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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Democratic People's Republic of Korea

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [78/218](#) on the situation of human rights in the Democratic People's Republic of Korea. It provides an update on the human rights situation from July 2023 to May 2024 and a summary of the engagement of the Government of the Democratic People's Republic of Korea with the United Nations on human rights.

* [A/79/150](#).



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 78/218 on the situation of human rights in the Democratic People's Republic of Korea. It provides an update on the human rights situation from 1 July 2023 to 31 May 2024.
2. On 22 July, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sent a note verbale to the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in Geneva inviting the Government to provide factual comments on the draft report. No response was received.
3. According to data from the Ministry of Unification of the Republic of Korea, in 2023, 196 escapees from the Democratic People's Republic of Korea (32 men and 164 women) entered the Republic of Korea. Forty-three escapees (8 men and 35 women) reportedly entered the Republic of Korea in the first quarter of 2024. By comparison, 67 escapees entered the Republic of Korea in 2022, 63 in 2021, 229 in 2020 and 1,047 in 2019.¹ During the reporting period, the majority of arrivals were people who had left the Democratic People's Republic of Korea before the closure of the country's borders in January 2020 in response to the coronavirus disease (COVID-19) pandemic. A considerable number of escapees who arrived in the Republic of Korea in 2023 were government officials, overseas workers and international students formerly living for several years in third countries. Thirteen people travelled directly to the Republic of Korea from the Democratic People's Republic of Korea by boat.

II. Political context

4. The security situation on the Korean Peninsula remained tense during the reporting period, with no progress on inter-Korean relations or denuclearization. The Democratic People's Republic of Korea continued to strengthen its nuclear² and missile programmes by conducting test launches of several ballistic-type missiles³ and military reconnaissance satellites.⁴ In September 2023, the country's Constitution was amended to incorporate its nuclear force policy.⁵ On 23 November 2023, the Government announced the full suspension of the implementation of the 2018 comprehensive military agreement with the Republic of Korea.⁶
5. During the reporting period, the Security Council held five open meetings on the Democratic People's Republic of Korea to discuss the missile test launches and their implications for international peace and security.⁷ The Secretary-General has repeatedly urged the Democratic People's Republic of Korea to fully comply with its international obligations under all relevant Council resolutions and to resume dialogue without preconditions to achieve sustainable peace and the complete and

¹ Republic of Korea, Ministry of Unification, "Recent arrival status", available at <https://www.unikorea.go.kr/unikorea/business/NKDefectorsPolicy/status/lately/>.

² Report of the Panel of Experts established pursuant to resolution 1874 (2009) (see S/2024/215).

³ Ibid. According to the Panel of Experts, the Democratic People's Republic of Korea launched at least 33 ballistic missiles and missiles combining ballistic and guidance technologies in 2023, which is less than the 73 launches conducted in 2022.

⁴ Ibid.

⁵ KCNA Watch, "Respected comrade Kim Jong Un makes speech at 9th session of 14th SPA", 28 September 2023.

⁶ The comprehensive peace agreement between the Democratic People's Republic of Korea and the Republic of Korea was signed in September 2018 to ease military tensions on the Korean Peninsula. The Republic of Korea also fully suspended the agreement in June 2024.

⁷ United Nations, Dag Hammarskjöld Library, "UN Security Council meetings & outcomes tables", 2023–2024.

verifiable denuclearization of the Korean Peninsula.⁸ In August 2023, the Council held an open briefing on the situation of human rights in the Democratic People's Republic of Korea for the first time since 22 December 2017.

6. On 28 March 2024, the Security Council did not adopt the draft resolution to extend the mandate of the Panel of Experts assisting the Security Council Committee established pursuant to resolution 1718 (2006) in monitoring and reporting the implementation of United Nations sanctions against the Democratic People's Republic of Korea.⁹

7. In August 2023, following the partial reopening of its borders, which had remained closed since January 2020, the Democratic People's Republic of Korea commenced international re-engagement by sending senior government officials to neighbouring countries and beyond. While most embassies and missions, including the United Nations country team, were unable to return to the country during the reporting period, ambassadors and diplomatic staff of a small number of Member States returned.

III. Overview of the situation of human rights

A. Right to adequate food

8. Access to adequate food by people in the Democratic People of Republic of Korea has been a consistent concern raised by the United Nations and its independent bodies. In its report, the Panel of Experts established pursuant to Security Council resolution 1874 (2009) noted that the second half of 2023 had seen several positive developments, including a reduction in food prices to the 2019 level as a result of a "decent fall harvest in a number of different crops" and partial "normalization" of imports of food and consumer goods as well as the increase of some life-saving humanitarian assistance.¹⁰

9. According to a recent joint United Nations report, almost half of the population of the Democratic People's Republic of Korea was food-insecure and in need of assistance.¹¹ The United Nations Children's Fund (UNICEF) reported that food scarcity remained a concern, with more than 4 per cent of children screened at treatment facilities between January and June 2023 in some provinces being affected by either severe or moderate wasting – a rate higher than prior to 2020. UNICEF identified insufficient supplies of medicines, drugs, vaccines and medical consumables at the facility level, and inadequate knowledge and capacity of medical professionals on protocols for the management of malnutrition and childhood illnesses.¹²

10. Information from interviews conducted by OHCHR suggested that, during the reporting period, starvation might have occurred in some parts of the country. However, with very limited information due to the decreased number of escapees and further restrictions on the flow of information, determining the severity of the

⁸ Statement attributable to the Spokesperson for the Secretary-General on the satellite launch using ballistic missile technology by the Democratic People's Republic of Korea, 24 August 2023.

⁹ United Nations, "General Assembly debates Russia's veto of DPR Korea sanctions panel", 11 April 2024.

¹⁰ See S/2024/215.

