

# **DPR Korea**

## **Mid-term Implementation Assessment**



*Promoting and strengthening  
the Universal Periodic Review*  
<http://www.upr-info.org>



## Introduction

### 1. Purpose of the follow-up programme

*The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the development of the human rights situation in the State under review.*

A/HRC/RES/16/21, 12 April 2011 (Annex I C § 6)

The Universal Periodic Review (UPR) process takes place every four and half years; however, some recommendations can be implemented immediately. In order to reduce this interval, we have created an update process to evaluate the human rights situation two years after the examination at the UPR.

Broadly speaking, *UPR Info* seeks to ensure the respect of commitments made in the UPR, but also, more specifically, to give stakeholders the opportunity to share their opinion on the commitments. To this end, about two years after the review, *UPR Info* invites States, NGOs, and National Institutions for Human Rights (NHRI) to share their comments on the implementation (or lack thereof) of recommendations adopted at the Human Rights Council (HRC) plenary session.

For this purpose, *UPR Info* publishes a Mid-term Implementation Assessment (MIA) including responses from each stakeholder. The MIA is meant to show how all stakeholders are disposed to follow through on, and implement their commitments. States should implement the recommendations that they have accepted, and civil society should monitor that implementation.

While the follow-up's importance has been highlighted by the HRC, no precise directives regarding the follow-up procedure have been set until now. Therefore, *UPR Info* is willing to share good practices as soon as possible, and to strengthen the collaboration pattern between States and stakeholders. Unless the UPR's follow-up is seriously considered, the UPR mechanism as a whole could be adversely affected.

The methodology used by UPR Info to collect data and to calculate index is described at the end of this document.

Geneva, 15 June 2012

## Follow-up Outcomes

### 1. Sources and results

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All data are available at the following address:

[http://followup.upr-info.org/index/country/democratic\\_people\\_republic\\_of\\_korea](http://followup.upr-info.org/index/country/democratic_people_republic_of_korea)

We invite the reader to consult that webpage since all recommendations, all stakeholders reports, as well as the unedited comments can be found at the same internet address.

13 stakeholders' reports were submitted for the UPR. 8 NGOs were contacted. The Permanent Mission to the UN was contacted. No domestic NHRI exists.

6 NGOs responded to our enquiry. The State under Review did not respond to our enquiry.

*IRI*: 151 recommendations are not implemented, 3 recommendations are partially implemented, and 0 recommendation is fully implemented. No answer was received for 10 out of 167 recommendations (full list of unanswered recommendations is available at the end of this document).

### 2. Index

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Hereby the issues which the MIA deals with:

rec. n°	Issue	page	IRI
1	Development	page 16	not impl.
2	Right to education	page 16	not impl.
3	Women's rights	page 59	partially impl.
4	International instruments, Disabilities,	page 25	partially impl.
5	Special procedures	page 26	not impl.
6	Justice, International instruments,	page 42	not impl.
7	Detention conditions	page 43	not impl.
8	Torture and other CID treatment, International instruments, Human rights violations by state agents, Detention conditions,	page 27	not impl.
9	Technical assistance, Special procedures, International instruments,	page 28	not impl.
10	Human rights violations by state agents	page 44	not impl.



rec. n°	Issue	page	IRI
13	Torture and other CID treatment, Special procedures, International instruments,	page 28	not impl.
14	Special procedures, Right to food,	page 16	not impl.
15	Freedom of opinion and expression, Freedom of association and peaceful assembly, Detention conditions,	page 44	not impl.
16	Rights of the Child, Labour, International instruments,	page 60	not impl.
17	Death penalty	page 45	not impl.
18	Treaty bodies, Special procedures,	page 29	not impl.
19	Torture and other CID treatment, Racial discrimination, International instruments,	page 29	not impl.
20	Women's rights, Rights of the Child,	page 60	not impl.
21	Right to food	page 16	not impl.
22	Freedom of religion and belief, Freedom of opinion and expression, Freedom of movement, Freedom of association and peaceful assembly,	page 8	not impl.
23	Special procedures	page 30	not impl.
24	Torture and other CID treatment, Justice, International instruments, Death penalty,	page 46	not impl.
25	Justice, Detention conditions,	page 47	not impl.
26	Right to water, Right to food,	page 17	not impl.
27	Death penalty	page 45	not impl.
28	Technical assistance	page 67	not impl.
29	Special procedures, Right to food,	page 30	not impl.
30	Women's rights	page 61	not impl.
31	Right to food	page 18	not impl.
32	Labour	page 18	not impl.
33	Enforced disappearances	page 48	not impl.
34	Extrajudicial executions	page 49	not impl.
35	International instruments	page 31	not impl.
36	Other	page 67	not impl.
37	Other	page 67	not impl.
38	Death penalty	page 49	not impl.
39	Freedom of opinion and expression, Freedom of association and peaceful assembly, Detention conditions,	page 9	not impl.
40	Freedom of movement	page 10	not impl.
41	Right to food, Civil society,	page 19	not impl.
42	Special procedures	page 31	not impl.
43	Treaty bodies, Special procedures,	page 30	not impl.
44	Treaty bodies, Rights of the Child,	page 61	not impl.
45	Right to food	page 20	not impl.
46	Freedom of movement	page 10	not impl.
47	Special procedures	page 32	not impl.
48	Technical assistance, International instruments,	page 32	not impl.
49	Treaty bodies, Freedom of movement,	page 10	not impl.
50	Racial discrimination, International instruments, CP rights - general,	page 32	not impl.
51	Other	page 68	not impl.



rec. n°	Issue	page	IRI
52	General	page 68	-
53	Development	page 20	not impl.
54	Other	page 68	not impl.
55	Right to health	page 20	not impl.
56	Justice, International instruments,	page 50	not impl.
57	Special procedures, International instruments, Freedom of religion and belief,	page 11	not impl.
58	Treaty bodies, Torture and other CID treatment, Special procedures, Rights of the Child,	page 50	not impl.
59	Freedom of opinion and expression, Freedom of association and peaceful assembly, Civil society,	page 12	not impl.
60	Trafficking	page 62	not impl.
61	Treaty bodies, Justice,	page 51	not impl.
62	Treaty bodies, Special procedures, Death penalty,	page 52	not impl.
63	Extrajudicial executions, Death penalty,	page 52	not impl.
64	Special procedures, Freedom of religion and belief,	page 32	not impl.
65	International instruments, Freedom of religion and belief,	page 12	not impl.
66	Labour, International instruments,	page 21	not impl.
67	Freedom of movement, Asylum-seekers - refugees,	page 12	not impl.
68	Treaty bodies, Special procedures,	page 33	not impl.
69	Rights of the Child, Right to health, Right to food,	page 21	not impl.
70	Other	page 52	not impl.
71	Other	page 68	not impl.
72	ESC rights - general, Development,	page 22	not impl.
73	Right to health, Right to education, Labour,	page 22	not impl.
74	General	page 69	not impl.
76	Technical assistance, Special procedures,	page 33	not impl.
77	International instruments	page 34	not impl.
78	Women's rights, Rights of the Child,	page 63	not impl.
79	Death penalty	page 53	not impl.
80	Freedom of movement	page 13	not impl.
82	ESC rights - general	page 22	not impl.
83	Women's rights, Rights of the Child,	page 63	not impl.
84	Women's rights, Trafficking, Human rights education and training,	page 63	not impl.
85	Technical assistance, Special procedures,	page 34	not impl.
86	Other	page 69	not impl.
87	Treaty bodies, Migrants, Freedom of movement,	page 13	not impl.
88	Justice	page 54	not impl.
89	Right to food	page 23	not impl.
90	Detention conditions	page 54	not impl.
91	Special procedures	page 34	not impl.
92	Right to food	page 23	not impl.
93	Torture and other CID treatment, Justice, Detention conditions, Death penalty,	page 55	not impl.



rec. n°	Issue	page	IRI
94	Freedom of the press, Freedom of opinion and expression,	page 13	not impl.
95	Freedom of opinion and expression, Freedom of movement,	page 14	not impl.
96	General	page 69	not impl.
97	Racial discrimination, Migrants, International instruments,	page 34	not impl.
98	General	page 69	not impl.
99	Special procedures	page 35	not impl.
100	Special procedures, Right to food,	page 35	not impl.
101	Detention conditions	page 55	not impl.
102	Extrajudicial executions	page 56	not impl.
103	Women's rights, Treaty bodies, CP rights - general,	page 35	not impl.
104	Right to education	page 63	not impl.
105	Women's rights	page 59	partially impl.
106	International instruments	page 36	not impl.
107	General	page 69	not impl.
108	Treaty bodies	page 36	not impl.
109	General	page 69	not impl.
110	Right to health, Right to food,	page 23	not impl.
111	International instruments, Disabilities,	page 36	not impl.
113	Trafficking	page 56	not impl.
114	Detention conditions	page 57	not impl.
115	International instruments, Freedom of religion and belief,	page 14	not impl.
116	Torture and other CID treatment, International instruments,	page 36	not impl.
117	Special procedures	page 37	not impl.
118	Other	page 70	not impl.
119	Rights of the Child	page 64	not impl.
121	Rights of the Child	page 64	not impl.
122	Women's rights, Rights of the Child, International instruments,	page 37	not impl.
123	Justice, Human rights education and training,	page 24	not impl.
124	Rights of the Child, International instruments,	page 65	not impl.
125	Treaty bodies, Special procedures,	page 38	not impl.
126	International instruments	page 38	not impl.
127	Death penalty	page 57	not impl.
128	Right to food	page 24	not impl.
129	Labour	page 24	-
130	Treaty bodies, Special procedures, Right to food,	page 38	not impl.
131	Labour, International instruments,	page 39	not impl.
132	Women's rights	page 60	not impl.
134	Other	page 70	not impl.
135	Justice	page 57	not impl.
136	Justice	page 58	not impl.
137	Rights of the Child	page 65	not impl.
138	Justice	page 58	not impl.
139	Special procedures	page 39	not impl.



rec. n°	Issue	page	IRI
140	Freedom of movement	page 15	not impl.
141	Other	page 70	not impl.
142	Women's rights, Rights of the Child, Right to food,	page 65	not impl.
145	Women's rights, Rights of the Child, Disabilities,	page 71	not impl.
146	Treaty bodies, Special procedures,	page 39	not impl.
147	Special procedures	page 39	not impl.
148	Torture and other CID treatment, International instruments,	page 40	not impl.
149	Torture and other CID treatment, International instruments,	page 40	not impl.
150	Special procedures	page 40	not impl.
151	Right to food	page 24	not impl.
152	Right to health, Civil society,	page 15	not impl.
153	Special procedures	page 41	not impl.
154	Human rights education and training	page 25	-
155	Technical assistance, NHRI,	page 71	not impl.
156	Women's rights	page 66	not impl.
157	Women's rights, Torture and other CID treatment, Special procedures,	page 41	not impl.
158	Labour, International instruments,	page 41	not impl.
159	Women's rights	page 67	not impl.
160	Rights of the Child, Labour,	page 59	not impl.
161	Right to education, National plan of action,	page 25	not impl.
162	Other	page 72	not impl.
164	Right to food, Development,	page 25	not impl.
165	Other	page 72	not impl.
166	Other	page 72	not impl.
167	Special procedures	page 42	not impl.

### 3. Feedbacks on recommendations

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## CP Rights

Recommendation n°22: *Ensure full respect for the rights to freedom of association, expression, religion or belief and movement (Recommended by Canada)*

IRI: *not implemented*

#### Christian Solidarity Worldwide (CSW) response:

There is no religious freedom in the DPRK, and religious believers face severe persecution. The veneration of the Kim dynasty and the religious nature of their personality cult have led to intolerance of religious belief. Persecution of Christians has been particularly harsh, with the authorities distributing virulent anti-Christian propaganda through the workplace, schools and worker associations, creating a culture of extreme hatred and mistrust of Christians. By the mid-1950s there were no churches left functioning, and all Buddhist temples and Cheondokyo places of worship were similarly eliminated. It would appear that the current situation is more complicated, as there are at least four state-sanctioned churches in Pyongyang, the capital, and a new Protestant seminary, but it is widely believed that these exist primarily for the benefit of foreigners and to present a false image of the situation. Most North Koreans consistently report that they have never met a religious practitioner or seen a Bible or a church. Freedom of movement remains severely restricted, in particular since the death of Kim Jong-il the border regions have been even more heavily militarised to prevent citizens from trying to leave the DPRK.

#### Citizens' Alliance for North Korean Human Rights (NKHR) response:

The restriction of civil and political rights in the DPRK has been toughened since 2009 (period when transition of power from Kim Jong-il to Kim Jong-eun began) until 2012. In order to curtail the possibility of anti-government movements during this transition of power, the government is taking utmost precaution to restrict the civil and political movements of its people. The revised Criminal code has also contributed to the restriction of civil and political rights by toughening punishments for contacting the outside world or defecting from the country. Public execution, arrest, torture, and imprisonment in political prison camps or labour camps are used as punishments for those who assert their rights to freedom of association, expression, and religion. All the publications in the DPRK are examined and censored by the Party not permitting any criticisms of the state and its leaders. Under article 61 of the Criminal Code, one can be subject to punishment for criticizing the state and leaders. A number of cases on the restriction of civil and political rights have been reported, especially after the death of Kim Jong-il. It was reported that during Kim Jong-il's funeral, the government ordered its citizens to show grief and anyone who was found laughing or drinking was harshly punished. There was news on the execution of a high military officer who drank during Kim Jong-il's funeral (The Chosun-Ilbo, March





22, 2012). As for freedom of religion, the 2012 Annual Report of the U.S. Commission on International Religious Freedom designated North Korea as a "country of particular concern," as severe religious abuses have occurred, including the following penalties for religious liberty: discrimination, arrest, torture, execution. The freedom of movement is still restricted. A travel permit is needed even when one travels only internally and must go through a complicated process to obtain a travel permit. Few privileged people are allowed to travel outside North Korea, and the issuance of passport is difficult. In cases where DPRK citizens have relatives living in China, they are permitted to visit them for a short period of time (1-3 months).

Jubilee Campaign (JC) response:

The DPRK has no respect for the freedom of association, expression, religion or belief and movement. Religious belief of any kind other than devotion to the Kim family is outlawed. In the wake of Kim Jong-il's death, hundreds if not thousands of people were arrested for failing to show sufficient grief at the passing of Kim Jong-il. Thousands of extra troops were mobilized to close the border with China, and shoot on sight orders were issued for those exercising the right to freedom of movement.

Helping Hands Korea (HHK) response:

Refugee testimonies indicate that inhuman and degrading treatment, including collective punishment of families, continue to be common in the DPRK. The life's story of Shin Dong-hyuk in the just-released book, *Escape from Camp 14*, provides ample evidence of the infringements of the freedom of association (even of family members!) and movement. The number of testimonies among the 25,000 resettled refugees in the Rep. of Korea gives deafening evidence to the infringement of religion or belief.

Life Funds for North Korean Refugees (LFNKR) response:

The DPRK continues to deny its citizens basic freedoms including the freedoms of association, expression, movement, and to punish them severely. We urge the DPRK to recognize and respect these rights for its citizens.

*Recommendation n°39: Put an end to the practice of incarcerating all the members of the family of every opposition figure, release without delay political prisoners and members of their family as well as ensure freedom of opinion and expression (Recommended by France)*

*IRI: not implemented*

CSW response:

The DPRK continues the practice of "guilt by association", in December 2011 the new leader Kim Jong-un signalled his intent to "annihilate" three generations of the family of those who tried to leave the country during the 100-day mourning period. There are still tens of thousands of political prisoners and religious believers in North Korea's prison camps. Freedom of opinion and expression is severely restricted in North Korea with no free media and the fact that those who criticise the regime are likely to be sent to a prison camp.



NKHR response:

Please refer to [recommendation n°]15 (Freedom of Opinion and Expression), [and recommendation n°]121 (Collective Punishment).

HHK response:

Refugee testimonies indicate that inhuman and degrading treatment, including collective punishment of families, continue to be common in the DPRK. The life's story of Shin Dong-hyuk in the just-released book, *Escape from Camp 14*, provides ample evidence of these facts.

LFNKR response:

The DPRK continues to detain its citizens arbitrarily, to sentence them to harsh terms in labor camps, and to punish several generations of one family. We call on the DPRK to cease these practices immediately.

Recommendation n°40: *Reform its criminal code as soon as possible in order to guarantee freedom of movement both within its territory as well as towards foreign countries without the need for prior permission in accordance with applicable international standards* (Recommended by France)

IRI: not implemented

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Recommendation n°46: *Decriminalize the practice of leaving the country without permission or at least allow free movement of citizens within the country* (Recommended by Greece)

IRI: not implemented

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Recommendation n°49: *Pay special attention to the recommendations of the Human Rights Committee in the field of freedom of movement, including the right to leave the country* (Recommended by Hungary)

IRI: not implemented

CSW response:

North Korea citizens must still get permission to travel around and since the death of Kim Jong-il the Northern border with China and Russia has been increasingly militarised to prevent people from trying to leave the country. It is still close to impossible to leave the country through the Southern border with South Korea. This in effect means that North Koreans are trapped inside their borders.

