regarding the administration of those facilities; (c) provide information about the department responsible for the administration of *kwanliso*, and if there exists a national body or a mechanism mandated to inspect these camps; and (d) dismantle *kwanliso* facilities as a matter of priority.

10. The Special Rapporteur continues to receive testimonies that in the *kuryujang* (pretrial detention facilities) detainees are beaten, kicked or forced to sit in a still position all day with short or no breaks. Such violence is commonly used to compel suspects to confess to a crime. Conditions in detention remain appalling. Food provided to the detainees is inadequate and of low quality. Access to water and sanitation is limited. According to a former prison guard, female guards are not deployed in most *kuryujang*.

11. The Special Rapporteur has received reports that three individuals of the Democratic People's Republic of Korea seeking asylum are being held at the Consulate of the Democratic People's Republic of Korea in Vladivostok, Russia. About 1,500 people of the Democratic People's Republic of Korea are estimated to be detained in China as "illegal migrants" and are at risk of being repatriated to their country once the border reopens. Throughout his term, the Special Rapporteur has made continued efforts to prevent the forced repatriation of people

⁹ <Inside N. Korea> Growing Radicalization of People's Control (1): Authorities Introduce "Efficient" Tip-Off Reward System, Sowing Massive Distrust Among Residents (asiapress.org)

¹⁰ The Coalition was reportedly established as part of the enactment of the Anti-Reactionary Law around December 2020.

¹¹ A/HRC/25/63, para.59

from the Democratic People's Republic of Korea, including through regular engagement with China, the Republic of Korea and the United Nations High Commissioner for Refugees. While this engagement has had a positive impact in some instances, the Special Rapporteur remains concerned that the relevant parties have not agreed on a comprehensive solution to ensure protection and to provide safe passage to escapees. The OHCHR continues to document serious human rights violations on repatriation, including torture and other forms of cruel, inhuman or degrading treatment. According to the Korea Institute for National Unification, “[s]ince President Kim Jong Un came to power, punishment for repatriated defectors has been greatly strengthened”.¹² The principle of *non-refoulement* under international human rights law guarantees that no one be returned to a country where they face torture and ill-treatment. Both China and Russia are a party to the Convention against Torture as well as the Refugee Convention and its Protocol, which explicitly prohibits *refoulement*.

12. During his recent mission to the Republic of Korea, a former prisoner of war told the Special Rapporteur that “in the Democratic People's Republic of Korea, even suicide is forbidden because their family will pay the consequences”. This account reminded the Special Rapporteur of the case of a married escapee couple and their three children who committed suicide out of fear of imminent forced repatriation from China in August 2017.¹³ The deceased bodies were returned to their country and authorities reportedly held a public trial to condemn the suicides. This case is a stark example of how the state controls all aspects of citizens' lives.

Abductions and enforced disappearances outside of the Democratic People's Republic of Korea, and Prisoners of the Korean War

“I never forgot my homeland and my parents” (a prisoner from the Korean War)

13. Enforced disappearance, including in the form of abductions, is a serious crime that continues until the fate and whereabouts of the disappeared person has been clarified. As of August 2021, 330 cases transmitted by the United Nations Working Group on Enforced or Involuntary Disappearances were outstanding. During the Korean War from 1950 to 1953, between 80,000 and 100,000 people from the Republic of Korea were estimated to have been kidnapped and relocated to the Democratic People's Republic of Korea. Since the end of the Korean War, at least 50,000 prisoners of war from the Republic of Korea Armed Forces have not been repatriated and approximately 500 survivors are still being held in the Democratic People's Republic of Korea. During the “Paradise on Earth” campaign, 93,340 people “returned” from Japan to the Democratic People's Republic of Korea. Hundreds of people from the Republic of Korea, Japan and other nations were also abducted and disappeared between the 1960s and 1980s. The Government of the Republic of Korea officially recognizes 516 of its citizens as post-war abductees. Eleven people (4 crew members and 7 passengers) who were on the Korean Air Lines flight YS-11 hijacked on 13 December 1969 have never been returned. According to the Government of Japan, 12 abductees from Japan remain unaccounted for. Some other foreign nationals have also been abducted, including one from Thailand and one from Romania.

14. The Special Rapporteur understands the pain that the victims and families of abductions and enforced disappearances have had to endure over the years, including Koreans, Japanese and other nationals. He has, throughout his mandate, emphasized that the issue of abductions, enforced disappearances and prisoners of war should never be neglected during any negotiations with the Democratic People's Republic of Korea.

15. The Special Rapporteur would have welcomed engagement with the Democratic People's Republic of Korea in addressing the past human rights violations suffered by its own people during the Korean War, and would have reflected their views in his reports.