¹¹ Food and Agriculture Organization of the United Nations (FAO) and others, *The State of Food Security and Nutrition in the World 2023: Urbanization, Agrifood Systems Transformation and Healthy Diets across the Rural/Urban Continuum* (Rome, FAO, 2023), p. 152.

¹² UNICEF, "East Asia and Pacific region", Humanitarian Situation Report No. 2, reporting period 1 January to 31 December 2023, 2 February 2024.

problem remained challenging.¹³ Reports suggested that there were increased imports of food from China and the Russian Federation following the partial opening of borders in August.¹⁴ Various sources suggested that the Government had increased its attention to livelihood, agriculture and food and that, at times, it had provided some households with additional rations and subsidized food.¹⁵ The President, Kim Jong Un, has repeatedly referred to the need for improving the people's living standards and to directing efforts to agricultural production and addressing food scarcity as a priority.¹⁶

11. While the Government seemed to be trying to address the food situation, it was also limiting the role of *jangmadang* (small-scale markets) in food distribution, resulting in increasingly centralized food production, distribution and consumption in the country. Interviews conducted by OHCHR suggested that people had to purchase staple foods exclusively from State-owned shops, which themselves did not have enough food to sell, rather than at *jangmadang* as had been done before the pandemic, further limiting access to food. This affected people's enjoyment of the right to adequate food, since they had less physical and economic access to food, including means for its procurement.

12. The situation raises concerns of possible violations of the right to adequate food. Under the International Covenant on Economic, Social and Cultural Rights, to which the Democratic People's Republic of Korea is a party, States parties have minimum core obligations to fulfil, including in relation to the right to adequate food.¹⁷ According to the Committee on Economic, Social and Cultural Rights, if a State fails to meet these obligations owing to resource constraints, it must demonstrate that every effort has been made to use all resources at its disposal in an effort to satisfy, as a matter of priority, those minimum obligations. The Committee underlined that even in times of severe resources constraints whether caused by a process of adjustment, of economic recession, or by other factors the vulnerable members of society can and indeed must be protected by the adoption of relatively low-cost targeted programmes.¹⁸ According to the Committee, States should refrain from preventing access to humanitarian food aid in emergency situations.¹⁹ The international community also has a responsibility to cooperate in providing humanitarian assistance.²⁰

B. Freedom of expression

13. During the reporting period, there was a noticeable escalation in the repression of the rights to freedom of expression, information, thought and conscience. Since the start of the pandemic, the Democratic People's Republic of Korea has enacted several laws aimed at regulating the flow of external information and foreign media content,

¹³ Benjamin Katzeff Silberstein, "North Korean market prices suggest serious food shortages", 38North, 23 June 2023.

¹⁴ Ifang Bremer, "Food imports help drive North Korean trade with China to three-year high", NKNews, 24 March 2023; Anton Sokolin, "Surge in North Korean grain imports lays bare deepening hunger crisis", NKNews, 2 August 2023.

¹⁵ KCNA Watch, "Report on 8th enlarged plenary meeting of 8th WPK Central Committee", 19 June 2023.

¹⁶ KCNA Watch, "Immortal leadership for agricultural development of the country", 12 November 2023.

¹⁷ International Covenant on Economic, Social and Cultural Rights, art. 11. See also Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999).

¹⁸ Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990), para. 12.

¹⁹ Committee on Economic, Social and Cultural Rights, general comment No. 12 (1999), paras. 19, 37 and 38.

²⁰ Ibid., para. 38.

enhancing existing controls and imposing stricter penalties for infractions.²¹ After the adoption of these laws, OHCHR received numerous reports of increased repression based on the application of these new laws during the reporting period. Although they were enacted just prior to the reporting period, the full texts of these laws became publicly available only in early 2023, enabling their analysis in the present report.²²

14. The Law on Protecting the Pyongyang Cultural Language asserts its aim as safeguarding the independent and distinctive national character of the language of the Democratic People's Republic of Korea as opposed to variants of Korean dialect spoken elsewhere. The law contains several provisions that raise human rights concerns, including the imposition of severe penalties, intrusive regulations infringing on privacy, collective parental responsibility, and ambiguous or vague definitions of proscribed behaviours. The law focuses on tightening control over the use of what it terms “puppet language”²³ in daily life, including through increased surveillance.

15. The law authorizes the Government to install State-sponsored monitoring programs on personal electronic devices and networks (art. 30), imposes stricter education and monitoring on individuals engaged in international business travel to ensure that they do not bring back “illegal propaganda” (art. 12) and establishes criminal and administrative penalties (arts. 58–64) for using “puppet language”.

16. The Youth Education Guarantee Law underscores the role and responsibility of youth in “upholding socialism” (art. 5) by adhering to “a socialist lifestyle” (art. 37) and advocates for enhanced education and regulatory measures to ensure compliance. Prohibited behaviours include engagement in “religious and superstitious activities”, “introducing, producing, copying, storing, distributing, watching impure publications of propaganda”, or singing songs contrary to the country's custom (art. 41). The law obliges “government agencies including prosecutorial and social security organs” to enforce law abidance education and legal control (art. 43).

17. The Law on Rejecting Reactionary Thought and Culture aims to bolster surveillance controls to prevent “the introduction or dissemination of reactionary and anti-socialist thought and culture” (art. 1). It incorporates penalties for offences outlined in articles 27 to 40, which include grossly disproportionate punishments such as life imprisonment and the death penalty for disseminating reactionary content. Offences punishable under these provisions, among others, include the propagation of “puppet” ideology and culture, or ideology and culture of a hostile country. It prohibits the reproduction of materials used for propagation of “reactionary ideology

²¹ These legislative measures include the Law on Protecting the Pyongyang Cultural Language (enacted on 18 January 2023), the Law on Rejecting Reactionary Thought and Culture (enacted on 4 December 2020) and the Youth Education Guarantee Law (enacted on 29 September 2021). See A/78/212, paras. 29, 31 and 32, and A/77/247, paras. 9 and 19.

