

# The Situation of Human Rights in the Democratic People's Republic of Korea

## Current Situation and Initiatives by the International Community



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Human Rights Council

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**Australia, the European Union, Japan, the United States**

※This is an informal background document prepared for the panel discussion

# Chronology of UN Related Events on the Situation of Human Rights in the DPRK

## United Nations Commission on Human Rights (UNCHR)

**2003** UNCHR adopted the first Resolution on the Situation of Human Rights in the DPRK

**2004** UNCHR adopted the second Resolution on the Situation of Human Rights in the DPRK → *A Special Rapporteur on the Situation of Human Rights in the DPRK was established*

**2005** UNCHR adopted the third Resolution on the Situation of Human Rights in the DPRK → *UNCHR urged the UNGA to take up the issue of the situation of human rights in the DPRK*

## United Nations Human Rights Council (UNHRC)

**2006.3** UNHRC was established  
→ Universal Periodic Review (UPR) mechanism was created

**2008-** UNHRC adopted Resolutions on the Situation of Human Rights in the DPRK

**2009.12** DPRK's first UPR

**2013** UNHRC adopted a Resolution on the Situation of Human Rights in the DPRK by consensus  
→ *UNHRC decided to set up the Commission of Inquiry(COI)*

**2014.3** *Report of the COI was submitted to the UNHRC*

**2014.3** UNHRC adopted a Resolution on the Situation of Human Rights in the DPRK, which reflected the contents of the report of the COI

**2014.5** DPRK's second UPR

**2015.3** UNHRC adopted a Resolution on the Situation of Human Rights in the DPRK

**2015.6** *Office of the UN High Commissioner for Human Rights (OHCHR) Seoul Office was established*

**2016.3** UNHRC adopted a Resolution on the Situation of Human Rights in the DPRK, which *requested the UN High Commissioner to designate independent experts on accountability*

**2016.9** *A group of independent experts on issues of accountability for human rights violations was established*

## United Nations General Assembly (UNGA)

**2005** UNGA adopted the first Resolution on the Situation of Human Rights in the DPRK

**2006-** UNGA adopted Resolutions on the Situation of Human Rights in the DPRK

**2014.12** UNGA adopted a Resolution on the Situation of Human Rights in the DPRK, which encouraged the UN Security Council (UNSC) to take appropriate actions to ensure accountability

**2014.12** UNSC held the first meeting on the "Situation in the DPRK"

**2015.12** UNGA adopts a Resolutions on the Situation of Human Rights in the DPRK

**2015.12** UNSC held the second meeting on the "Situation in the DPRK"

## Background

Despite the growing attention and efforts by the international community, we have not seen major improvements on the Democratic People's Republic of Korea's (DPRK) long-standing, ongoing, systematic, wide spread and gross violations of human rights, which range from those related to torture, arbitrary detention, violations of the freedom of expression and movement, enforced disappearances and abduction.

Furthermore, as the most recently adopted UN resolution on human rights situation in the DPRK points out, "Expressing grave concern about the impact of diverting resources to advance nuclear weapons and ballistic missiles programmes on the humanitarian and human rights situation of the citizens of the Democratic People's Republic of Korea,"<sup>(1)</sup> which is yet another serious concern for the international community.

The Report of the UN Commission of Inquiry on Human Rights in the DPRK (COI), which was submitted to the UN Human Rights Council, says that "the gravity, scale, and nature of these violations reveal a State that does not have any parallel in the contemporary world." It also urges the DPRK to take concrete measures against these violations that may amount to "crimes against humanity,"<sup>(2)</sup> calling for the international community to make further efforts to improve the situation. Considering the dire human rights situation in the DPRK, the international community must make further efforts to urge the DPRK to immediately address the situation including fulfilling its accountability.



