



# DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

## AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC REVIEW 33TH SESSION OF THE UPR WORKING GROUP, MAY 2019

### FOLLOW-UP TO THE PREVIOUS REVIEW

Of the 268 recommendations made by UN member states during its second Universal Periodic Review (UPR) in 2014, the Democratic People's Republic of Korea (DPRK) accepted 113, partially accepted four, took note of 58 and rejected 93.<sup>1</sup>

Amnesty International acknowledges the government's efforts to increase engagement with international human rights mechanisms. We also welcome the ratification of the Convention on the Rights of Persons with Disabilities, and the government's facilitation of a visit by the Special Rapporteur on the rights of persons with disabilities in May 2017, in line with UPR recommendations.<sup>2</sup> The government also resumed submission of periodic reports to the Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Discrimination against Women (CEDAW) after an interval of nine and 14 years, respectively, which can be seen as steps to promote the human rights of children and women.<sup>3</sup>

Although the government accepted a recommendation to facilitate a conducive environment for human rights-related organizations to help implement UPR recommendations, Amnesty International regrets that no organizations dedicated to work on human rights have been allowed to visit the country in the last four years.<sup>4</sup> It is especially regrettable that the Special Rapporteur on the human rights situation in the DPRK has not been allowed to visit the country to date.

Amnesty International further regrets that the government has failed to enshrine fully the right to fair trial, despite accepting a recommendation to do so.<sup>5</sup> Individuals, including foreign citizens, continue to be detained or imprisoned without being given a fair trial in accordance with international human rights standards. Amnesty International also regrets that the government did not accept recommendations to ensure humane treatment for all prisoners or other detainees, or to establish a moratorium on use of the death penalty.<sup>6</sup>

### THE NATIONAL HUMAN RIGHTS FRAMEWORK

There continues to be sparse and limited information available about the domestic human rights framework in the DPRK.

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<sup>1</sup> Addendum to the Report of the Working Group on the Universal Period Review, A/HRC/27/11/Add.1, 12 September 2014.

<sup>2</sup> Report of the Working Group on the Universal Period Review, A/HRC/27/10, 2 July 2014, recommendations 124.7 (Tunisia), 124.15 (France), 124.16 (Ghana), 124.17 (Estonia).

<sup>3</sup> A/HRC/27/10, 2 July 2014, recommendations 124.30 (Iran), 124.34 (Cuba), 124.37 (Thailand), 124.64 (Norway), 124.69 (Angola).

<sup>4</sup> A/HRC/27/10, 2 July 2014, recommendations 124.56 (Viet Nam).

<sup>5</sup> A/HRC/27/10, 2 July 2014, recommendations 124.114 (Israel).

<sup>6</sup> A/HRC/27/10, 2 July 2014, recommendations 124.77-124.90 (Namibia, Slovakia, Spain, Macedonia, Italy, Sierra Leone, Turkey, Ecuador, Belgium, Costa Rica, Lithuania, France, Hungary, Montenegro), 124.92 (Germany), 124.95 (Spain), 124.101 (New Zealand).

After the UN Commission of Inquiry on Human Rights in the DPRK released its extensive report on 17 February 2014, a national entity named the Association for the Study of Human Rights in the DPRK issued a response on 13 September the same year. According to that report, the entity was founded as a “non-governmental human rights organization” on 27 August 1992 and approved by the DPRK government. Its mandate includes “studying overall issues on protecting and promoting human rights in the DPRK, making proposals to government organs on measures to guarantee human rights, and carrying out research work on the international system of protecting and promoting human rights”.<sup>7</sup> Since the release of the Association’s report in 2014, however, little or no activity has been observed.

The government accepted a recommendation in the previous UPR to create a national mechanism to review complaints from the general population concerning human rights violations.<sup>8</sup> The existence of such complaint mechanisms was subsequently mentioned by the DPRK delegate during the reviews by the CRC and CEDAW Committees in 2017, as well as by other informants interviewed by Amnesty International, however, little information is available regarding the independence, impartiality, scope, procedures and effectiveness of these domestic mechanisms.

