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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**

### **Note by the Secretary-General\***

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Elizabeth Salmón, in accordance with Assembly resolution [77/226](#).

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\* The present document was submitted for processing after the deadline for reasons beyond the control of the submitting office.



## **Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea**

### *Summary*

The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea is submitted pursuant to General Assembly resolution [77/226](#). In her report to the Assembly, the Special Rapporteur provides an update on the human rights situation and focuses on the impact of the prolonged state of conflict on human rights and the interlinkages between human rights and peace and security and between women and peace and security.

## I. Introduction

1. In her previous reports ([A/77/522](#) and [A/HRC/52/65](#)), the Special Rapporteur documented various human rights violations in the Democratic People's Republic of Korea, including enforced disappearances, international abductions, arbitrary arrest, torture, constraints on the exercise of freedom of religion, expression, assembly and association and restrictions on the right to education. In addition, people's right to privacy continues to be violated; a system of punishments exists for any person attempting to exercise his or her basic rights; and prisons in the Democratic People's Republic of Korea deny detainees decent food, drinking water and medical care. While the Special Rapporteur has continued to highlight concerns about gross violations of human rights, she has also sought to direct the international community's attention to widespread and severe violations of the rights of the child (such as forced labour, discrimination, malnutrition and restrictions on access to information from the outside world) and of the rights of women (such as gender-based violence, lack of equality and violations of labour rights and reproductive rights), as grave concerns in the country. Furthermore, in her previous report ([A/77/522](#)), the Special Rapporteur emphasized the importance of a victim-centred approach as a way to provide a more holistic view of the experiences of affected individuals.

2. In the present report, the Special Rapporteur provides a brief overview of the human rights situation in the Democratic People's Republic of Korea. She also analyses the interlinkages between human rights and the situation of conflict and peace and security on the Korean Peninsula and how the militarization of the Democratic People's Republic of Korea has, directly and indirectly, affected the realization of the economic, social and cultural rights of the people, supported the repression of fundamental freedoms and entrenched the isolation of the country. She highlights the importance of active and broad-based participation by women in any peace and security processes on the Korean Peninsula and the need for the protection of the rights of women and girls in the country. She makes it clear that human rights are central to any peace and security initiatives on the Korean Peninsula and that sustainable peace cannot be achieved without addressing the long-standing human rights concerns, some of which are the direct consequences of the Korean War.

## II. Overview of the human rights situation

3. On 26 August 2023, the Democratic People's Republic of Korea announced the partial opening of its international borders, which had been closed since early 2020, allowing its citizens living abroad to return to the country. The Special Rapporteur welcomes the partial opening as a first step for the Government to review the restriction of movement and border closure, which have been negatively affecting people's access to work, food and health care and other fundamental human rights. She urges the Government to allow the urgent return of United Nations entities, which have been unable to provide humanitarian assistance except through limited life-saving activities. The Special Rapporteur also encourages the Government to take the opportunity presented by the opening of the border to re-engage with the international community, including the human rights mechanisms, and assess the impact of the prolonged restrictions on human rights imposed as a result of the coronavirus disease (COVID-19) pandemic.

4. At the same time, the Special Rapporteur is extremely concerned about the imminent risk of repatriation of individuals from the Democratic People's Republic of Korea by other countries, since there are long-standing and credible reports leading one to believe that escapees from the Democratic People's Republic of Korea who are forcefully returned to the country would be subjected to torture, cruel, inhuman or

degrading treatment and punishment and other grave human rights violations. In particular, over 2,000 individuals from the Democratic People's Republic of Korea, approximately 70 per cent of whom are women, are estimated to be detained in China as "illegal migrants". On 18 July 2023, the Working Group on Arbitrary Detention, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on violence against women and girls, its causes and consequences and the Working Group on discrimination against women and girls sent a joint letter to China regarding these allegations.<sup>1</sup> The Government of China replied on 13 September 2023.<sup>2</sup> The Special Rapporteur wishes to reiterate that the principle of non-refoulement guarantees that no one should be returned to a country where one would face the risk of torture, cruel, inhuman or degrading treatment or punishment and other irreparable harm, including the use of the death penalty, and enforced disappearance. This principle must be applied to all people at all times, regardless of migration status. The prohibition of refoulement is customary international law and explicitly included in, among others, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the 1951 Convention relating to the Status of Refugees and its 1967 Protocol relating to the Status of Refugees, to which China is a State party.

5. Most recently, in February 2023, over 60 States Members of the United Nations joined the call to retain the situation of human rights in the Democratic People's Republic of Korea on the list of items of which the Security Council is seized (see [S/2023/157](#)). In March 2023, the Council held an Arria-formula meeting on the situation of human rights in the Democratic People's Republic of Korea, during which the Special Rapporteur provided a briefing. Reflecting the interest of the international community in the human rights situation in the country, on 17 August, the Council held an open debate on the situation in the Democratic People's Republic of Korea for the first time since 11 December 2017.<sup>3</sup> Many Council members expressed deep concern over the humanitarian situation facing the people of the Democratic People's Republic of Korea and took note of the concerns raised by the Special Rapporteur over the detrimental impact of the ongoing security and human rights situation on the most vulnerable populations, including women and girls.<sup>4</sup>

### III. Human rights dimensions to peace and security

#### Context

6. The year 2023 marked the seventieth anniversary of the Korean Armistice Agreement,<sup>5</sup> which was signed on 27 July 1953 and led to an end to the hostilities of the Korean War. However, the conflict has not officially ended on the Korean Peninsula. The prolonged state of conflict affects States' perceptions of their security, leading them to focus intently on military expenditure, including arms development and proliferation. The United States of America and the Republic of Korea have carried out a number of regular and specialized land, sea and air military exercises.

<sup>1</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR) public communication No. AL CHN 9/2023.

<sup>2</sup> Once officially translated, the response will be made available at <https://spcommreports.ohchr.org/>.

<sup>3</sup> See [www.securitycouncilreport.org/whatsinblue/2023/08/dprk-north-korea-open-briefing-on-the-human-rights-situation.php](http://www.securitycouncilreport.org/whatsinblue/2023/08/dprk-north-korea-open-briefing-on-the-human-rights-situation.php).

<sup>4</sup> See United Nations, "Democratic People's Republic of Korea increasingly repressing its citizen's human rights, freedoms, High Commissioner warns Security Council", SC/15387, 17 August 2023.

<sup>5</sup> Available at [https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%2BKR\\_530727\\_AgreementConcerningMilitaryArmistice.pdf](https://peacemaker.un.org/sites/peacemaker.un.org/files/KP%2BKR_530727_AgreementConcerningMilitaryArmistice.pdf).