¹² Korea Institute for National Unification (2021), p. 561

¹³ [Press Releases | National Human Rights Commission of Korea](#)

IV. Situation of economic and social rights

“I... did anything I was physically able to, including working in the pine nut field, picking vegetables, and gathering medicinal herbs. Even when I worked like that, I only made enough for one meal a day.” (a female escapee)

16. In ratifying the International Covenant on Economic, Social and Cultural Rights, the Democratic People’s Republic of Korea committed to “take steps... to the maximum of its available resources, with a view to achieving progressively the full realization of the rights” contained in the treaty.¹⁴ The realization of these rights also lie at the heart of the Sustainable Development Goals to which the Government has committed. Since 2013, the Government has emphasized the importance of pursuing economic growth and improving the people’s standard of living.¹⁵ It has acknowledged the importance of creating an international environment favourable to economic development, including through “close contact” and “active dialogue” with neighbouring countries and the international community.¹⁶

17. Throughout his mandate, the Special Rapporteur has faced the challenge of acquiring verifiable information on the Government’s implementation of economic and social rights commitments and obligations, including disaggregated data on vulnerable groups. This challenge has become even more acute since January 2020 following the State’s border shutdown in response to COVID-19, the concomitant precipitous drop in people leaving the country and the eventual departure of all international humanitarian staff by March 2021. The Special Rapporteur highlights that under international law, the onus is on the Government to demonstrate to the United Nations monitoring bodies that it has done all it can do to fulfil basic levels of food, healthcare, housing and education.¹⁷ While important information and data have been made available, particularly the Multiple Indicator Cluster Survey (MICS),¹⁸ the Government has failed to discharge its obligation to provide sufficient information to demonstrate its efforts to fulfil core economic, social and cultural rights obligations. This includes the serious failure to report to the Committee on Economic, Social and Cultural Rights since 2003.

18. Throughout the Special Rapporteur’s term, chronic food insecurity has not improved in the Democratic People’s Republic of Korea, with the numbers of food insecure people consistently above 10 million, representing over 41 per cent of the country’s population. Only 29 per cent of children aged 6-23 months are receiving the minimum acceptable diet.¹⁹ Malnutrition remains a leading cause of maternal and child mortality. The stunting level among children under five years of age is 19.1 per cent (323,000), with five per cent severely stunted (153,000). 2.5 per cent of children under five years of age are wasted, and 0.5 per cent are severely wasted. Chronic shortfalls in the availability of adequate and nutritious food year-round has been a continuing preoccupation over the years, and now with the country still in the grip of strict COVID-19 measures, concerns over the right to food are more serious than at any point during the Special Rapporteur’s six-years on the mandate. It is reasonable to infer that the collapse of trade, particularly with China since the closure of borders at the end of January 2020, will have exacerbated the food situation.

19. The Government has publically acknowledged the more recent challenges it faces in ensuring the availability of adequate food. In 2021, President Kim Jong Un stated that the country was at its worst-ever difficulties and warned of a new “Arduous March”. However,

¹⁴ Covenant on Economic, Social and Cultural Rights, article 2. “Progressive realization” clauses are also found in article 4 of the Convention on the Rights of the Child and article 4 (2) of the Convention on the Rights of Persons with Disabilities, to which the Democratic People’s Republic of Korea is a State Party.

¹⁵ As reported in the Special Rapporteur’s reports to the Human Rights Council in 2017 (para. 4), 2018 (para. 26), 2019 (para. 16), 2020 (para. 4) and 2021 (para. 9).

¹⁶ See SR HRC report 2019 (para. 16).

¹⁷ General Comment No.3, para. 10; General Comment No.12 (Article 11), 12 May 1999, E/C.12/1999/5, para. 17.

¹⁸ Multiple Indicator Cluster Survey (MICS) 2017, Survey Findings Report, Central Bureau of Statistics/Unicef.

¹⁹ Further analysis of MICS, 2019.

rather than facilitating the coping mechanisms of the growing informal markets, Government policy has oscillated between ambivalence and hostility, and corruption is rampant. Those without the access to sufficient money to pay bribes are vulnerable to arbitrary arrest and detention and the range of human rights violations that flow from this. The Government has not reformed the taxation system or the Public Distribution System to ensure universal access to adequate and nutritious food, including for the most vulnerable and marginalized populations.

20. Furthermore, the geographical variations in the enjoyment of economic and social rights reveals a violation of the State's obligations concerning non-discrimination, common to all human rights treaties and customary international human rights law. In North Pyongan, only 14.8 per cent receive the minimum acceptable diet compared with 54.3 per cent in the capital Pyongyang.²⁰ Stunting in rural Ryanggang stands at 32 per cent, compared to 10 per cent in Pyongyang.²¹ Material prosperity is concentrated in a very small section of the population, especially in Pyongyang (and other main cities), which benefits from superior infrastructure, housing, healthcare, clean water, food distribution, education and employment. Moreover, a system of active discrimination of economic and social rights is pursued by the State through a system of residency permits and restrictions on freedom of movement, with those assigned to a lower *songbun*²² sent to live in more remote areas of the country, including rural areas and northeast border provinces.

21. An underlying cause of the country's chronic food insecurity remains its inadequate production of food domestically. According to the Korea Institute for National Unification, last year's food production was estimated to be 4.6 million tons whereas, on an average, the country needs 6-6.5 million tons of food. The World Food Programme has not been able to deliver food since March 2021. This regular deficit of food points towards a lack of State investment to combat the deteriorating infrastructure relevant to food production, such as irrigation and drainage facilities, as well as aging machinery and capacity gaps in technology and skill sets to increase crop yields. The Special Rapporteur would welcome if China and other Member States could share information about the extent of the humanitarian assistance they have been providing to the country to tackle the food situation. He also stresses that there is a responsibility to evaluate the impact of sanctions on food production and distribution. Information is scarce, but there are serious concerns that segments of the population, especially vulnerable populations, may be facing hunger and starvation.