²² The full texts of the three laws are unavailable on the official and accessible website of the Government of the Democratic People's Republic of Korea. The Youth Education Guarantee Law was made available by the Ministry of Justice of the Republic of Korea on 10 April 2023 (see www.unilaw.go.kr). Unofficial versions of the Law on Rejecting Reactionary Thought and Culture and the Law Protecting the Pyongyang Cultural Language were published by a media organization on 21 and 23 March 2023, respectively (see https://www.dailynk.com/english/wp-content/uploads/sites/2/2023/03/Pyongyang-Cultural-Language-Protection-Act_English-and-Korean-Versions_Daily-NK.pdf; https://www.dailynk.com/20230321-4/#flipbook-df_298183/5/). These texts have been used for analysis by the Ministry of Unification of the Republic of Korea. See “2024 Report on North Korean human rights”, available at <https://unikorea.go.kr/nkhr/ko/ebook/index.html>, pp. 52–61.

²³ The law defines “puppet language” as language that has lost its Korean essence due to westernization, Japanization or Sinicization, describing it as “lowly and disgusting garbage language”. In official statements, the Democratic People's Republic of Korea regularly uses the term “puppet” to refer to the Republic of Korea.

and culture” or access to “impure propaganda material” through the use of electronic devices and radio, or a mobile phone without a program to block them.

18. Individuals who have knowledge of these crimes and fail to report them can also be punished. State authorities can be punished for failing to impose adequate censorship, supervision and control, including customs inspections, or the irresponsible education and control of employees and students failing to prevent the introduction of “reactionary ideology and culture”. Penalties for offences include fines, business closure, property confiscation, dismissal, unpaid labour, discipline through labour, reform through labour for definite or indefinite terms, and the death penalty.

19. The Democratic People’s Republic of Korea, in its national report under the universal periodic review in 2019, indicated that the rights of citizens to freedom of expression and access to information were protected under the law.²⁴ However, the content and implementation of these three recent laws appear to unduly and disproportionately interfere with individuals’ freedom of expression, increase State control over its population and infringe upon their right to access information regardless of frontiers. Restrictions on people’s linguistic expression and access to information are emblematic examples of the severe repression of people’s right to freedom of expression in the country.

20. Restrictions such as these violate the rights to privacy, freedom of thought, conscience and religion and freedom of expression, as established by articles 17 to 19 of the International Covenant on Civil and Political Rights, to which the Democratic People’s Republic of Korea is a party. The right to freedom of opinion and expression is a fundamental right guaranteed under article 19 of the Covenant and includes “freedom to seek, receive and impart information and ideas of all kinds” and “regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”.

21. Moreover, these three laws impose administrative and criminal punishment on parents for the behaviour of their children. Under the Law on Protecting the Pyongyang Cultural Language, parents can be fined (art. 60) or may face a minimum of three months of “education through labour” for repeated offences committed by their children (art. 61). The law requires parents to be publicly shamed in meetings (art. 33). The Law on Rejecting Reactionary Thought and Culture imposes fines on parents for failing to educate their children against reactionary thought and culture (art. 37 (4)). Punishing individuals for the acts of others may constitute collective punishment in violation of due process protections under international human rights law.

22. The introduction of the death penalty for some of these offences and the extreme nature of the measures employed to suppress freedom of expression raise major concerns as to the permissibility and proportionality of these punishments under international human rights law. Under the Law on Protecting the Pyongyang Cultural Language and the Law on Rejecting Reactionary Thought and Culture, the punishments imposed for spreading “puppet language” or “reactionary culture” are more severe than those for intentional murder or so-called crimes against the State under criminal law.²⁵ For example, article 6 of the Law Protecting the Pyongyang Cultural Language stipulates broadly that anyone who imitates or spreads “puppet language” shall face severe legal sanctions, including the death penalty, regardless of the seriousness of the matter. Article 7 of the Law on Rejecting Reactionary Thought and Culture provides that the State shall impose severe legal sanctions, up to and including capital punishment, on any person, regardless of status, who commits the

²⁴ [A/HRC/WG.6/33/PRK/1](#), para. 30.

²⁵ Criminal Law of the Democratic People’s Republic of Korea (2022), arts. 61, 62 and 305.

offence of introducing, viewing or disseminating reactionary culture. United Nations experts have raised these concerns with the Government, noting that the law poses impermissible restrictions on freedom of opinion and expression and on the right to take part in cultural life.²⁶

23. Reports received by OHCHR suggested that the laws had been actively implemented since their promulgation. Two 16-year-old boys were reportedly sentenced to 12 years in prison after a public trial held in Pyongyang for violating the Law on Rejecting Reactionary Thought and Culture by watching and disseminating dramas from the Republic of Korea.²⁷ One escapee interviewed by OHCHR recounted witnessing public executions of individuals accused of violating the Law on Rejecting Reactionary Thought and Culture.²⁸

24. In its resolution 55/21, the Human Rights Council urged the Government to repeal or reform all practices and laws that suppress freedom of expression and opinion specifically in relation to the three laws in question. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea expressed concern that "strictly prescribed government requirements on how people should speak, communicate, interact and receive information [would] further limit the right of individuals to freedom of expression, including access to information"²⁹ and noted that restrictions on freedom of expression and other fundamental rights had been tightened through the implementation of these new laws.