The Democratic People's Republic of Korea has been pursuing its nuclear and missile programmes and fired a record number of intercontinental and intermediate-range ballistic missile tests in 2022. The Democratic People's Republic of Korea follows a military-first policy, *Songun*, which gives priority to the military in State affairs and in the allocation of resources. According to a source, the average military spending was estimated to be 23.5 per cent of gross domestic product between 2009 and 2019,<sup>6</sup> while official sources of the Democratic People's Republic of Korea indicate that around 16 per cent of the State budget has been allocated to the military since 2012.<sup>7</sup> The high militarization and expenditure on the military explains the underinvestment in socioeconomic development in the country. In September 2022, the Democratic People's Republic of Korea amended its law on nuclear forces and declared itself as a nuclear weapons State. The law states that "the nuclear forces of the Democratic People's Republic of Korea are a powerful means for defending the sovereignty, territorial integrity and fundamental interests of the state, preventing a war on the Korean Peninsula and in Northeast Asia and ensuring the strategic stability of the world".<sup>8</sup> It is evident from the messaging of the leadership in the Democratic People's Republic of Korea that they are using the state of conflict to further expand its nuclear and missile programmes.<sup>9</sup>

7. There have been several diplomatic efforts for peace on the Korean Peninsula, and the denuclearization issue has been central to these diplomatic engagements with the Democratic People's Republic of Korea. In 1994, the Agreed Framework between the United States of America and the Democratic People's Republic of Korea was signed to freeze the construction of nuclear reactors in exchange for economic support. Several key agreements were subsequently reached, including: (a) the denuclearization of the Korean Peninsula; (b) the normalization of relations between the Democratic People's Republic of Korea, the United States and Japan; (c) bilateral and multilateral economic cooperation in the areas of energy, trade and investment; (d) energy assistance to the Democratic People's Republic of Korea from China, Japan, the Republic of Korea, the Russian Federation and the United States; and (e) the pursuit of lasting peace and stability in North-East Asia at the Six-Party Talks,<sup>10</sup> which began in 2003. These agreements, however, were short-lived. In 2003, the Democratic People's Republic of Korea announced its withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons. In 2006, it conducted its first nuclear test and, in 2009, it withdrew from the Six-Party Talks.

8. Rapprochement between the Democratic People's Republic of Korea and the Republic of Korea started in 2018 with a series of inter-Korean summits. In April 2018, the two countries agreed to the Panmunjom Declaration on Peace, Prosperity

<sup>6</sup> United States, Department of State, "World military expenditures and arms transfers 2021 edition", 30 December 2021.

<sup>7</sup> KCNA Watch, "Report on fulfilment of state budget for 2022 and on state budget for 2023", 20 January 2023. Available at <https://kenawatch.xyz/newstream/1674209210-678378980/report-on-fulfilment-of-state-budget-for-2022-and-on-state-budget-for-2023/>.

<sup>8</sup> KCNA Watch, "Law on DPRK's policy on nuclear forces promulgated", 9 September 2022.

<sup>9</sup> On 23 September 2017, at the seventy-second session of the General Assembly, the Minister for Foreign Affairs, Ri Yong Ho, stated: "Our national nuclear force is, to all intents and purposes, a war deterrent for putting an end to nuclear threat of the US and for preventing its military invasion". On 8 September 2022, in his policy speech at the seventh session of the Fourteenth Supreme People's Assembly of the Democratic People's Republic of Korea, the President, Kim Jong Un, stated: "The adoption of a law related with the policy of the nation's nuclear forces in accordance with the unanimous will of all the Korean people is a noteworthy event that proclaimed at home and abroad that we have come to possess by law a war deterrent as a means for defending the state". See KCNA Watch, "Respected Comrade Kim Jong Un makes policy speech at seventh session of the 14th SPA of DPRK", 10 September 2022.

<sup>10</sup> The six parties are China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States.

and Reunification of the Korean Peninsula, which included a commitment to work towards a nuclear-free Korean Peninsula and to formally end the Korean War with a peace treaty. In September 2018, the two countries signed the Pyongyang Joint Declaration, in which the Democratic People's Republic of Korea committed to permanently dismantle the Dongchang-ri missile engine test site and launch platform under international observation, and expressed a "willingness" to permanently dismantle the nuclear facilities in Yongbyon as the United States took "corresponding measures".<sup>11</sup> A summit between the Democratic People's Republic of Korea and the United States was held in Singapore in June 2018, with a subsequent summit in Hanoi in February 2019. The Hanoi summit ended without any agreement.

9. Political developments have jeopardized other engagement efforts, including humanitarian assistance and people-to-people engagement, such as academic, cultural and sports exchanges. For instance, tours of Mount Kumgang, which began in 1998, were suspended by the Republic of Korea in 2008, following the shooting of a tourist from the Republic of Korea in the Mount Kumgang special tourist zone. The Kaesong industrial complex, which allowed business cooperation and some social, cultural and humanitarian exchanges between the Democratic People's Republic of Korea and the Republic of Korea, was temporarily closed in 2013 after heightened military tensions on the Peninsula. Following missile and nuclear tests by the Democratic People's Republic of Korea in early 2016, the Republic of Korea temporarily suspended inter-Korean projects to pressure the Democratic People's Republic of Korea into denuclearization, including a complete shutdown of the Kaesong industrial complex, and coordinated sanctions with the international community.

### **Militarization and its impact on human rights**

10. The fact that the Democratic People's Republic of Korea has prioritized militarization is concerning from a human rights perspective. In States affected by conflict, "the more government is occupied with national security, the less its citizens – especially women – experience physical security".<sup>12</sup> Similarly, when States "sustain huge military budgets at the same time social spending is being cut; this, too, can be a form of violence".<sup>13</sup> Militarization places a high "military burden" on the people, and it disproportionately affects the most vulnerable, including children and women. Resources are reduced, the exploitation of labour to finance militarization becomes rampant, and, as a result, the protection of fundamental freedoms and human rights is often overlooked.

11. Although all States that are parties to the conflict on the Korean Peninsula are affected due to the ongoing and long-lasting nature of the conflict, the continuation by the Democratic People's Republic of Korea of its nuclear weapons development and ballistic missile programmes, and the sanctions imposed by the international community as a consequence of these measures, have further deteriorated the situation of human rights in the country.

<sup>11</sup> Pyongyang Joint Declaration. Available at [www.mofa.go.kr/eng/brd/m\\_5476/view.do?seq=319608&srchFr=&srchTo=&srchWord=&srchTp=&multi\\_itm\\_seq=0&itm\\_seq\\_1=0&itm\\_seq\\_2=0&company\\_cd=&company\\_nm=&page=1&titleNm=](http://www.mofa.go.kr/eng/brd/m_5476/view.do?seq=319608&srchFr=&srchTo=&srchWord=&srchTp=&multi_itm_seq=0&itm_seq_1=0&itm_seq_2=0&company_cd=&company_nm=&page=1&titleNm=)

<sup>12</sup> Simona Sharoni, "Gender and Middle East politics", *The Fletcher Forum of World Affairs*, vol. 17, No. 2 (1993), p. 65.

<sup>13</sup> Ann Tickner, *Gendering World Politics: Issues and Approaches in the Post-Cold War Era* (New York, Columbia University Press, 2001), p. 62.

## Reduced available resources for the realization of human rights

12. The prioritization by the Democratic People's Republic of Korea of its military, missile and nuclear programmes leaves limited resources for socioeconomic and development programmes, which directly affects the economic, social and cultural rights of the people. The socioeconomic indicators in the Democratic People's Republic of Korea reveal a significant number of people deprived of food, essential health care, access to water and sanitation and an adequate standard of living, all of which provide a clear picture that the country is not adequately investing in its own people. It also has made limited international, multilateral and bilateral efforts to strengthen human rights.