The government formed a National Committee for the Implementation of International Human Rights Treaties in April 2015 by merging national coordinating committees that are understood to have been implementing human rights treaties to which the DPRK is a State Party.<sup>9</sup> As presented by government officials during the review of the report to the CRC in September 2017, the National Committee “made recommendations and proposals to government agencies and law enforcement bodies in order to harmonize the laws of the country with the relevant conventions”. During the same review, however, members of the CRC Committee observed that various governmental bodies were in charge of different sectors, with little overall coordination.<sup>10</sup>

## PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### FREEDOM OF EXPRESSION AND RIGHT TO PRIVACY

Despite accepting recommendations to ensure citizens' right to free access to information and to create conditions conducive for people to exercise their right to freedom of expression, the government continues to exercise severe restrictions over information exchanges between people in the DPRK and the rest of the world.<sup>11</sup> All telecommunications, postal and broadcasting services are state-owned, and there are no independent newspapers, other media or civil society organizations. Apart from a select few in the ruling elite, the general population has no access to the internet or international mobile phone services.<sup>12</sup>

At significant risk of surveillance, arrest and detention, people close to the Chinese border continue to contact individuals abroad by connecting to Chinese mobile network using smuggled mobile phones. Over the past few years, the DPRK authorities have strengthened efforts to trace mobile phone activity on Chinese networks and jam the signals through the installation of new detectors in the border areas. The surveillance and interference with communications are often untargeted and unjustified, not only restricting the right to seek, receive and impart information, but also making it

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<sup>7</sup> Korea Central News Agency, Report of the DPRK Association for Human Rights Studies, 13 September 2014, p. 61, [www.ncnk.org/resources/publications/Report\\_of\\_the\\_DPRK\\_Association\\_for\\_Human\\_Rights\\_Studies.pdf](http://www.ncnk.org/resources/publications/Report_of_the_DPRK_Association_for_Human_Rights_Studies.pdf)

<sup>8</sup> Report of the Working Group on the Universal Period Review, A/HRC/27/10, 2 July 2014, recommendations 124.124 (Russian Federation).

<sup>9</sup> J. Burt, *Us Too: Sexual Violence Against North Korean Women and Girls*, 2018, [www.koreafuture.org/report/ustoo](http://www.koreafuture.org/report/ustoo)

<sup>10</sup> UN, “Committee on the Rights of the Child considers the report of the Democratic People’s Republic of Korea”, 20 September 2017, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22120&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22120&LangID=E)

<sup>11</sup> Report of the Working Group on the Universal Period Review, A/HRC/27/10, 2 July 2014, recommendations 124.130 (Indonesia) and 124.137 (Myanmar).

<sup>12</sup> UN, “Committee on the Rights of the Child considers the report of the Democratic People’s Republic of Korea”, 20 September 2017, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22120&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22120&LangID=E)

extremely difficult for families separated by the inter-Korean border to stay in contact.<sup>13</sup> Individuals interviewed by Amnesty International in 2018 reported that the situation has not improved despite the recent dialogue between officials from the two Koreas. Rather, communications through the Chinese mobile network have become even more difficult and risky in 2018.

#### **POLITICAL PRISON CAMPS AND ARBITRARY DETENTION**

Systematic, widespread and gross human rights violations continue, and up to 120,000 people remain in detention in four known political prison camps and at risk of forced labour, as well as torture and other ill-treatment. Many of those living in the camps have not been convicted of any internationally recognized criminal offence, but remain detained arbitrarily merely for being related to individuals deemed to be a threat to the state or for "guilt-by-association".

DPRK citizens, including those who are forcibly returned, and foreign nationals have been arrested and detained for extended periods without being given a fair trial in line with international standards. Amnesty International has had direct or indirect contact with persons who had suffered from inadequate food and medical care while detained, reflecting conditions of detention that may not meet international standards.

Foreigners detained under harsh conditions or without fair trial include US national Otto Warmbier, who was imprisoned in 2016 for stealing a propaganda poster and who died on 19 June 2017, six days after he was returned to the USA in a coma. The DPRK authorities have yet to adequately explain the cause of Warmbier's poor state of health. Lim Hyeon-soo, a Canadian pastor, was also detained for more than two years beginning in 2015, during which time he was denied adequate medical treatment.<sup>14</sup>

#### **FREEDOM OF MOVEMENT**

Although the DPRK government accepted a recommendation during the 2014 UPR to further facilitate travel abroad of its citizens, people in the DPRK continue to be restricted from travelling abroad without prior permission by the government.<sup>15</sup> Some women, including some interviewed by Amnesty International, left the country illicitly through deals with human traffickers, only to find themselves subjected to physical and sexual abuse or exploitative work conditions once on the Chinese side of the border.