C. Death penalty

25. It is very concerning that the Democratic People's Republic of Korea appears to increasingly resort to the use of the death penalty for minor crimes, despite its international obligation, as a State party to the International Covenant on Civil and Political Rights that has not yet abolished the death penalty, to restrict its application in order to avoid arbitrary deprivation of life.³⁰ Under article 6 of the Covenant, there are strict limitations on the use of the death penalty by States parties that have not yet abolished the death penalty, including that the penalty can be used only for the "most serious crimes", which the Human Rights Committee has interpreted as crimes of extreme gravity that directly and intentionally result in death.³¹ During the universal periodic review in 2019, the Democratic People's Republic of Korea stated that the death penalty was imposed on those who had been convicted of crimes against the State and those who had committed "extremely serious and unpardonable crimes".³²

²⁶ On 23 August 2021, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression sent a joint communication to the Government of the Democratic People's Republic of Korea (see OL PRK 5/2021).

²⁷ South and North Development, "North Korean high school students sentenced to 12 years of hard labor for watching South Korean content", 8 December 2023, available at <https://sand.or.kr/kr/opinion/plan.php?bgu=view&idx=22962>; see also <https://www.bbc.com/news/world-asia-68015652>; <https://news.kbs.co.kr/news/pc/view/view.do?ncd=7871025>.

²⁸ Interviews conducted by OHCHR.

²⁹ A/HRC/52/65, para. 7.

³⁰ International Covenant on Civil and Political Rights, art. 6.

³¹ Human Rights Committee, general comment No. 36 (2018), para. 35.

³² A/HRC/42/10, para. 75.

26. The Criminal Law of the Democratic People's Republic of Korea (as amended on 17 May 2022) enumerates 11 crimes punishable by death.³³ Several laws have been enacted imposing the death penalty for lesser, non-violent offences, including the three previously mentioned laws related to freedom of expression. The Law on Emergency Anti-Epidemic Work³⁴ includes the death penalty for grave cases of negligence in implementing orders related to emergency anti-epidemic work (art. 69), of negligence in duties related to the closure of borders (art. 72) and of disruption of emergency anti-epidemic work (art. 73). Similarly, the earlier Law on Epidemic Prevention³⁵ permits the death penalty as punishment for "grave" violations of the law and for those who commit violations during an emergency quarantine period, which is seen to be similar to "wartime circumstances" (art. 53). In addition, the Prevention of Drug Crimes Act³⁶ prescribes the death penalty for various drug-related offences.

27. Most of the crimes listed above do not appear to qualify as the "most serious crimes" for which the death penalty may be applied under article 6 (2) of the International Covenant on Civil and Political Rights. According to the Human Rights Committee, "crimes not resulting directly and intentionally in death, such as attempted murder, corruption and other economic and political crimes, armed robbery, piracy, abduction, drug and sexual offences, although serious in nature, can never serve as the basis, within the framework of article 6, for the imposition of the death penalty".³⁷ Moreover, "under no circumstances can the death penalty ever be applied as a sanction against conduct the very criminalization of which violates the Covenant", including offending a Head of State.³⁸ The Committee has stated that States parties have an obligation to review their criminal laws to ensure that the death penalty is not imposed for crimes that do not qualify as the most serious crimes.³⁹

28. The Democratic People's Republic of Korea provides limited information on its application of the death penalty.⁴⁰ In General Assembly resolution 77/222, States that maintain the death penalty were called upon to establish a moratorium on executions with a view to abolishing it, reduce the number of offences for which the death penalty may be imposed, and provide relevant information regarding their use of the death penalty. The Democratic People's Republic of Korea voted against the resolution.⁴¹

29. During its third universal periodic review, in 2019, the Democratic People's Republic of Korea indicated that executions were carried out in public only in rare cases, after strong requests by the victim's family and other concerned persons.⁴²

³³ Plotting to overthrow the State (art. 61), acts of terrorism (art. 62), treason against the State (art. 63), insulting the dignity of the Republic (art. 64), sabotage (art. 65), acts of hostility to a foreigner (art. 69), treason against the nation (art. 70), illegal harvesting of opium poppy (art. 234), illegal manufacturing of narcotics (art. 235), smuggling or selling narcotic drugs (art. 237) and deliberate brutal murder (art. 305). Other offences punishable by death penalty include "extreme grave forms of" destroying weapons or military installations (art. 1), robbery and malicious destruction of State property (arts. 2–4), currency counterfeiting (art. 5), smuggling precious metals (art. 6), taking flight (art. 7), kidnapping (art. 8), rape (art. 9), robbery of personal property (art. 10) and cases of individuals committing several grave criminal offences with no potential for rehabilitation (art. 11) under the addendum to the Criminal Law (as amended on 26 October 2010).

³⁴ Enacted on 22 August 2020. See Republic of Korea, Ministry of Justice, Database on a Unified Korea's Legal System, available at www.unilaw.go.kr.

³⁵ Enacted on 5 November 1997. Ibid.

³⁶ Enacted on 1 July 2021. Ibid.

³⁷ General comment No. 36 (2018), para. 35.

³⁸ Ibid., para. 36.

³⁹ Ibid., para. 35.

⁴⁰ A/HRC/45/20, paras. 9 and 22.

⁴¹ See A/77/PV.54.

⁴² A/HRC/42/10, para. 75.

According to reports received, however, on 30 August 2023 seven men and two women were publicly executed by firing squad for slaughtering and trafficking cattle.⁴³ Another man was reportedly executed by firing squad on 25 September 2023 for stealing medicine.⁴⁴ The Human Rights Committee has stated that public executions are contrary to the prohibition of torture⁴⁵ and incompatible with human dignity,⁴⁶ and it has called upon the Democratic People's Republic to end the practice.⁴⁷

D. Freedom of movement

30. The Democratic People's Republic of Korea partially reopened its borders in August 2023.⁴⁸ Cross-border trade has partially resumed; however, strengthened border fencing and surveillance have greatly limited the unauthorized cross-border movement of people.⁴⁹

31. A report by a civil society organization analysing satellite imagery of six border crossings found that almost the entire border area had been fenced with barbed wire since the pandemic.⁵⁰ In addition, patrol routes were created or improved, and new guard posts and watchtowers were built. These measures have further limited the possibility for citizens to travel outside their country.

