



NKDB STATEMENT

UPR Pre-session on the Democratic People's Republic of Korea

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Delivered by: Database Center for North Korean Human Rights (NKDB)

1. Presentation of the Organisation

This statement is delivered on behalf of the Database Center for North Korean Human Rights (NKDB), a non-political, non-religious, non-governmental organisation. Established in 2003, NKDB has dedicated its work primarily on the investigation and documentation of human rights perpetrated in the DPRK. The information collected is stored in NKDB's Unified Human Rights Database, which as of March 2019 contains 71,610 cases of human rights violations and information on 43,147 individuals related to them including victims, perpetrators and witnesses.

2. National consultations for the drafting of the national report

The DPRK is a totalitarian government, which means that civil society and NGO activity are non-existent in the country. Domestic organisations are all under the authority of the Kim Jong Un regime and foreign organisations are unable to conduct any activities without authorisation from the government. As a result, due to the unique situation in the DPRK in which data-collection is not possible within the country, NKDB has carried in-depth interviews with fifty North Korean defectors who lived in the DPRK during the period under review

3. Plan of the Statement

This statement addresses the following issues: (1) access to justice, (2) labour rights and (3) freedom of movement

4. Statement

i. Access to Justice

A. Follow-up to the second review

During the second review, the DPRK received 45 recommendations related to the issue of justice of which the DPRK only accepted 5 recommendations given by Namibia, Israel, Russia, Burundi and Viet Nam. The DPRK's recommendations related to justice included measures that would ensure the independence of the court and the right to fair trial and due process. According to the 2014 National Report, "no institution including a higher-level court shall violate the independence of a tribunal...by giving directions foretelling the outcome of a trial." North Korea's Criminal Procedure Law claims that arrests must not be made without an arrest warrant and that an observer and judicial clerks attend interrogations and audio-video recordings are also made to ensure fairness, objectivity and scientific accuracy. However, 96 per cent of NKDB's interviewees stated that trials were not carried out in a fair and objective manner. In reality, law enforcement officials are often bribed ahead of and during preliminary interrogations and unlawful arrest and detention is widespread in the country for those who are unable to provide such a bribe.

B. New developments since the last review

In response to the increasing crescendo of international criticisms on human rights after the release of the Commission of Inquiry's report in 2014, the DPRK has made efforts to create as many legal mechanisms to superficially show that the state is making efforts on human rights issues. During the period under review, the DPRK continuously reported the application of the 'Day of Complaints Consideration' in line with recommendation 124.116 given by the Russian Federation. According to the DPRK, the 'Day of Complaints Consideration' allows citizens to submit complaints from the central level down to the grassroots. The complaints-handling machinery was supposed to allow citizens to submit complaints to stop encroachment upon

their rights and interests or seek compensation. However, citizens have been deprived of the explanation of the complaints system and subsequently of their right to justice; Complaints are seen to be criticisms of an individual, particularly of actions that are considered to be 'political' or 'anti-state' crimes. Complaints are being used as an additional surveillance tool for the state in which those who submit complaints are framed to have infringed the law and to be criminals, leading to citizens being scared to submit complaints.

C. Recommendations

NKDB recommends the Government of the DPRK to:

- a. Ensure that the complaints system is implemented without posing threat to citizens using said procedure leading to better implementation of goal number 16 of the SDGs.
- b. Incorporate education on human rights and allocate a budget to spread human rights literacy including the right to access justice in the national curriculum.
- c. Create and introduce a handbook based on international human rights standards including definitions of various rights to be distributed freely in People's Unit and Women's Union meetings, with consultation with the United Nations if needed.

ii. Labour Rights

A. Follow-up to the second review

Since the first UPR, the DPRK has refused to accept any recommendations that call for the State to join the International Labour Organization (ILO). The DPRK's unwillingness to join an agency that sets the international labour standards and considers the fight against forced labour to be one of its main issues, reflects the State's attitude towards labour within the country. The only recommendation that was accepted by the DPRK related to labour during the second UPR was given by Nicaragua and was a pledge to improve the working environment for its workers. In a country where the majority of citizens work in factories, mines or farms, this was an ambitious but nonetheless important recommendation for the DPRK to accept. Occupational health and safety is crucial in protecting workers from sickness, disease and injury arising from their employment. While these accidents are often preventable through the implementation of training, reporting and inspection practices, however several factors in North Korea remain obstacles for such measures to become a reality.

The lack of electricity, intensity of labour and unrealistic labour quotas has made it difficult for workers to implement any changes without any practical measures from the top. In North Korea, people are assigned their jobs in groups based on what the State believes is necessary at the time. Therefore groups of workers are sent to factories, mines or construction sites based not on their skills but the State's demands.