13. The Special Rapporteur would like to remind the Government that States have an obligation to use their maximum available resources, which includes international cooperation, for the progressive realization of economic, social and cultural rights, in accordance with the International Covenant on Economic, Social and Cultural Rights. The Democratic People's Republic of Korea is a party to the Covenant. According to the Committee on Economic, Social and Cultural Rights, each State party has "a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights". When any significant number of individuals is deprived of essential foodstuffs, essential primary health care, basic shelter and housing, or the most basic forms of education, the State party "must demonstrate that every effort has been made to use all resources that are at its disposition in an effort to satisfy, as a matter of priority, those minimum obligations".<sup>14</sup> An escapee's statement to the Office of the United Nations High Commissioner for Human Rights (OHCHR) poignantly illustrates the suffering: "The Government says it has a military-first policy. However, if the military-first policy harms people, what is the use of it? Even the military themselves are suffering; they are starving to death due to malnutrition."<sup>15</sup> The Special Rapporteur expresses grave concerns over this system of militarization based on the sacrifice of people's human rights.

## Increased repression of human rights

14. Furthermore, extreme militarization as seen in the Democratic People's Republic of Korea is not possible without a policy of repression resulting in violations of fundamental freedoms and other human rights. The surveillance and close monitoring of citizens and other severe restrictions of basic freedoms continue to be widespread. Extreme militarization provides a reason for the Government to control every aspect of the life of its citizens and to use national security as a pretext to criminalize dissent. Those who seek to leave the country, watch or listen to foreign media or criticize the Government's actions are viewed as criminals or traitors, with serious repercussions. Those measures have been further strengthened during the border shutdown related to the COVID-19 response. For instance, the Law on the Elimination of Reactionary Thought and Culture, enacted in December 2020, prohibits the distribution and viewing of songs, drawings, photos and designs from the Republic of Korea and other "hostile nations" and prescribes the death penalty for the importation and distribution of such content. In 2021, the Government reportedly enacted the Youth Education Guarantee Act to stop young people from copying foreign culture and reorienting them towards a socialist lifestyle.

<sup>14</sup> Committee on Economic, Social and Cultural Rights, general comment No. 3 (1990), para. 10.

<sup>15</sup> OHCHR, "Laying the human rights foundations for peace: supporting an inclusive and human rights-centred peace process in the Democratic People's Republic of Korea", September 2020, p. 12.

15. As noted in the report of the Special Rapporteur to the Human Rights Council in 2023, repatriated individuals are considered “criminals” and “traitors” if they seek to escape to the Republic of Korea, and they may suffer severe punishments upon repatriation (A/HRC/52/65, para. 27). Escapees, the majority of whom are women, face harsh treatment and punishment often without judicial procedures if they are considered “traitors”, including being sent to *kwanliso* (political prison camps). Article 2 of the 2012 Criminal Procedure Law of the Democratic People’s Republic of Korea emphasizes that the State shall distinguish allies and enemies in combat against anti-State and antinational crimes. However, the law itself does not define what constitutes “crimes against the State”.

16. The Law on the Protection and Promotion of Women’s Rights (2010) requires State institutions to take steps to prevent and sanction trafficking in women and girls. However, the State appears to have taken no steps to protect victims or address harms endured by them (ibid.). In its most recent report to the Committee on the Elimination of Discrimination against Women covering the period 2002–2015, the Democratic People’s Republic of Korea discussed some aspects of conflict-related trafficking in humans. It stated that “human trafficking is inconceivable in the DPRK ... abduction and trafficking of our citizens were persistently committed under the manipulation of the South Korean authorities hell-bent on tarnishing the image of the DPRK” and that returnees who crossed the border illegally were provided with “necessary conditions for a happy life with their families” (CEDAW/C/PRK/2-4, paras. 73 and 74). Despite the Government’s declaration, reports suggest that numerous women continue to fall victim to trafficking, forced marriage or involvement in the sex trade.

### **Enforced disappearances**

17. Enforced disappearances include those who were abducted from the Republic of Korea during and after the Korean War, as well as Japanese and other foreign nationals who were abducted in the 1970s and 1980s. Since 1950, the Democratic People’s Republic of Korea has engaged in the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons from other countries on a large scale and as a matter of State policy. The prolonged state of conflict has resulted in thousands of families separated between the Republic of Korea and other countries and the Democratic People’s Republic of Korea. In the Panmunjom Declaration, the Republic of Korea and the Democratic People’s Republic of Korea agreed “to endeavor to swiftly resolve the humanitarian issues that resulted from the division of the nation, and to convene the Inter-Korean Red Cross Meeting to discuss and solve various issues including the reunion of separated families and relatives” (A/72/109-S/2018/820, annex, para. 1 (5)). In this vein, both sides agreed to proceed with reunion programmes for the separated families on the occasion of National Liberation Day, on 15 August 2018. The reunions were organized from 20 to 26 August on Mount Kumgang. However, since then, reunion programmes for the separated families have been halted. Family members of separated families told the Special Rapporteur that they feel forgotten. There are also escapees from the Democratic People’s Republic of Korea who have settled in the Republic of Korea and other countries and are unable to communicate with their families remaining in the Democratic People’s Republic of Korea, owing to the Government’s restrictions and fear of retaliation against their families.

### **Effect of militarization on labour rights**

18. The Democratic People’s Republic of Korea operates a State-controlled labour system rooted in the principles of State ownership, central planning and the *Juche*

ideology of self-reliance.<sup>16</sup> This system is a significant revenue-generating mechanism for the State, in particular in foreign currency, including through the use of overseas workers. It relies heavily on “slavery and compulsory labor and extortion of goods”,<sup>17</sup> enabling rapid military investments since the 1980s. One civil society organization has described this as a “pyramid scheme”,<sup>18</sup> characterized by forced labour in an extensive network of detention and *kwanliso* (political prison camps). The controlled labour and quota system designed to support the militarization of the Democratic People’s Republic of Korea, coupled with harsh punishments, further exacerbates the rights of the people.

19. Upon completing their education or military service (eight years for men and five years for women in 2023), citizens are assigned to State-controlled workplaces. The exception to this rule is married women, who are not obligated to take State-assigned jobs. Since the mid-1990s, people are not paid any salary, and the rations provided for these jobs are insufficient to meet even basic living expenses. Consequently, income generated from the informal markets, known as *jangmadang*, has become a vital source of livelihood for most families. However, the market operates within an uncertain legal environment, allowing authorities to capitalize on these markets for corruption and control of the population. Women, who constitute a majority of traders in *jangmadang*, becoming the main breadwinners for their families, are susceptible to corruption, abuse and sexual exploitation from authorities in a legally uncertain environment (A/HRC/52/65, paras. 35 and 36).