22. The Socialist Constitution of the Democratic People's Republic of Korea provides for free medical care to all citizens. Data from 2017 shows improvements in primary health care, including vaccination coverage for more than 97 per cent of children. The data also pointed to improvements in maternal health care, including antenatal and postnatal care. The country has a high ratio of physicians to population, estimated to be 317 per 100,000, together with a network of 1,780 hospitals at the central, provincial and county level, supplemented by 6,263 clinics.²³ This suggests that, should the required levels of investment and appropriate policy measures be well directed, the country has the basic infrastructure to progressively realize the right to the highest attainable standard of health.²⁴ COVID-19 restrictions, including border closures, appear to have prevented an outbreak inside the country, though likely at considerable cost to the wider health situation and further exacerbating economic deprivation. Chronic issues plague the country's healthcare system, including under-investment in infrastructure, medical personnel, equipment and medicine, irregular power supplies and

²⁰ Multiple Indicator Cluster Survey, p. 97.

²¹ DPRK Mid-Year Humanitarian Situation Report, UNICEF, 1 January to 30 June 2018; available at <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20DPR%20Korea%20Humanitarian%20Situation%20Report%20-%20Mid-Year%202018.pdf>

²² *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.

²³ World Health Organization (2016). *WHO country cooperation strategy Democratic People's Republic of Korea: 2014-2019*. World Health Organization, p. 17. Retrieved from: <https://apps.who.int/iris/handle/10665/250298>

²⁴ The opening of the Pyongyang General Hospital has reportedly been delayed indefinitely owing to difficulties in importing medical equipment due to COVID-19 and sanctions-related shipping holdups.

inadequate water and sanitation facilities. Shortfalls in investment explain escapee accounts of having to provide money and food in exchange for treatment and medicine.²⁵ The most recent data reveals that around 9 million people have only limited access to quality health services.²⁶

23. The Special Rapporteur acknowledges that many rights may be subject to certain time-bound restrictions for legitimate reasons, including for the protection of public health. However, he remains concerned that the State's measures in response to COVID-19 may not pass the tests of necessity and proportionality, given the extent of their impact on access to food, healthcare and livelihoods. For instance, in relation to medical supplies, since January 2020 all imports from China ceased. Drugs for tuberculosis - a disease that kills 16,000 people each year in the country - are at risk of stocking out, as are polio vaccines. Furthermore, sexual and reproductive health supplies provided by the United Nations Population Fund were exhausted by July 2021.²⁷

24. In 2018, President Kim Jong Un announced a new policy of "socialist economic construction".²⁸ However, throughout his mandate, the Special Rapporteur has seen a continuing trend of coercive labour practices, which violate "the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts."²⁹ The State continues to assign people to work in State enterprises. No independent trade unions exist to represent and defend the economic and social interests of the workers. Consequently, exploitation and abuse is widespread, with workers receiving little or no remuneration for their labour at state-assigned workplaces under harsh conditions.³⁰ Workers have little option but to pay bribes to their "employers" to free them to engage in informal market activity to earn a living. The State continues to rely on a widespread and institutionalized system of forced labour. This reliance on forced labour has further increased in response to the economic downturn since the country's lockdown at the beginning of 2020. According to recent reports from a civil society organization, the economic importance of prison labour at both *Kwanliso 14* and *Kyohwaso* (ordinary prison) 3 may have increased.³¹

25. The Special Rapporteur highlights that the Committee on Economic, Social and Cultural Rights clarifies to State Parties that "to the maximum of its available resources" refers to both the resources existing within a State and those available from the international community through international cooperation and assistance" [emphasis added]. This places an obligation on the Democratic People's Republic of Korea to actively seek out international assistance and cooperation, including economic and technical cooperation. The Committee has further clarified that, "international cooperation for development and thus for the realization of economic, social and cultural rights is an obligation of all States" [emphasis added].³²

26. In this regard, the Special Rapporteur is concerned over the interpretation taken by some Member States and the Executive Boards of United Nations agencies that development cooperation with the Democratic People's Republic of Korea is not to be provided under the current Security Council sanctions regime. This approach prevents the United Nations and other international actors from engaging in activities targeted towards improving the capacity of the state to address long-standing humanitarian situations. The Special Rapporteur is of the view that development efforts to promote the economic, social and cultural rights of the people in the Democratic People's Republic of Korea should not be denied under the sanctions regime. Engagement on targeted development programmes can provide more scope to integrate a human rights-based approach to development, which will help to address some

²⁵ Humanitarian Country Team, DPR Korea: Needs and Priorities, March 2018, p. 7.

²⁶ Humanitarian Country Team, DPR Korea: Needs and Priorities, 2019, p. 7.

²⁷ https://www.rfa.org/korean/in_focus/human_rights_defector-02142022151404.html

²⁸ KCNA (2018), BTI (2020) and Cheong, S.-C. (2018). *Outlining North Korea's Abandonment of The Byungjin Line and Assessing Its Stance on Denuclearization*. *Sejong Commentary at Sejong Institute*.

²⁹ ICESCR, article 6.

³⁰ In violation of Article 7 of the ICESCR.

³¹ The Committee for Human Rights in North Korea, North Korea's Political Prison Camp, Kwan-li-so No. 14, Update 1 (2022) and North Korea's Long-term Prison-Labor Facility Kyo-hwa-so No. 3, T'osong-ni (토성리) (2022)

³² General Comment 3 the Committee on Economic, Social and Cultural Rights, paragraph 13.

of the structural causes of human rights violations in the country. Moreover, Member States have the obligation to support the implementation of the Sustainable Development Goals, which will not only bring economic growth but can also promote non-discrimination, public participation, transparency and government effectiveness in service delivery - important tenets to improving all human rights.