NKHR response:

The DPRK revised its Criminal Code in 2009. However, none of its provisions guarantee freedom of movement both within DPRK territory and towards foreign countries. A travel permit is needed even when one only wants to travel internally; also, in order to obtain a travel permit, citizens must go through a complicated process. Few people are allowed to travel outside North Korea, and the issuance of passports is difficult. In cases where DPRK citizens have relatives living in China, they are permitted to visit them for a short period of time (1-3 months).



HHK response:

No evidence exists that the Kim Family is voluntarily willing to abdicate its absolute control of the DPRK's criminal code.

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Refugee testimonies indicate that leaving the country without proper authorization is tantamount to treason and border-crossers are punished accordingly if forcibly returned by China.

LFNKR response:

The DPRK continues to deny its citizens basic freedoms including the freedoms of association, expression, and movement, and to punish them severely. We urge the DPRK to recognize and respect these rights for its citizens.

*Recommendation n°57: Work with the Special Rapporteur on freedom of religion to ensure that its international human rights obligations under article 18 of ICCPR are fully implemented (Recommended by Ireland)*

*IRI: not implemented*

CSW response:

There is no religious freedom in the DPRK, and religious believers face severe persecution. The veneration of the Kim dynasty and the religious nature of their personality cult have led to intolerance of religious belief. Persecution of Christians has been particularly harsh, with the authorities distributing virulent anti-Christian propaganda through the workplace, schools and worker associations, creating a culture of extreme hatred and mistrust of Christians. By the mid-1950s there were no churches left functioning, and all Buddhist temples and Cheondokyo places of worship were similarly eliminated. It would appear that the current situation is more complicated, as there are at least four state-sanctioned churches in Pyongyang, the capital, and a new Protestant seminary, but it is widely believed that these exist primarily for the benefit of foreigners and to present a false image of the situation. Most North Koreans consistently report that they have never met a religious practitioner or seen a Bible or a church.

NKHR response:

Religious rights are being seriously undermined in the DPRK, and the government is not taking any measures to halt its oppression of religious groups. Thus, it is unlikely that the DPRK will cooperate with the Special Rapporteur on freedom of religion to implement Article 18 of the ICCPR. The 2012 report of the U.S Commission on International Religious Freedom designated North Korea as a "country of particular concern," due to severe religious rights abuses, including: discrimination, arrest, torture, and execution (U.S. Commission on International Religious Freedom 2012 Annual Report).

HHK response:

All requests for access by Special Rapporteurs of the Special Procedures, including the Rapporteur on freedom of religion or belief, have been denied by the DPRK, to the best of our knowledge.



Recommendation n°59: *Allow the exercise of the right to the freedom of expression and the freedom of association and assembly, by fostering and facilitating civil society entities and enabling them to obtain status under law (Recommended by Israel)*

IRI: *not implemented*

CSW response:

There is no room for civil society or a free media in the DPRK, and any criticism of the regime would be punishable with imprisonment.

NKHR response:

Please refer to [recommendation n°] 25

LFNKR response:

The DPRK continues to deny its citizens basic freedoms including the freedoms of association, expression, and movement, and to punish them severely. We urge the DPRK to recognize and respect these rights for its citizens.

Recommendation n°65: *Review the legislation on religious groups and organizations so as to ensure its compliance with ICCPR (Recommended by Italy)*

IRI: *not implemented*

CSW response:

Religious groups continue to be amongst the most severely persecuted and discriminated groups in society and generally face much worse treatment in detention and prison camps. North Korea falls very short of its obligations under Article 18 of the ICCPR in banning religious groups from meeting together or engaging in the propagation of their religions. Individuals are also banned from openly professing a faith or risk being imprisoned or executed.

NKHR response:

Please refer to [recommendation n°] 57

HHK response:

The 'political religion' of Juche is the only allowed belief system or ideology in actual practice in the DPRK. A few 'show churches' in Pyongyang operate as a façade to visiting diplomats and dignitaries.

Recommendation n°67: *Allow freedom of movement of its citizens within and across the border and end the punishment of those expelled or returned from abroad, including refugees and asylum-seekers (Recommended by Japan)*

IRI: *not implemented*

CSW response:

North Korean refugees continue to be treated as criminals upon their return to the DPRK, Kim Jong-un signalled his intention in December 2011 to "annihilate" those who tried to leave the country or who were returned by China. In addition a 2010 decree has classified defection as crime of "treachery against the nation"

NKHR response:

[See recommendation n° 40]



HHK response:

[See recommendation n° 40]

LFNKR response:

[See recommendation n° 40]

Recommendation n°80: *Allow more freedom of movement of the people and foreigners in the country as a way to generate economic activities* (Recommended by Malaysia)

IRI: not implemented

CSW response:

Freedom of movement is still greatly restricted with unauthorised movement severely punished. Foreigners are not allowed to travel anywhere without allocated guides, making it difficult to fully engage in economic activities.

NKHR response:

Please refer to [recommendation n°] 40

Recommendation n°87: *Undertake a review of national criminal and immigration legislation to ensure its compatibility with international obligations of the Government, in particular regarding the right to freedom of movement of individuals, in response to the recommendations of the Committees on Civil and Political Rights, on Economic, Social and Cultural Rights and on the Rights of the Child* (Recommended by Mexico)

IRI: not implemented

LFNKR response:

The DPRK continues to deny its citizens basic freedoms including the freedoms of association, expression, and movement, and to punish them severely. We urge the DPRK to recognize and respect these rights for its citizens.

Recommendation n°94: *Reduce controls on its population, including the closure of markets, suppression of criticism of Government policies, lack of alternative media and harsh penalties on those who access external information* (Recommended by New Zealand)

IRI: not implemented

CSW response:

North Korea has made no attempt to ease restrictions on its population and remains one of the most repressive regimes in the world. Criticism of government policies is still likely to result in punishment and imprisonment and there is no free press.

NKHR response:

Please refer to [recommendation n°] 22

HHK response:

If anything, suppression of alternative media and harsh punishment for those who access external information have worsened since Kim Jong-eun has taken power after the death of his father.



LFNKR response:

The DPRK continues to deny freedom of movement and expression to its citizens, and punish harshly those who access outside media. We call on the DPRK to cease these practices immediately and allow its citizens to establish free and independent media.

Recommendation n°95: *Take further steps to support freedom of expression and the right to freedom of movement (Recommended by New Zealand)*

IRI: *not implemented*

CSW response:

Freedom of movement is greatly restricted both within and in exiting the country, it is usually essential to get authorisation to travel. Those who do leave the country do so illegally as this is seen as a crime of "treachery against the nation", if they are returned the face imprisonment or execution. There is no free press and no right to freedom of expression for individuals, it is possible to be imprisoned for expressing your opinion particularly if it is a political statement or if it is about Christianity.

NKHR response:

Please refer to [recommendation n°] 22 and [recommendation n°] 40

JC response:

The DPRK continues to brutally punish those who attempt to flee the country for any reason.

LFNKR response:

The DPRK continues to deny its citizens basic freedoms including the freedoms of association, expression, and movement, and to punish them severely. We urge the DPRK to recognize and respect these rights for its citizens.

Recommendation n°115: *Lift restrictions imposed on religious practices, cease persecution and rigid control over those professing their religious beliefs and ensure that its domestic legislation and practice is in full compliance with the requirements of article 18 of ICCPR (Recommended by Poland)*

IRI: *not implemented*

CSW response:

There is no religious freedom in the DPRK, and religious believers face severe persecution. The veneration of the Kim dynasty and the religious nature of their personality cult have led to intolerance of religious belief. Persecution of Christians has been particularly harsh, with the authorities distributing virulent anti-Christian propaganda through the workplace, schools and worker associations, creating a culture of extreme hatred and mistrust of Christians. By the mid-1950s there were no churches left functioning, and all Buddhist temples and Cheondokyo places of worship were similarly eliminated. It would appear that the current situation is more complicated, as there are at least four state-sanctioned churches in Pyongyang, the capital, and a new Protestant seminary, but it is widely believed that these exist primarily for the benefit of foreigners and to present a false image of the situation. Most North Koreans consistently report that they have never met a religious practitioner or seen a Bible or a church. In recent years, there have been several



reported executions and disappearances of Christians in North Korea. Christians are among the most likely targets for execution. Some executions are public, while others are killed in prison. In August 2010 it was reported that 23 Christians had been arrested, and three were executed. On 16 June 2009 Ms Ryi Hyuk Ok, 33, from Ryongcheon-si Pyunganbuk-do, was reportedly executed for distributing Bibles.

NKHR response:

Please refer to [recommendation n°] 57

HHK response:

The 'political religion' of Juche is the only allowed belief system or ideology in actual practice in the DPRK. A few 'show churches' in Pyongyang operate as a façade to visiting diplomats and dignitaries.

Recommendation n°140: *Decriminalize unauthorized travel* (Recommended by Switzerland)

IRI: *not implemented*

CSW response:

North Korean citizens face huge obstacles to moving around both within the country and even more so if they attempt to leave the country. The government has kept these tight controls on their people, and they have become even more severe since the death of Kim Jong-il in an attempt to prevent defections from the country.

NKHR response:

Please refer to [recommendation n°] 40

HHK response:

Refugee testimonies indicate that leaving the country without proper authorization is tantamount to treason and border-crossers are punished accordingly if forcibly returned by China.

LFNKR response:

The DPRK continues to deny most of its citizens permission to travel both domestically and abroad, and to punish severely returning citizens and their families. We call on the DPRK to grant full freedom of movement within the country and across its borders, and cease immediately the punishment of those who return from abroad.

Recommendation n°152: *Grant greater access to WHO and international NGOs working in the health field* (Recommended by United Kingdom)

IRI: *not implemented*

CSW response:

North Korea has continually denied access to vast areas of the country to international NGOs and the WHO.

## ESC Rights

Recommendation n°1: *Continue to increase and diversify agricultural production by resorting to agricultural strategies, which could be based on models of production that have proven to be worthwhile* (Recommended by Algeria)

IRI: *not implemented*

HHK response:

The continued deterioration of the agricultural sector and growing 'pockets' of the DPRK that endure severe malnutrition suggest that the DPRK is not adopting enlightened agricultural strategies. Clumsy and inefficient top-down policies prevail in agriculture.

LFNKR response:

The DPRK has not taken any significant steps to improve its methods of agricultural production.

Recommendation n°2: *Increase resources allocated to the education sector for better quality of education and encourage the authorities to continue their efforts in this area* (Recommended by Algeria)

IRI: *not implemented*

CSW response:

There is no evidence of any increase in resource allocation to the education sector.

HHK response:

Evidence gleaned from the educational levels of North Korean refugees, now numbering about 25,000 in the Republic of Korea, suggests that fewer resources are being allocated to the education of children in the DPRK. More recent refugees tend to have lower educational attainment levels, strongly suggesting a further deterioration of the educational system of the DPRK.

LFNKR response:

There has been no significant improvement in the quality of or access to education for children in the DPRK.

Recommendation n°14: *Grant immediate access without obstacles to international humanitarian agencies, including WFP, as well as the Special Rapporteur on the right to food, in order to allow the resumption of necessary operations for food supply and to ensure that aid is distributed on the basis of the genuine needs of the people* (Recommended by Belgium)

IRI: *not implemented*

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Recommendation n°21: *Allow humanitarian agencies to resume food assistance and grant WFP full, safe and unhindered access to the country in order to monitor aid distribution* (Recommended by Canada)

IRI: *not implemented*



CSW response:

The DPRK continues to leave obstacles in place that present efficient access for the UN and WFP to provide humanitarian aid to the country. The lack of transparency, and the fact that much of the aid money is funnelled into the armed forces means it remains difficult to provide food and aid to those who really need it.

JC response:

The DPRK has been directly implicated in creating artificial food shortages which have caused the death of millions. The military first policy and the ruinously expensive build-up of potential nuclear weapons absorb money that could be used to feed the North Korean people. The DPRK continue to refuse access to humanitarian aid organizations.

HHK response:

Discussion with a WFP official indicated that some improvement in the number of counties into which food aid monitors were allowed to operate by the DPRK had been made in the last 12 months.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it, and continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the WFP and the Special Rapporteur.

*Recommendation n°26: Take the necessary steps to ensure impartial access to adequate food, drinking water and other basic necessities for all people within its jurisdiction, including vulnerable groups (Recommended by Canada)*

*IRI: not implemented*

CSW response:

The DPRK continues to leave obstacles in place that present efficient access for the UN and WFP to provide humanitarian aid to the country. The lack of transparency, and the fact that much of the aid money is funnelled into the armed forces means it remains difficult to provide food and aid to those who really need it.

HHK response:

Continued evidence of the failure of the Public Distribution System (PDS) to adequately meet the nutritional needs of the population, especially outside Pyongyang, indicates that necessary steps have not been taken. The continued flow of hungry border crossers, including children, out of the DPRK is stark evidence of the failure of the government to provide adequate levels of food, water and other basic necessities. Perhaps most significantly, failure by the DPRK government to abolish the “songbun” (political caste based on loyalty to the Kim family regime) system virtually guarantees that an equitable distribution of daily necessities will not reach the most vulnerable groups.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it. We call on the DPRK as a matter of urgency to cooperate fully with the WFP.

Recommendation n°31: *Make every possible effort to ensure access to food for the entire population* (Recommended by Chile)

IRI: *not implemented*

CSW response:

The DPRK continues to leave obstacles in place that present efficient access for the UN and WFP to provide humanitarian aid to the country. The lack of transparency, and the fact that much of the aid money is funnelled into the armed forces means it remains difficult to provide food and aid to those who really need it.

HHK response:

The launch of the ballistic missile in April 2012 that cost an estimated 900 million USD dollars, or roughly the amount needed to feed the DPRK population for one year, clearly illustrated the grossly distorted priorities of the DPRK's leadership in this regard.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it. We urge the DPRK as a matter of urgency to cooperate fully with the WFP.

Recommendation n°32: *Put an end to forced labour practices* (Recommended by Chile)

IRI: *not implemented*

CSW response:

Forced labour and child labour are still widespread within the North Korean prison system, including logging, mining and intensive factory work with minimal rations.

NKHR response:

Forced labour is still widely practiced in the DPRK, especially in labour camps. Under the DPRK's penal code, "reform through labour" (art 30, 31) is stipulated as punishment where an offender is sent to camps to engage in labour activities. In the case of political prison camps (Kwan-li-so), inmates are exposed to 10~12 hours of heavy workloads under precarious conditions. Lumber-cutting, mining, and agricultural and manufacturing work are commonly assigned to inmates. Furthermore, because of poorly built infrastructure, inmates are at risk for various accidents that may even lead to death. In addition, inmates suffer malnutrition and various diseases due to the lack of food distributed to them despite their heavy workloads. Child labour is also widely practiced in the DPRK. Various types of labour are assigned to children as "duties" at schools. During the harvest period, students are mobilized to do agricultural work. Furthermore, children in prison camps are exposed to even heavier types of labour such as mining and agricultural and manufacturing work. In Maplecroft's 2012 Child Labour Index, the DPRK ranks as one of the top countries that severely exploit child labour.

JC response:

The kwan-li-so detention centers, which may contain as many as 200,000 people, practice a particularly brutal form of forced labor which causes high rates of death while in detention. The guilt-by-association practice includes children who are forced to work as well. Children have even been born in the camps and are treated essentially as slaves, born into a lifetime of servitude.

HHK response:

Children and teens from the DPRK state orphanages, notably in the Hyesan region, who have recently (early 2012) fled the country, declaring that recent government decisions have now included teen orphans in the DPRK government's forced labour programmes. Such horrific reports strongly suggest an egregious extension of forced labour practices by the DPRK rather than putting an end to them.

LFNKR response:

The DPRK continues to detain its citizens arbitrarily, to sentence them to harsh terms in labor camps, and to punish several generations of one family. We call on the DPRK to cease these practices immediately.

*Recommendation n°41: With regard to ensuring the right to food to the entire population, including in jails and labour camps, cooperate in a constructive manner with the competent United Nations institutions and facilitate the work of NGOs present in the country by guaranteeing their access to the entire population (Recommended by France)*

*IRI: not implemented*

CSW response:

The DPRK has made it clear that they will not allow access to the prison and labour camps, many of which they deny the existence of. They have refused to work constructively with many NGOs and the UN and deny key UN mechanisms access to the country.