32. In the Democratic People's Republic of Korea, crossing the national border without an immigration certificate is a crime under the Criminal Law – either illegal border crossing⁵¹ or treason.⁵² Illegally crossing the border is punishable by discipline through labour, and in cases where the violation is “severe”, a sentence of up to five years of reform through labour.⁵³ Committing treason against the State, such as betraying the country by fleeing to another country or turning over secrets to the enemy, is punishable by at least five years of reform through labour.⁵⁴ In serious cases, individuals are sentenced to indefinite reform through labour or the death penalty with confiscation of the individual's property.⁵⁵ Interviews by OHCHR indicate that, in some cases, individuals are sent to political prison camps (*kwanliso*),⁵⁶ the existence of which has been denied by the Government.

33. During the reporting period, individuals continued to be forcibly repatriated to the Democratic People's Republic of Korea from other States. Reports received by OHCHR indicate that hundreds of individuals have been returned since August from

⁴³ See <https://www.asiapress.org/korean/2023/09/society-human-rights/execution/>.

⁴⁴ See https://www.rfa.org/korean/in_focus/food_international_org/medicalthiefexecution-09292023093106.html; <https://www.asiapress.org/korean/2023/10/society-human-rights/execution-2/>.

⁴⁵ General comment No. 36 (2018), para. 40.

⁴⁶ CCPR/C/79/Add.65, para. 16.

⁴⁷ See CCPR/CO/72/PRK.

⁴⁸ KCNA Watch, “Announcement issued by SEEPH [State Emergency Epidemic Prevention Headquarters]”, 28 August 2023. Available at <https://kcna.watch.org/newstream/1693242631-11328803/announcement-issued-by-seeph/>.

⁴⁹ Ifang Bremer, “Barrier to entry: new photos show China expanding fences on North Korea border”, NKNews, 7 December 2023.

⁵⁰ Human Rights Watch, *A Sense of Terror Stronger than A Bullet: The Closing of North Korea 2018–2023* (2024), pp. 32–72.

⁵¹ Art. 260.

⁵² Art. 63.

⁵³ Art. 260.

⁵⁴ Art. 63.

⁵⁵ Ibid.

⁵⁶ A/HRC/40/36, para. 38.

China.⁵⁷ Based on information on individual cases collected by OHCHR over many years, repatriated persons face a “real risk of torture, arbitrary detention, or other serious human rights violations”.⁵⁸

34. Freedom of movement within the country also continued to be restricted. The Government of the Democratic People’s Republic of Korea has reportedly made the travel authorization process more complicated, issued limited travel permits and increased checkpoints for domestic travel since the COVID-19 outbreak.⁵⁹

E. Overseas workers

35. During the reporting period, OHCHR interviewed a number of people, mostly men, who had been sent abroad by the State to work as overseas labourers.⁶⁰ A number of interviewees reported being sent abroad in the early to mid-1990s, while others were sent abroad between 2015 and 2019. All had escaped from their workplace and remained in the host State until they travelled to the Republic of Korea. Most overseas workers performed physically demanding labour, such as construction and logging. The interviewees provided information that is highly consistent with previous reports of conditions for overseas workers that may amount to forced labour.⁶¹

36. Interviewees reported that the selection process for overseas work depended on good connections, a good family background and, most importantly, the payment of bribes. Certain categories of people, such as university graduates and people who had worked in sensitive sectors of the State, were barred from being sent abroad.

37. Overseas workers reported encountering severe controls on correspondence, privacy and access to information, such as restrictions on the use of phones or consumption of non-approved media, similar to controls within the Democratic People’s Republic of Korea. Workers were under constant surveillance, and penalties for infractions were heavy, including repatriation. At some worksites, officers of the Ministry of State Security of the Democratic People’s Republic of Korea⁶² made nightly checks to ensure that workers were not accessing forbidden media. This surveillance, coupled with intense work, created a prison-like atmosphere. Workers were allowed to send letters home but knew that these would be monitored by State officials; thus, correspondence with family was limited.⁶³ However, some escapees reported secretly accessing the Internet or foreign media and learning about the outside world.⁶⁴ Interviewees consistently reported harsh living and working conditions,⁶⁵ including being forced to sleep at worksites in any available dry space, without bathing facilities or safe drinking water, and having to salvage winter clothing from garbage.⁶⁶

38. Interviewees spoke of being exploited and of an overall lack of transparency in wages and payments. A large proportion of their wages – up to 70 per cent – was taken by the State, leaving barely enough to survive or send money home. These payments

⁵⁷ OHCHR, “China must not forcibly repatriate North Korean escapees: UN experts”, press release, 17 October 2023.

⁵⁸ Oral update by the Deputy High Commissioner for Human Rights to the Human Rights Council pursuant to resolution 52/28, 20 March 2024. See also A/HRC/46/52, para. 49.

⁵⁹ Interviews conducted by OHCHR.

⁶⁰ A/78/212, para. 16.

⁶¹ Ibid., paras. 16–18.

⁶² Interviewees reported that the Ministry of State Security was nearly always present at worksites and was in charge of surveillance and enforcement.

⁶³ Interviews conducted by OHCHR.

⁶⁴ Ibid.

⁶⁵ A/78/212, para. 16.