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## A. Human Rights Violations by the DPRK

### Findings by the COI on Crimes against Humanity

- *A wide array of crimes against humanity, arising from "policies established at the highest level of State," (para.75) have been committed and continue to take place in the DPRK.*
- *"The Security Council should refer the situation in the Democratic People's Republic of Korea to the International Criminal Court for action in accordance with that court's jurisdiction. The Security Council should also adopt targeted sanctions against those who appear to be most responsible for crimes against humanity. In the light of the dire social and economic situation of the general population, the commission does not support sanctions imposed by the Security Council or introduced bilaterally that are targeted against the population or the economy as a whole;" (para.94(a))*



- *“These crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation.” (para.76)*
- *“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.” (para.76)*

The following are some further examples of human rights violations and abuses by the DPRK, which are identified by the COI report and the reports of the UN Special Rapporteur.

### (1) Abductions and Enforced Disappearances

The COI finds that the DPRK has been systematically committing international abductions “on a large scale” and “as a matter of State policy.”<sup>(3)</sup>

The UN report of the former Special Rapporteur Marzuki Darusman highlights that the “international abductions and enforced disappearances committed by the Government of the DPRK are issues of utmost concern to the Special Rapporteur.”<sup>(4)</sup>

#### (a) The Abductions of Japanese Citizens by the DPRK



The formation of the Association of the Families of Victims Kidnapped by DPRK

During the 1970s and 1980s, many Japanese citizens disappeared under unusual circumstances. The DPRK is suspected of committing abductions in many of those incidents. To date, the Government of Japan has identified 17 citizens as the abductees by the DPRK.

In September 2002, the DPRK admitted for the first time that it had in fact abducted Japanese citizens and returned five abductees to Japan in October. The DPRK authorities, however, have not provided yet credible accounts of the whereabouts of the

remaining abductees, who are still awaiting rescue, deprived of all freedoms and have been held captive by the DPRK for about 40 years.

### Recent Talks between Japan and the DPRK on the Abductions Issue

In May 2014, Japan-DPRK Intergovernmental Consultations were held in Stockholm, Sweden. The DPRK made a commitment to conducting comprehensive and full-scale investigations on all Japanese nationals, including the abductees, while Japan decided that it would lift part of its own measures against the DPRK at the point of time when the DPRK establishes the Special Investigation Committee for the investigations and starts the investigations.

After Japan announced its own measures against the DPRK, following the nuclear test in January, and the launch of a ballistic missile in February 2016, the Committee announced that it would totally stop the investigations and dissolve the Committee. Japan strongly demanded that the DPRK return all the abductees home in accordance with the agreement in Stockholm.



Photo:Kyodo News  
Japan-North Korea Diplomatic Authorities Meeting (September 2014)

#### (b) Abductions and Enforced Disappearances in Other Countries

The issue of the DPRK’s abduction is a concern for the entire international community. According to the COI report, it has become clear that there are also people in other countries such as the Republic of Korea (ROK), Thailand, Romania, Lebanon, Malaysia, Singapore, France, Italy, the Netherlands and China who may have been abducted by the DPRK.

With regard to the issue of “abductions and enforced disappearances from other countries,” the report says “the commission finds that almost all of the foregoing victims remain disappeared. Human rights violations continue against them and their families. The shock and pain caused by such actions is indescribable.”<sup>(5)</sup>

### (2) Violations of the Freedom of Thought and Expression

Freedoms of thought and expression are enshrined in the Universal Declaration of Human Rights, and each country has the obligation to respect, protect, and promote human rights and fundamental freedoms.

A statement by a witness who fled the DPRK

*“You are brainwashed ... don’t know the life outside. You are brainwashed from the time you know how to talk, about 4 years of age, from nursery school, brainwashing through education, this happens everywhere in life, society, even at home ... North Korea is not open to the outside world, is a fenced world. So nothing should come through that fence. Even listening to the radio, this is restricted to certain channels. They want the people to be blind, deaf to the outside world, so that the people won’t know what is happening.” (The COI Report:A/HRC/25/CRP.1, para.197)*



Issue of Access to Information



Access to information in the DPRK is another notable issue concerning the DPRK’s human rights violations. The following are a report from Amnesty International as well as findings from the COI report.