HHK response:

As mentioned in [recommendation n°] 21, discussion with a WFP official indicated that some improvement in the number of counties into which food aid monitors were allowed to operate by the DPRK had been made in the last 12 months, however no mention was made of any progress of gaining access to jails and labour camps. The DPRK continues to be exceedingly obdurate in refusing the international aid and human rights community access to areas of detention and to its extensive system of political prisoner camps and labour camps.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it. We urge the DPRK as a matter of urgency to cooperate fully with the WFP.



Recommendation n°45: *Allow WFP to access those in need* (Recommended by Greece)

IRI: *not implemented*

CSW response:

The WFP still faces huge obstacles from the government in reaching large areas of the country and as such the most vulnerable and needy are not being provided with the aid they need.

HHK response:

As mentioned in [recommendation n°] 21, discussion with a WFP official indicated that some improvement in the number of counties into which food aid monitors were allowed to operate by the DPRK had been made in the last 12 months, however no mention was made of any progress of gaining access to jails and labour camps. The DPRK continues to be exceedingly obdurate in refusing the international aid and human rights community access to areas of detention and to its extensive system of political prisoner camps and labour camps.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it. We urge the DPRK as a matter of urgency to cooperate fully with the WFP.

Recommendation n°53: *Ensure that high goals of economic development by 2012 contribute to bringing about a decisive turn in the promotion and protection of human rights* (Recommended by Iran)

IRI: *not implemented*

CSW response:

The DPRK prioritise developmental rights over human rights, often at the expense of the protection and promotion of human rights.

HHK response:

The launch of the ballistic missile in April 2012 that cost an estimated 900 million USD dollars, or roughly the amount needed to feed the DPRK population for one year, clearly illustrated the grossly distorted priorities of the DPRK's leadership in this regard. The entire population's right to food and good health continues to be poorly prioritised by the DPRK leadership.

Recommendation n°55: *Take measures to improve the quality of health services deteriorated due to lack of medical facilities and medicine* (Recommended by Iran)

IRI: *not implemented*

HHK response:

The continued flow of border-crossers from the DPRK who have serious and unattended medical problems speaks volumes about the abysmal condition of the DPRK healthcare system. Aid workers in China report frequent cases among refugees of untreated cases of TB, cancer, serious internal and external infections, etc. Refugees report that hospitals in the DPRK are sometimes able to diagnose medical problems, but lack the facilities and equipment to treat those health problems. They often report that only patients who have money to pay for treatment,



despite the officially declared socialized medicine programme, are able to get medicine or treatment.

*Recommendation n°66: Take effective measures against the practice of forced labour, including child labour and join ILO (Recommended by Italy)*

*IRI: not implemented*

CSW response:

Forced labour is widespread in North Korea, particularly in the prison camps where mining, logging and intensive factory labour is a daily routine. Children are subjected to this forced labour from a young age. The DPRK has made no indication that it plans to join the ILO.

NKHR response:

The DPRK's Constitution and the special law on the protection of children (2010) prohibit child labour. In reality, however, it is reported that children are mobilized to perform various labours, such as construction work, agricultural work, and even military training. These types of labour are assigned to children as "duties" at schools. During the harvest period, students are mobilized to do agricultural work. Furthermore, children in prison camps are exposed to even heavier types of labour such as mining and agricultural or manufacturing work. In Maplecroft's 2012 Child Labour Index, the DPRK ranks as one of the top countries which severely exploit child labour.

JC response:

The kwan-li-so detention centers, which may contain as many as 200,000 people, practice a particularly brutal form of forced labor which causes high rates of death while in detention. The guilt-by-association practice includes children who are forced to work as well. Children have even been born in the camps and are treated essentially as slaves, born into a lifetime of servitude.

HHK response:

Children and teens from the DPRK state orphanages, notably in the Hyesan region, who have recently (early 2012) fled the country, declaring that recent government decisions have now included teen orphans in the DPRK government's forced labour programmes. Such horrific reports strongly suggest an egregious extension of forced labour practices by the DPRK rather than putting an end to them.

*Recommendation n°69: Secure the right to food for all its citizens, especially so as to secure the right to health for children (Recommended by Japan)*

*IRI: not implemented*

CSW response:

The government's food policy is directly leading to the starvation of many thousands of its citizens, therefore the government is not living up to its obligations under Article 11 of the ICESCR. Children are particularly badly affected by this lack of food which therefore impacts on their right to health.



HHK response:

The launch of the ballistic missile in April 2012 that cost an estimated 900 million USD dollars, or roughly the amount needed to feed the DPRK population for one year, clearly illustrated the grossly distorted priorities of the DPRK's leadership in this regard. The entire population's right to food and good health continues to be poorly prioritised by the DPRK leadership. The continued flow of border-crossers from the DPRK who have serious and unattended medical problems speaks volumes about the abysmal condition of the DPRK healthcare system. Aid workers in China report frequent cases among refugees of untreated cases of TB, cancer, serious internal and external infections, etc. Refugees report that hospitals in the DPRK are sometimes able to diagnose medical problems, but lack the facilities and equipment to treat those health problems. They often report that only patients who have money to pay for treatment, despite the officially declared socialized medicine programme, are able to get medicine or treatment.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it. We urge the DPRK as a matter of urgency to cooperate fully with the WFP.

Recommendation n<sup>o</sup>72: *Continue to strengthen economic, social and cultural development with full participation of the population in public and security affairs, boost socioeconomic development, industrialization and modernization, and achieve the Millennium Development Goals* (Recommended by Laos)

IRI: *not implemented*

HHK response:

Without a complete re-writing of the DPRK Constitution and Worker's Party Charter, the full and free participation of the public in these activities remains virtually impossible.

Recommendation n<sup>o</sup>73: *Invest sufficient resources to promote and protect the principle of equality in the fields of work, education and health* (Recommended by Libya)

IRI: *not implemented*

CSW response:

North Korea remains a hierarchical society with those loyal to the regime and the military given priority of over the ordinary people, those who live in the capital Pyongyang and thus have access to better work, education and health must be loyal to the regime. This policy discriminates particularly against women and children who are the ones suffering the most from the government's food policy.

Recommendation n<sup>o</sup>82: *Continue engaging members of the international donor community in capacity-building in the field of economic and social rights* (Recommended by Malaysia)

IRI: *not implemented*

HHK response:

Any mention of ways to improve social rights of DPRK citizens is harshly and routinely rejected by the DPRK as an illegal intrusion of its sovereignty.



Recommendation n°89: *Grant access to international humanitarian agencies such as WFP (Recommended by Netherlands)*

IRI: *not implemented*

CSW response:

Vast areas of the country still remain completely inaccessible to humanitarian agencies and the North Korean government has made it clear that this is unlikely to change.

HHK response:

Discussion with a WFP official indicated that some improvement in the number of counties into which food aid monitors were allowed to operate by the DPRK had been made in the last 12 months.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it. We urge the DPRK as a matter of urgency to cooperate fully with the WFP.

Recommendation n°92: *Allocate resources equitably and implement food security policies, including through sustainable agricultural practices and reduced State restrictions on the cultivation and trade of foodstuffs (Recommended by New Zealand)*

IRI: *not implemented*

CSW response:

Resources are allocated disproportionately to the military and those loyal to the regime. The government's food policy is directly leading to the starvation of millions of North Korean citizens.

LFNKR response:

The DPRK has not taken any significant steps to improve its methods of agricultural production. We urge the DPRK to request technical advice on the improvement of its agricultural methods.

Recommendation n°110: *Address concerns of the international community, including shortage of food, medical and other humanitarian services (Recommended by Philippines)*

IRI: *not implemented*

CSW response:

The government continues to implement its discriminatory food policy despite advice and lobbying from the international community. In addition their lack of transparency and refusal to allow agencies access to vast areas of the country has exacerbated this problem.

LFNKR response:

The DPRK continues to refuse access to international monitors to ensure fair distribution of food aid. We call on the DPRK to allow free and unconditional access to WFP personnel to monitor the distribution of food aid.



Recommendation n°123: *Provide human rights education to all citizens and provide human rights training to judges, prosecutors and lawyers and law enforcement officials (Recommended by Slovenia)*

IRI: *not implemented*

CSW response:

North Korea refuses to give human rights a high profile in the country, seeing them as a gift from the leader and as subservient to developmental rights.

Recommendation n°128: *Allow urgently the development of international operations of food distribution in the whole country - put an end to discrimination in the governmental food distribution, prioritizing children, pregnant women, persons with disabilities and senior citizens (Recommended by Spain)*

IRI: *not implemented*

CSW response:

The government's food policy is directly causing the humanitarian crisis in the country and is particularly hitting women, children, the disabled and the elderly. The government's unwillingness to allow access to vast areas of the country and the lack of transparency in where aid is being allocated is further exacerbating this problem.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it. We urge the DPRK as a matter of urgency to cooperate fully with the WFP and to allow full access for monitoring purposes.

Recommendation n°129: *Amend the Labour Law of the Industrial Complex of Kaesong and incorporate the minimum age of 18 years for work hazardous to the health, security or morality of minors (Recommended by Spain)*

IRI: -

JC response:

The kwan-li-so detention centers, which may contain as many as 200,000 people, practice a particularly brutal form of forced labor which causes high rates of death while in detention. The guilt-by-association practice includes children who are forced to work as well. Children have even been born in the camps and are treated essentially as slaves, born into a lifetime of servitude.

Recommendation n°151: *Grant full access to WFP to ensure food reaches the most vulnerable, and adopt other measures to promote the right to food including economic reforms to incentivize those working in the agricultural sector to increase production (Recommended by United Kingdom)*

IRI: *not implemented*

CSW response:

The WFP is denied access to most of the country, which severely inhibits their ability to access those who are the most vulnerable. The government's strict control of food policy and agriculture has left little room for the economy to grow and thrive.





HHK response:

Discussion with a WFP official indicated that some improvement in the number of counties into which food aid monitors were allowed to operate by the DPRK had been made in the last 12 months.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it. We urge the DPRK as a matter of urgency to cooperate fully with the WFP.

Recommendation n<sup>o</sup>154: *Create a government task force to create protection programmes, provide resources for recovery and promote prevention through education and media campaigns* (Recommended by United States)

IRI: -

HHK response:

The understanding of human rights in the DPRK is essentially different from elsewhere in the world. What would be needed would first be to establish a common definition of human rights recognized by DPRK authorities and the international community. In reality, it would likely entail the herculean task of re-writing of the DPRK's Constitution and Worker's Party Charter in order to recognize human rights as understood by other UN members.

Recommendation n<sup>o</sup>161: *Continue the implementation of the National Action Plan of Education for All, with a view to improving the quality of the system of 11 years of compulsory, free, universal education, increasing progressively the necessary resources allocated for this purpose* (Recommended by Venezuela)

IRI: *not implemented*

HHK response:

Evidence gleaned from the educational levels of North Korean refugees, now numbering about 25,000 in the Republic of Korea, suggests that fewer resources are being allocated to the education of children in the DPRK. More recent refugees tend to have lower educational attainment levels, strongly suggesting a further deterioration of the educational system of the DPRK.

Recommendation n<sup>o</sup>164: *Continue taking measures to ensure the right to food for its people and implement MDGs* (Recommended by Viet Nam)

IRI: *not implemented*

CSW response:

North Korea prioritises development over human rights, but most ordinary people are still starving due to the discriminatory food policy implemented by the government.

## International Instruments

Recommendation n<sup>o</sup>4: *Take the measures that it deems appropriate to ensure, as soon as possible, the harmonization of its national legislation with international*

*human rights instruments to which it is a party, and envisage acceding to other fundamental human rights instruments such as CRPD (Recommended by Algeria)*

IRI: *partially implemented*

CSW response:

The DPRK has yet to accede to the CRPD or to CAT.

NKHR response:

The DPRK has shown partial efforts to harmonize its national legislation in line with international human rights instruments to which it is party. In 2010, two laws were adopted on the protection of children's and women's rights, respectively. 'Law on the Protection of Women's Rights,' which consists of 55 provisions, emphasizes the protection of women's rights, including personal liberty, socio-political rights, and economic rights. Some of the notable provisions in the law are "promotion of women's participation in the management posts" (art 15), "prohibition of discrimination against women at workplace" (art 28), "provision of maternity leave at workplace" (art 33), "forbiddance of domestic violence"(art 46), and "protection of women in judicial system" (art 16). In the meantime, 'Law on the Protection of Child's Rights' contains 62 provisions that aim at promoting children's rights in social, education, health, domestic, and judicial sectors. The following provisions are notable: " prohibition of child labour" (art 20), "interdiction of violence against children within the family" (art 43)," protection of the right to life and development of a child" (art 11); and " respect of a child's right to education" (art 23).

Although the actual implementation of these laws is questionable, it shows that the DPRK is at least trying to establish legislation in line with international human rights instruments. In addition, the DPRK revised its constitution to include a provision on human rights (art. 8) in 2009. In line with the constitution, the Criminal code was also revised in 2009. However, the revised Criminal code is criticized for being retrogressive, as it has expanded the categories of crimes that are subject to capital punishment (2011 Whitepaper on Human Rights in North Korea, page 75). 23 Addendum to the Criminal Code for ordinary crimes (2007), which North Korea did not mention during its 2009 UPR, contains 16 regulations on crimes that are subject to capital punishment. The crimes that fall under capital punishments stipulated in the addendum include: intentional destruction, plundering, smuggling of national properties, and military facilities (Add art 1,2,3,4), counterfeiting of currency (Add art 5), smuggling of drugs (Add art 11), kidnapping (Add art 20), rape (Add art 21).

*Recommendation n°5: Demonstrate a genuine willingness to improve its human rights record by engaging more positively and openly with the international community, including the Special Rapporteur on the situation of human rights, and work constructively with the United Nations system to bring its human rights into line with international standards (Recommended by Australia)*

IRI: *not implemented*

CSW response:

The DPRK continues to refuse to engage with the special rapporteur in any way, rejecting his mandate as a "political plot" instigated by "hostile elements". Despite being a party to the ICCPR, ICESCR, CRC and CEDAW, there is ongoing evidence of torture, a discriminatory food policy, lack of due process, rape, forced abortion,



child labour and many more violations of their international obligations. The DPRK Government argues that developmental rights take precedence over civil and political rights, and moreover, such rights are guaranteed and respected not as rights but awarded at the goodwill of the “Dear Leader”.

NKHR response:

As of 2012, the DPRK consistently declines to cooperate with the international community on improving its human rights record. The DPRK fails to acknowledge the continuous recommendations and resolutions made by the UN General Assembly, the UN Human Rights Council and the Special Rapporteur on the situation of human rights in the DPRK. During the 19th session of the UN Human Rights Council, the DPRK made an official statement that it does not recognize the mandate of the Special Rapporteur and that the mandate originates from a plot fabricated by hostile forces. (Statement made by So Se Pyong, Head of DPRK delegation, 2012). The Special Rapporteur on the human rights situation in DPRK, as well as other thematic Special Rapporteurs still do not have access to the country, while severe human rights violations are continuously being reported by defectors. In addition, the DPRK's uncooperative manner towards the UN human rights treaty bodies makes it difficult for monitoring to take place. For instance, DPRK has not submitted its overdue reports to the human rights treaty bodies that they are party to (ICESCR, CEDAW, ICCPR). Lack of reliable data and statistics with regards to the human rights situation in DPRK is a matter of grave concern.

HHK response:

All requests for access by Special Rapporteurs have been denied by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to show a belligerence toward the Special Rapporteur. We urge the DPRK to recognize the mandate of the Rapporteur and allow access for monitoring immediately.

*Recommendation n°8: Sign and ratify CAT, establish judicial oversight over all prison facilities and take immediate action with a view to the elimination of all forms of torture by the security forces and prison personnel (Recommended by Austria)*

*IRI: not implemented*

CSW response:

The DPRK has yet to ratify CAT, and continues to deny the existence of political prison camps in the country. The security forces continue to use torture to extract confessions, and torture is widespread inside prison camps.

NKHR response:

As of 2012, the DPRK has not signed the CAT, and torture is still widely practiced in labour camps and detention facilities. Security forces and prison personnel practice various types of torture, or they order inmates to beat and torture other inmates. (2011 Whitepaper on Human Rights in North Korea). In particular, torture is commonly practiced in detention facilities located near the border area, to punish those who defected from the country or were repatriated. Different types of torture



are being practiced in the DPRK, with such examples reported as: 'hung-up as an airplane,' 'pumping,' 'immersion in water,' 'beating,' and 'intentional starvation.'

JC response:

The DPRK continues to detain its citizens without due process. The existence of the kwan-li-so, or political prisoner labor camps, is in direct violation of International Law. Beatings, rape, and other forms of torture occur at every level and in every form of the various detention systems employed by the DPRK police state. The DPRK continues to reject any reform of this system and refuses to negotiate in good faith with the international community.

HHK response:

The DPRK has stonewalled any effort in this regard. Torture remains widespread in the prison system and as carried out by the State Security Agency

LFNKR response:

The DPRK continues to show flagrant disregard for international norms regarding torture. We urge the DPRK to immediately close all prison camps and cease the use of torture by security forces and prison personnel.