⁶⁶ Interviews conducted by OHCHR.

included sums for reimbursement of the expenses for being sent abroad, food and other costs. Workers also had to hand over various other “contributions” to the State, causing some to go further into debt that they could not repay. Workers were asked to make contributions for specific purposes, such as “flood damage supplies”, “loyalty gifts” during Party congresses, to build a hospital in Pyongyang, or to support the military.⁶⁷

39. Overseas workers could not negotiate for better pay or conditions. They were unable to freely resign from work or leave for another workplace. Overseas workers feared that any disobedience at work could risk the workers being detained and prosecuted and their families being deported to remote regions.⁶⁸

40. COVID-19 measures in host States and the closure of the Democratic People’s Republic of Korea borders reportedly resulted in a large number of workers being stranded in host States, unable to return. Moreover, COVID-19-related measures in host States such as enhanced monitoring, identity checks and restrictions on movement made it more difficult for them to make a living. They also feared arrest and detention. This vulnerability was reported as a main cause for deciding to flee to the Republic of Korea. Some interviewees felt that they could not safely return to the Democratic People’s Republic of Korea. One interviewee, who lived in a host State for many years after abandoning his assigned workplace, reported that he could never go back to his country out of fear of interrogation, punishment and surveillance for life.⁶⁹

41. The rights of workers are protected by the International Covenant on Economic, Social and Cultural Rights. The Democratic People’s Republic of Korea has obligations under the Covenant to ensure that these overseas workers earn a living from work that they freely choose and accept and to take steps to achieve the full realization of the right to work under conditions safeguarding fundamental political and economic freedom. The State is obligated to respect the rights of these workers by refraining from confiscating their identity documents, withholding wages, restricting their movements and placing them under threats. The State also has obligations to take all measures necessary to ensure that these workers enjoy their right to just and favourable conditions of work in host countries under article 7 of the Covenant, including just remuneration; safe and healthy working conditions; equal opportunity for promotion; and rest, leisure and reasonable limitation of working hours and periodic holidays with pay.

42. Although the Democratic People’s Republic of Korea is not a member of the International Labour Organization (ILO), the ILO conventions are an authoritative and internationally recognized source on labour issues, including in defining forced labour. ILO has published a list of indicators of forced labour, which include abuse of vulnerability; retention of identity documents; deception; withholding of wages; restriction of movement; debt bondage; isolation; abusive working and living conditions; physical and sexual violence; excessive overtime; and intimidation and threats. ILO clarifies that “the presence of a single indicator in a given situation may in some cases imply the existence of forced labour. However, in other cases you may need to look for several indicators which, taken together, point to a forced labour case. Overall, the set of 11 indicators covers the main possible elements of a forced labour situation, and hence provides the basis to assess whether or not an individual worker is a victim of this crime.”⁷⁰ In this respect, conditions described by former overseas workers appear to indicate forced labour as defined by ILO.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ ILO, “Indicators of forced labour”, October 2012.

F. Accountability

43. During the reporting period, OHCHR continued to collect, consolidate, analyse and preserve information and evidence to lay the groundwork for future accountability pathways for human rights violations and international crimes in the Democratic People's Republic of Korea. This includes information gathered from a variety of sources, such as interviews with victims, witnesses and experts, reports from governmental and non-governmental organizations, photos, maps and satellite imagery. The collected information is analysed in the light of the international human rights obligations of the Democratic People's Republic of Korea and the applicable international criminal law framework.

44. The information collected is securely stored in the OHCHR central repository of evidence and information, as mandated by Human Rights Council resolution 34/24. The repository will be key to facilitating and expediting fair and independent investigations and legal proceedings with regard to serious human rights violations and possible international crimes in the future by competent national or international courts. The preservation efforts are aligned with best practices in evidence management to facilitate its use in potential future prosecutions or other accountability mechanisms, in particular through the maintenance of secure and well-organized records of victims' and witness statements, documents, and other forms of potential evidence. OHCHR also continues to encourage stakeholders to provide information in their possession for preservation in its central repository. During the reporting period, several stakeholders made significant contributions to the repository, including a large library of photographic information from inside the country. The repository now holds around 6,000 items.

45. The findings from OHCHR analysis of information in the repository are consistent with the findings 10 years ago by the commission of inquiry on human rights in the Democratic People's Republic of Korea, that serious human rights violations and possible international crimes continued to be committed in the country. However, 10 years after the report of the commission of inquiry, there is no indication that any individual has been investigated or prosecuted for the crimes identified by the commission. Nor is there any indication that the Democratic People's Republic of Korea is investigating these allegations, despite having the primary responsibility to do so.

46. Given the inaction of the Democratic People's Republic of Korea, it is imperative that accountability be pursued elsewhere. The General Assembly, in its resolution 78/218, called upon the Security Council and Member States to take further steps to ensure criminal accountability, including through referral of the situation to the International Criminal Court, or initiate investigations and prosecution of persons suspected of committing international crimes in the Democratic People's Republic of Korea according to international law, in States capable of exercising jurisdiction over such offences.

47. OHCHR is engaged in continuing dialogue with international legal experts, civil society organizations and States to identify and promote effective accountability strategies. In February, OHCHR organized an experts' conference to discuss best global practices on accountability, both judicial and non-judicial, for international crimes and how they could be considered in the current context of the Democratic People's Republic of Korea.

48. In his guidance note on transitional justice, the Secretary-General recalls that, based on States' human rights obligations, a broader notion of justice should be pursued, so that elements of redress complement and reinforce processes of criminal

accountability.⁷¹ Non-judicial accountability, such as reparations and memorialization, were highlighted by both the commission of inquiry and the group of experts and should be pursued in parallel with judicial accountability. Advancing accountability in all its forms is essential to upholding the human rights of the people of the Democratic People's Republic of Korea and victims in and from other countries. It is also essential to provide justice for ageing victims of long-running violations such as victims of enforced disappearance. Accountability is also a necessary foundation for long-term peace and security on the Korean Peninsula.