A Report by Amnesty International <sup>(6)</sup>

“Since the severe food shortages in the 1990s, traders who smuggled food into the DPRK also brought in other goods including mobile phones and SIM cards. People living and working close to the Chinese border were then able to connect to Chinese mobile phone networks and communicate with people outside the country without using the monitored landlines in post offices. Foreign television dramas and movies also became available through smuggled DVDs or other media, despite a continuing, systematic effort by the government to control all the information accessible inside the country.”

Findings by the COI on Access to Information

- “[T]here is an almost complete denial of the right to freedom of thought, conscience and religion, as well as of the rights to freedom of opinion, expression, information and association.” (para.26)
- “Citizens are denied the right to have access to information from independent sources; State-controlled media are the only permitted source of information in the Democratic People’s Republic of Korea.” (para.29)
- “Access to television and radio broadcasts, as well as to the Internet, is severely restricted, and all media content is heavily censored and must adhere to directives issued by the Workers’ Party of Korea.” (para.29)
- “Telephone calls are monitored and mostly confined to domestic connections for citizens. Citizens are punished for watching and listening to foreign broadcasts, including foreign films and soap operas.” (para.29)

(3) Violations of the Freedom of Movement and Residence

The COI report describes findings on the DPRK’s violations of the freedom of movement and residence.

Separated Families



Photo: Yonhap News Agency/Kyodo News  
The husband meets his wife during the Separated Family Reunion Meeting in North Korea after being separated for 65 years (2015)

The reunions of the separated by the division of the Korean Peninsula after the 1950-1953 war finally resumed in October 2015.

According to the 2016 White Paper of the Ministry of Unification of the ROK, as of 31 December 2015, 130,808 persons were registered in the government-run Integrated Information System for Separated Families as members of separated families, of whom 65,134 persons had passed away, leaving 65,674 survivors. Of all applicants for the reunions arranged by the Red Cross Societies of the DPRK and the ROK since 2000, only

19,771 persons (4,120 families) had benefited from face-to-face meetings and 3,748 persons (4,677 families) from video reunions. This represents 1.5 percent and 0.3 per cent respectively, of the total number of applicants for the reunions. Nearly half of the applicants (65,134) have passed away during the past 15 years owing to their advanced age.

Statistics on Separated Families						
Category	Aged 90 or over	Aged 80-89	Ages 70-79	Ages 60-69	Ages 59 or under	Total
Number of survivors	9,061	28,381	16,807	6,382	5,043	65,674
Percentage (%)	13.8	43.2	25.6	9.7	7.7	100

(2016 White Paper on Korean Unification)

Exchanges of Separated Families Organized by the Government(2000-2015)			
Category	ROK	DPRK	Total
Face-to-face reunions	2,046 families (12,940 persons)	2,074 families (6,831 persons)	4,120 families (19,771 persons)
Video reunions	279 families (2,257 persons)	278 families (1,491 persons)	557 families (3,748 persons)
Total	2,235 families (15,197 persons)	2,352 families (8,322 persons)	4,677 families (23,519 persons)

(2016 White Paper on Korean Unification)

Findings by the COI on the Freedom of Movement and Residence

- “The systems of indoctrination and discrimination on the basis of social class are reinforced and safeguarded by a policy of isolating citizens from contact with each other and with the outside world, violating all aspects of the right to freedom of movement.” (para.38)
- “In the Democratic People’s Republic of Korea, the State imposes on citizens where they must live and work, violating their freedom of choice.” (para.39)
- “Citizens are not even allowed to leave their province temporarily or to travel within the country without official authorization.” (para.40)



- *“The State imposes a virtually absolute ban on ordinary citizens travelling abroad, thereby violating their human right to leave the country.” (para.42)*
- *“The Democratic People’s Republic of Korea has repeatedly breached its obligations to respect the rights of its nationals who have special ties to, or claims in relation to, another country, in this case the Republic of Korea, to return there or otherwise to enjoy a facility to meet long separated families.” (para.45)*
- *“The severe impediments put in place by the Democratic People’s Republic of Korea to prevent contact and communication with family members in the Republic of Korea are a breach of the State’s obligations under international human rights law.” (para.45)*