Recommendation n°9: *Systematically implement the ratified human rights treaties with the assistance of relevant Special Rapporteurs and OHCHR (Recommended by Austria)*

IRI: *not implemented*

CSW response:

The actions of the North Korean government remain firmly in contravention of their human rights treaty obligations and they continue to refuse to engage with the Special Rapporteurs or OHCHR which they consistently accused of being used as a tool of the US and the West to interfere in internal affairs.

NKHR response:

Please refer to [recommendation n°] 5.

LFNKR response:

We urge the DPRK to recognize the mandate of the Special Rapporteur and work with the Rapporteur to implement the ratified human rights treaties.

Recommendation n°13: *Fully cooperate with all human rights mechanisms, including accession to CAT, as well as access to the territory for the Special Rapporteur on torture (Recommended by Belgium)*

IRI: *not implemented*

CSW response:

The DPRK has not acceded to CAT and refuses to allow access to the Special Rapporteur on Torture or to cooperate with his office.

NKHR response:

Please refer to [recommendation n°] 8



JC response:

Beatings, rape, and other forms of torture occur at every level and in every form of the various detention systems employed by the DPRK police state. They continue to refuse access to Special Rapporteurs and other international accountability systems.

HHK response:

The DPRK has stonewalled any effort in this regard. Torture remains widespread in the prison system and as carried out by the State Security Agency

LFNKR response:

The DPRK continues to show flagrant disregard for international norms regarding torture. We urge the DPRK to immediately close all prison camps and cease the use of torture by security forces and prison personnel.

Recommendation n°18: *Positively consider requests for country visits of special procedures of the Council and implement the recommendations stemming from United Nations human rights mechanisms (Recommended by Brazil)*

IRI: *not implemented*

CSW response:

North Korea refuses to allow any access for the special procedures mechanisms and refuses to cooperate with them despite numerous requests.

NKHR response:

Please refer to [recommendation n°] 5

JC response:

Beatings, rape, and other forms of torture occur at every level and in every form of the various detention systems employed by the DPRK police state. They continue to refuse access to Special Rapporteurs and other international accountability systems.

LFNKR response:

We urge the DPRK to cooperate fully with all special procedures of the Council and implement all recommendations stemming from UN human rights mechanisms.

Recommendation n°19: *Ratify core universal human rights instruments, in particular, ICERD and CAT, and fulfil its treaty obligations (Recommended by Brazil)*

IRI: *not implemented*

CSW response:

The DPRK has not acceded to CAT or CERD and consistently falls short of its treaty obligations.

HHK response:

The DPRK has stonewalled any effort in this regard. Torture remains widespread in the prison system and as carried out by the State Security Agency

NKHR response:

As of 2012, the DPRK has not ratified the CED, ICERD, CAT, ICRMW, or CRPD.



LFNKR response:

The DPRK continues to show flagrant disregard for international norms regarding torture. We urge the DPRK to immediately close all prison camps and cease the use of torture by security forces and prison personnel, and ratify core human rights instruments.

Recommendation n°23: *Fully cooperate with the Human Rights Council and accept the request of the Special Rapporteur on the situation of human rights to visit the country* (Recommended by Canada)

IRI: *not implemented*

CSW response:

Despite attending HRC sessions North Korea has refused to engage with fully, they continue to reject the findings of the Special Rapporteur, show no signs of cooperating properly with the UPR process. During the March 2011 session of the HRC, North Korean diplomats were involved in a brawl after trying to leave the session during a speech by Japan on the situation in the DPRK.

NKHR response:

Please refer to [recommendation n°] 5

JC response:

The DPRK refuses to acknowledge basic human rights and universally accepted international law. They continue to refuse access to Special Rapporteurs and other international accountability systems.

HHK response:

All requests for access by the Special Rapporteur for human rights in North Korea have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

Recommendation n°29: *Cooperate with the special procedures concretely by accepting the repeated requests for a country visit by the Special Rapporteurs on the situation of human rights situation and the right to food* (Recommended by Chile)

IRI: *not implemented*

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Recommendation n°43: *Improve its cooperation with United Nations human rights mechanisms, in particular the Special Rapporteur on the situation of human rights and other special procedures, and allow access* (Recommended by Germany)

IRI: *not implemented*

CSW response:

North Korea remains hostile towards the special procedures mechanisms and the Special Rapporteurs and has made no attempt to engage with them or to allow them access to the country. The DPRK frequently denounces the Special Rapporteur on the human rights situation as a Western conspiracy.



NKHR response:

Please refer to [recommendation n°] 5

HHK response:

All requests for access by the Special Rapporteur for human rights in North Korea have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK has shown no willingness to cooperate with the WFP to allow monitoring to ensure food aid reaches those who need it, and continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the WFP and the Special Rapporteur.

*Recommendation n°35: Ratify the Convention on the Elimination of the Worst Forms of Child Labour ILO Convention No. 182, CED, ICERD, CAT and its Optional Protocol, the ICRMW and CRPD (Recommended by Chile)*

*IRI: not implemented*

CSW response:

The DPRK has yet to accede to the Child Labour ILO Convention or the ICRMW and the CRPD and has not signalled any intention to do so.

JC response:

[...]

NKHR response:

The DPRK is not party to ILO convention no. 182, CED, ICERD, CAT, ICRMW or CRPD.

HHK response:

[...]

*Recommendation n°42: Adopt measures to facilitate family reunification as recommended by the Special Rapporteur on DPRK (Recommended by Germany)*

*IRI: not implemented*

CSW response:

The DPRK continues to regret all findings and recommendations of the Special Rapporteur and has made no attempt to facilitate family reunifications.

NKHR response:

No measure to facilitate the unification of separated families has been adopted by the DPRK. The inter-Korean family reunification has been halted since 2010 due to the Yeonpyeong Island incident. Despite many talks held between South and North Korea with regard to this issue, no agreement has been reached. In the meantime, the Special Rapporteur has continuously recommended the resumption of family reunions and the establishment of robust mechanisms for family reunions (Report of the Special Rapporteur, 19th session of the Human Rights Council, 2012).



Recommendation n°47: *Grant access, as a matter of priority, to the Special Rapporteur on the situation of human rights in DPRK* (Recommended by Greece)

IRI: *not implemented*

CSW response:

The DPRK has made it clear that they will not accept the mandate of the Special Rapporteur and will not grant him access to North Korean territory.

NKHR response:

Please refer to [recommendation n°] 5

HHK response:

All requests for access by the Special Rapporteur for human rights in North Korea have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

Recommendation n°48: *Fulfil its obligations assumed in several conventions to which it is a party, and if it deems useful, request the assistance of the international community* (Recommended by Hungary)

IRI: *not implemented*

CSW response:

The DPRK has violated many of its obligations under ICCPR, ICESCR, CRC and CEDAW, including the right to not be subject to torture, the right to life, the right to food, the right to freedom of religion of belief, the right to freedom of assembly, the right to freedom of movement, the right to not be subject to forced labour and many more.

NKHR response:

Please refer to [recommendation n°] 25

Recommendation n°50: *Ratify the fundamental human rights conventions such as ICERD or the optional protocols to the International Covenant on Civil and Political Rights* (Recommended by Hungary)

IRI: *not implemented*

CSW response:

The DPRK has yet to ratify the ICERD or the protocols to the ICCPR and has made its express intention not to ratify the protocol on the abolition of the death penalty.

NKHR response:

The DPRK is party neither to the ICERD nor to the optional protocols to the ICCPR.

Recommendation n°64: *Invite the Special Rapporteur on freedom of religion or belief to visit the country and fully cooperate with her* (Recommended by Italy)

IRI: *not implemented*





CSW response:

The DPRK continually refuses to engage with UN Special Rapporteurs including the SR on freedom of religion or belief.

NKHR response:

Please refer to [recommendation n°] 57.

HHK response:

All requests for access by the Special Rapporteurs of the Special Procedures have been rejected by the DPRK, to the best of our knowledge.

*Recommendation n°68: Cooperate and engage in dialogue within the United Nations human rights mechanisms, including with the Special Rapporteurs and the High Commissioner for Human Rights (Recommended by Japan)*

*IRI: not implemented*

CSW response:

North Korea has made little attempt to cooperate and engage in dialogue with UN human rights mechanisms, and are regularly hostile towards any attempt to work on the human rights situation in the country. They refuse to recognise the mandate of the Special Rapporteur on human rights in the DPRK or grant access to the other Special rapporteurs. In addition they have treated the UPR process with disdain with their reaction to the recommendations made to them by other UN states.

NKHR response:

Please refer to [recommendation n°] 5.

HHK response:

All requests for access by the Special Rapporteur for human rights in North Korea have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

*Recommendation n°76: Develop cooperation on the issues of human rights with international organizations and their mechanisms, in particular by engaging constructively with the Special Rapporteur on the situation of human rights and responding positively to offers of technical assistance by OHCHR (Recommended by Lithuania)*

*IRI: not implemented*

CSW response:

The DPRK refuses to recognise the mandate of the Special Rapporteur on the situation of human rights, and has shown little sign of accepting the offer of technical assistance from the OHCHR.

NKHR response:

Please refer to [recommendation n°] 5



LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

Recommendation n°77: *Enhance efforts to implement all international human rights obligations it has undertaken* (Recommended by Lithuania)

IRI: *not implemented*

CSW response:

North Korea continues to fall short of its international human rights obligations, with torture and executions widespread, lack of an independent judiciary denies most a fair trial, no freedom of expression, religion, or assembly. The right to food and health is severely affected by the government's policies which are applied in a discriminatory manner.

NKHR response:

Please refer to [recommendation n°] 25.

Recommendation n°85: *Consider positively OHCHR offers of technical assistance and cooperate with the Human Rights Council special procedures in support of national efforts in this regard* (Recommended by Mexico)

IRI: *not implemented*

CSW response:

The DPRK has shown little desire to cooperate with UN mechanisms at the HRC or the OHCHR, and has frequently denied proper access to the country.

NKHR response:

Please refer to [recommendation n°] 5.

Recommendation n°91: *Recognize the mandate of the Special Rapporteur on the situation of human rights, cooperate with him and grant him access* (Recommended by Netherlands)

IRI: *not implemented*

CSW response:

The DPRK refuses to accept the Special Rapporteur's mandate, and as such will not allow him access to the country.

NKHR response:

Please refer to [recommendation n°] 5.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

Recommendation n°97: *Consider signing-ratifying the remaining international human rights instruments, including ICERD and ICRMW* (Recommended by Nigeria)

IRI: *not implemented*



CSW response:

The DPRK has made no indications that they have any interested in signing and ratifying the remaining human rights instruments.

NKHR response:

DPRK is not party to the ICERD or the ICRMW.

*Recommendation n°99: Agree to the requests for a visit by the Special Rapporteur on the situation of human rights (Recommended by Norway)*

*IRI: not implemented*

CSW response:

The DPRK refuses to accept the Special Rapporteur's mandate, regarding him as part of a Western plot

NKHR response:

Please refer to [recommendation n°] 5.

HHK response:

All requests for access by the Special Rapporteur for human rights in North Korea have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

*Recommendation n°100: Agree to the requests for visit by the Special Rapporteur on the right to food (Recommended by Norway)*

*IRI: not implemented*

CSW response:

The DPRK has consistently shown a real reluctance to engage with UN mechanisms and has shown no intention to invite the Special Rapporteur to the country.

HHK response:

All requests for access by the Special Rapporteurs of the Special Procedures have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

*Recommendation n°103: Improve its cooperation with the United Nations treaty bodies by agreeing on timelines for submitting overdue reports, in particular to the Human Rights Committee and the Committee on the Elimination of Discrimination against Women (Recommended by Norway)*

*IRI: not implemented*

CSW response:

There has been little evidence of North Korea improving its cooperation on agreeing to timelines and many of its reports still remain overdue.



NKHR response:

With regard to the CEDAW, the DPRK submitted its initial report in 2002 and its 2nd report was to be examined by the committee in March 2006. However, as of May 2012, the report has not yet been submitted. The 2nd periodic HRC report was submitted in 2000; however, the third report that was recommended to be submitted by January 1, 2004, has not been completed as of May 2012. As for the ICESCR, the DPRK submitted its 2nd report in 2002, and its 3rd report was due in 2008. However, the DPRK still has not submitted the third report.

HHK response:

To the best of our knowledge, the DPRK has not responded to this recommendation of timelines.

Recommendation n°106: *Consider signing all the core international human rights instruments (Recommended by Pakistan)*

IRI: *not implemented*

CSW response:

The DPRK has yet to sign CRPD, CERD, or CAT and seems unlikely to do so.

NKHR response:

Please refer to [recommendation n°] 25.

Recommendation n°108: *Submit its pending reports to the relevant treaty bodies (Recommended by Pakistan)*

IRI: *not implemented*

NKHR response:

Please refer to [recommendation n°] 103.

Recommendation n°111: *Consider ratification of CRPD (Recommended by Philippines)*

IRI: *not implemented*

CSW response:

North Korea has not signalled any intention to ratify CRPD.

NKHR response:

DPRK is not party to the CRPD.

Recommendation n°116: *Ratify CAT and its Optional Protocol (Recommended by Poland)*

IRI: *not implemented*

CSW response:

The DPRK has still not ratified CAT or the Optional Protocol and has made no move in the direction of ratification.

NKHR response:

Please refer to [recommendation n°] 8

HHK response:

To our knowledge, no ratification of this convention and its protocol have occurred.

LFNKR response:

[...]

*Recommendation n°117: Cooperate with the special rapporteurs and other United Nations human rights mechanisms by granting them access to the country (Recommended by Republic of Korea)*

*IRI: not implemented*

CSW response:

The DPRK refuses to allow access for UN mechanisms to the country, and has made no attempt to cooperate with the special rapporteurs.

NKHR response:

Please refer to [recommendation n°] 5

HHK response:

All requests for access by the Special Rapporteurs of the Special Procedures have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

*Recommendation n°122: Fully comply with the principles and rights enshrined in the Universal Declaration of Human Rights, the two international covenants, the CRC and CEDAW, to which it is a party (Recommended by Slovenia)*

*IRI: not implemented*

CSW response:

North Korea falls a long way short of its international obligations under all the Covenants to which it is a party. In particular there are clear violations of Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 25, of the UDHR (this should be clear from responses to other recommendations), all of these rights are replicated in various other covenants to which the DPRK is a party, The DPRK also violates a whole host of other more specific rights, specifically those relating to women and children in CEDAW and CRC respectively.

NKHR response:

Please refer to [recommendation n°] 103

LFNKR response:

The DPRK continues to flout human rights norms and to violate the human rights of its citizens. We urge the DPRK to comply fully with all human rights instruments to which it is a party.



Recommendation n°125: *Respond favourably to the request of special procedures mandate holders to enter the country and cooperate with special procedures and other human rights mechanisms (Recommended by Slovenia)*

IRI: *not implemented*

CSW response:

The DPRK continues to refuse to cooperate fully with special procedures and human rights mechanisms, particularly the Special Rapporteurs. Access to North Korea is still all but impossible to assess compliance with human rights obligations.

NKHR response:

Please refer to [recommendation n°] 5

Recommendation n°126: *Seriously consider ratification of other existing human rights treaties (Recommended by Slovenia)*

IRI: *not implemented*

CSW response:

North Korea has yet to ratify the CRPD, CERD and CAT and does not appear to have any intention to do so.

NKHR response:

Please refer to [recommendation n°] 25.

Recommendation n°130: *Cooperate more intensively with United Nations human rights mechanisms, in particular by responding positively to the repeated requests for visits by the Special Rapporteurs on the situation of human rights and the right to food (Recommended by Spain)*

IRI: *not implemented*

CSW response:

North Korea has repeatedly asserted its unwillingness to cooperate with the Special Rapporteurs and frequently denounces their findings. Their cooperation with UN human rights mechanisms seems to be well summed up by their approach towards the UPR process which has been less than positive, not accepting a single recommendation.

NKHR response:

Please refer to [recommendation n°] 5

HHK response:

All requests for access by the Special Rapporteurs of the Special Procedures have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.



Recommendation n°131: *Join ILO and accede to its core instruments and extend an open invitation, and without restrictions, to ILO officials to analyze the situation of workers' rights in the country* (Recommended by Spain)

IRI: *not implemented*

CSW response:

North Korea has yet to accede to the ILO or bring domestic practice into line with its core instruments.

Recommendation n°139: *As a first step, allow the visit requested by the Special Rapporteur to take place as soon as possible and on the best conditions, and take his recommendations seriously taken into account* (Recommended by Switzerland)

IRI: *not implemented*

CSW response:

The DPRK refuses to acknowledge the mandate of the Special Rapporteur despite its continued renewal by the Human Rights Council, the government frequently refers to him as a tool of the West.