49. The Secretary-General calls for innovation in designing and implementing non-traditional justice pathways, such as reparations, truth telling and memorialization, to provide tangible redress for victims as urgently as possible. Creative ways to address the current justice gap can be critical for providing redress to victims during their lifetimes.

IV. Cooperation between the Government of the Democratic People's Republic of Korea and the United Nations on the human rights situation and on humanitarian assistance

50. The Democratic People's Republic of Korea continued to reject cooperation sought pursuant to Human Rights Council resolution [25/25](#), including with the OHCHR field-based structure in Seoul and with the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. No visits by thematic special procedures mandate holders were conducted during the reporting period, and the Government did not accept any requests for visits. No standing invitation has been issued to special procedures mandate holders.

51. The General Assembly, in its resolution [78/218](#) of 19 December 2023 on the situation of human rights in the Democratic People's Republic of Korea, stressed that the human rights situation in the Democratic People's Republic of Korea, including with respect to gender equality and the rights of all women and girls, is intrinsically linked to international peace and security. The Assembly encouraged diplomatic efforts, including dialogue and engagement, to seek improvement of the human rights and humanitarian situation in the country.

52. On 4 April 2024, the Human Rights Council adopted by consensus resolution [55/21](#), in which it requested, inter alia, that the United Nations High Commissioner for Human Rights submit, to the Council at its sixtieth session, a comprehensive report containing an update on the human rights situation in the Democratic People's Republic of Korea since 2014, when the report of the commission of inquiry was published, and taking stock of the implementation of the commission's recommendations. The Council also decided to further strengthen the capacity of OHCHR, including its field-based structure in Seoul, with additional resources and expertise.

53. The Democratic People's Republic of Korea will be reviewed under the universal periodic review process of the Human Rights Council for the fourth time in November 2024.⁷² Human rights bodies have repeatedly emphasized the importance of the implementation of the recommendations from human rights mechanisms,

⁷¹ United Nations, "Transitional justice: a strategic tool for people, prevention and peace", guidance note of the Secretary-General, June 2023.

⁷² In the third universal periodic review, the Government accepted 132 of the 262 recommendations including commitments to increasing engagement with the United Nations human rights system, improving access for humanitarian agencies operating in the country to the affected population and adopting legislative and capacity-building measures to promote and protect human rights.

including the universal periodic review, to address the grave human rights violations in the country.⁷³ There are no independent civil society organizations based in the country submitting stakeholder reports under the universal periodic review. OHCHR continued to regularly engage with the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in Geneva to discuss and explore possible follow-up workshops on human rights mechanisms, including treaty body reporting. OHCHR continued to invite the Democratic People's Republic of Korea to participate in relevant global and regional events, including the Human Rights 75 high-level event in December 2023 and the North-East Asia subregional workshop on business and human rights in May 2024. The Democratic People's Republic of Korea did not participate in those events.

54. In December 2023, the Government submitted its reply⁷⁴ to the list of issues prepared by the Committee on the Rights of Persons with Disabilities⁷⁵ on the Government's initial report under the Convention,⁷⁶ which was submitted in 2018. A number of reports of the Democratic People's Republic of Korea to the human rights treaty bodies remain outstanding.

55. 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 was extended until 2025 and remained valid for the reporting period. Despite the partial opening of the borders in August 2023 and increased bilateral diplomatic exchanges, all international humanitarian staff, including United Nations staff, remained outside the country and there remained no indication as to when they would be able to return. The United Nations country team has been liaising with the Government to explore the possibility of the return of international staff of United Nations agencies to the country.

56. In addressing the impact of sanctions on the humanitarian situation in the Democratic People's Republic of Korea, the Panel of Experts established pursuant to Security Council resolution [1874 \(2009\)](#) concluded in its report of February 2024 that, despite challenges in gathering information, there could be little doubt that sanctions had unintentionally affected the humanitarian situation and some aspects of aid operations, exacerbating problems caused by the country's inefficient and ineffective economic policies. The Panel also noted that the relative influence of sanctions had lessened since early 2020 and that the Democratic People's Republic of Korea had become reluctant to accept assistance.⁷⁷

V. Conclusion

57. While the reporting period saw a partial reopening of the international border, the country remains largely cut off from the outside world. Movement of people has been largely restricted to official missions to and from the country, which are limited in number. Most foreign embassies, missions and humanitarian organizations, and international staff of the United Nations country team, remain outside the country. For the majority of citizens, the right to freedom of movement both inside and outside the country is not respected.

58. According to escapees interviewed by OHCHR, many citizens remain outside the country, although they are slowly returning. Those who left the country without

⁷³ See Human Rights Council resolution [55/21](#).

⁷⁴ [CRPD/C/PRK/RQ/1](#).

⁷⁵ [CRPD/C/PRK/Q/1](#).

⁷⁶ [CRPD/C/PRK/1](#).

⁷⁷ See [S/2024/215](#).

permission face the risk of torture, arbitrary application of the death penalty and other serious human rights violations if they are forcibly returned. This group of people needs immediate protection by all Member States. Another group includes those who had been sent as foreign workers but were trapped when borders closed. Information provided by these workers paints a concerning picture of ongoing severe repression of rights by Democratic People's Republic of Korea officials in third countries, which appears to amount to forced labour and a violation of human rights, including article 8 of the International Covenant on Civil and Political Rights.

