



International Service for Human Rights

The Reports in Short

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The Special Rapporteur on the situation of human rights in the Democratic People's
Republic of Korea¹

Mandate Holder

Vitit Muntarbhorn

Mandate

The mandate was established in 2004, following the Commission's concern at the precarious humanitarian situation in the country and continuing reports of systematic, widespread and grave violations of human rights. The mandate of the special procedure is to investigate and report on the situation of human rights in the Democratic People's Republic of Korea (DPRK) and on the Government's compliance with its obligations under international human rights instruments.

Annual Report²

Scope

To report on the situation of human rights in the DPRK. The report covers in particular the second half of 2005 and a visit to the Republic of Korea from 3 to 10 November 2005 to assess the impact of the human rights situation in the DPRK on the Republic of Korea.

Summary and key conclusions

General concerns:

- **The right to food and life:** natural disasters and mismanagement by the authorities have led to severe food shortages since the mid-1990s. Despite a continuing need for food and other aid from outside the country, the authorities no longer wish to accept (multilateral) food aid from outside the country and want to end the presence of foreign humanitarian agencies, with the exception of the UN World Food Programme. In late 2005, the authorities were also reverting to the public distribution system, which may increase the vulnerability of groups who are not working or not involved in the food-for-work programme, especially children, older persons, persons with disabilities and pregnant women;
- **The right to security of the person, human treatment, non-discrimination and access to justice:** issues of concern include the treatment of prisoners; detention centres and prisons with appalling conditions and use of torture, inhumane and degrading treatment; and incidents of abductions of foreigners;
- **Freedom of movement, asylum and refugee protection:** reports raise concerns about the *refoulement* of DPRK nationals who have sought asylum; rigid control over migration; and punishment of those leaving without permission;
- The right to self-determination/political participation, access to information, freedom of expression/belief/opinion, association, conscience and religion: there have been no improvements in these areas as the opaque and non-democratic nature of the State militates against the right to self-determination and the need for democracy in the country.

Particular concerns:

¹ Summaries prepared by Cléa Thouin, Intern, ISHR, supervised and edited by Meghna Abraham, Information Program, ISHR.

² E/CN.4/2006/35, 23 January 2006.

- **Rights of women:** substantive equality is lacking; limited access to high decision-making positions; relegation to stereotyped roles; impact of economic decline; increased violence against women; increased number of women seeking refuge in neighbouring countries, leading to increased vulnerability to human trafficking and exploitation;
- **Rights of children:** malnutrition; chronic shortages of electricity at schools and of medicines and the need to pay attention to children who are deprived of a family environment, are beyond the scope of social services, and/or are seen as part of families classified as hostile to the regime;
- **Rights of older persons:** food shortages; declining social security, social services and medical care;
- **Rights of those with disabilities:** existence of camps with harsh and subhuman conditions.

Communications:

- Communications were sent to the Government concerning DPRK nationals deported back to their country against their will. The Government has replied reiterating that it does not recognise the Special Rapporteur's mandate;
- One joint communication focused on a range of human rights concerns including punishment of those who have left the DPRK without permission, treatment of prisoners, and absence of judicial processes.

Mission to the Republic of Korea:

- The position of the Republic of Korea on human rights in the DPRK is extremely delicate, in view of the in view of the historical background, geographical propinquity, political/security concerns and sociocultural ties between the two countries. In recent years there have been a number of positive developments in this relationship including inter-Korean talks and cooperative activities;
- **Family reunification and the missing:** the Red Cross movement has played a key role in the quest to reunite millions of families separated by the war. Missing civilians, including prisoners of war and allegations of abductions by the DPRK continue to be concerns;
- **Food security:** the policy of the Republic of Korea is to provide food without conditionality but with some monitoring elements attached to it;
- **Asylum, refugee protection and assistance:** DPRK asylum seekers are accorded refuge automatically in the South. The policy is to settle refugees in the country, with an emphasis on facilitating their adjustment in becoming independent, self-confident, and responsible citizens;
- There are a **variety of perspectives** in the South on the best ways to promote and protect human rights in the North.
- In the light of the DPRK's preference for bilateral aid from countries in the vicinity, there is a need to ensure **complementarity** between **bilateral** and **multilateral aid**;
- There is a huge **gap** between **formal recognition** of human rights and **substantive implementation**.

Key Recommendations

- DPRK and the Republic of Korea should maximise **family reunification** opportunities and DPRK should clarify and resolve effectively the problem of **missing persons**;
- DPRK should facilitate access to **food aid**, ensure **transparency** in its distribution, and allow humanitarian agencies to stay in the country. It also needs to build **food security** through sustainable agricultural policies, good governance, popular participation, and equitable allocation of resources;
- The Republic of Korea should continue its policy of accepting those who have sought asylum from the DPRK and facilitate their social recovery and reintegration;
- DPRK must end the various discrepancies and transgressions concerning respect for human rights in the **civil, political, economic, social** and **cultural** fields, and should effectively implement the human rights treaties to which it is a party and the recommendations of various UN human rights mechanisms;
- DPRK should invite the Special Rapporteur and other UN human rights mechanisms to visit the country;
- DPRK should reform the national law to abolish the requirement of **travel permits** and punishment of those who have left without permission;
- DPRK should initiate reform of its **prison system**, improve the **criminal justice system**, provide due safeguards for the accused and an independent judiciary, and abolish sanctions for political dissent;
- DPRK should address the specific concerns of **women, children, older persons**, those with **disabilities**, and the **ethnic** dimension by promoting **non-discrimination**;
- DPRK should ensure capacity-building through training and education for human rights promotion and protection and should seek assistance from the OHCHR in this regard;
- The international community should continue to provide aid as necessary, and support the DPRK in the implementation of the recommendations and the promotion of human rights;

- The international community should respect the principle of asylum, particularly **non-refoulement** and respond in a balanced manner to DPRK's concerns about "security" by packaging human rights initiatives with security guarantees and incentives for economic and other development.