20. The Democratic People’s Republic of Korea also mandates unpaid compulsory labour for State projects, organized through various entities, such as the Workers’ Party of Korea and the Socialist Women’s Union of Korea. Research indicates that a coercive quota system is in place, requiring citizens to contribute exportable goods, such as minerals, agricultural products and construction materials. This system disproportionately affects women, who are obligated to meet these quotas at various stages of their lives – be it as students, mothers, wives or detainees. An escapee interviewed by OHCHR shared the following: “We are mobilized for labour every day. If we want to skip the work, then we have to pay around 5 to 10 yuan per day, depending on the nature of the work.”<sup>19</sup>

21. The controlled labour system also includes overseas workers, who are sent overseas to earn foreign currencies. OHCHR has raised concerns about the harsh labour conditions they face, in particular under the stringent control of the Ministry of State Security (A/HRC/52/64, paras. 27–32). These conditions may “amount to forced labour” (ibid., para. 32). Such a controlled labour and quota system is coupled with harsh punishments on repatriated individuals for accessing content from “hostile” States, including imprisonment in *kwanliso* (political prison camps), hard labour and ill treatment in detention, and enforced disappearances. In her report to the Human Rights Council in 2023, the Special Rapporteur highlighted that women detainees are often engaged in the production of goods for export, such as cosmetics, textiles and beauty products. They are also subjected to hard labour in detention facilities (A/HRC/52/65, para. 24).

<sup>16</sup> The State’s “self-reliance” ideology, established by Kim Il Sung, postulates that man is the master of his destiny and that the masses have to act as the masters of the revolution and construction under the leader. *Juche* ideology has evolved according to the sociopolitical conditions of the country throughout time. See Jae-Jin Seo, *주체사상의 형성과 변화에 대한 새로운 분석* (New analysis on *Juche* ideology development and change) (Seoul, Korea Institute for National Unification, 2015), pp. 1–6.

<sup>17</sup> Citizens’ Alliance for North Korean Human Rights, “Blood coal export from North Korea: pyramid scheme of earnings maintaining structure of power”, 2020, p. 4.

<sup>18</sup> Citizens’ Alliance for North Korean Human Rights, “Blood coal export”.

<sup>19</sup> OHCHR, “Laying the human rights foundations for peace”, p. 21.

22. The Special Rapporteur would like to remind the Government that article 23 of Universal Declaration of Human Rights provides that “everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment”. Everyone, without discrimination, has the right to equal pay for equal work. The right to work is guaranteed under the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities.<sup>20</sup>

### **Sanctions imposed on the development of nuclear weapons and ballistic missiles**

23. The Security Council imposed a series of sanctions on the Democratic People’s Republic of Korea after the country conducted nuclear tests in 2005, 2009, 2013, 2016 and 2017. The sanctions amount to an almost total ban on trade, investment and financial transactions related to the Democratic People’s Republic of Korea. The comprehensiveness of the sanctions, covering multiple areas, is likely to have had a serious impact on the living conditions and human rights of the people in the country. Once such area is the direct and indirect effect of restrictions on the importation of certain items that are necessary for agricultural production.<sup>21</sup> The Panel of Experts established pursuant to Security Council resolution 1874 (2009) considered that the sanctions imposed in 2017 “could exacerbate an already difficult situation in the country for those employed in sectors directly or indirectly affected by sanctions”, including through the loss of employment and increased restrictions on commercial activities (S/2020/151, para. 209). Civil society organizations have raised similar concerns.<sup>22</sup>

24. The Committee on the Elimination of Discrimination against Women stated in 2017 that economic sanctions imposed by the international community in response to a State party’s policies have a disproportionate impact on women (CEDAW/C/PRK/CO/2-4, para. 8). Such concerns were reiterated in the 2019 report of the Special Rapporteur, in which he noted the potentially detrimental impact of sanctions on the rights of women, who dominate the textile sector in the country (A/75/388, para. 5). For instance, 82 per cent of those involved in the manufacture of textiles are women, and 89 per cent of those working in retail trade are women.<sup>23</sup> Furthermore, the Committee on the Rights of the Child noted in 2017 that economic sanctions had “repercussions on children’s enjoyment of their rights” (CEDAW/C/PRK/CO/5, para. 4). In a 2022 report, the United Nations Children’s Fund (UNICEF) pointed out

<sup>20</sup> The Democratic People’s Republic of Korea is not a member of the International Labour Organization; however, it has legal obligations related to the right to work under international human rights law.

<sup>21</sup> Food and Agriculture Organization of the United Nations and World Food Programme, “FAO/WFP joint rapid food security assessment: Democratic People’s Republic of Korea”, May 2019, p. 14.

<sup>22</sup> For instance, Korea Peace Now! Women Mobilizing to End the War has raised the concern that: “Current sanctions have the greatest impact not on the power elites who are the intended targets, but on the most vulnerable North Koreans.” Available at <https://koreapeacenow.org/resources/the-humanitarian-impact-of-sanctions-on-north-korea-2/>.

<sup>23</sup> Korea Peace Now! Women Mobilizing to End the War, “The human costs and gendered impact of sanctions on North Korea”, May 2019, p. 18.

that sanctions also affect children’s ability “to lead healthy lives”.<sup>24</sup> In 2022, one in six children under 5 years of age living in the Democratic People’s Republic of Korea – 285,000 children – suffered from stunted growth.<sup>25</sup> Children suffering from stunting caused by malnutrition in utero and early childhood “may never attain their full possible height and their brains may never develop to their full cognitive potential”.<sup>26</sup> While humanitarian assistance is exempt from sanctions, humanitarian organizations have reported constraints, such as the need for alternative banking channels, delays in procurement and diminished funding,<sup>27</sup> affecting their operations in the Democratic People’s Republic of Korea.

### Strengthened stereotypes regarding women’s roles

25. In the Democratic People’s Republic of Korea, patriarchal attitudes and stereotypes persist regarding the roles and responsibilities of women and men in the family and in society. According to the rules of the Workers’ Party of Korea, the Party is a “revolutionary party that upholds *juche* ideology”. The nature of the military forces is defined in the Party rules as the “revolutionary armed power of the Workers’ Party of Korea which inherited revolutionary traditions”.<sup>28</sup> Women are considered to be the drive behind the wheels of the revolution,<sup>29</sup> which further strengthens stereotypes regarding women’s roles. Despite women’s economic engagement in *jangmadang*, women have to continue their traditional roles as housewives as a result of patriarchal norms (A/HRC/52/65, para. 38). The Committee on the Elimination of Discrimination against Women has expressed its concern that the country’s approach to women’s rights reflects a protectionist attitude that reinforces cultural and social values ascribing a particular role to women as caregivers and subservient to men. It called the attention of the Democratic People’s Republic of Korea to the fact that the elimination of patriarchal attitudes and discriminatory stereotypes must be led by its high-level public officials (CEDAW/C/PRK/CO/2-4, para. 24).

## IV. Women and peace and security agenda

26. There is a clear nexus between the state of conflict, the prioritization by the Democratic People’s Republic of Korea of a military-oriented approach to security (including the development of nuclear weapons), which results in sanctions from the Security Council, and the worsening conditions of human rights, including the rights of women and girls. In a country under extreme militarization and where patriarchal attitudes persist, the State becomes more likely to violate and less likely to protect

<sup>24</sup> UNICEF, “Sanctions and their impact on children”, discussion paper, February 2022, p. 22. See also Susan Hannah Allen and David Lektzian, “Economic sanctions: a blunt instrument?”, *Journal of Peace Research*, vol. 50, No. 1 (January 2013), p. 133. A time series study of 66 States from 1990 to 2014 found that sanctions exacerbate hunger and cause malnutrition in children under 5 years of age. See Sylvanus Kwaku Afesorgbor, “Sanctioned to starve? The impact of economic sanctions on food security in targeted states”, in *Research Handbook on Economic Sanctions*, Peter A.G. van Bergeijk, ed. (Cheltenham, Edward Elgar Publishing Ltd., 2021), p. 463.