The number of DPRK nationals leaving their country and resettling in South Korea (the Republic of Korea) has decreased steadily, from 1,514 in 2013 to 1,127 in 2017, the lowest number since 2001. While the decline might reflect fewer people trying to leave the country, individuals interviewed by Amnesty International also suggested tightened security on both sides of the China-DPRK border as another likely reason. Media also reported in 2017 that the DPRK government was actively requesting China to repatriate North Koreans suspected of leaving the DPRK without prior approval.<sup>16</sup>

In November 2017, 10 DPRK nationals who had left the country with the help of a broker were forcibly returned from Shenyang, China. They were first detained in Sinuiju, a city bordering China, before being returned to their respective hometowns for investigation. A woman in the group named Koo Jeong-hwa was detained in Hoeryeong for more than three months and at risk of being sent to a political prison camp before being released on 1 March 2018. Her son was also released after 20 days in detention in Heoryeong; however, no information is available about the other eight individuals who were returned with them.<sup>17</sup>

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<sup>13</sup> Amnesty International, *Connection Denied: Restrictions on mobile phones and outside information in North Korea* (Index: ASA 24/3373/2016).

<sup>14</sup> Amnesty International, *North Korea: health fears for imprisoned Canadian pastor: Lim Hyeon-soo* (Index: ASA 24/6481/2017).

<sup>15</sup> Report of the Working Group on the Universal Periodic Review, A/HRC/27/10, 2 July 2014, recommendations 124.125 (India).

<sup>16</sup> Daily NK, "MSS asks China to repatriate defector group", 28 August 2017, [www.dailynk.com/english/mss-asks-china-to-repatriate-defec/](http://www.dailynk.com/english/mss-asks-china-to-repatriate-defec/)

<sup>17</sup> Amnesty International, *North Korea: Further Information: Forcibly returned woman faces treason charges* (Index: ASA 24/7963/2018).

## **WORKERS' RIGHTS**

Other than a growing grey market economy, the private sector in the DPRK is believed to be limited, and most formal employment remains in state departments or state-owned entities. Due to the breakdown of the public distribution system, however, most food and daily necessities now need to be purchased from the markets.

According to individuals interviewed by Amnesty International, monthly wages in many state departments or state-owned entities are just enough to purchase 1kg of rice from the market. Workers are afraid of complaining or demanding higher wages, including through collective bargaining, because this is seen as resistance against the government and could be punished by "reform through labour" programmes.

Due to the difficult economic situation in the DPRK, some workers have applied to be dispatched as workers to other countries. Some countries stopped renewing or issuing additional work visas to North Koreans in 2017, in order to comply with new UN sanctions on DPRK's economic activities abroad. Most workers who work abroad do not receive their wages directly from their employers, but from the DPRK government after significant deductions.

In some countries, including China and Qatar, the DPRK authorities maintain tight restrictions over dispatched workers' communications and movements. For example, 12 female restaurant workers originally working in Ningbo, China, were taken by their manager on a journey to South Korea in April 2016. Some of the women later revealed that they were not told beforehand where they were headed. Because they were not allowed to keep their own travel documents with them while in China they were at risk of this form of involuntary travel.

Overseas workers are often subjected to excessive working hours and occupational health and safety hazards, and deprived of information on workers' rights in the host countries. In 2017, the media reported cases of North Koreans who had died while working in Russia, which hosted at least 20,000 workers from the DPRK at the time. In May 2017, two construction workers died in Moscow from suspected acute heart failure after complaining of breathing problems.<sup>18</sup>

## **CHILDREN'S RIGHTS AND RIGHT TO EDUCATION**

Although the DPRK claims to provide free education at both primary and secondary levels, individuals interviewed by Amnesty International reported economic barriers for children in accessing education. Many school-aged children are forced to delay entering school for two or three years due to poor health and nutrition or their families' economic difficulties. While education is nominally "free", schools require parents to contribute materials, such as rabbit skins, old shoes and scrap metal, to enable their children to stay in school. Those who are unable to provide these materials have to pay instead.

Due to restrictions on access to information, children in the DPRK do not receive genuine education about human rights values, including knowledge or information about promoting understanding, peace, tolerance and friendship among peoples from different ethnic, national and religious groups, because this is considered either unsuitable or unnecessary by the state.<sup>19</sup>

As part of their curriculum, children are required to perform varying amounts of farm labour each year. Individuals interviewed by Amnesty International reported this could be up to 40 days a year, while others reported that older children may be required to perform strenuous tasks that could cause physical harm, such as lifting rocks. During the review of the DPRK by the CRC Committee in 2017, government delegates were unable to provide clear information on the actual amount and type of labour required, suggesting that this may be subject to the discretion of individual schools and teachers.