27. The Special Rapporteur welcomes the efforts made by the Sanctions Committee to streamline humanitarian exemptions. However, he reiterates his call for a review of the sanctions to include areas of assistance that would not require exemption authorizations from the Sanctions Committee. A review of the sanction regime that will enable the international community to support improvements in areas including i) agricultural production, including importing pumps for the development of irrigation systems, spare parts and fuel for tractors as well as new tractors, and knowledge transfer such as double cropping techniques; ii) healthcare provision, including importing laboratory diagnostics and life-saving medicines; iii) water, sanitation and hygiene capacities, including support to developing piped sewer systems in rural areas; iv) electricity infrastructure renewal, including the replacement of generation and transmission equipment; and v) transport infrastructure, including repairing roads in rural areas. The sanctions regime should also allow for a level of trade necessary for the development of the domestic economy, including the informal market activity that people, especially women, now rely upon so extensively.³³ The Special Rapporteur envisions here opportunities for progress on a variety of human rights concerns.

28. There are long-standing cooperation partnerships between the Government and development partners in devising sustainable and resilient solutions to ensuring water, sanitation and hygiene in-country. This and other examples in healthcare and food production provide hope that cooperation with the international community can contribute to the progressive realization of economic, social and cultural rights. There are other economic, social and cultural rights such as the right to adequate housing, to education and to social security that the Government has demonstrated efforts to fulfil under its own premises, despite their shortcomings.

V. Accountability

29. The Special Rapporteur has been consistent throughout his mandate on the importance of halting systematic human rights violations and securing accountability for past and ongoing crimes against humanity. He highlights that it is imperative for the Democratic People's Republic of Korea to cease ongoing crimes against humanity, including through the system of *kwanliso*, and undertake a process of reform whereby human rights are respected and protected. At the same time, efforts should be pursued to refer the situation to the International Criminal Court or create an *ad hoc* tribunal or comparable mechanism to determine the criminal responsibility of Government officials, including the highest authorities. The International Criminal Court's jurisdiction can also be applied to crimes that have been committed, in part, in the territory of another state that is party to the Rome Statute. As illustrated by the recent show of resolve by the General Assembly on the situation in Ukraine, the Special Rapporteur remains convinced that the United Nations is capable of taking decisive action to secure accountability, including outside of the Security Council. For example, the General Assembly could act to establish an *ad hoc* tribunal. All possible alternatives must be considered to pursue accountability and guarantee the rights of victims. In this vein, the Special Rapporteur urges Member States to examine their legal systems and to facilitate criminal prosecutions based on principles of universal or extraterritorial jurisdiction. He has been heartened by recent prosecutions in Germany for heinous crimes committed in Syria and by an investigation opened in Argentina on genocide against the Rohingya community in Myanmar. The Special Rapporteur encourages Member States to seek OHCHR's advice in pursuing such avenues.

³³ Recent analysis by the Economist Intelligence Unit (2021) suggests the country experienced an economic downturn in 2017 and 2018 amid reduced trade activities as a consequence of UN Security Council sanctions: <https://country.eiu.com/north-korea>

30. The Special Rapporteur is of the view that civil litigation by victims of human rights violations and their families can be an avenue for accountability. Civil claims have been brought in the United States by victims of torture, abduction, and other alleged crimes; by former prisoners of war and Korean War abductees in the Republic of Korea; and by victims of the Paradise on Earth Campaign in Japan. He encourages Member States and civil society to support such initiatives by providing legal assistance and psychosocial support to victims and their families, by contributing information that may be used as evidence, and by facilitating ways for victims to be compensated (either through seizure of funds or assets, or by setting up victims' funds). The Special Rapporteur also encourages Member States and civil society organizations to support non-judicial approaches towards the realization of the rights of victims, such as developing a historical record, memorialization, reparation, and truth-telling exercises. Finally, documenting human rights violations and crimes against humanity in the Democratic People's Republic of Korea and preserving information that may be used in future accountability processes must continue. In this respect, the Special Rapporteur urges the Human Rights Council to continue to provide the necessary long-term resources for OHCHR to carry out its work.

VI. Human rights cooperation

31. Engagement entails a long-term process of establishing trust and confidence between interlocutors, with the aim of securing legal, institutional and behavioural reforms that ensure improvements to the situation of human rights. Engagement on human rights with the Democratic People's Republic of Korea may appear to many as an abstract concept. However, over the past six years, the Special Rapporteur has witnessed instances of the Government proactively engaging with the international community and the United Nations mechanisms on some human rights issues. In May 2017, the Government invited the Special Rapporteur on the rights of persons with disabilities to the country.³⁴ The Special Rapporteur on the human rights to water and sanitation also had a meeting with representatives of the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in Geneva in 2017, and discussed the possibility of an official country visit. In 2017, the Government participated in the reviews by the Committee on the Elimination of Discrimination against Women³⁵ and the Committee on the Rights of the Child.³⁶ It also submitted its initial report to the Committee on the Rights of Persons with Disabilities in 2018,³⁷ following the ratification of the Convention on the Rights of Persons with Disabilities in 2016.