<sup>25</sup> UNICEF, World Health Organization and World Bank, *Levels and Trends in Child Malnutrition: UNICEF/WHO/World Bank Group Joint Child Malnutrition Estimates – Key Findings of the 2023 Edition* (New York, 2023), p. 18.

<sup>26</sup> *Ibid.*, p. 2.

<sup>27</sup> UNICEF, “Sanctions and their impact on children”, p. 27.

<sup>28</sup> Republic of Korea, Ministry of Unification, Institute for Unification Education, “Understanding North Korea”, 2014, pp. 12 and 55.

<sup>29</sup> Jeong-ah Cho, Ji Sun Yee and Hee Young Yi, *Daily Lives of North Korean Women and Gender Politics* (Seoul, Korea Institute for National Unification, 2020), p. 17.

human rights, including the rights of women, despite its legal obligations to do so. For example, as women's socioeconomic status deteriorates or remains undervalued, women are less able to protect their physical security and participate in public life. Consequently, women's political participation at the decision-making level remains low, and therefore, their views are not reflected in policymaking, including in peace negotiations. The Special Rapporteur considers that it is critical to emphasize the deep connection between human rights and peace, including the country's obligations in relation to women's human rights and peace.

## Human rights and peace and security

27. Human rights and sustainable peace are inextricably linked, and they are founded on shared principles and values that are mutually reinforcing and interdependent.<sup>30</sup> This nexus is embedded in the Universal Declaration of Human Rights, according to which “the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace”. The Charter of the United Nations similarly recognizes the interplay between peace, development and human rights, obliging Member States to uphold these interconnected principles.<sup>31</sup> In twin resolutions adopted by the General Assembly and the Security Council in April 2016 (Council resolution [2282 \(2016\)](#) and Assembly resolution [70/262](#)), “sustaining peace” was understood as a goal and a process to build a common vision of a society, ensuring that the needs of all segments of the population are taken into account, which encompasses numerous activities, such as preventing the outbreak, escalation, continuation and recurrence of conflict, assisting parties to conflict to end hostilities, ensuring national reconciliation and moving towards recovery, reconstruction and development.

28. The United Nations approach to peace transcends conflict avoidance to encompass the positive realization of social, economic and political rights ([A/72/707-S/2018/43](#)). As articulated by OHCHR, the human rights framework can serve multiple functions in peacebuilding and mediation. It provides common language, upholds universally accepted norms and guides States in the protection and fulfilment of rights. Moreover, human rights monitoring fosters trust, and human rights actors are often among the first to engage in conflict zones. Their presence facilitates collaboration between human rights advocates and peacemakers, contributes to the crafting of sustainable peace agreements and acts as a stabilizing force during transitional phases.<sup>32</sup> These principles apply to all parties to conflict.

29. In the Declaration on the Right to Peace, adopted by the General Assembly in its resolution [71/189](#), the Assembly recognizes that peace is not only the absence of conflict but also requires a positive, dynamic participatory process where dialogue is encouraged and conflicts are solved in a spirit of mutual understanding and cooperation, and where socioeconomic development is ensured. Today, peace is increasingly understood to involve an inclusive political process, a post-war

<sup>30</sup> United Nations, World Bank, *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict* (Washington, D.C., World Bank, 2018).

<sup>31</sup> As eloquently stated in the report of the Secretary-General entitled “In larger freedom: towards development, security and human rights for all”: “In an increasingly interconnected world, progress in the areas of development, security and human rights must go hand in hand. There will be no development without security and no security without development. And both development and security also depend on respect for human rights and the rule of law” ([A/59/2005](#), annex, para. 2).

<sup>32</sup> Speech entitled “The role of human rights in peace and mediation processes”, delivered by the Assistant Secretary-General for Human Rights at the Berghof Foundation on 22 June 2022.

commitment to human rights and a concerted effort to address issues of justice and reconciliation.<sup>33</sup>

## Peace and security and women's human rights

30. The women and peace and security agenda has further clarified how the international community understands peace and recognizes peace as a multidimensional concept, one that must fully integrate gender. An inclusive framework for sustainable peace must be firmly rooted in a gender-responsive approach, in accordance with the commitments made under the women and peace and security agenda. "Peace can only be sustainable if it results from the efforts of government and all segments of society – reflecting their priorities".<sup>34</sup> According to a 2015 global study on the implementation of Security Council resolution 1325 (2000), research has shown that when groups of women exercise stronger influence on the negotiation process, the probability that an agreement will be reached and implemented increases.<sup>35</sup> Gender equality is not, however, merely a social aspiration or a factor that is possibly conducive to peacebuilding. Rather, it is a fundamental human right and a cornerstone of a peaceful, prosperous and sustainable world. Women's full and effective participation, equal opportunities for leadership roles at all levels of decision-making and the protection of women and girls in conflict situations are paramount.

31. In its resolution 1325 (2000), the Security Council recognizes that men and women are affected in different ways by armed conflict, acknowledges the relationship between gender equality and peace and security and emphasizes the need for women's participation in the prevention of conflict, the peaceful resolution of conflict and peacekeeping.<sup>36</sup> This agenda and the norms and institutions related to women's human rights are deeply intertwined. The women and peace and security agenda reflects many State obligations that can be found in human rights instruments. The nine resolutions that followed resolution 1325 (2000) contain several references to human rights and international legal rules.<sup>37</sup> In its resolution 2467 (2019), the Council recognizes that States bear the primary responsibility to respect and ensure the human rights of all persons within their territory and subject to their jurisdiction as provided for by international law, and reaffirms that parties to armed conflict bear the primary responsibility to ensure the protection of civilians.<sup>38</sup> Moreover, the Council recalls the responsibilities of States to end impunity and to prosecute those responsible for international crimes. In its resolutions on women and peace and security, the Council has placed special emphasis on the Convention on the

<sup>33</sup> For instance, the Security Council stresses the importance of human rights in its resolutions 2669 (2022) and 2681 (2023).

<sup>34</sup> OHCHR, "Thematic paper: the contribution of human rights to peacebuilding and sustaining peace", 2020 review of the United Nations peacebuilding architecture, p. 3.

<sup>35</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), *Preventing Conflict, Transforming Justice, Securing the Peace: A Global Study on the Implementation of United Nations Security Council resolution 1325* (United States, 2015).

<sup>36</sup> Christine Chinkin, *Women, Peace and Security and International Law* (Cambridge, Cambridge University Press, 2022), p. 4.

