

Democratic Peoples' Republic of Korea Risk: Very high/Ongoing

Six years since the 2014 UN Commission of Inquiry report on the DPRK, crimes against humanity appear to be ongoing, including murder, imprisonment, enslavement, torture, enforced disappearances, sexual violence, forced abortions, and persecution.

In February, the UN Special Rapporteur on the situation of human rights in the DPRK, Tomás Ojea Quintana, published his latest report, which concluded that there has been “no sign of improvement in the human rights situation, nor progress in advancing accountability and justice for human rights violations”.¹ The report focused on the serious human rights situation of women in the DPRK, who experience pervasive discrimination and widespread sexual and gender-based violence. Of particular concern is the trafficking of women from the DPRK, who are sold into forced marriage or enforced prostitution. China treats many women who enter the country as illegal migrants and forcibly returns them to the DPRK, where they are sent to prisons or labour camps and face grave risk of further human rights violations including sexual violence. For this reason, the forcible repatriation of DPRK citizens, particularly women, should be considered as an act of refoulement.

After months of stalled negotiations on denuclearisation talks, the political situation has recently sharply deteriorated. Marking the two-year anniversary of the first summit between DPRK leader Kim Jong Un and US president Donald Trump, on 12 June DPRK Foreign Minister Ri Son Gwon announced that there was no reason to maintain ties and that DPRK had resolved “to build up more reliable force to cope with the long-term military threats from the US”.² Tensions between North and South Korea have also flared in recent months. In late May, a United Nations Command special investigation team concluded that both North and South Korea had violated the armistice agreement that has been in place since the end of the Korean war in an exchange of gunfire on 3 May. Then in early June, in response to anti-regime leaflets being launched into North Korea by activists from South Korea, Pyongyang labelled ROK an “enemy” and announced that it would sever all military communication channels with Seoul and close the joint liaison office that was set up two years ago to improve relations between the countries.

Pyongyang has long objected to outsiders sending USBs, leaflets, small radios and other forms of communication across its borders, and dismantling the network of loudspeakers that for decades broadcast propaganda into North Korea was part of the 2018 agreement reached by leaders of North and South Korea to ease tensions. However, DPRK has been exceptionally rankled by the recent leaflet drops, characterising the operations as a “provocation graver than gun and artillery fire” and labelling defectors living in South Korea as “human scum” and “mongrel dogs”.³ Ojea Quintana has condemned the DPRK’s inflammatory rhetoric, noting that DPRK’s outrage only underscores its long-term problem with “the almost total limitation for its people to exercise the right to seek and receive information and ideas of all kinds”.⁴ Seoul has responded to Pyongyang by banning activists from flying leaflets or sending materials into North Korea, and announced that it will charge two activist groups engaged in recent operations. Human rights activists have in turn raised alarms that Seoul is compromising democratic principles and freedom of speech to placate Pyongyang, who is exploiting tension over the

¹ A/HRC/43/58, “Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea”, United Nations Human Rights Council, 25 February 2020.

² “On summit anniversary, North Korea vows to build up military”, *The New York Times*, 11 June 2020, <https://www.nytimes.com/aponline/2020/06/11/world/asia/ap-as-us-north-korea.html>

³ Choe Sang-Hun, “As floating proganda irks North Korea, the South isn’t happy either”, *The New York Times*, 11 June 2020, <https://www.nytimes.com/2020/06/11/world/asia/north-korea-balloons-propaganda.html>

⁴ Kelly Kasulis, “End insults against defectors, UN human rights official urges North Korea”, *NK News*, 8 June 2020, <https://www.nknews.org/2020/06/end-invective-against-defectors-un-human-rights-official-urges-north-korea/>

leaflets as a part of a broader strategy to gain economic concessions from Seoul and to distract domestic attention away from the dire socio-economic situation that has been exacerbated by COVID-19.

Remarkably, the DPRK has not reported any cases of COVID-19, but border closures and quarantine measures have worsened chronic and widespread food shortages and malnutrition. The border with China has been closed for nearly five months, which has cut off one of DPRK's primary food supplies and resulted in nearly a 90% decrease in trade in March and April. The loss of income has corresponded with a rise in homelessness, and the World Food Programme estimates that more than 10 million DPRK citizens, or 40% of the population, are now in need of humanitarian aid. Humanitarian operations have been suspended in recent months due to the pandemic, leaving vaccine and medical aid stocks stranded outside the country. In early June, Ojea Quintana drew attention to the impact of COVID-19 on the already dire humanitarian situation, and urged the UN Security Council to reconsider sanctions on the DPRK to ensure food supplies and humanitarian assistance can be delivered "without restrictions".

Seoul and Beijing have repeatedly appealed to Washington to ease some of the crippling UN sanctions on the DPRK. The US has rejected these calls without greater disarmament commitments by the DPRK. A continued concern is that Pyongyang deliberately channels resources away from its population and refuses to amend the legal code that denies their basic subsistence rights,⁵ then leverages their suffering to lobby for sanctions relief. Given the persistent impasse on this issue, there is a need to return to the longstanding recommendation for any proposal for sanctions relief to be tied to: (1) Pyongyang allowing the UN country team free and unimpeded access to all parts of the country in order to assist in meeting the needs of vulnerable persons, and (2) DPRK authorities engaging with the UN Office of the High Commissioner for Human Rights and accepting the UN Special Rapporteur's request for a country visit. The latter could help open dialogue on human rights alongside any future denuclearization and peace talks, or, in the very least, stress to Pyongyang that its severe human rights abuses are not a negotiating tool that can be leveraged away in the absence of meaningful concessions or reforms aimed at safeguarding its population from atrocity crimes.

Recommendations

1. The government of the DPRK should immediately cease the commission of crimes against humanity, and engage constructively with the UN Office of the High Commissioner for Human Rights (OHCHR), the Special Rapporteur and the OHCHR field office in Seoul to develop plans to faithfully implement human rights treaty obligations as well as universal periodic review recommendations, particularly with regard to protecting the rights of and ending violence against women and girls.
2. The US should agree to sanctions relief to address the humanitarian crisis in the DPRK that has worsened since the outbreak of COVID-19, and, along with the ROK, should communicate to Pyongyang that easing sanctions is linked to the DPRK's willingness to engage with UN human rights bodies to improve the situation over the long term.
3. The UN Security Council should ensure that human rights concerns are integrated into any proposal for sanctions relief, including conditioning sanctions relief on DPRK authorities: granting free and unimpeded access to the UN country team, cooperating with the OHCHR, accepting technical assistance, and inviting special procedure mandate holders for country visits.
4. China and the ROK should recognise DPRK citizens as refugees *sur place* and respect the principle of non-refoulement. China should adopt measures to protect the rights of DPRK

⁵ "The price is rights: The violation of the right to an adequate standard of living in the Democratic People's Republic of Korea", United Nations Office of the High Commissioner for Human Rights, May 2019.

citizens residing in or transiting through China, particularly women and girls who are systematically subjected to sexual violence, exploitation and abuse.

5. The OHCHR, including the field office in Seoul, should closely monitor patterns of abuse that may amount to crimes against humanity in the DPRK, investigate unresolved human rights issues, raise awareness and visibility of the human rights situation, and work with civil society and other governments to continue to press for accountability and an end to impunity.