32. At its third cycle of universal periodic review (UPR) in May 2019, the Government agreed to implement 132 recommendations, including on progress in the realization of economic, social and cultural rights; addressing discrimination; pursuing gender equality; and human rights awareness-raising activities among citizens and officials. All recommendations related to the rights of children and recommendations on legal reforms to combat discrimination were accepted. Members of the State delegation who attended the UPR also participated in a human rights workshop organized by OHCHR and the Department of Political and Peacebuilding Affairs, held in Geneva. The Government had shown interest in furthering technical assistance activities with OHCHR, though progress has not been possible in part due to the COVID-19 pandemic. In 2021, the country attended the United Nations Climate Change Conference in Glasgow, and also participated virtually in the voluntary national review on the implementation of the Sustainable Development Goals.³⁸ In 2017, UNICEF worked with the Central Bureau of Statistics to produce the MICS, which provided data-driven insights into the lives of women and children.

³⁴ A/HRC/37/56/Add.1

³⁵ CRC/C/PRK/C/5

³⁶ CEDAW/C/PRK/CO/2-4; CRC/C/PRK/CO/5

³⁷ CRPD/C/PRK/1*

³⁸ On 21 February 2022, the Database Center for North Korean Human Rights launched the "North Korea and SDGs' portal" (<https://nksdg.org/>) as a tool to aid different stakeholders, including the government of the Democratic People's Republic of Korea, in the implementation of 2030 agenda.

33. The international community should duly acknowledge such efforts of engagement and collaboration. The Government of the Democratic People's Republic of Korea during the UPR also expressed a hope that the review would "promote a correct understanding of the human rights situation in the country, enabling the international community to adopt a proper viewpoint and attitude towards the country that were free from any bias and discrimination".³⁹ The Special Rapporteur encourages the relevant actors – the United Nations, Member States and civil society organizations - to build on existing initiatives and explore entry points for strengthening and expanding engagement, particularly based on the commitments made by the Government through the UPR. In the next section, the Special Rapporteur elaborates on some of the possible areas that the international community and the Democratic People's Republic of Korea could collaborate on for human rights improvement.

A. Improving conditions in detention and the treatment of detainees

34. During the third cycle of UPR, the Democratic People's Republic of Korea accepted a recommendation to grant "immediate, free and unimpeded access to international humanitarian organizations to provide assistance to the most vulnerable groups, including prisoners".⁴⁰ This was the first time that the country had accepted a recommendation that included prisoners as one of the most vulnerable groups. Even before COVID-19, prisons in the Democratic People's Republic of Korea lacked basic necessities such as food, drinking water and medical care. Under the current COVID-19 restrictions, it is reasonable to assume that conditions in detention have further deteriorated.

35. In recent years, the Special Rapporteur has received some information that indicated efforts to improve the treatment of detainees. A former prison guard told the Special Rapporteur that President Kim Jong Un had reportedly issued instructions to halt human rights abuses in detention facilities and punish guards who were found to have mistreated prisoners. Moreover, the Ministry of People's Security had reportedly issued guidelines prohibiting the beating of prisoners. Some interviewees told OHCHR that a complaints system to deal with the misconduct of guards and other officials at detention facilities was in place, though the escapees had varying views on its effectiveness. One interviewee told OHCHR that in a detention facility where he was detained in 2019, the detention conditions improved nominally during routine monthly visits by a Ministry of State Security prosecutor.⁴¹ The Special Rapporteur notes that while such information is still limited and unverified, he nevertheless acknowledges that some steps may be being taken to address the dire conditions and treatment in places of detention. The international community and the Government should explore ways to engage with the Democratic People's Republic of Korea in this priority area of concern.

36. The Special Rapporteur suggests the following initial technical cooperation activities for the improvement of conditions in detention and treatment of detainees:

- (a) The United Nations and other international organizations in cooperation with the Government can collaborate to produce disaggregated data on detainees including by sex, location, age, type of crime and type of detention facility, with a means of updating the statistics on a regular basis; integrate information gathering on prison populations in censuses and surveys; undertake an assessment on the number of detention facilities, type of detention facilities, and conditions in each detention facility; and establish criteria for periodic amnesties granted to prisoners;
- (b) Humanitarian agencies can aim to secure agreement from the Government to undertake rapid needs assessments in prisons and detention facilities and implement a dedicated programme to provide humanitarian assistance such as food, health care and sanitation in such facilities;
- (c) The Government should explore technical cooperation with OHCHR to review the domestic legal framework and implement alternatives to detention to mitigate the risk of

³⁹ A/HRC/42/10, para.5

⁴⁰ A/HRC/42/10, 126.58

⁴¹ A/HRC/46/52, para.58

harm within places of detention, particularly for persons who have committed minor, petty and non-violent offences or those with imminent release dates. The United Nations and other international organizations in cooperation with the Government should undertake research on the existing internal and external inspections mechanisms for places of detention. In line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),⁴² propose internal or administrative inspections and external independent inspections to prevent human rights violations in detention;

(d) The international community should provide training to law enforcement officials on protecting the rights of female detainees including their treatment in detention. As recommended by the Committee on the Elimination of Discrimination against Women in 2017 and in accordance with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the Government should aim to deploy female officers in all places of detention;

(e) The Government can engage with OHCHR and the International Committee of the Red Cross to begin discussing acceptable modalities for inviting human rights monitors to visit places of detention. Such monitoring, if accepted, can be conducted in a phased manner, by piloting initially with a few detention facilities;