The CRC Committee also expressed concern about the exclusion of children aged 16 and 17 under the current domestic

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<sup>18</sup> Newsweek, "Russia probes mysterious death of two North Korean workers in Moscow hotel", 31 May 2017, [www.newsweek.com/two-north-koreans-found-dead-moscow-hotel-after-suspected-heart-attack-618019](http://www.newsweek.com/two-north-koreans-found-dead-moscow-hotel-after-suspected-heart-attack-618019)

<sup>19</sup> Committee on the Rights of the Child General Comment No. 1: The aims of education (art. 29(1)), UN Doc. CRC/GC/2001/1, 17 April 2001, paras 4, 19.

Act for the Protection of the Rights of the Child.<sup>20</sup>

## THE DEATH PENALTY

North Korea continues the secrecy surrounding its use of the death penalty, with no official statistics released to Amnesty International's knowledge. Death sentences are believed to be imposed and carried out extensively, often after unfair trials and without the possibility of appeal. The lack of transparency surrounding the death penalty makes it impossible to determine the frequency of its use. Interviews with individuals from North Korea have revealed cases of public executions, including for crimes that are not punishable by death under domestic law, such as use of pornography. Some informants, however, also told Amnesty International that public executions had recently been discontinued.

## RECOMMENDATIONS FOR ACTION BY THE STATE UNDER REVIEW

**Amnesty International calls on the government of the Democratic People's Republic of Korea to:**

### *National human rights framework*

- Continue to engage with UN human rights treaty bodies, and to strengthen coordination at the national level to ensure implementation of the treaties to which the DPRK is a State Party;
- Grant immediate and unrestricted access to all UN Special Procedures who request to visit the DPRK, including the Special Rapporteur on the human rights situation in the Democratic People's Republic of Korea;
- Consider establishing a National Human Rights Institution in accordance with the Paris Principles.

### *Freedom of expression*

- Ensure that everyone in DPRK can communicate directly and regularly with family members and others, including with parents and children living in other countries, without interference unless justified in line with international human rights law and standards;
- End the surveillance of communications that is unnecessary, untargeted or without any legitimate aim, including between children and their parents;
- Allow the establishment of independent newspapers and other media and end all censorship of domestic and foreign media;
- Introduce access to the internet (i.e. the World Wide Web) in schools, libraries and other public facilities.

### *Political prison camps and arbitrary detention*

- Immediately and unconditionally release all detainees, including foreign citizens, unless they are charged with an internationally recognizable offence and given a fair trial in line with international standards;
- Immediately close down and disclose full information about political prison camps;
- Take immediate and effective action to stop the use of torture and other ill-treatment of detainees in political prison camps and other detention facilities.

### *Restrictions on freedom of movement*

- Amend the Criminal Code and other legislation to remove the requirement for permission to travel abroad, in line with international human rights treaties to which the DPRK is a State Party;
- Ensure that no one is detained or prosecuted for leaving the country without permission or subjected to torture and other ill-treatment, forced labour, enforced disappearance or the death penalty, on return to the DPRK.

### *Workers' rights*

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<sup>20</sup> UN, "Committee on the Rights of the Child considers the report of the Democratic People's Republic of Korea", 20 September 2017, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22120&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22120&LangID=E)

- Ensure that all persons working under the management of state-owned entities, whether in the DPRK or abroad, are guaranteed and informed of their rights, including the rights to freedom of movement, and to fair wages enabling a decent living for themselves and their families;
- Ensure through legislation and practice that all workers at home or abroad enjoy just, safe and healthy working conditions, and reasonable working hours;
- Regulate and monitor the treatment of workers by their employers, and provide appropriate means to examine and redress grievances brought by workers, individually or collectively, without the threat of reprisals.

#### *Children's rights and right to education*

- Amend the Act for the Protection of the Rights of the Child to cover all children under the age of 18;
- Remove barriers to access to education and promote regular attendance at schools;
- Ensure compulsory and genuinely free primary and secondary education for all children, as stipulated in Article 22 of the Act for the Protection of the Rights of the Child;
- Ensure that children are protected against all forms of exploitation and forced or hazardous labour, including by effectively preventing schools from requiring children to perform inappropriate amounts or types of physical work;
- Ensure, by incorporating into policies and legislation, that education is provided in a manner that respects the inherent dignity of children, enables them to express their views freely and to develop life skills, such as critical thinking, and to reach their potential and pursue options in life, while also respecting human rights values.

#### *The death penalty*

- Disclose information on the use of the death penalty, including all death sentences, executions, and persons under sentence of death, as well as overall annual statistics and confirmation as to whether public executions have been ended in practice or law;
- Introduce an official moratorium on executions as a first step towards the abolition of the death penalty.