59. Available information points to an increase in repression of fundamental freedoms, in particular freedom of expression and access to information, with the application of new laws severely constraining this right and introducing severe punishments. One such punishment is the death penalty, which the country applies to a very wide range of offences that fall short of the most serious crimes standard set forth under international human rights law. Information also suggests persistent violations of the rights to food and health for many in the country. There are also long-standing cases of abductions and enforced disappearances in and by the Democratic People's Republic of Korea both within and outside the territory that remain unresolved.⁷⁸

60. There are no indications that the Democratic People's Republic of Korea is holding any individuals accountable for serious human rights violations or other crimes in the country, notably those identified by the commission of inquiry in 2014. International efforts, while ongoing, have yet to result in judicial accountability. Non-judicial accountability efforts by Member States, such as the Republic of Korea, are increasing and need to be supported and reinforced.

61. In this challenging context, the United Nations continues its efforts to engage the Government of the Democratic People's Republic of Korea with a view to improving the dire human rights situation. Some positive signals suggest that the country may increasingly engage with the United Nations human rights mechanisms, such as the universal periodic review and the treaty bodies. These opportunities for robust human rights dialogue must be preserved and expanded.

62. The Secretary-General again calls for de-escalation and peaceful resolution of the military tensions on the Peninsula, which increased during the reporting period. Advancing diplomacy towards sustainable peace and stability in the region and addressing the human rights and humanitarian situation in the Democratic People's Republic of Korea are mutually reinforcing.

VI. Recommendations

63. The Secretary-General recommends that the Government of the Democratic People's Republic of Korea:

(a) Investigate, prosecute and bring to justice those accused of having committed human rights violations and ensure that victims and their families know the truth about the violations that have been committed;

(b) Declare an immediate moratorium on the use of the death penalty followed, at the earliest opportunity, by its abolition, and ensure that, pending its abolition, the death penalty is imposed only for the most serious crimes and consistent with the other requirements of the International Covenant on Civil and Political Rights;

⁷⁸ OHCHR, *"These Wounds Do Not Heal": Enforced Disappearance and Abductions by the Democratic People's Republic of Korea* (Geneva and Seoul, 2023).

(c) Release all political prisoners, disband all political prison camps (*kwanliso*) and immediately cease the arbitrary arrest and imprisonment of persons on the grounds of their real or perceived political or other opinions, or their social background;

(d) Immediately cease the use of torture and other cruel, inhuman and degrading treatment in places of detention;

(e) End forced labour, which is contrary to international law, in all its forms and introduce structural reforms to the system of labour to place the rights of the worker at the centre;

(f) Dedicate the maximum resources available to fulfil core obligations regarding each right under the International Covenant on Economic, Social and Cultural Rights, including the rights to adequate food and the highest attainable standard of physical and mental health;

(g) Facilitate the return of international humanitarian staff with free and unimpeded access to all populations in need, including for the purposes of effectively monitoring the distribution of aid;

(h) Provide the families of all persons who have been abducted, or forcibly disappeared, with full information on their fate and whereabouts if they have survived, allow those who remain alive, and their descendants, to return immediately to their countries of origin and, in close cooperation with their families and nations of origin, identify and repatriate the physical remains of those who have died;

(i) Immediately enable separated family members to communicate with each other, including via videoconference technology and the exchange of letters;

(j) Undertake political and institutional reforms without delay to introduce genuine checks and balances upon the executive power as a means of ensuring the implementation of the State's international human rights obligations;

(k) Take steps towards establishing the rule of law and an independent judiciary that respects fair trial and due process rights, in accordance with the International Covenant on Civil and Political Rights;

(l) Ensure that any surveillance systems in place fully comply with the human rights standards of legality, necessity, proportionality and legitimacy of objectives pursued, avoid their use as instruments of political oppression and ensure that they are subject to effective judicial review;

(m) Join all the core human rights treaties to which it is not already party, as well as their optional protocols, accept the complaints and inquiry procedures provided for in these treaties, and submit remaining reports due to the human rights treaty bodies;

(n) Increase engagement with OHCHR to develop a capacity-development programme and technical assistance activities to help to implement the present recommendations and recommendations made by all human rights mechanisms, and to keep Member States informed of its implementation efforts;

(o) Engage constructively with international interlocutors with a view to promoting concrete improvements in the human rights situation on the ground, including through human rights dialogues, official visits to the country that include adequate access to fully assess human rights conditions, cooperation initiatives and more people-to-people contact as a matter of priority.

64. The Secretary-General recommends that the international community:

(a) Pursue principled, consistent and sustained engagement with the Democratic People's Republic of Korea on the situation of human rights;

(b) Integrate human rights considerations fully into their efforts to advance peace and security on the Peninsula;

(c) Facilitate more people-to-people contacts with persons from the Democratic People's Republic of Korea residing outside the country to ensure that their views and aspirations can inform diplomatic engagement on human rights issues;

(d) Take further steps to ensure accountability for those responsible for serious human rights violations and possible international crimes in the Democratic People's Republic of Korea, including considering action under accepted principles of extrajudicial or universal jurisdiction, consistent with international law, and by engaging and providing information to the OHCHR repository;

(e) Acknowledge the existence of serious human rights violations, which may also amount to international crimes, and take immediate steps to end such violations, including by demonstrating willingness and capacity to undertake independent and impartial investigations into allegations of such violations and to hold those responsible to account;

(f) Support initiatives to implement non-judicial accountability, such as reparations, truth telling and memorialization, to provide tangible redress for victims;

(g) Extend protection to citizens of the Democratic People's Republic of Korea who have crossed international borders irregularly and people who have escaped from overseas labour deployments, and ensure that they are not forcibly repatriated, in accordance with the absolute prohibition on refoulement under international human rights law;

(h) Take steps to minimize unintended adverse humanitarian consequences of sanctions imposed on the Democratic People's Republic of Korea by enabling development and humanitarian actors to engage in programmes that improve resilience and reduce humanitarian need in relation to food crises and disasters and that facilitate the provision of food, medicine and health care at the national level.