(f) OHCHR should organize an international conference on prisons in the Democratic People's Republic of Korea to develop a comprehensive approach to improving conditions of detention and the treatment of detainees, including approaches to engage with the Government in securing access for humanitarian assistance, and monitoring and building the capacity of law enforcement and prison officials on international human rights standards.⁴³

B. Rights of persons with disabilities

37. In its first country report to the Committee on the Rights of Persons with Disabilities,⁴⁴ the Government acknowledged various challenges such as physical access to participate in social life, the standardization of sign language, and inclusive education for the protection of the rights of persons with disabilities. In its 2019 UPR, the Government accepted several recommendations, including to review domestic legislation to incorporate the Convention's standards. This is one of the areas that the United Nations could offer technical cooperation with, building on the visit and recommendations of the Special Rapporteur on the rights of the persons with disabilities and the accepted UPR recommendations:

(a) The United Nations should assist the Government to develop a programme on inclusive education, aimed at building respect, understanding and support within society for children with disabilities and their families. In addition, regional cooperation could be explored; for example, developing collaboration between the National Committee for the Protection of Persons with Disabilities of the Democratic People's Republic of Korea and relevant national institutions of other countries in the region;⁴⁵

(b) The Government should support a follow-up visit by the Special Rapporteur on the rights of the persons with disabilities to discuss the implementation of previous recommendations and to develop concrete technical cooperation projects;

C. Economic, social and cultural rights

38. The Special Rapporteur notes that there are several areas where humanitarian, development, human rights and peace are interconnected such as food, healthcare, disaster-risk management (including early warning systems for environmental hazards), and climate change. Long-term cooperation to address the capacity gaps to secure sustainable

⁴² A/RES/70/175

⁴³ A/HRC/46/51

⁴⁴ CRPD/C/PRK/1

⁴⁵ This recommendation was made by Indonesia and accepted by the Democratic People's Republic of Korea at the universal periodic review in 2019.

improvements is the only way to address both immediate and long-standing humanitarian crises and to bring socio-economic improvements to the people. The Special Rapporteur is aware of the concerns over possible diversion of humanitarian and development resources to nuclear and ballistic missiles programmes prohibited by the Security Council. However, he strongly believes that programmes prioritizing marginalized populations is possible if a human rights-based approach is strictly implemented.

39. The Democratic People's Republic of Korea must demonstrate its genuine willingness to revive and improve channels of dialogue with neighbouring countries and the United Nations, including through online conferences. Moreover, it needs to guarantee minimum monitoring requirements to prove that imported goods and technology are being directed towards addressing humanitarian situations and the realization of economic and social rights. The utmost priority, for now, is that the United Nations Country Team, diplomats and humanitarian organizations can return to the country. Upon return of the international agencies, modalities to enable visits to sites that are necessary for proper monitoring should be established. The strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017–2021, agreed and co-signed by the UN and the Government, explicitly states that two of the cross-cutting programming principles to be applied in its implementation are a human rights-based approach and gender equality. The Framework has been extended twice due to the absence of a United Nations presence in Pyongyang due to COVID-19 quarantine requirements, and is now valid until the end of 2023.

40. The Special Rapporteur suggests the following initial technical cooperation activities, within the implementation of the agreed strategic framework for cooperation that could positively impact the economic, social and cultural rights situation in the country:

(a) Food and nutrition security: International actors should collaborate with the Government to develop a programme to support disaster preparedness and mitigation. Agriculture is vulnerable to natural disasters, which is likely to become more frequent due to climate change;

(b) Health: The international community should explore joint efforts to combat COVID-19 and build on this initiative as an opportunity to engage with the Government on wider health-sector reform. UNICEF and WHO are already providing vaccinations to children and supporting training on immunizations. International actors could support the strengthening of the health system by providing training to staff, and helping to ensure appropriate equipment and essential medical supplies including for women's health.⁴⁶ The international community could agree on a strategy to provide the Democratic People's Republic of Korea with 60 million doses of vaccinations to cover at least two shots of COVID-19 vaccines for the entire population. This is fundamental to support the opening of the country's borders and the resumption of in-person interactions;

(c) Water and sanitation: UNICEF's efforts to support building the capacity of national systems with key water, sanitation and hygiene partners could be further strengthened and expanded, including through a human rights-based approach. In its voluntary national review report on progress towards the sustainable development goals, the Government acknowledged the challenge of "increasing the effectiveness of water use and supplying enough water;"⁴⁷

(d) Early Childhood Development: Within a broader context of health, nutrition and early learning support for young children, early childhood development programmes could be developed, particularly on parental discipline and violence against children within the home;

(e) Human Rights capacity building: Trainings on treaty body reporting, UPR and other targeted human rights issues as a follow-up to the 2019 OHCHR human rights workshop for the UPR delegation of the Democratic People's Republic of Korea should be explored. The

⁴⁶ [North Korea seeks 'close' foreign cooperation on women's rights, health | NK News](#)

⁴⁷ Democratic People's Republic of Korea: Voluntary National Review on the Implementation of the 2030 Agenda (2021), p.25

participation of the Democratic People's Republic of Korea in regional human rights programmes should be facilitated;

(f) Special procedures visits: Engagement to secure country visits by the Special Rapporteurs on the right to food, on the right to physical and mental health, on the right to adequate housing, and on the rights to water and sanitation.