NKHR response:

Please refer to [recommendation n°] 5

HHK response:

All requests for access by the Special Rapporteur for human rights in North Korea have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

Recommendation n°146: *Strengthen its cooperation with the United Nations and its mechanisms on human rights and humanitarian matters with a view to building national capacities and improving the people's well-being* (Recommended by Thailand)

IRI: *not implemented*

CSW response:

The DPRK has done little to show real cooperation with the UN and its human rights and humanitarian mechanisms. The government frequently denounces the UN's finding on human rights, refuses to engage properly with UPR process and remains reluctant to allow the UN access to the humanitarian crisis in the country.

Recommendation n°147: *Invite the special procedures mandate holders who have requested visits* (Recommended by Turkey)

IRI: *not implemented*

CSW response:

The DPRK has not invited any of the special procedures mandate holders and has not signalled any intention to do so.

NKHR response:

Please refer to [recommendation n°] 5



JC response:

The DPRK continues to refuse access to Special Rapporteurs and other international accountability systems.

HHK response:

All requests for access by Special Rapporteurs of the Special Procedures have been denied by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

Recommendation n°148: *Ratify CAT* (Recommended by *Turkey*)

IRI: *not implemented*

+

Recommendation n°149: *Become a party to CAT and take the necessary national measures to comply with its provisions* (Recommended by *United Kingdom*)

IRI: *not implemented*

CSW response:

The DPRK has not signalled any intention to ratify CAT, and national practice continues to remain in direct contravention of the provisions of this Convention

NKHR response:

Please refer to [recommendation n°] 8

JC response:

[...]

LFNKR response:

The DPRK continues to show flagrant disregard for international norms regarding torture. We urge the DPRK to immediately close all prison camps and cease the use of torture by security forces and prison personnel, and to ratify CAT.

Recommendation n°150: *Grant access to the three thematic Special Rapporteurs who have requested a visit* (Recommended by *United Kingdom*)

IRI: *not implemented*

CSW response:

The DPRK's cooperation with Special Rapporteurs remains almost non-existent, particularly with the Special Rapporteur on human rights in North Korea who is frequently denounced by the government.

NKHR response:

Please refer to [recommendation n°] 5

HHK response:

All requests for access by Special Rapporteurs have been denied by the DPRK, to the best of our knowledge.





LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

Recommendation n°153: *Increase technical cooperation on human rights issues including by granting access to the Special Rapporteur on the human rights situation (Recommended by United Kingdom)*

IRI: *not implemented*

CSW response:

The DPRK continues to reject the mandate of the Special Rapporteur and dismissed the Rapporteur's 2012 Report.

NKHR response:

Please refer to [recommendation n°] 5

HHK response:

All requests for access by the Special Rapporteur for human rights in North Korea have been rejected by the DPRK, to the best of our knowledge.

LFNKR response:

The DPRK continues to be belligerent toward the Special Rapporteur. We urge the DPRK as a matter of urgency to cooperate fully with the Special Rapporteur.

Recommendation n°157: *Invite the Special Rapporteur on violence against women and the Special Rapporteur on torture to visit the country and provide more extensive recommendations (Recommended by United States)*

IRI: *not implemented*

CSW response:

North Korea remains reluctant to engage with the UN human rights monitoring systems, least of all the Special Rapporteurs and has made no attempt to invite the Special Rapporteur on torture to the country.

NKHR response:

Please refer to # 5

JC response:

[...] The DPRK continues to refuse access to Special Rapporteurs and other international accountability systems.

HHK response:

All requests for access by Special Rapporteurs of the Special Procedures have been denied by the DPRK, to the best of our knowledge.

Recommendation n°158: *Join ILO and ratify core conventions, particularly Nos. 105, 182 and 138, and allow related monitoring by ILO staff (Recommended by United States)*

IRI: *not implemented*



CSW response:

North Korea has not signalled any intention to ratify core ILO conventions, and seems unlikely to allow any monitoring staff to enter the country given their aversion to allowing any monitoring of their internal human rights situation.

Recommendation n°167: *Pursue cooperation with the thematic procedures of the Council, based on the principles of objectivity, impartiality and non-politicisation (Recommended by Zimbabwe)*

IRI: *not implemented*

CSW response:

The DPRK frequently politicises human rights by referring to them as a political tool of the West, this is often used as an excuse to not cooperate with procedures of the Council. North Korea refuses to take any criticism from other members of the Council, dismissing it all as unfounded.

NKHR response:

Please refer to [recommendation n°] 5

## Justice

Recommendation n°6: *Work with the international community to bring its criminal justice system into line with its obligations under ICCPR and other international human rights instruments (Recommended by Australia)*

IRI: *not implemented*

CSW response:

The criminal justice system in the DPRK falls a long way short of its obligations under international law. It is estimated that over 200,000 prisoners are currently being held in the North Korean prison camps where they are held in dire conditions, subjected to systematic and severe torture, deprived of adequate food and subjected to a harsh system of forced labour, in violation of international law, including mining, logging and intensive factory labour on minimal rations, causing extreme fatigue and sickness and lead, in many cases, eventually to death. Many prisoners are arbitrarily detained and are denied a trial or the due process of law.

NKHR response:

Some changes have been made in the DPRK's criminal justice system since 2009. However, these changes are minimal if not regressive. The revised Criminal code of 2009 retains its wide application of capital punishment, even for non-violent crimes, against the principle of proportionality. The crimes that fall under "anti-state" and "anti-nation" offences require attention. The examples include: participating in a demonstration, coup, or riot to subvert the country (art 59); undertaking terrorist activities (art 60); engaging in spy activities (art 61); betraying the country by fleeing to other countries (art 62); suppressing national liberation and unification movements in collaboration with imperial powers. (art 67,68,69). The punishment of the above-mentioned crimes can lead up to the death penalty. Furthermore, military and economic crimes are subject to heavier punishments than before. Intentional



destruction of military equipment and facilities can result in death penalty (Add Art 1). Counterfeiting of currency (Add art 5), smuggling (Add art 6), organizing in the sex business (Add art 18) are all subject to death penalty. In practice, there are testimonies of human rights violations, such as punishments accorded without a proper trial.

JC response:

The DPRK continues to detain its citizens without due process. The existence of the kwan-li-so, or political prisoner labor camps, is in direct violation of International Law. Beatings, rape, and other forms of torture occur at every level and in every form of the various detention systems employed by the DPRK police state. The DPRK continues to reject any reform of this system and refuses to negotiate in good faith with the international community. The practice of guilt-by-association of detaining the relatives or associates of those suspected of political unreliability often for life sentences, only increases the number of victims and is utterly abhorrent to international human rights standards of due process.

HHK response:

No indications have been noted that the DPRK is open to constructive criticism regarding its criminal justice system.

LFNKR response:

The DPRK continues to show blatant disregard for international norms of criminal justice. We urge the DPRK to cease arbitrary arrests, detentions, and executions immediately.

*Recommendation n°7: Establish an independent judiciary and guarantee access to legal counsel and judicial redress to all detainees (Recommended by Austria)*

*IRI: not implemented*

CSW response:

The judiciary in the DPRK is intrinsically linked to the regime, all judicial appointments are made by the executive, the judiciary does not engage in judicial review of legislation, and its functions are exercised under the authority of the Supreme People's Assembly. Political offenders, unlike those who are accused of breaching the criminal law are generally denied recourse to formal judicial procedures. They are removed, investigated (typically under torture) by the State Security Protection Agency, who then decide their sentence. There is no access to legal counsel, or to challenge the legality of their detention. Even those under criminal trials are often denied the true process of law, with evidence of summary executions and a lack of the right to appeal.

NKHR response:

The Supreme Court of the DPRK is still controlled by the Supreme People's Assembly; thus, the independence of the judiciary is questionable. The Special Rapporteur's 2012 report also expressed concern over the article 129 of the Criminal Code, which states that judges can be subject to criminal liability for "unjust judgement." Furthermore, numerous testimonies indicate that proper trials are not being held in North Korea. It is reported that investigation, pre-trial, and trial take



place without due process. Sometimes people can be punished and detained without trials, or trials are conducted based on documents only. Lawyers in North Korea are not trustworthy because they are rather reluctant to protect their clients over the party and state interests.

JC response:

Many of the prisoners in the kwan-li-so and other detention centers never appeared before any kind of court, particularly those who were arrested through guilt-by-association, the DPRK practice of detaining the relatives or associates of those suspected of political unreliability, often for life sentences. Even those who appear before courts, are denied legal counsel and presumed guilty. There is no effective way to obtain judicial redress for those accused of political crimes in the DPRK.

HHK response:

[...]

LFNKR response:

[...]

Recommendation n°10: *Continue preventing and punishing human rights abuses by law enforcement officials* (Recommended by *Belarus*)

IRI: *not implemented*

CSW response:

There continue to be widespread allegations that officials are complicity in acts of torture, beatings, forced confessions, and rape, and do so with impunity.

NKHR response:

Please refer to [recommendation n°] 8

JC response:

Officials of the DPRK continue to carry out human rights abuses in a systematic and State sanctioned manner. The DPRK does not, and has not prevented or punished human rights abuses by law enforcement officials.

Recommendation n°15: *Release persons detained for reasons related to their opinions or peaceful political activities* (Recommended by *Belgium*)

IRI: *not implemented*

CSW response:

North Korea continues to detain tens of thousands of prisoners based solely on matters of conscience, many Christians have been sent to prison camps or executed for the peaceful practice of their faith as Christianity is associated with the US and South Korea, and Christians are seen as traitors. Estimates put the number at around 50,000 Christians detained because of their faith.

JC response:

The DPRK continues to detain persons known or suspected of holding political opinions which in any way contradict the official government position. The DPRK severely punishes persons who flee the country for any reason.



NKHR response:

A number of testimonies, reports, and satellite images prove that political prison camps are still operating in the DPRK. It is reported that 150,000- 200,000 political prisoners and their families are held in the camps. A 2011 Amnesty International report stated that people who are sent to camps include: those who criticized leadership, officials who failed to implement policies, those who contacted South Koreans, those who are part of anti-government groups, those who are caught listening to South Korean broadcasts, etc. The DPRK is still denying the fact that it operates political prison camps and denies that it oppresses peaceful political activists.

HHK response:

Political activities other than support for the Kim Family regime are not provided for in the Constitution or the Worker's Party Charter.

LFNKR response:

The DPRK continues to detain citizens for expressing opinions not favored by the ruling party. We urge the DPRK to immediately cease such detentions and release all persons so detained.

Recommendation n<sup>o</sup>17: *Establish a moratorium on executions with a view to abolishing the death penalty* (Recommended by Brazil)

IRI: *not implemented*

+

Recommendation n<sup>o</sup>27: *Abolish death penalty or at least to establish a moratorium on executions* (Recommended by Chile)

IRI: *not implemented*

CSW response:

The DPRK has not signalled any intention to end the use of the death penalty which is still used widely for a vast range of offences. Twenty one different crimes are now punishable with the death penalty covering a vast array of different crimes.

JC response:

The DPRK continues to misuse the death penalty, with public executions conducted without proper trials or respect for the rule of law.

NKHR response:

The DPRK's Criminal code includes a number of provisions related to the death penalty and it is used as the basis for the capital punishment widely applied in North Korea. With the revision of the DPRK's Criminal code in 2009, the number of crimes that are subject to the capital punishment has increased. 23 Addendum to the Criminal Code for ordinary crimes (2007), which North Korea did not mention during its 2009 UPR, contains 16 regulations on crimes that are subject to capital punishment. The crimes that fall under capital punishments stipulated in the addendum include: intentional destruction, plundering, smuggling of national properties and military facilities (art 1,2,3,4), counterfeiting of currency (art 5), smuggling of drugs (art 11), kidnapping (art 20), rape (art 21). What is more



concerning is that public executions still take place in North Korea. It has been reported that the number of public executions has increased with the transition of power during 2009 and 2010. In 2011, according to the Korean institute for National Unification, the number of public executions decreased. This may indicate that the DPRK, noticing international criticism, chose to secretly use execution or life term imprisonment, rather than public execution (2012 Whitepaper on Human Rights in North Korea). Acts that lead to public executions, according to testimonies, include the following "crimes": spying, helping a family to cross the border, selling national properties to Chinese, practicing a religion, talking to South Koreans through mobile phones, singing South Korean songs, smuggling adult movies from China, stealing government properties, smuggling drugs, and human trafficking, etc.

HHK response:

The death penalty is used as a potent deterrent to individual action, thought and assembly, and continues to be a critically important measure to maintain social order in the DPRK. Testimonies by DPRK refugees do not indicate that a moratorium on executions has been implemented.

LFNKR response:

The DPRK continues to show blatant disregard for international norms of criminal justice. We urge the DPRK to abolish executions, in particular (but not limited to) public executions.

Recommendation n°24: *Immediately cease public executions and the use of torture and cruel, inhuman, or degrading treatment or punishment and ratify CAT* (Recommended by Canada)

IRI: *not implemented*

CSW response:

North Korea continues to publicly execute people and still uses torture to extract confessions and as a punishment. The DPRK has not yet ratified CAT.

NKHR response:

Please refer to [recommendations n°] 17 and 8.

JC response:

Beatings, rape, and other forms of torture occur at every level and in every form of the various detention systems employed by the DPRK police state. They continue to refuse access to Special Rapporteurs and other international accountability systems. The DPRK continues to misuse the death penalty.

HHK response:

Public executions and the use of torture are also used as potent deterrents to individual action, thought and assembly, and continue to be critically important measures to maintain social order and obedience to leadership in the DPRK.

LFNKR response:

The DPRK continues to show flagrant disregard for international norms regarding torture. We urge the DPRK to immediately close all prison camps and cease the use



of torture by security forces and prison personnel, and ratify core human rights instruments.

**Recommendation n°25: *Implement its obligations under the human rights instruments to which it is party and cease the use of arbitrary detention, labour camps and collective punishment* (Recommended by Canada)**

**IRI: *not implemented***

CSW response:

The DPRK continues to flout its international obligations and at least 200,000 prisoners are currently being held in labour camps, many of whom have been arbitrarily detained.

NKHR response:

The DPRK is party to several important human rights instruments, such as the ICCPR, ICESCR, CEDAW, and CRC. However, the implementation of these instruments is rather doubtful. Civil and political rights continue to be violated, while women and children are often exposed to many forms of violence. The DPRK has not submitted its overdue reports to the human rights treaty bodies that they are party to (ICESCR, CEDAW, ICCPR) and refuses thematic special rapporteurs to visit the country. Lack of monitoring and reliable statistics on the situation in the country questions the ability and effectiveness of the DPRK government to implement the changes and its effectiveness in improving human rights situation. The use of arbitrary detention, labour camps, and collective punishment is still being widely practiced in the DPRK. The main reasons for people to be arbitrarily detained by government officers are: crossing the border, undertaking political activities, economic transactions, collective punishment, etc. Different types of labour camps are in operation in the DPRK. In the case of political prison camps (Kwan-li-so), virtually all of the prisoners are victims of arbitrary detention (Hidden Gulag, 2nd Edition). Testimonies prove that people are arbitrarily arrested without due legal process and taken to labour camps, while their families are not even informed of the arrest. Moreover, families are also sent to labour camps because of collective punishment (Yeon-ja-jae). The case of Dr. Oh Gil Nam is an example of arbitrary detention which requires international attention. Dr. Oh defected to DPRK with his family in 1985, lured by North Korean agents who promised him for a better life. However, Oh escaped North Korea in 1986, realizing that DPRK was not the country he dreamed of. His wife and two daughters were sent to Yodok prison camp, where inhumane and degrading treatments of prisoners are frequently being reported. The case was submitted to the UN Working Group on Arbitrary Detention in November 2011. On April 27 2012, DPRK notified the working group that Shin Suk ja (wife) died from hepatitis, but lacked further information. In terms of political labour camps, six political prisons are reported to be in operation with 150,000-200,000 prisoners detained. In addition, long-term prison camp (Kyo-hwa-so) and labor training centers (Ro-dong-dan-reyeon-dae) are still operating and prisoners are assigned to various labor activities.

JC response:

The kwan-li-so detention centers, which may contain as many as 200,000 people, practice a particularly brutal form of forced labor which causes high rates of death



while in detention. The guilt-by-association practice includes children who are forced to work as well. Children have even been born in the camps and are treated essentially as slaves, born into a lifetime of servitude.

HHK response:

Testimonies by DPRK refugees do not indicate that the use of arbitrary detention, labour camps and collective punishment has ceased.

LFNKR response:

The DPRK continues to detain its citizens arbitrarily, to sentence them to harsh terms in labor camps, and to punish several generations of one family. We call on the DPRK to cease these practices immediately.