#### (4) Violations of Workers’ Rights

##### Issue of DPRK Workers Outside the Country

The issue of the DPRK’s workers sent abroad is another issue of international attention, which was pointed out by a Report by the Special Rapporteur on the Situation of Human Rights. (A/70/362)

##### Report by the Special Rapporteur on the Situation of Human Rights in the DPRK (A/70/362)

- *“While the Special Rapporteur was on mission in the Republic of Korea in November 2014, his attention was drawn to the issue of nationals of the Democratic People’s Republic of Korea being sent abroad by their Government to work under conditions that reportedly amount to forced labour.” (para.24)*
- *“The rationale behind that State-sponsored system appears to be to circumvent United Nations sanctions imposed on the country with a view to earning currencies.” (para.25)*
- *“[I]t is estimated that more than 50,000 workers from the Democratic People’s Republic of Korea operate abroad. (para.26)*
- *“Workers earn on average between \$120 and \$150 per month, while employers in fact pay significantly higher amounts to the Government of the Democratic People’s Republic of Korea (employers deposit the salaries of the workers in accounts controlled by companies from the Democratic People’s Republic of Korea)” (para.27(c))*
- *“Freedom of movement of overseas workers is unduly restricted. Workers are under constant surveillance by security personnel from the Democratic People’s Republic of Korea in charge of ensuring that they comply with the Government’s rules and regulations. Those agents confiscate the workers’ passports. The workers are also forbidden to return to the Democratic People’s Republic of Korea during their assignment” (para.27(g))*

## B. Efforts and Initiatives by the International Community (including the Accountability Mechanism)

### (1) UN Resolutions on DPRK Human Rights Issue



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In order to address the human rights issues in the DPRK, Japan and the European Union have co-submitted resolutions on the “Situation of Human Rights in the Democratic People’s Republic of Korea” to the UN General Assembly (UNGA) and the UN Human Rights Council (UNHRC) since 2005.

### (2) Establishment of the COI

At the 22<sup>nd</sup> session of the UNHRC in 2013, a resolution<sup>(7)</sup> including the establishment of the COI was adopted. After a year-long effort, the COI released its final report in February 2014. The report is the first UN report that comprehensively assessed the human rights situation in the DPRK.

The report points out a wide range of human rights violations in the DPRK, and urges the DPRK to take concrete measures against these violations that may amount to “crimes against humanity.” Regrettably, the DPRK was totally uncooperative with the investigation of the COI, neither permitting its members unrestricted access to the country, nor providing them with the necessary information to enable them to fulfil their mandate. The DPRK authorities have been denying the COI report thus far (see page 10).



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Members of the UN Commission of Inquiry on Human Rights in the DPRK (Mr. Marzuki Darusman (left), Mr. Michael Kirby (center), Ms. Sonja Biserko (right))

### (3) Discussions at the UN Security Council

At the 25<sup>th</sup> session of the UNHRC in 2014, a resolution based on the COI report was adopted. The resolution recommended that the UNGA submit the report to the UN Security Council for its consideration and appropriate actions, including consideration of the referral of the situation to the appropriate international criminal justice mechanism, along with consideration of the scope for effective targeted sanctions against those who appear to be most responsible for crimes against humanity.



© UN Photo/Amanda Voisard  
UN Security Council discussion (2015)

A resolution adopted at the 69<sup>th</sup> UNGA in 2014 backed the UNHRC resolution by encouraging the UN Security Council to consider the relevant conclusions and recommendations of the COI and take appropriate action to ensure accountability.<sup>(8)</sup>

Building on the adoption of these series of resolutions, “the situation of the Democratic People’s Republic of Korea” including human rights situations was discussed at the Security Council for two consecutive years in 2014 and 2015.

At the Council discussion in 2015, the High Commissioner for Human Rights recalled the ongoing nature of serious human rights violations in the DPRK.