D. Reunion of separated families

41. The Special Rapporteur urges that, as a matter of utmost urgency, the Democratic People's Republic of Korea should fulfil its commitments on reunions of separated families made in the Panmunjom Declaration of 2018.⁴⁸ The Special Rapporteur was encouraged to learn that 20 facilities had been prepared in the Republic of Korea to hold virtual reunions of the separated families. Reportedly, people in the Democratic People's Republic of Korea have successfully attended video conference seminars since the start of COVID-19.⁴⁹ Therefore, it is clear that the equipment necessary for virtual reunions is operational in the country. He emphasizes that this simplest of acts holds huge significance for the families who have suffered for so long due to the arbitrary separations along the 38th parallel. Furthermore, the Special Rapporteur highlights the more recent phenomenon of escapees from the Democratic People's Republic of Korea who have settled in the Republic of Korea and are unable to communicate with their families remaining in the Democratic People's Republic of Korea, due to the restrictions and due to fear of retaliation on their families. He encourages both countries to address this situation and facilitate contact and communication for this "second cycle of separated families".

E. Support to civil society

42. One of the key elements for consistent and long-term engagement on human rights in the Democratic People's Republic of Korea is sustained support to the work of civil society organizations. Some of these organizations, including humanitarian and peace-support groups based in the Republic of Korea, have extensive experience of operating in the field in the Democratic People's Republic of Korea. This makes them unique partners for engagement purposes due to their first-hand knowledge of society in the Democratic People's Republic of Korea and their trustful relationships with different Governmental agencies and local communities. In the Republic of Korea, civil society organizations working on human rights, humanitarian and peace issues face challenges from inspections by the Government, access to escapees in the Government's protection facilities and to restrictions with remittances for projects in the Democratic People's Republic of Korea. As the Special Rapporteur reiterated during his recent visit to the Republic of Korea, it is the Government's duty to protect civic space and create the environment that enables different civil society actors to play their vital roles. The United Nations also has a responsibility to support and facilitate the work of civil society organizations.

VII. Conclusion

43. During the six years carrying out his mandate, the Special Rapporteur has witnessed a further deterioration of the human rights situation inside of the Democratic People's Republic of Korea. Events such as COVID-19, regular natural disasters, and the impact of sectoral sanctions have all had their role to play. However, these events can also be viewed as a symptom of the failure of the Government to instigate meaningful reform. What is needed now is the political will from the Government to take action to implement the recommendations from the United Nations human rights system, including its treaty bodies, special procedures and universal periodic review. These actions include legal and institutional reforms to tackle conditions and treatment in places of detention, arbitrary arrest

⁴⁸ A/72/109-S/2018/820, annex, para. 1 (5)

⁴⁹ [North Koreans attended virtual seminars with outside world: Choson Exchange | NK News](#)

and detention, and economic and social policies that prevent the distribution of goods and services in an equitable, non-discriminatory manner. The Special Rapporteur believes that the ongoing deterioration of the human rights situation within the Democratic People's Republic of Korea is linked to the country's ever increasing isolation from the international community. With the complete absence of democratic representation and accountability from within the country - including through due process and the rule of law, free and fair elections, a free media, independent civic groups or trade unions - the international community offers one of the few points of leverage to address human rights concerns. However, the international community and individual Member States have demonstrated a sustained collective lack of political will to pursue leverage on human rights in a consistent, principled and effective manner. Rather than learning the lessons from the past, instead a belief has crystalized amongst key actors that human rights concerns can be addressed only after a process of denuclearization and trust-building opens up opportunities for such sensitive issues to be broached. This approach has been, and will remain, a recipe for deadlock and ensuring the status quo on the dire human rights situation. The North Korean people deserve better.

44. The Special Rapporteur recognizes that the Democratic People's Republic of Korea does not exist in a vacuum. Its geopolitical location has had an indelible effect on both the borders and nature of the State. Current global geopolitical dynamics and shifts will continue to impact the country in the years ahead. The Special Rapporteur has therefore been disappointed by the intransigence of the Government of the Democratic People's Republic of Korea to engage with him throughout the six-years of his mandate, so as to help provide him with a fuller and more detailed picture of the situation and thereby enable him to help find collective solutions to improve the human rights situation for the people in the Democratic People's Republic of Korea.

45. The Special Rapporteur's six years on this mandate has shown him that the current approach by the international community is not securing improvements to the situation of human rights in the Democratic People's Republic of Korea. A new way of thinking needs to take hold. This will require vision and initiative, driven by the needs of the North Korean people rather than any other agenda. It requires proactive steps of engagement. This can begin with an offer of 60 million vaccines to tackle COVID-19 as the gateway to broader conversations on capacity development, including on food production, healthcare and water and sanitation to improve the capacity of the State to fulfil its human rights obligations. To unshackle the potential of the United Nations to engage in these areas of capacity development, Executive Boards need to give the green light to United Nations agencies to plan, implement and monitor such programmes. The United Nations system itself needs to invest more time and energy in finding solutions – whether it be use of the good offices of the Secretary-General to provide alternative forums for constructive dialogue, or the organisation by OHCHR of a conference on prisons to produce a viable programme of reform, ideally with the State's participation throughout.