Recommendation n°33: *Put an end to kidnapping and enforced disappearance of persons, whatever their country of origin* (Recommended by Chile)

IRI: *not implemented*

Korean War Abductees' Family Union (KWAFU) response:

Democratic People's Republic of Korea (DPRK) did not make any efforts to put an end to enforced disappearances of persons including abductees' issues of Chile, South Korea and others. Abduction of civilians is a violation of customary international law. Also, the abduction constitutes a crime against humanity and a war crime pursuant to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

According to the KWARI (Korean War Abductees Research Institute), DPRK has not admitted commission of the abduction and has left the families of numerous abductees around the world without any news about the fate or whereabouts of their loved ones for decades. Also, there is a lack of access to investigate this issue in the DPRK. DPRK continues to fail to admit their abduction and to make apologies to abductees' families. Therefore, DPRK should respond regarding the fate of the abductees and should return of the mortal remains of abductees in detail.

CSW response:

Whilst the incidences are not as common as they have been in the past, there are still many of those who were kidnapped who remain unaccounted for and there has been little sign from the government to compensate or apologise to the families of those who have disappeared.

NKHR response:

The DPRK continues not to cooperate with relevant actors to put an end to kidnappings and enforced disappearances. According to a report published by the Committee for Human Rights in North Korea, 180,000 people from all over the world have been abducted by the DPRK since the earliest days of its regime (Taken 2011). In addition, among 3,835 South Koreans who were abducted after the Korean War, 517 people have still not been repatriated to South Korea. On this matter, the South Korean government, Red Cross, and victims' families have continuously requested the DPRK government for the return of the abductees; however, the DPRK resolutely denies the existence of the abductees. In 2010, families of the victims of the 1969





Korean Airlines hijacking and abduction reached out to the UN Working Group on Involuntary Disappearances (UN WGID) to communicate with the DPRK government on the whereabouts of their loved ones. However, as of 2012, the DPRK has not replied to UN WGID requests on the verification of the whereabouts of the abductees.

HHK response:

Reports, such as Taken by the Committee on North Korean Human Rights, suggest that abductions of foreign citizens is a tactic the DPRK is not willing to put an end to.

LFNKR response:

The DPRK has repeatedly denied that foreign nationals it has abducted are still living in the DPRK, and has refused to resolve the issue. We call on the DPRK to resolve the abductees issue immediately.

Recommendation n°34: *Put an end to the practice of extrajudicial executions, public and secret* (Recommended by Chile)

IRI: *not implemented*

CSW response:

The DPRK still publicly and in private, executes people without due process of law.

NKHR response:

Extrajudicial executions are still practiced in the DPRK. Even without trial, special directives ordered by a leader or government can be used to execute a person. It has been reported that border guards are ordered to shoot to kill potential defectors (2010 U.S. State Department human rights report). The prisoners who attempt to escape are also subject to extrajudicial executions.

JC response:

The DPRK continues to misuse the death penalty, with public executions conducted without proper trials or respect for the rule of law.

HHK response:

Refugee testimonies indicate that extrajudicial executions are common in the DPRK, and that even schoolchildren are forced to attend and be terrorized in the process.

LFNKR response:

[...]

Recommendation n°38: *Establish a moratorium on executions with a view to the rapid abolition of the death penalty, and in the immediate future, respect minimum international standards, including the right to a fair trial, the limitation of the death penalty to the most serious crimes, as well as the non application of the death penalty to minors, pregnant women and persons suffering from mental diseases* (Recommended by France)

IRI: *not implemented*



CSW response:

In North Korea there are currently 21 crimes which are punishable by death, covering a wide variety from economic crimes, to prostitution and burglary. Since increasing the number from five in 2007, the DPRK has shown no signs of ending the use of executions and the practice is as widespread as ever. The DPRK continues to execute pregnant women, children and the mentally ill. There is still a real lack of due process of law, particularly for political prisoners and as the judiciary is not independent it is not possible for anyone to get a truly fair trial.

NKHR response:

[See response to recommendation n° 17]

JC response:

The DPRK continues to misuse the death penalty, with public executions conducted without proper trials or respect for the rule of law.

LFNKR response:

The DPRK continues to show blatant disregard for international norms of criminal justice. We urge the DPRK to cease arbitrary arrests, detentions, and executions immediately.

Recommendation n°56: *Implement its obligations under article 14 of ICCPR to ensure that everyone without distinction is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law (Recommended by Ireland)*

IRI: *not implemented*

CSW response:

The judiciary in the DPRK is intrinsically linked to the regime, all judicial appointments are made by the executive, and its functions are exercised under the authority of the Supreme People's Authority. There is no access to legal counsel, many confessions are extracted with torture and there is no right of appeal.

LFNKR response:

The DPRK continues to practice arbitrary arrest and detention and extrajudicial executions. We urge the DPRK to cease these practices immediately.

Recommendation n°58: *Abolish the practice of torture, cruel, inhuman and degrading treatment, including the collective punishment of families, as reported by the Special Rapporteur, and amend national legislation to prohibit the torture and other ill-treatment of children, as recommended by the Committee on the Rights of the Child (Recommended by Israel)*

IRI: *not implemented*

CSW response:

There is still widespread use of torture in the DPRK, particularly to forcibly extract confessions during interrogation. Conditions in prison camps are particularly brutal, even for children who face denial of food and beatings. Families continue to be punished for the actions of their relatives, with three generations punished for those who commit "political offences".



NKHR response:

Please refer to [recommendations n°] 8 and 20.

JC response:

Beatings, rape, and other forms of torture occur at every level and in every form of the various detention systems employed by the DPRK police state. The DPRK continues to refuse access to Special Rapporteurs and other international accountability systems. The kwan-li-so detention centers, which may contain as many as 200,000 people, practice a particularly brutal form of forced labor which causes high rates of death while in detention. The guilt-by-association practice includes children who are forced to work as well. Children have even been born in the camps and are treated essentially as slaves, born into a lifetime of servitude.

HHK response:

Refugee testimonies indicate that inhuman and degrading treatment, including collective punishment of families, continue to be common in the DPRK. The life's story of Shin Dong-hyuk in the just-released book, *Escape from Camp 14*, provides ample evidence of these facts.

LFNKR response:

The DPRK continues to punish several generations of the same family, and to use torture and operate prison labor camps. We urge the DPRK to cease these practices and to close the prison camps immediately.

Recommendation n°61: *Ensure an independent judiciary that operates without political interference by the State and uphold an internationally recognized notion of the rule of law by reviewing and amending the constitutional and legislative provisions that may compromise or diminish the independence and impartiality of the judiciary, as recommended by the Committee on Economic, Social and Cultural Rights (Recommended by Israel)*

*IRI: not implemented*

CSW response:

The judiciary in the DPRK is intrinsically linked to the regime, all judicial appointments are made by the executive, the judiciary does not engage in judicial review of legislation, and its functions are exercised under the authority of the Supreme People's Assembly. Political offenders, unlike those who are accused of breaching the criminal law are generally denied recourse to formal judicial procedures. They are removed, investigated (typically under torture) by the State Security Protection Agency, who then decide their sentence. There is no access to legal counsel, or to challenge the legality of their detention. Even those under criminal trials are often denied the true process of law, with evidence of summary executions and a lack of the right to appeal.

LFNKR response:

The DPRK does not have an independent judiciary and citizens do not have access to fair trials. We call on the DPRK as a matter of urgency to establish an independent judiciary.



Recommendation n°62: *Refrain from the practice of public execution used to intimidate the people, as reported by the Special Rapporteur on the situation of human rights, in contravention of its own penal code, and accept the recommendation of the Committee on Civil and Political Rights to work toward the abolishment of capital punishment (Recommended by Israel)*

IRI: *not implemented*

CSW response:

The DPRK continues to actively use the death penalty in contravention to its international obligations and its own penal code. There continues to be a vast array of crimes that are punishable by death. Many people are still subject to summary and arbitrary executions.

NKHR response:

Please refer to [recommendation n°] 17.

LFNKR response:

The DPRK continues to show blatant disregard for international norms of criminal justice. We urge the DPRK to cease arbitrary arrests, detentions, and extrajudicial executions immediately. We also call upon to recognize the mandate of the Special Rapporteur and cooperate fully with him.

Recommendation n°63: *End all public and extrajudicial executions and introduce a moratorium on the death penalty with a view to its abolition (Recommended by Italy)*

IRI: *not implemented*

CSW response:

The DPRK continues to execute citizens without a trial and has made no sign that they have any wish to end the practice or abolish it.

NKHR response:

Please refer to #17

JC response:

The DPRK continues to misuse the death penalty, with public executions conducted without proper trials or respect for the rule of law.

LFNKR response:

The DPRK continues to show blatant disregard for international norms of criminal justice. We urge the DPRK to cease arbitrary arrests, detentions, and executions immediately.

Recommendation n°70: *Set a concrete time frame and take concrete actions in order to resolve the abduction issue as soon as possible, including ensuring the immediate return of Japanese and other abductees (Recommended by Japan)*

IRI: *not implemented*

KWAFU response:

Democratic People's Republic of Korea (DPRK) has not taken any steps to take concrete action for immediate return of Japanese, South Korean and other countries'



abductees. Although DPRK admitted their abductions and made apologies to Japanese abductees, DPRK did not make extra efforts to ensure and to return Japanese and other abductees.

Under the relevant rules for abductees, the abduction of civilians by DPRK constitutes a crime against humanity and a war crime under international human rights law and humanitarian law. Also, unresolved disappearances constitute on-going crimes. However, DPRK still did not take further action to meet these international standards.

Therefore, DPRK must take proper actions to resolve the abduction issue including ensuring the immediate return of Japanese and other countries' abductees, providing relevant evidence such as true names of abductees, confirmation letter of death of abductees and other documents to prove death of abductees without forging the facts.

CSW response:

North Korea has made no real attempt to take action on the abduction issue and many abductees still remain missing with no information provided of them. Many of these abductees have now been missing for many years and their families have no information of them.

NKHR response:

Please refer to [recommendation n°] 33

LFNKR response:

The DPRK has repeatedly denied that foreign nationals it has abducted are still living in the DPRK, and has refused to resolve the issue. We call on the DPRK to resolve the abductees issue immediately.

*Recommendation n°79: Taking note of reduction of number of crimes punishable by the death sentence, consider introducing a moratorium with a view to abolish the death penalty in the future (Recommended by Lithuania)*

*IRI: not implemented*

CSW response:

There is no evidence of a reduction in the number of crimes punishable by the death sentence and North Korea continues to execute people at some of the highest rates in the world. North Korea has signalled its express intention to continue the use of the death penalty.

NKHR response:

Please refer to [recommendation n°] 17

LFNKR response:

[See recommendation n° 17]



Recommendation n°88: *End the practice of imposing punishment on returnees* (Recommended by Netherlands)

IRI: *not implemented*

CSW response:

Recent statements by the regime show that this practice is ongoing, with Kim Jong-un vowing to "annihilate" three generations of the families of those who try to leave the country. Those who are sent back to the DPRK are certainly tortured and usually executed.

NKHR response:

Please refer to [recommendation n°] 40.

HHK response:

Refugee testimonies indicate that severe punishment of returnees to the DPRK remains in force. In fact, the new leader, Kim Jong-eun, declared that members of families of those who defect from the DPRK would be subject to execution. This constitutes a more egregious and harsh policy than even his father, the deceased Kim Jong-il.

LFNKR response:

The DPRK continues to deny most of its citizen's permission to travel abroad, and to punish severely returning citizens and their families. We call on the DPRK to grant full freedom of movement within the country and across its borders, and cease immediately the punishment of those who return from abroad.

Recommendation n°90: *Provide unlimited access to ICRC to all detention facilities in the country* (Recommended by Netherlands)

IRI: *not implemented*

CSW response:

CSW has received many reports of the horrific treatment of those in detention facilities with beatings and forced labour a regular occurrence as well as executions and rape. In addition healthcare is pretty much non-existence and many are starved of food. The North Korean government has not made any indication that it will allow the ICRC to access detention facilities and still denies that many of these facilities exist.

HHK response:

To our knowledge, such access continues to be denied the ICRC and other international agencies.

LFNKR response:

The DPRK continues to deny the existence of prison labor camps, and to deny access to international monitors. We urge the DPRK to allow access to impartial international observers immediately.



Recommendation n°93: *Halt all public executions, and intensify efforts to ensure that no detainee is subject to torture or cruel, inhuman or degrading treatment or punishment (Recommended by New Zealand)*

IRI: *not implemented*

CSW response:

The use of the death penalty in the DPRK continues to be amongst the highest rates in the world, it remains one of only a handful of countries that still insists on executing people in public. Torture and other degrading and inhuman treatment are widespread, particularly in detention facilities where most prisoners face it on a daily basis.

NKHR response:

Please refer to [recommendation n°] 17

JC response:

The DPRK continues to misuse the death penalty, with excessive use of public executions without proper trials or respect for rule of law. The kwan-li-so detention centers, which may contain as many as 200,000 people, practice a particularly brutal form of forced labor which causes high rates of death while in detention. The guilt-by-association practice includes children who are forced to work as well. Children have even been born in the camps and are treated essentially as slaves, born into a lifetime of servitude.

HHK response:

Refugee testimonies indicate that public executions continue in the DPRK.

LFNKR response:

The DPRK continues to conduct public executions, including many witnessed by children, and to subject prisoners, including those in prison labor camps, to torture and other inhuman treatment. We urge the DPRK to halt all public executions immediately, and to cease the use of torture and other inhuman treatment.

Recommendation n°101: *Give all in detention a fair trial (Recommended by Norway)*

IRI: *not implemented*

CSW response:

The judiciary in North Korea is not independent, there is no due process of law. Political prisoners in particular will usually be interrogated without legal aid (often with torture) and then once a confession is extracted will be sent to prison camp or to be executed.

HHK response:

Refugee testimonies indicate that any trial in the DPRK, whether it is in civilian society or in the prison system, is a sheer mockery of justice, having a clearly pre-determined outcome by regime authorities or the State Security apparatus.

LFNKR response:



The DPRK has not established an independent judiciary and does not provide access to fair trials for its citizens. We call on the DPRK as a matter of urgency to provide fair trials to all accused of crimes.

**Recommendation n°102: *Immediately end extrajudicial executions and the practice of collective punishment* (Recommended by Norway)**

**IRI: not implemented**

CSW response:

Many citizens continue to be executed without a fair trial or without a trial at all, especially those who have had contact with South Koreans or who are Christians. Collective punishment continues to be used to punish three generations of those who commit crimes, particularly political crimes. Many people are punished for things that their relatives did many years ago, in particular those who have cooperated with Japan, South Korea or the US.

NKHR response:

Please refer to [recommendations n°] 17 and 121.

JC response:

The DPRK continues to misuse the death penalty, with public executions conducted without proper trials or respect for the rule of law. Guilt-by-association practices target the family and friends of those known or suspected of disagreeing with the government.

HHK response:

Refugee testimonies indicate that extrajudicial executions as well as the practice of collective punishment of families, continue to be common in the DPRK. The life's story of Shin Dong-hyuk in the just-released book, *Escape from Camp 14*, provides ample evidence of these facts.

LFNKR response:

The DPRK continues to punish several generations of the same family, to use torture, operate prison labor camps, and conduct extrajudicial executions. We urge the DPRK to cease these practices immediately.

**Recommendation n°113: *Strengthen measures, including through international dialogue and cooperation, to combat human trafficking and provide appropriate assistance to victims of trafficking* (Recommended by Philippines)**

**IRI: not implemented**

CSW response:

There continues to be a huge problem of North Korea women trafficked into China and across Asia, the government in the DPRK has done little to combat this and on return many of these women are put in prison camps, subjected to forced abortion or infanticide and treated as criminals and traitors.

NKHR response:

Please refer to [recommendation n°] 60.





Recommendation n°114: *Ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human being* (Recommended by Poland)

IRI: not implemented

CSW response:

Many North Korean citizens are arbitrarily deprived of their liberty, particularly political prisoners. And those in prison camps are routinely beaten, tortured, subjected to forced labour and some are executed.

NKHR response:

Please refer to [recommendation n°] 25

HHK response:

Citizens of the DPRK are effectively considered property of the state by the DPRK's Constitution and Workers' Party Charter. A wholesale re-writing and adoption of these documents would be necessary to ensure the liberties mentioned.

Recommendation n°127: *Adopt a moratorium on the application of death penalty to put an end to the practice of public executions and the imposition of the death penalty for religious or political crimes* (Recommended by Spain)

IRI: not implemented

CSW response:

In recent years, there have been several reported executions and disappearances of Christians in North Korea. It has been reported that prior to 2007, on average between one and three public executions took place each year. In 2008, however, it was reported that sixteen people were executed. Christians are among the most likely targets for execution. Some executions are public, while others are killed in prison. In August 2010 it was reported that 23 Christians had been arrested, and three were executed. On 16 June 2009 Ms Ryi Hyuk Ok, 33, from Ryongcheon-si Pyonganbuk-do, was reportedly executed for distributing Bibles.

NKHR response:

Please refer to [recommendations n°] 17 and 57.