#### (4) Follow-ups on the UN Efforts

Following up on the UN efforts, two main bodies central to monitoring DPRK’s activities for pursuing their accountability were set up: the OHCHR office in Seoul, and a group of experts on accountability.

##### (a) OHCHR Office in Seoul

The 2014 UNHRC resolution on the situation of human rights in the DPRK recommended the Office of the High Commissioner for Human Rights (OHCHR) to follow up on the recommendations made in the COI report, including the establishment of a field based structure.

In June 2015, based on the recommendation, the OHCHR established an office in Seoul to follow up on the work of the COI. It also plays a critical role in preparing for future accountability processes. The office has been seeking to raise awareness about the human rights situation in the DPRK by organizing and participating in workshops and seminars, and been continuously active on social media platforms.

The office is tasked with (a) strengthening, monitoring, and documenting the situation of human rights in the DPRK, (b) enhancing the engagement and capacity-building with the Government of all States concerned, civil society, and other stakeholders and (c) maintaining the visibility of the situation of human rights in the DPRK including through sustained communications, advocacy, and outreach initiatives.

##### (b) Appointment of the Group of Independent Experts on Accountability

In 2016, following the adoption of a resolution at the 31<sup>st</sup> session of the UNHRC, a group of independent experts on accountability (Ms. Sonja Biserko, Ms. Sara Hossain) was appointed by the UN High Commissioner for Human Rights in support of work of the Special Rapporteur on the Situation of Human Rights in the DPRK (Mr. Tomas Ojea Quintana) for a period of six months, with the possibility of extension.

The UNHRC requests the group (a) to explore appropriate approaches to seek accountability for human rights violations in the DPRK, in particular where such violations amount to crimes against humanity as found by the COI; and (b) to recommend practical mechanisms of accountability to secure truth and justice for the victims of possible crimes against humanity in the DPRK, including the International Criminal Court. The report of the group will be submitted to the UNHRC in March 2017.

## The Commission of Inquiry (COI) on the situation of human rights in the DPRK

### 1. Background

- Each year, the European Union and Japan co-submit resolutions on the situation of the human rights in the DPRK at the UN General Assembly and Human Rights Council.
- However, there has been no improvement in the human rights situation in the DPRK. Therefore, the UN High Commissioner for Human Rights and Special Rapporteur on the situation of human rights in the DPRK had recommended setting up a “new investigation mechanism.”

### 2. Establishment of the COI

*(Adoption of a resolution on the situation of human rights in the DPRK at UNHRC)*

- UNHRC adopted a resolution by consensus which decides to set up the COI on the situation of human rights in the DPRK in March 2013.

<About the COI>

- Areas for investigation: the systematic, widespread and grave violations of human rights in the DPRK
- Members of the commission: Mr. Michael Kirby (Chair, Australia), Ms. Sonja Biserko (Serbia), Mr. Marzuki Darusman (Special Rapporteur, Indonesia)
- Period of the activities : one year from March 2013 to March 2014
- Final report: the final report was submitted to the 25th UNHRC in March 2014.  
(<http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>)

### 3. Summary of the COI Report

- The Commission finds that systematic, widespread and gross human rights violations have been, and are being, committed by the DPRK. In light of the gravity, scale and level of organization of the violations, the Commission concludes that crimes against humanity have been committed by officials of the DPRK, pursuant to policies established at the highest level of the State.
- The Commission underlines that the international community has the responsibility to protect the population of the DPRK from further crimes against humanity. The Commission recommends that the Security Council refer the situation in the DPRK to the International Criminal Court and impose targeted individual sanctions against those most responsible. In addition, the Commission recommends that the United Nations High Commissioner for Human Rights establish a field-based presence in the region.

**“Systematic, widespread and gross human rights violations have been and are being committed by the Democratic People’s Republic of Korea, its institutions and officials. In many instances, the violations of human rights found by the commission constitute crimes against humanity...The gravity, scale, and nature of these violations reveal a state that does not have any parallel in the contemporary world.”**

(Report of the commission of inquiry on human rights in the Democratic People’s Republic of Korea(A/HRC/25/63))