<sup>37</sup> Resolution 1820 (2008) of 19 June 2008; resolution 1888 (2009) of 30 September 2009; resolution 1889 (2009) of 5 October 2009; resolution 1960 (2010) of 16 December 2010; resolution 2106 (2013) of 24 June 2013; resolution 2122 (2013) of 18 October 2013; resolution 2242 (2015) of 13 October 2015; resolution 2467 (2019) of 23 April 2019; and resolution 2493 (2019) of 29 October 2019.

<sup>38</sup> In the same resolution, the Council emphasizes that advancing gender equality and women's political, social and economic empowerment is critical to the prevention of and response to sexual violence in conflict and post-conflict situations, and that the safety and empowerment of women and girls is important for their meaningful participation in peace processes, preventing conflicts and rebuilding societies.

Elimination of All Forms of Discrimination against Women and its Optional Protocol. For instance, in its resolutions 2122 (2013) and 2242 (2015), the Council recalls States' obligations under these instruments and urges States that have not yet done so to ratify or accede to them. In its general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, the Committee on the Elimination of Discrimination against Women provides a comprehensive legal framework for human rights obligations in all peacebuilding processes. The recommendation serves as a guide for States parties to ensure that they undertake legislative, policy and other measures that fully comply with their obligations under the Convention, in particular concerning women's human rights during times of conflict and in all peacebuilding processes.<sup>39</sup>

32. In its general recommendation No. 30 (2013), the Committee on the Elimination of Discrimination against Women calls upon the international community to ensure the inclusion of women in international negotiations, peacekeeping activities, all levels of preventive diplomacy, mediation, humanitarian assistance, social reconciliation, peace negotiations at the national, regional and international levels, as well as in the criminal justice system. It also reinforces provisions of the Council resolutions on women and peace and security, noting that "all the areas of concern" addressed in resolution 1325 (2000) and the seven subsequent resolutions adopted by that time "find expression in the substantive provisions of the Convention ... and cover all rights enshrined in the Convention".<sup>40</sup> These include the right to be free from discrimination in the contexts of violence against women and trafficking; the right to participate equally in the prevention of conflict and in post-conflict and transition periods and recovery processes; and the right to have access to education, employment and health care, notably as it relates to rural women. Additional rights include those that arise in relation to displacement, refugees and asylum seekers, as well as nationality and statelessness; marriage and family relations; security sector reform and disarmament, demobilization and reintegration; constitutional and electoral reform; and access to justice.

33. As a member of the United Nations and as a State party to various international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women, the Democratic People's Republic of Korea has voluntarily consented to binding legal obligations under the Charter of the United Nations and various United Nations human rights treaties. Consequently, the Democratic People's Republic of Korea has an obligation to implement Security Council resolution 1325 (2000) and all subsequent resolutions laying out the women and peace and security agenda. This includes the integration of gender-sensitive policies and strategies into all aspects of peace and security policymaking, including disarmament, demobilization and reintegration processes, humanitarian response, and development programmes. It also has a duty to support the economic empowerment of women, including by providing access to education, job opportunities and financial resources; to focus on the collection and analysis of gender-disaggregated data to inform responsive policies and interventions; and to proactively establish the

<sup>39</sup> There may be cases in which States parties also have extraterritorial obligations of international cooperation, as set out in international law, such as in treaty law on women with disabilities (art. 32 of the Convention on the Rights of Persons with Disabilities), girls in armed conflict (art. 24 (4) of the Convention on the Rights of the Child and its two optional protocols) and the non-discriminatory enjoyment of economic, social and cultural rights (arts. 2 (1), 11 (1), 22 and 23 of the International Covenant on Economic, Social and Cultural Rights). As in those cases, the extraterritorial application of the Convention on the Elimination of All Forms of Discrimination against Women requires States to comply with the Convention in implementing obligations of international cooperation.

<sup>40</sup> General recommendation No. 30 (2013), para. 26.

conditions for equity and social justice by involving women and taking into account their rights and interests in peacemaking and peacebuilding processes.

## Women's participation in peacemaking and peacebuilding

34. The participation of women in peacemaking and peacebuilding is essential to the women and peace and security agenda but has received insufficient attention globally. In the Democratic People's Republic of Korea, the political participation of women remains low, and therefore, neither the shared nor the diverse life experiences and perspectives of women are reflected in policymaking, including in peace negotiations.

35. In its national report submitted as part of the third universal periodic review of the Human Rights Council, the Democratic People's Republic of Korea noted the following: "Measures were undertaken to appoint able women to the leading posts and give wide publicity to their achievements. As a result, in 2018 alone the proportion of women leaders at or above the departments of ministries and ministry-level institutions significantly increased" (A/HRC/WG.6/33/PRK/1, para. 67). These efforts were noted in the country's voluntary national review report on the implementation of the 2030 Agenda for Sustainable Development, in which it explained that women accounted for "20.2% of the deputies elected for the 13th Supreme People's Assembly (SPA) in 2015 and 17.6% for the 14th in 2019, and more than 25% for the local people's assemblies".<sup>41</sup> In 2022, the country appointed the first female Minister for Foreign Affairs, Choe Son-hui. A civil society organization acknowledges that the Government has made some lower executive positions in the party available to women and has assigned more female executives in State-run companies.<sup>42</sup> However, the roles that are open to women are understood to be relatively less influential and underpaid.

36. While there has been some increase in the representation of women in government bodies as claimed by the Government, women's representation in the highest decision-making bodies, including the Central Committee of the Workers' Party of Korea, the Politburo and the Cabinet, remains extremely low (A/76/242, para. 26). There is currently no female member of the Political Bureau or Presidium, the body that undertakes core State functions when the Supreme People's Assembly is not in session. After the Eighth Congress of the Worker's Party, held in January 2021, only 6 out of 250 members and alternates (2.4 per cent) of the Central Committee, the main governing body of the Worker's Party, were women.<sup>43</sup> Since the 1970s, the representation of women in the Supreme People's Assembly has been between 15 and 20 per cent (see also A/HRC/WG.6/33/PRK/1, para. 67). Of the current 687 deputies representing the country's constituencies for the term of 2019–2024, 121 are women (17.61 per cent).<sup>44</sup> The lack of women in leadership positions prevents women from elevating their social status or increasing their political participation.

<sup>41</sup> Democratic People's Republic of Korea, "Voluntary national review on the implementation of the 2030 Agenda", June 2021, p. 24. Available at [https://sustainabledevelopment.un.org/content/documents/282482021\\_VNR\\_Report\\_DPRK.pdf](https://sustainabledevelopment.un.org/content/documents/282482021_VNR_Report_DPRK.pdf).

<sup>42</sup> Submission by People for Successful Corean Reunification (PSCORE).

<sup>43</sup> Institute for National Security Strategy, "Ten years of the Kim Jong Un era", September 2021, p. 4. Available at <https://inss.re.kr/upload/bbs/BBSA05/202109/F20210930100234190.pdf>. At the sixth plenary meeting of the Eighth Central Committee, held in January 2023, there were some changes to the members, but the details were not clear at the time of writing the present report.

<sup>44</sup> Inter-Parliamentary Union (IPU), "Democratic People's Republic of Korea: Supreme People's Assembly – Election results", IPU Parline. Available at [https://data.ipu.org/node/46/elections?chamber\\_id=13505](https://data.ipu.org/node/46/elections?chamber_id=13505) (accessed on 10 October 2023).