HHK response:

Refugee testimonies indicate that extrajudicial and public executions are common in the DPRK, and that even schoolchildren are forced to attend and be terrorized in the process.

LFNKR response:

The DPRK continues to conduct public executions, many of which are witnessed by children. We urge the DPRK to abolish executions, in particular (but not limited to) public executions.

Recommendation n°135: *Abstain from political interference in judicial proceedings* (Recommended by Sweden)

IRI: not implemented



CSW response:

The judiciary in the DPRK is intrinsically linked to the regime, all judicial appointments are made by the executive, the judiciary does not engage in judicial review of legislation, and its functions are exercised under the authority of the Supreme People's Assembly.

HHK response:

No evidence that such recommendations have been heeded.

LFNKR response:

The DPRK has not established an independent judicial system and does not provide fair and independent trials to its citizens. We urge the DPRK to do so as a matter of urgency.

Recommendation n<sup>o</sup>136: *Take measures to ensure an independent judicial system and the individual's right to a fair trial* (Recommended by Sweden)

IRI: *not implemented*

CSW response:

The judiciary in the DPRK is intrinsically linked to the regime, all judicial appointments are made by the executive, the judiciary does not engage in judicial review of legislation, and its functions are exercised under the authority of the Supreme People's Assembly. Political offenders, unlike those who are accused of breaching the criminal law are generally denied recourse to formal judicial procedures. They are removed, investigated (typically under torture) by the State Security Protection Agency, who then decide their sentence. There is no access to legal counsel, or to challenge the legality of their detention. Even those under criminal trials are often denied the true process of law, with evidence of summary executions and a lack of the right to appeal.

HHK response:

Governmental organs are incapable of carrying out such measures. All political, bureaucratic and military bodies are subject to the will and decrees of the Kim Family regime.

LFNKR response:

The DPRK has not established an independent judicial system and does not provide fair and independent trials to its citizens. We urge the DPRK to do so as a matter of urgency.

Recommendation n<sup>o</sup>138: *Train professionals involved in the judicial system on the relevant international standards on a fair trial and rule of law* (Recommended by Sweden)

IRI: *not implemented*

CSW response:

The judicial system lacks proper mechanisms to ensure a fair trial especially for those arrested for political crimes who are interrogated, often under torture, until a confession is extracted and then sent to the prison camps. There is no right of appeal and most people are denied access to a lawyer.



Recommendation n°160: *Take immediate action to cease the practice of forced labour, including in detention facilities, and take urgent measures to ensure that children are not forced to participate in mobilization projects* (Recommended by United States)

IRI: *not implemented*

CSW response:

As is clear from North Korea's rejection of this recommendation they have made no attempt to end the practice of forced labour which includes mining, logging and intense factory work. There is a great deal of evidence to show that children are forced to work on these projects as well from an early age, often children and adults are worked to death, due to minimal rations and long working hours.

NKHR response:

Please refer to [recommendation n°] 32.

JC response:

The kwan-li-so detention centers, which may contain as many as 200,000 people, practice a particularly brutal form of forced labor which causes high rates of death while in detention. The guilt-by-association practice includes children who are forced to work as well. Children have even been born in the camps and are treated essentially as slaves, born into a lifetime of servitude.

HHK response:

Children and teens from the DPRK state orphanages, notably in the Hyesan region, who have recently (early 2012) fled the country, declaring that recent government decisions have now included teen orphans in the DPRK government's forced labour programmes. Such horrific reports strongly suggest an egregious extension of forced labour practices by the DPRK rather than putting an end to them.

LFNKR response:

The DPRK continues to detain its citizens arbitrarily, to sentence them to harsh terms in labor camps, and to punish several generations of one family. We call on the DPRK to cease these practices immediately.

## Women & Children

Recommendation n°3: *Increase the number of women in management posts and in decision-making processes and envisage establishing full legislative provisions to promote and protect the rights of women* (Recommended by Algeria)

IRI: *partially implemented*

+

Recommendation n°105: *Provide more opportunities for women to gain access to leading positions in both the political and economic spheres and strengthen funding*



*and visibility of the national institutions that promote gender equality (Recommended by Norway)*

IRI: *partially implemented*

+

*Recommendation n°132: Consider, as appropriate, increasing the percentage of representation of women in the supreme People's Assembly and other State decision-making bodies (Recommended by Sri Lanka)*

IRI: *not implemented*

NKHR response:

In the DPRK, the percentage of women in high management posts and participation of women in decision-making processes still falls behind international standards. According to the UN and IPU's joint report on women's political participation (Women in Politics 2012), the percentage of female deputies in the Supreme People's Assembly (SPA) is 15.6% (The global average of female parliamentary representation is 19.5%). Considering that in the past, 20% of SPA deputy members were women, women's participation in decision-making processes has dropped (2011 Whitepaper on Human Rights in North Korea). With regards to enacting legislative provisions to promote and protect the rights of women, the DPRK established the 'Law on the Protection of Women's Rights' in 2010. 'Law on the Protection of Women's Rights,' which is consist of 55 provisions, emphasizes on the protection of women's rights, such as; personal liberty, socio-political rights, and economic rights. Article 15 of the law encourages organizations and companies to train and promote women's participation in management posts. This reflects that the DPRK made partial efforts to promote women's rights, at least in the legal sector.

*Recommendation n°16: Consider joining ILO and accede to and implement its core conventions, in particular Nos. 29, 105 and 182, on child and forced labour (Recommended by Brazil)*

IRI: *not implemented*

CSW response:

North Korea has shown no intention to join the ILO despite frequent calls by NGOs and the international community for them to do so. Forced labour is widespread in North Korea's prison camps.

JC response:

[...]

*Recommendation n°20: Take further measures to prohibit all forms of violence against children and women (Recommended by Brazil)*

IRI: *not implemented*

CSW response:

Women and children are detained in terrible conditions in prison camps, CSW has received first hand accounts of forced abortion, infanticide and child labour in stark contrast to the DPRK's obligations under CEDAW and CRC to which they are a party.

NKHR response:



Some legislative measures have been taken by the DPRK government to eliminate violence against children and women. In 2010, the DPRK enacted two pieces of legislation on the protection of women and children, respectively. The Law on the Protection of Women's Rights stipulates that "A Woman has the right to her physical body. No one can illegally violate a woman's freedom, do harm to her body, or search and seize her body (Art. 38). The Law on the Protection of Children's Rights also includes a provision prohibiting violence against children. Article 43 stipulates "Children shall not be subject to abuse, indifference, verbal abuse, interrogation or beatings within the family." However, the implementation of these laws is questionable since various types of violence against women and children in DPRK society are continuously being reported. Violence against women, especially in detention facilities, still remains a major concern, while violence against Kotjebi (street children) also raises serious concerns. North Korean defectors repatriated from China, especially women, are exposed to sexual violence. Beatings, searching a woman's body in degrading ways, torture, forced abortion, and sexual harassment in detention facilities are still being reported.

**Recommendation n°30:** *Enact specific legislation to punish violence against women and establish structures for the protection of victims (Recommended by Chile)*

**IRI:** *not implemented*

NKHR response:

The DPRK enacted special legislation on the protection of women in 2010. The Law on the Protection of Women's Rights stipulates, "A woman has the right to her physical body. No one can illegally violate a woman's freedom, do harm to her body, or search and seize her body (Art. 38). The law also forbids domestic violence (Art.46), stating that "all forms of violence against women should be prohibited within family." However, the law does not stipulate specific legal punishments for those who have committed violence against women, nor does it establish a system for the protection of victims. The law, in the last provision (art 55), vaguely states that "personnel of organization, companies, groups, and individuals who violate this law shall be subjected to administrative and criminal liability."

**Recommendation n°44:** *In line with previous recommendations made by the Committee on the Rights of the Child, make every effort to reinforce protection of the right to life and development of all children (Recommended by Germany)*

**IRI:** *not implemented*

CSW response:

Children are still held in prison camps under awful conditions and many are subject to torture, beatings and forced labour.

NKHR response:

Children's right to life is being seriously violated in the DPRK due to chronic starvation and malnutrition. According to UNICEF's report 'The State of the World's Children in 2012,' the under-five mortality rate in the DPRK is recorded to be 33 per 1000 live births, while a total of 12,000 children under five died in 2010. The development of children is also being severely hindered, with 19% of children recorded as underweight, 5% as wasting, and 32% as stunted. The Kojetbis (street children) are still on the street searching for food, and exposed to various diseases



without receiving opportunities for education or medical care. The government has made some efforts to protect children's rights by enacting special legislation on the protection of children in 2010. However, the actual implementation of this legislation is questionable.

HHK response:

Children and teens from the DPRK state orphanages, notably in the Hyesan region, who have recently (early 2012) fled the country, declaring that recent government decisions have now included teen orphans in the DPRK government's forced labour programmes. Children inside the DPRK, to an alarming degree, continue to be stunted due to malnutrition, indicating a pronounced lack of protection of their right to life and development.

*Recommendation n°60: Create and adopt a law that specifically addresses trafficked persons in the country and abolish all practices of penalizing trafficked women and children for unlawfully exiting the country upon their deportation back to DPRK (Recommended by Israel)*

*IRI: not implemented*

CSW response:

The DPRK has made no attempt to address the huge problem of the trafficking of North Korean women into China, and women who are returned are treated as criminals. In particular, women who have become pregnant whilst in China will have their baby forcibly aborted and young children will be subject to infanticide.

NKHR response:

DPRK laws (Criminal Code, Law on the Protection of Women's Rights, Law on the Protection of Children's Rights) prohibit the trafficking of women and children. However, the DPRK has yet to create a law specifically designed to counter human trafficking. In addition, the above-mentioned laws prohibit and punish the perpetrator while none specifically include provisions on protection, remedies, or care for victims. Perpetrators are sentenced to harsh punishments such as public execution; however, trafficked women who are repatriated from China can be penalized as well. This is because the DPRK does not differentiate ordinary North Korean defectors from the victims of human trafficking. A number of reports and testimonies proves that victims of human trafficking who are repatriated to the DPRK from China are arbitrarily detained without due legal process and are exposed to heavy forced labour. They are also known to be exposed to torture, inhumane and degrading treatment, and beatings and sexual violence in detention facilities. Furthermore, if North Korean women are pregnant with the child of a Chinese man or give birth to a child in a detention facility, forced abortions are carried out by the guards.

HHK response:

Every indication from female refugee testimonies who've survived forced repatriation to the DPRK suggests that severe punishment up to and including forced abortion continues to be implemented by DPRK authorities.



Recommendation n°78: *Enhance protection of rights of women and children, in particular those in the most vulnerable situations* (Recommended by Lithuania)

IRI: *not implemented*

CSW response:

The government's policies discriminate most harshly against women and children and the more vulnerable in society as the military receives preferential treatment over ordinary citizens. There are also many testimonies of the use of rape by North Korean security officials as well as beatings and torture of both women and children.

NKHR response:

Please refer to [recommendation n°] 20

HHK response:

Children and teens from the DPRK state orphanages, notably in the Hyesan region, who have recently (early 2012) fled the country, declaring that recent government decisions have now included teen orphans in the DPRK government's forced labour programmes. Such horrific reports strongly suggest an egregious extension of forced labour practices by the DPRK rather than putting an end to them.

Recommendation n°83: *Review its legal and administrative measures with a view to ensuring the dignity and better living conditions of the vulnerable groups, including women and children* (Recommended by Malaysia)

IRI: *not implemented*

CSW response:

Women and children still face the biggest obstacles to health, food and good living conditions. The DPRK has done little to fulfil its obligations under CEDAW and CRC.

Recommendation n°84: *Step up measures to comprehensively address the problem of trafficking and violence against women, including by increasing public awareness campaigns* (Recommended by Malaysia)

IRI: *not implemented*

CSW response:

The problem of the trafficking of North Korean women remains a huge one and it seems little has been done to address this by the government of the DPRK, in addition women who have been trafficked and are then treated as criminals upon their return.

NKHR response:

Please refer to [recommendation n°] 60

Recommendation n°104: *Provide all children with equal opportunities to study and give them access to higher education based on their talent and individual capability* (Recommended by Norway)

IRI: *not implemented*

HHK response:

The politically-based 'caste system' called Songbun systematically undermines any notion of equal opportunity for education based on individual capability. Loyalty to the



Kim Family regime going back several generations is the yardstick of privilege and access to education and other portals of success in DPRK society.

Recommendation n°119: *Abolish military training for children* (Recommended by Slovenia)

IRI: *not implemented*

NKHR response:

Military training for children is reportedly still practiced in the DPRK as of 2011. The 2011 Whitepaper on the Situation of North Korean Human Rights states that when North Korean children enter high school, it is mandatory for them to receive military training for 2 weeks and it is known that they learn how to use guns.

HHK response:

To the best of our knowledge, standard military service in the DPRK continues to be 10 years, including some years considered under the age of majority.

Recommendation n°121: *End collective punishment of families, especially against children* (Recommended by Slovenia)

IRI: *not implemented*

CSW response:

This practice is ongoing, this was reaffirmed by the declaration by Kim Jong un in December that he would "annihilate" three generations of the families of those who attempted to leave the country during the 100-day mourning period for Kim Jong il. Children continue to be punished therefore for the "crimes" of their parents of grandparents. In addition some children are born into prison camps and are then made to stay in there, effectively serving a life sentence when they have committed no crimes

NKHR response:

Collective punishment, the so-called "guilt by association" (Yeon-ja-Jae) has not yet been abolished in North Korea. Up to three generations of family members will be punished if one commits a crime. Guilt by association is usually applied to political prisoners, and those who defect to North Korea or are repatriated. The UN resolution and Special Rapporteur's report have been addressing this issue until now, but no improvement has been made. It is reported that during Kim Jong-il's funeral, Kim Jong-eun gave an order to "eliminate three generations of the family" if anyone defects. This proves that collective punishment is still ongoing in the DPRK.

HHK response:

As documented in the recent book about Shin Dong-hyuk, *Escape from Camp 14*, as well as many other refugee testimonies, collective punishment of families is alive and well in the DPRK.

LFNKR response:

The DPRK continues to punish several generations of the same family, to use torture, operate prison labor camps, and conduct extrajudicial executions. We urge the DPRK to cease these practices immediately.





Recommendation n<sup>o</sup>124: *Respect and ensure the rights set forth in CRC of each child without discrimination of any kind (Recommended by Slovenia)*

IRI: *not implemented*

CSW response:

The DPRK still falls a long way short of its obligations under the CRC, particularly in the prison camps. Many children are imprisoned because of the "crimes" of their parents under the principle of guilt by association, other children are born inside these prison camps, this a gross and arbitrary deprivation of liberty. There is also a great deal of evidence of forced labour, torture, beatings, and summary executions.

NKHR response:

Please refer to [recommendation n<sup>o</sup>] 44

Recommendation n<sup>o</sup>137: *Take necessary measures to ensure the right of a child to life and development without discrimination of any kind (Recommended by Sweden)*

IRI: *not implemented*

CSW response:

Particularly in the North Korean prison camps, children face a day by day struggle to survive. Deprived of appropriate food rations, forced to carry out hard labour and subject to beatings and torture, it is a struggle to survive. North Korea still applies the death penalty against minors and there have been testimonies of the executions of children in prison camps, generally for crimes such as stealing food.

HHK response:

The ongoing problem of an alarmingly high percentage of DPRK children being stunted in growth due to widespread malnutrition is evidence that cannot be hidden of a lack of respect for children's right to life and development. The strikingly low educational level of DPRK refugee children and their universal need for remedial education when arriving in the Republic of Korea also indicates a lack of attention to the intellectual development of a very large percentage of the youth population.

Recommendation n<sup>o</sup>142: *Give access to food and other essential products to those who need them, taking into account the particular needs of children and pregnant and nursing women, and cooperate constructively with humanitarian agencies and other humanitarian actors by ensuring them access to all the territory (Recommended by Switzerland)*

IRI: *not implemented*

CSW response:

The DPRK is reluctant to allow access to vast areas of the country for humanitarian aid, this has meant that it is almost impossible to ensure that aid is reaching the most vulnerable groups in society.

JC response:

[...]

HHK response:

[...] The entire population's right to food and good health continues to be poorly prioritised by the DPRK leadership. The continued flow of border-crossers from the



DPRK who have serious and unattended medical problems speaks volumes about the abysmal condition of the DPRK healthcare system. Aid workers in China report frequent cases among refugees of untreated cases of TB, cancer, serious internal and external infections, etc. Refugees report that hospitals in the DPRK are sometimes able to diagnose medical problems, but lack the facilities and equipment to treat those health problems. They often report that only patients who have money to pay for treatment, despite the officially declared socialized medicine programme, are able to get medicine or treatment.

Recommendation n°156: *Implement regulations to protect women from torture and abuse in detention facilities, and hold female criminal offenders separately from men, guarded by female guards (Recommended by United States)*

IRI: *not implemented*

CSW response:

There has been no improvement in the state of detention facilities in the country and women continue to face humiliating treatment at the hands of male guards.