46. At this point in time, the crucial challenge is not to recreate a new cycle of escalation of tension on the Korean Peninsula; the current situation in the Ukraine reminds us all of the devastation brought by armed conflict. Diplomatic approaches towards peace and denuclearization on the Korean Peninsula combined with proactive engagement on the human rights situation should thus be mandatory for all the States involved. In this context, the Special Rapporteur wishes to once again highlight the crucial role that civil society organizations have been and will continue to play to secure improvements to the human rights situation in the Democratic People's Republic of Korea. Such ongoing dedicated efforts, which the Special Rapporteur commends, will keep alive the hope for improvements of human rights for people in the Democratic People's Republic of Korea.

VIII. Recommendations

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

- (a) Urgently invest the maximum available resources, including through international cooperation, to ensure that basic needs are met, prioritizing the most marginalized communities;
- (b) Discuss with the international community the modalities to ensure the full COVID-19 vaccination for the entire population, and fulfil the necessary technical requirements for receiving vaccines under the COVAX Facility and other bodies;
- (c) Gradually open its borders and urgently allow for the return of United Nations agencies, other international organizations and the diplomatic community, and for economic activity and movement of people;
- (d) Review its COVID-19 quarantine measures in line with international law and ensure they are necessary, proportionate, non-discriminatory, time-bound and transparent;
- (e) Review the Law on the Elimination of Reactionary Thought and Culture, and promote and protect freedom of expression, access to information and freedom of religion, including for young people;
- (f) Release detailed information about *kwanliso* (political prison camps) and invite independent international monitoring bodies to visit them, with the eventual aim of dismantling these facilities;
- (g) Consider the further granting of amnesties to political prisoners, while ensuring transparency in the process;
- (h) Address allegations of enforced disappearances, including in the form of abductions of foreign nationals, and provide accurate information to the families of the victims on the fate and whereabouts of their missing relatives;
- (i) Initiate a process of dialogue with the Special Rapporteur as well as thematic mandate holders and invite them to carry out official country visits;
- (j) 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;
- (k) Engage with the Republic of Korea to resume reunions of separated families, and initiate reunions for the 2nd cycle of separated families, including through virtual platforms;
- (l) Engage with United Nations agencies and the international community in cooperation programmes, and widen access to populations in the most vulnerable situations, including prisoners; and
- (m) Refrain from provocations and resume peace dialogue with the relevant parties.

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

- (a) Integrate human rights into negotiations with the Democratic People's Republic of Korea;
- (b) Continue to engage with the Democratic People's Republic of Korea to resume reunions of separated families and initiate reunions for the 2nd cycle of separated families;
- (c) Engage with civil society organizations with a view to enabling victims, families, escapees and civil society organizations to continue their efforts on fighting impunity, and supporting peace building and access to information;
- (d) Establish the North Korean human rights foundation as prescribed in the North Korean Human Rights Act passed in 2016;
- (e) Enhance its efforts to provide protection to people escaping from the Democratic People's Republic of Korea to third countries; and

(f) Make utmost efforts to prevent a new cycle of heightened tensions on the Korean Peninsula and continue its peace efforts.

49. The Special Rapporteur recommends that the key parties should actively engage with the United Nations in preventing heightened tensions and exploring practical approaches to pursuing denuclearization, peace and human rights on the Korean Peninsula.

50. The Special Rapporteur recommends that Member States, in particular China and Russia:

(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.

51. The Special Rapporteur recommends that Member States:

(a) Review the interpretation of Security Council sanctions in relation to development cooperation and explore the modalities and areas of development cooperation where human rights-based approaches can be taken;

(b) Engage with the Democratic People's Republic of Korea and agree on a strategy to provide the Democratic People's Republic of Korea with COVID-19 vaccinations necessary to cover at least two shots for the entire population;

(c) 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 with respect to the situation of human rights in the country; and

(d) 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.

52. The Special Rapporteur recommends that the United Nations Security Council:

(a) Review sanctions, from a human rights perspective, to ensure they do not have a detrimental impact on the rights to food, health, water and sanitation, housing and development, as well as to prevent any negative effect on humanitarian assistance, including under the COVID-19 pandemic;

(b) Continue to discuss the human rights situation in the Democratic People's Republic of Korea, and refer the situation to the International Criminal Court or establish an ad hoc tribunal or other comparable mechanism.

53. The Special Rapporteur makes the following recommendations to the United Nations Secretariat:

(a) The Secretary-General and OHCHR, together with the United Nations Country Team, should conduct a comprehensive study of any detrimental impact of sanctions on the human rights of the people of the Democratic People's Republic of Korea and on the humanitarian situation, including in the context of the current COVID-19 preventative measures;

(b) The Secretary-General and OHCHR should continue to explore and support technical cooperation activities on human rights with the Democratic People's Republic of Korea;

(c) OHCHR should continue its efforts on accountability, including by strengthening its monitoring and documentation efforts, further developing the information and evidence repository, and exploring possible strategies and mechanisms for future accountability processes; and

(d) The Secretary-General should revitalize the United Nations' engagement efforts with the Democratic People's Republic of Korea, building upon the 2017 visit by the Under-Secretary-General for Political Affairs.

54. The Special Rapporteur recommends that civil society organizations:

- (a) Continue to engage with Members States to advocate for the advancement of a peace agreement and the integration of human rights into negotiations;**
 - (b) Continue their efforts to promote accountability, peace building and access to information; and**
 - (c) Continue to engage with the community of escapees in their human rights monitoring work.**
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