37. In addition, among the nine most high-profile women in political positions,<sup>45</sup> four are members of President Kim Jong Un's family, while the rest are family members of the elite.<sup>46</sup> The appointment of women with ties to President Kim Jong Un and privileged families cannot reflect the broad array of experiences and challenges faced by ordinary women in the Democratic People's Republic of Korea, such as those living in rural areas, women who have been detained after being trafficked or having attempted migration, women who have experienced forced labour or detention, women of low *songbun*, those who suffer from malnutrition, inadequate or inaccessible medical care and those who have been subjected to harassment working in *jangmadang*. An escapee from the Democratic People's Republic of Korea has noted that it is difficult to argue that women in high-profile positions from privileged families represent all women in the country.<sup>47</sup> An irreconcilable gap exists between the experiences, lives, needs and interests of the average woman and those of the elite in the Democratic People's Republic of Korea.

38. Women's participation in official inter-Korean talks and the inclusion of women's issues in engagements with the Democratic People's Republic of Korea in the context of peace and security have been close to non-existent. In the 36 inter-Korean talks held in 2018, there were only 8 women among the 286 delegates from both the Republic of Korea and the Democratic People's Republic of Korea. However, informal meetings between women from the Democratic People's Republic of Korea and the Republic of Korea have been held on several occasions. The first meeting of women was held in Tokyo in 1991, with over 100 women participants from the Democratic People's Republic of Korea, Japan and the Republic of Korea. After that first meeting, 31 such meetings were held until 2015. Various issues, such as compensation for so-called comfort women, the creation of a denuclearized zone on the Korean Peninsula, the normalization of diplomatic relations between the Democratic People's Republic of Korea and Japan, peace and reunification, and the implementation of the South-North Joint Declaration signed on 15 June 2000 by the Democratic People's Republic of Korea and the Republic of Korea,<sup>48</sup> were discussed at the meetings. However, it was not possible to raise the issue of women's human rights in the country because the Democratic People's Republic of Korea took the position that the topic was a matter of national sovereignty. In addition, a wide range of women's views were not included because the participants were drawn mostly from a few organizations and the Government of the Democratic People's Republic of Korea. Nevertheless, these informal meetings have contributed to a mutual understanding of women's issues, thereby easing tensions<sup>49</sup> and promoting cooperation between the two countries.

39. Women in the Democratic People's Republic of Korea have much to contribute to peace on the Korean Peninsula. In interviews conducted by OHCHR during the

<sup>45</sup> Kim Yo Jung (sister of President Kim Jong Un), Kim Kyunghee (aunt of President Kim Jong Un), Ri Sol-ju (first lady), Kim Song-hye (Head of the Secretarial Bureau of the Committee for the Peaceful Reunification of the Fatherland), Kim Jung-soon (Socialist Women's Union of Korea), Ri Hye Jong (Party History Institute Director of the Worker's Party of Korea), Pak Kum Hee (President of the Pyongyang Teacher Training College), Choe Son-hui (Minister for Foreign Affairs) and Hyun Song-wol (Vice-Director of the Propaganda and Agitation Department of the Worker's Party of Korea).

<sup>46</sup> See <https://www.joongang.co.kr/article/25140412>.

<sup>47</sup> See <https://www.bbc.com/korean/47301493>.

<sup>48</sup> Previously, in 1991, the two Governments had signed the Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North.

<sup>49</sup> Kim Eun-ju, "Role of South Korean women to promote women's rights in the DPRK (roles of Women's NGOs in South Korea for improvement of human rights of North Korean women)", paper presented at the International Symposium on North Korean Human Rights: Protecting and Promoting Women's Rights in North Korea with a Focus on the United Nations Human Rights Protection Mechanisms, Seoul, 19 May 2016.

peace talks held in 2018 and 2019,<sup>50</sup> 63 escapees – primarily women – articulated a nuanced perspective on peace agreements and reunification. While some were initially unaware of the peace talks, their views coalesced around the imperative for the Democratic People’s Republic of Korea to undertake democratic, social and economic reforms as a precondition for reunification. These escapees argued that the social and economic integration of the two countries would not only catalyse economic development but also fortify the rule of law, good governance and human rights, thereby laying the groundwork for future political integration. Importantly, they contended that their aspirations for the rule of law, human rights, fundamental freedoms, non-discrimination, gender equality and economic prosperity could only be realized through comprehensive reforms. The interviewees further emphasized that a lasting peace could only be secured through an inclusive peace process that is centred on human rights. Their insights underscore the critical need for peace talks to incorporate human rights considerations and to give voice to the broad range of individuals affected by the conflict, in particular women.

40. Neither women’s participation and inclusion in peace processes nor their physical presence at formal talks alone are enough to guarantee a vision of security that centres the interests and rights of women in the Democratic People’s Republic of Korea, “especially when there are norms and strategies used to marginalize their activities and ideas”.<sup>51</sup> Participation must include the voices of women at “all decision-making levels in national, regional, and international institutions” (Security Council resolution 1325 (2000), para. 1), from civil society organizations and from diverse positions and elements of society. In other words, a broad representation and incorporation of women as decision-makers in major peace processes and in the day-to-day functions of a State in peacebuilding is needed. This entails the articulation of a broad range of women’s interests and needs in peace agreements; that is to say, it requires the “meaningful participation” of women in peace processes.<sup>52</sup> In addition, the physical presence (and active involvement) of women in peacemaking and peacebuilding needs to be complemented by a sociopolitical context in which there are high levels of gender equality, where women have increased opportunities to express their opinions and voices.<sup>53</sup> Only in a context of gender equality can women’s involvement in peacemaking and peacebuilding reduce prolonged violence, help in the durability of peace and, as a result, have a positive impact on security.

## V. Conclusions

41. The situation of human rights in the Democratic People’s Republic of Korea is closely tied to the state of conflict that has existed on the Korean Peninsula for the past seventy years. Since the failure to reach an agreement at the Hanoi summit in 2019, using the COVID-19 pandemic as a trigger, the Democratic People’s Republic of Korea has isolated itself from the outside world on an unprecedented scale. As a result of a prolonged border shutdown, the majority of people who had relied on *jangmadang* have lost income sources, and an increasing number of people are running out of cash and suffering from the inability to buy food. Information suggests that the country is strengthening control over market activities, calling them “antisocialistic behaviour”, and tightening the control of access to information. The

<sup>50</sup> OHCHR, “Laying the human rights foundations for peace”.

<sup>51</sup> Kara Ellerby, “(En)gendered security? The complexities of women’s inclusion in peace processes”, *International Interactions*, vol. 39, No. 4 (September 2013), pp. 456 and 457.

<sup>52</sup> UN-Women, “Women’s meaningful participation in peace processes: modalities and strategies across tracks”, meeting report, Geneva, 29 and 30 November 2018.

<sup>53</sup> Theodora-Ismene Gizelis, “Gender empowerment and United Nations peacebuilding”, *Journal of Peace Research*, vol. 46, No. 4 (2009).

border shutdown over the past three and half years has demonstrated that the isolation of the Democratic People's Republic of Korea, in other words, this prolonged state of conflict, not only fails to answer to the needs of the people of the country but also provides no solution for peace and security.