Furthermore, since North Korea's economic hardship there has been a serious shortage of electricity in North Korea and power generation has barely recovered since then. Accidents and fatalities in particular occur in mines and construction sites where workers are not provided with the equipment needed for heavy lifting. The scarcity of resources in North Korea means that there is great deal of negligence and that lives are lost simply because safety checks and appropriate equipment are not provided.

B. New developments since the last review

The DPRK did not accept any of the recommendations that urged the end of forced labour, an issue that is so deeply connected with many of the other rights of North Koreans. With the collapse of the public distribution system during the Arduous March, most work places only exist but have no production; as a result, few North Koreans are able to depend on the state to sustain their lives. As the majority of companies fail to provide compensation for labour services provided by workers, many North Korean people have turned to other means of sustaining themselves. A large portion of interviewees, who ultimately had enough money to pay a broker to come to South Korea, stated that they were able to do so through economic activities that are considered to be illegal in North Korea. In order to be able to do these 'illegal economic activities' North Korean register as '8/3 workers' in which they would pay a steep monthly fee to be registered at a workplace to avoid punishment. If citizens do not pay to be registered and do not attend a work place for more than fifteen days, then they are faced with punishments. Ninety-seven percent of respondents stated that there were criminal punishments for those who did not work. The most common punishment for being unemployed or failing to attend work is being

sent to a labour training camp. One of the most common dissatisfactions among North Korean interviewees was the deprivation of the freedom to not only choose their workplace but the freedom to remain unemployed. This grievance is directly connected to the text of North Korea's Administrative Punishment Law, in which Article 90 penalizes unemployment in the DPRK.

C. Recommendations

NKDB makes the following recommendations to the Government of the DPRK:

- a. Ensure that every worker is provided with full and regular remuneration without any deductions such as but not limited to loyalty and state support fees leading to better implementation of goal number 8 of the SDGs.
- b. Honour the freedom to choose an occupation by dismantling the practice of job assignment by the state, removing any form of discrimination against social class and status, and penalising any state officials who receive bribes during the employment process.

iii. Freedom of Movement

A. Follow-up to the second review

The DPRK's notoriety as the 'Hermit Kingdom' not only originated from the walls it created from the outside world, but also the walls created keeping its people within the country. During the first UPR, the DPRK did not accept any recommendations relating to the freedom of movement. Surprisingly so, during the second cycle, it accepted one recommendation that not only related to the freedom of movement, but the freedom for its citizens to travel overseas.

During the period under review, North Koreans are still prohibited from travelling overseas without state consent which is usually only given to those are visiting relatives in China, be travelling for professional purposes and to the small group of elites. Not only was the accepted recommendation merely a symbolic move by the DPRK, it highlighted the reality of the restrictions of movement that exist within the country. The right to movement is systematically restricted for North Korean citizens as travel passes must be issued in order for them to travel to other provinces. North Koreans are expected to provide proof of purpose with permission from their work unit in order to be able to travel to another part of the country. Despite the DPRK's acceptance to facilitate the movement of North Korean citizens abroad, the government continuously punishes those who travel within and out of the country. Penalties depend on the level of movement such as a bribe to state officials for travelling without a 'travel permit' between provinces, as well as being sent to labour training camps for travelling to China for work without a permit.

B. New developments since the last review

The period under review saw increased engagement between North and South Korea, of which one of the results that appeared a re-connection of railroads and roads between the two Koreas. While in the past movement from North Korea to the South were considered to be "treason against the Fatherland by defection" due to North and South Korea's tense relations, in this era of rapprochement the question should be asked whether North Koreans will be given the freedom to leave their country and for defectors to return.

Those who are suspected to have crossed the border with the goal of going to South Korea are given stricter punishments. NKDB gathered a testimony from a North Korean defector who had paid a broker to bring her husband and son out of North Korea in 2016. However, upon being caught by the Chinese authorities they were repatriated back to North Korea after which their whereabouts are unknown. Men, family members and those who travel in groups have a higher chance of being suspected as attempting to defect the country and are unable to lessen their punishment through bribes. Those caught en route to South Korea are given harsher punishments and sent to political prison camps. The most severe punishments are given to those who help North Koreans cross the border, also known as brokers. North Korean authorities paint brokers as perpetrators of human trafficking who are subject to public and secret executions in an attempt to deter citizens from fleeing the country.

C. Recommendations

NKDB makes the following recommendations to the Government of the DPRK:

- a. Allow the overseas travel of all North Koreans regardless of regional, educational and family background.
- b. Seize punishment of citizens who return or are involuntarily returned to the DPRK from abroad.

Thank you for your attention.