NKHR response:

Regulations for the protection of women in detention facilities have not been implemented as of 2012. Although "Law on the Protection of Women" was enacted in 2010, the law does not specifically mention the protection of women in detention facilities. The law vaguely addresses the protection of women in judiciary system, but failed to add any provision on the prohibition of torture and abuses in detention facilities. Thus, violence against women is still reported to be widely practiced in detention facilities. In particular, sexual violence against women in detention facilities is being frequently reported by defectors. Furthermore, forced abortions and infanticide are told to be taking place in detention centers. According to a report, prison camp officers and guards are regularly able to engage in sexual relations with female prisoners under circumstances that have been judged to constitute rape or sexual violence (Hidden Gulag 2nd Edition).

JC response:

Beatings, rape, and other forms of torture occur at every level and in every form of the various detention systems employed by the DPRK police state. The DPRK continues to refuse access to Special Rapporteurs and other international accountability systems.

HHK response:

No reports by DPRK refugees indicate that such reforms have been implemented.

LFNKR response:

The DPRK continues to show flagrant disregard for international norms regarding torture. We urge the DPRK to immediately close all prison camps and cease the use of torture by security forces and prison personnel, and to ratify CAT.



Recommendation n°159: *Pass legislation specifically dealing with violence against women, including domestic violence, providing for prosecution of individuals committing acts of violence against women* (Recommended by *United States*)

IRI: *not implemented*

CSW response:

North Korea stills fall short of its obligations under CEDAW and little has been done to address violence against women, especially domestic violence. It is also of great concern that many acts of violence against women are committed by North Korea's security forces, this includes the systematic use of rape.

NKHR response:

Please refer to [recommendation n°] 20

HHK response:

[...]

## Other

Recommendation n°28: *Accept the advisory services offered by OHCHR* (Recommended by *Chile*)

IRI: *not implemented*

CSW response:

The DPRK remains suspicious and hostile towards OHCHR, and has made little attempt to engage with its advisory services.

NKHR response:

Please refer to [recommendation n°] 5

Recommendation n°36: *Continue its efforts aiming at achieving an environment of nonpoliticization, cooperation and dialogue in the human rights field* (Recommended by *Cuba*)

IRI: *not implemented*

CSW response:

The DPRK continues to view human rights as subservient to developmental rights, views them as an act of benevolence of the "Great Leader" and frequently politicises debates on human rights by accusing the West of using human rights to interfere in North Korean affairs. This is clear from their approach to the Special Rapporteur.

Recommendation n°37: *Maintain and strengthen its economic, political and social model chosen by its people in a sovereign manner and continue advancing in its efforts to increasingly build a just and more participative society* (Recommended by *Cuba*)

IRI: *not implemented*



CSW response:

The DPRK remains an authoritarian regime ruled by the elite, for the elite. All power is concentrated in the National Defence Commission and more specifically with the Kim family.

Recommendation n°51: *Take concrete steps to continue the process of family reunification, because for the elder generation even a delay of one or two years means that their chance of seeing their relatives may be lost forever* (Recommended by Hungary)

IRI: *not implemented*

CSW response:

The DPRK has made little attempt to work with the RoK to ensure the reunification of families, due to the heavily fortified border the process is increasingly difficult. It seems unlikely that any serious attempt will be made in the near future.

NKHR response:

Please refer to [recommendation n°] 42.

Recommendation n°52: *Continue to address the negative impact on the promotion and protection of human rights, as inflicted by external coercive measures* (Recommended by Iran)

IRI: -

CSW response:

The DPRK has used external coercive measures as an excuse for further violations of human rights, particularly the denial of the right to food to vulnerable groups.

Recommendation n°54: *Take concrete measures aiming at fostering a genuine human rights culture with due regard to national and regional particularities as well as historical, cultural and religious backgrounds* (Recommended by Iran)

IRI: *not implemented*

CSW response:

Human rights are not a priority issue for the North Korean regime, they are demoted to a status below developmental rights. Religious groups, and particularly Christians face very hostile treatment by the North Korean authorities. Imprisonment, torture and execution are commonly used against Christians. In addition those who are historically linked to South Korea or Japan are likely to face harsh discrimination from the government are often viewed as political dissidents.

Recommendation n°71: *Continue to cooperate with the United Nations, other international organizations and the world community to settle all the humanitarian issues* (Recommended by Laos)

IRI: *not implemented*

CSW response:

North Korea remains reluctant to allow access for the UN and other organisations to deal with the huge humanitarian crisis within its borders, The lack of transparency regarding where the aid ends up, with evidence suggesting it goes to the military and the nuclear programme, this makes it hard for agencies to provide aid without having access on the ground to ensure the aid is being administered to the most vulnerable.



Recommendation n°74: *Work on overcoming the obstacles related to economic problems and the scarcity of resources through cooperation with the international community and the United Nations so as to ensure the promotion and protection of human rights* (Recommended by Libya)

IRI: *not implemented*

CSW response:

North Korea remains reluctant to cooperate with the UN, and frequently refers to human rights as an act of benevolence from the "Dear Leader" rather than as fundamental rights.

Recommendation n°86: *Strengthen measures to facilitate access and effective distribution of international humanitarian aid to the people in need, with special attention to vulnerable groups* (Recommended by Mexico)

IRI: *not implemented*

CSW response:

Access to most of the country remains severely restricted for humanitarian agencies which make it hard for them to ensure the aid is delivered to the most vulnerable. In addition to this the North Korean government lacks transparency on where aid is allocated with evidence to suggest it is funnelled into the military programme rather than to vulnerable groups like women and children.

Recommendation n°96: *Adopt fully the rights-based approach in the development of future legislation* (Recommended by Nigeria)

IRI: *not implemented*

CSW response:

The North Korean government refuses to take a rights-based approach as they do see human rights as inherent but as a gift from the "Dear Leader" and as subservient to developmental issues.

Recommendation n°98: *Strengthen its national institutions for the promotion and protection of human rights* (Recommended by Nigeria)

IRI: *not implemented*

CSW response:

There is little evidence of efficient national institutions to protect and promote human rights and the judiciary is not independent, as a result there is little evidence of the DPRK strengthening its protection and promotion of human rights.

NKHR response:

Please refer to [recommendation n°] 4

Recommendation n°107: *Continue to cooperate and strengthen its human rights dialogue with relevant international human rights mechanisms* (Recommended by Pakistan)

IRI: *not implemented*

+

Recommendation n°109: *Continue cooperation and strengthen human rights dialogue with relevant international human rights mechanisms despite all obstacles*



*and existing challenges while remaining confident of its will and its way to proceed according to its needs and national priorities (Recommended by Palestine)*

IRI: *not implemented*

CSW response:

North Korea's response to the UPR process seems to be a clear indication of their unwillingness to actually engage with international human rights mechanisms, they did not accept a single recommendation and have shown little evidence of any change in the fulfilment of their human rights obligations. North Korea's cooperation with human rights mechanisms is poor and they continue to relegate human rights down the list of national priorities and refuse to treat human rights as fundamental and inherent.

NKHR response:

Please refer to [recommendation n°] 5.

*Recommendation n°118: Guarantee separated families fundamental right to know the fate of their family members across the border and to communicate and regularly meet together (Recommended by Republic of Korea)*

IRI: *not implemented*

CSW response:

The border between the two Koreas remains heavily fortified and impossible to cross, this has made it impossible for separated family members to meet and communicate. The lack of cooperation by the DPRK with RoK has further exacerbated this problem, and the lack of access to communications in the DPRK means they cannot even contact each other using telecommunications devices.

NKHR response:

Please refer to [recommendation n°] 42

*Recommendation n°134: Seek to continue to provide satisfactory conditions of operation to the United Nations aid agencies working in the country (Recommended by Sri Lanka)*

IRI: *not implemented*

CSW response:

It is almost impossible for UN agencies to access vast areas of the country, as freedom of movement is greatly restricted and the regime is unwilling to allow access to some of the hardest hit areas.

*Recommendation n°141: Do everything possible, in cooperation with the Republic of Korea, to ensure that the maximum number of meetings of separated families is organized (Recommended by Switzerland)*

IRI: *not implemented*

CSW response:

The DPRK have done little to cooperate with the RoK and at times their aggression towards their neighbour has been detrimental to attempts to try and negotiate on the reuniting of families that have been separated for many years. The DPRK has little desire to allow its citizens to leave the country and be reunited with their families in South Korea.



NKHR response:

Please refer to [recommendation n°] 42

Recommendation n°145: *Intensify its efforts to promote and protect the human rights of specific groups within society, such as women, children, disabled persons and the elderly, with a view to empowering them and alleviating their vulnerability (Recommended by Thailand)*

IRI: *not implemented*

CSW response:

The DPRK has yet to ratify the CRPD, and continues to fall short of its obligations under CEDAW and CRC. There are widespread reports of rape, child labour, torture and other human rights violations committed against these vulnerable groups. This is particularly prevalent in the North Korean prison camps.

NKHR response:

Partial efforts have been made to empower women and children and to alleviate their vulnerability. In 2010, two laws were adopted on the protection of children's and women's rights, respectively. 'Law on the Protection of Women's Rights,' which consists of 55 provisions, emphasizes the protection of women's rights and include the following: personal liberty, socio-political rights, and economic rights. Some of the notable provisions in the law are "promotion of women's participation in the management posts" (art 15), "prohibition of discrimination against women at workplace" (art 28), "provision of maternity leave at workplace" (art 33), "forbiddance of domestic violence" (art 46), and "protection of women in judicial system." (art 16). In the meantime, 'Law on the Protection of Child's Rights' contains 62 provisions, which aim at promoting children's rights in social, education, health, domestic, and judicial sectors. The following provisions are notable: prohibition of child labour (Art 20), interdiction of violence against children within the family (art 43), protection of the right to life and development of a child (art 11); and respect of a child's right to education (art 23). However, the actual implementation of these law is still doubtful. Violence against women (domestic, sexual, societal) in the workplace, military, and other sectors of society are still being reported as of 2011. Children are also not receiving adequate food and education while exposed to heavy labour. The number of Kotjebi(street children) increased due to the economic downfall in North Korea, and the cases of children being detained in detention facilities for adults have also been reported (2012 Whitepaper on North Korean human rights). With regard to physically impaired persons, the DPRK has not signed the Convention on the Rights of Persons with Disabilities as of May 2012. Furthermore, it has been reported that the DPRK is segregating persons with disabilities, especially those with dwarfism.

Recommendation n°155: *Create a national human rights institution, seek accreditation from the International Coordinating Committee of National Institutions and accept technical assistance from OHCHR in setting up this national institution (Recommended by United States)*

IRI: *not implemented*

CSW response:

There is no evidence of the DPRK setting a national human rights institution.

NKHR response:

Please refer to [recommendation n°] 5

Recommendation n°162: *Continue its cooperation with the international community in solving humanitarian issues of mutual concern* (Recommended by Viet Nam)

IRI: *not implemented*

CSW response:

The DPRK will not allow access to vast areas of the country for the international community, there is also a lack of transparency as to where aid ends up until these problems are solved North Korea cannot be seen as really cooperating with international community on the humanitarian crisis.

Recommendation n°165: *Continue giving priority to vulnerable groups in the distribution of international assistance* (Recommended by Yemen)

IRI: *not implemented*

CSW response:

The lack of transparency in the distribution of international assistance is one of the key reasons for the reluctance of the UN to provide aid to North Korea, there is much evidence that suggests that aid is funnelled into the military and the nuclear programme rather than to ordinary citizens and vulnerable groups such as women, children and disabled people.

Recommendation n°166: *Continue to seek constructive cooperation with international mechanisms and other countries in areas of human rights in a non confrontational and non-politicized manner* (Recommended by Zimbabwe)

IRI: *not implemented*

CSW response:

North Korea has made very little attempt at constructive cooperation on the issue of human rights, regularly referring to human rights as a tool of the US and the West, they approach human rights in a confrontational way and regularly dismiss criticism from the US, EU, Japan or South Korea as they see themselves as political enemies.

NKHR response:

Please refer to [recommendation n°] 5





## Methodology

### A. First contact

Although the methodology has to consider the specificities of each country, we applied the same procedure for data collection about all States:

1. We contacted the Permanent Mission to the UN either in Geneva (when it does exist) or New York;
2. We contacted all NGOs which took part in the process. Whenever NGOs were part of coalitions, each NGO was individually contacted;
3. The National Institution for Human Rights was contacted whenever one existed.

We posted our requests to the States and NHRI, and sent emails to NGOs.

The purpose of the UPR is to discuss issues and share concrete suggestions to improve human rights on the ground. Therefore, stakeholders whose objective is not to improve the human rights situation were not contacted, and those stakeholders' submissions were not taken into account.

However, since the UPR is meant to be a process which aims at sharing best practices among States and stakeholders, we take into account positive feedbacks from the latter.

### B. Processing the recommendations

The persons we contact are encouraged to use an Excel sheet we provide which includes all recommendations received by the State reviewed.

Each submission is processed, whether the stakeholder has or has not used the Excel sheet. In the latter case, the submission is split up among recommendations we think it belongs to. Since such a task is more prone to misinterpretation, we strongly encourage stakeholders to use the Excel sheet.

If the stakeholder does not clearly mention neither that the recommendation was “fully implemented” nor that it was “not implemented”, UPR Info usually considers the recommendation as “partially implemented”, unless the implementation level is obvious.

UPR Info retains the right to edit comments that are considered not to directly address the recommendation in question, when comments are too lengthy or when comments are defamatory or inappropriate. While we do not mention the



recommendations which were not addressed, they can be accessed unedited on the follow-up webpage.

### C. Implementation Recommendation Index (IRI)

UPR Info developed an index showing the implementation level achieved by the State for the recommendations received at the UPR.

The **Implementation Recommendation Index (IRI)** is an individual recommendation index. Its purpose is to show an average of stakeholders' responses.

The *IRI* is meant to take into account stakeholders disputing the implementation of a recommendation. Whenever a stakeholder claims nothing has been implemented at all, the index score is 0. At the opposite, whenever a stakeholder claims a recommendation has been fully implemented, the *IRI* score is 1.

An average is calculated to fully reflect the many sources of information. If the State under Review claims that the recommendation has been fully implemented, and a stakeholder says it has been partially implemented, the score is 0.75.

Then the score is transformed into an implementation level, according to the table below:

Percentage:	Implementation level:
0 – 0.32	Not implemented
0.33 – 0.65	Partially implemented
0.66 – 1	Fully implemented

Example: On one side, a stakeholder comments on a recommendation requesting the establishment of a National Human Rights Institute (NHRI). On the other side, the State under review claims having partially set up the NHRI. As a result of this, the recommendation will be given an *IRI* score of 0.25, and thus the recommendation is considered as “not implemented”.

### **Disclaimer**

*The comments made by the authors (stakeholders) are theirs alone, and do not necessarily reflect the views, and opinions at UPR Info. Every attempt has been made to ensure that information provided on this page is accurate and not abusive. UPR Info cannot be held responsible for information provided in this document.*

## Uncommented recommendations

Hereby the recommendations which the MIA did not mention:

rec. n°	Recommendation	SMR	Response	A	Issue
11	Continue to achieve its objective of establishing a society free from crimes	Belarus	No Response	2	Public security
12	Continue to achieve its objective of establishing respect for law in society	Belarus	No Response	2	Justice
75	Work on the enhancement of the free health care programme and free primary education, obtaining the necessary assistance through international cooperation	Libya	No Response	4	Technical assistance, Right to health, Right to education,
81	Continue efforts to reinvigorate the national economy by, inter alia, allowing more freedom for people to engage in economic and commercial activities	Malaysia	No Response	4	Other
112	Strengthen its efforts to promote gender equality and the rights of women	Philippines	No Response	4	Women's rights
120	Continue reporting on the implementation of human rights treaties to which it is a party	Slovenia	No Response	2	Treaty bodies
133	Continue to promote and protect economic, social and cultural rights of its people, with greater emphasis on economic development	Sri Lanka	No Response	2	ESC rights - general, Development,
143	Ensure that the rights of women, children and persons with disabilities are more effectively realized through the implementation of the strategy for the promotion of reproductive health, 2006- 2010, the national strategy for the prevention of AIDS, 2008-2012, the primary health care strategy, 2008-2012, the national action plan for the well-being for children, 2001-2010 and the comprehensive action plan for persons with disabilities, 2008-2012	Syria	No Response	4	Women's rights, Rights of the Child, Right to health, HIV - Aids, Disabilities,
144	Take positive measures to further reduce infant mortality rates and maternal mortality rates	Syria	No Response	4	Women's rights, Right to health,
163	Continue its efforts in ensuring economic and social rights	Viet Nam	No Response	2	ESC rights - general

A= Action Category (see on [our website](#))

SMR = State making recommendation

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