42. The Special Rapporteur calls upon the relevant States to recognize the mutual and interdependent relationship that exists between human rights and peace. The Special Rapporteur hopes that the present report serves as an initial assessment and encourages the relevant stakeholders to further explore the issue of human rights and peace and security and to integrate and promote human rights during peace negotiations and vice versa. There will be no sustainable peace without human rights, and human rights will not be realized until a sustainable peace is in place. However, no sustainable peace will be realized if women's rights continue to be undermined. Furthermore, it is critical that the responses to security challenges on the Korean Peninsula be aligned with the 2030 Agenda for Sustainable Development. The 2030 Agenda explicitly links peacebuilding with the enhancement of justice, mainly through Sustainable Development Goal 16, which emphasizes the need to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

43. Fulfilling women's rights in the context of accountability for the human rights violations they have suffered, including sexual and gender-based violence during conflict, is a core component of a gender-just peace.<sup>54</sup> This may take the form of "appropriate gender-responsive procedures, for example for staging women's testimonies about their experience of violence".<sup>55</sup> This includes listening to the voices of escapees and taking into account their human rights priorities: discrimination based on *songbun*, socioeconomic status and gender; the lack of employment and economic opportunities; the lack of respect for the rule of law and fundamental freedoms; corruption and abuse of authority; torture and ill-treatment, sexual abuse and inhumane conditions in prisons and detention facilities; the existence of political prisons; the issue of separated families and international abductions; and the need to ensure justice and accountability to address past and ongoing human rights violations. These voices constitute a guide to achieving sustainable peace.

44. Peace on the Korean Peninsula cannot be achieved without addressing the long-standing human rights issues that have resulted as a direct consequence of the Korean War. This includes the agreements to organize reunions of separated families, the return of abductees and detainees, the return of the remains of abductees and detainees, the protection of escapees crossing international borders and the treatment of forcibly repatriated escapees. Given the advanced age of many of the families of the victims, the Special Rapporteur urges the Democratic People's Republic of Korea to be open to addressing these long-standing issues, which could help to create an environment conducive to peace and denuclearization talks. The relevant States are encouraged to develop and agree on clear human rights benchmarks as preparation for any possible peacemaking process. The benchmarks could include a set number of country visits each year by special procedures mandate holders, which would include access to detention facilities, a set number of family reunions per year and the implementation of the recommendations accepted by the Democratic People's Republic of Korea during the universal periodic review of the Human Rights Council.

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<sup>54</sup> Christine Chinkin and Mary Kaldor, "Gender and new wars", *Journal of International Affairs*, vol. 67, No. 1 (2013).

<sup>55</sup> Denisa Kostovicova and Tom Paskhalis, "Gender, justice and deliberation: why women don't influence peacemaking", *International Studies Quarterly*, vol. 65 (2021), pp. 264 and 265.

## VI. Recommendations

45. The Special Rapporteur recommends that the Democratic People's Republic of Korea:

(a) Recognize the fundamental right to leave and enter the country, both in law and in practice, and ensure that those who are repatriated are not subjected to punishment upon repatriation;

(b) Review the budget allocation to prioritize the realization of the economic, social and cultural rights of its people, including the rights to food, health care, including maternal and reproductive care, and education and labour rights;

(c) Re-engage with the international community and the international human rights mechanisms and conduct a comprehensive assessment, together with the international community, of the impact of COVID-19 measures on human rights;

(d) Ensure the right to earn a living through work that is freely chosen or freely accepted;

(e) Carry out a reform of the penal system, including the review of what constitutes crimes against the State, and allow international independent human rights monitoring mechanisms to monitor the human rights situation in the country, including through access to detention facilities and *kwanliso*;

(f) Urgently allow for the return of United Nations entities, other international organizations and the diplomatic community and allow the undertaking of economic activity and the movement of people;

(g) Ensure that human rights are central to any peace and security talks;

(h) Develop and implement a national action plan to implement the women and peace and security agenda on the Korean Peninsula;

(i) Provide sex-disaggregated statistics and trends over time, and inform on actions taken individually and as a member of international or intergovernmental organizations and coalitions in its reporting to the Committee on the Elimination of Discrimination against Women, as established in the Committee's general recommendation No. 30 (2013);

(j) Cooperate with regional and international partners to implement the women and peace and security agenda on the Korean Peninsula;

(k) Work to eliminate gender inequality by recognizing and dismantling gender stereotypes and fixed gendered roles in the country.

46. The Special Rapporteur recommends that the Republic of Korea:

(a) Strengthen its own engagement with the women and peace and security agenda and consider using the agenda as an alternative framework for engaging in discussions about peacebuilding with the Democratic People's Republic of Korea;

(b) Ensure that it is complying with its own national action plan to further the women and peace and security agenda;

(c) Develop concrete plans to integrate human rights, including the human rights of women and girls, and gender-sensitive policies into negotiations with the Democratic People's Republic of Korea;

(d) Engage with civil society organizations, with a view to enabling victims, families, escapees and civil society organizations to continue their efforts to fight impunity and support peacebuilding and access to information.

47. The Special Rapporteur recommends that Member States, in particular China and the Russian Federation, where a large number of escapees from the Democratic People's Republic of Korea reside, provide protection to the people from the Democratic People's Republic of Korea and uphold the principle of non-refoulement for individuals from the Democratic People's Republic of Korea, who are at risk of serious human rights violations upon their forced repatriation.

48. The Special Rapporteur recommends that Member States:

(a) Develop and agree on clear human rights benchmarks as preparation for any possible peacemaking process, such as a set number of country visits each year by special procedures mandate holders, which would include access to detention facilities, a set number of family reunions per year and the implementation of the recommendations accepted by the Democratic People's Republic of Korea during the universal periodic review of the Human Rights Council;

(b) Discuss and develop pathways for the accountability mechanisms for human rights violations and support victims and civil society organizations in their judicial and non-judicial accountability efforts;

(c) Take any opportunity to engage with the Democratic People's Republic of Korea on human rights concerns, including women's human rights, as part of their dialogue on ending the conflict on the Korean Peninsula;

(d) Engage with the Democratic People's Republic of Korea on the women and peace and security agenda, as part of their dialogue on human rights, including women's rights, recognizing the inextricable link between the women and peace and security agenda and human rights;

(e) Evaluate and take steps to minimize the 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 needs in relation to food crises and disasters and that facilitate the provision of food, medicine and health care at the national level.

49. The Special Rapporteur makes the following recommendations to the United Nations Secretariat:

(a) The United Nations High Commissioner for Human Rights should continue to prioritize the human rights situation in the Democratic People's Republic of Korea and build momentum to engage with the Democratic People's Republic of Korea with creative approaches, including through the use of the women and peace and security framework;

(b) The Secretary-General and OHCHR should continue to explore and support technical cooperation activities on human rights;

(c) The Secretary-General and OHCHR should raise the issue of the state of conflict on the Korean Peninsula at global discussions on human rights and peace and security, and the women and peace and security agenda;

(d) The Secretary-General should revitalize the United Nations engagement efforts with the Democratic People's Republic of Korea, with the aim of facilitating diplomatic solutions to security concerns in the region.