



STATEMENT

UPR Pre-session on Democratic People's Republic of Korea Geneva, 28 August 2024

Delivered by: Korea Future

I. Introduction

This statement is delivered by Korea Future. Korea Future is a non-profit organisation committed to achieving justice and accountability for human rights violations and crimes against humanity in the Democratic People's Republic of Korea (DPRK)'s penal system. Our vision is to achieve meaningful justice with victims and accountability for perpetrators in the DPRK.

According to the national report submitted by the DPRK prior to the third Universal Periodic Review (UPR) cycle, the DPRK claims that several rounds of consultations were conducted through a taskforce¹ coordinated by the National Committee for the Implementation of International Human Rights Instruments. However, without access to the DPRK by the international community or Civil Society Organisations (CSOs), this information remains unverifiable. The absence of independent verification severely undermines the credibility of the claims made in the report.

This lack of transparency persists in the DPRK's national report for the fourth UPR cycle, where, once again, no external access has been granted since the last review, and CSOs have been entirely excluded from the process. Consequently, the evidence presented in these reports must be approached with significant caution due to its unverifiable nature. CSOs operate in an environment where our evidence is subject to citation, verification, and fact-checking, thereby ensuring its credibility; as such, it is arguable that our findings should be accorded significantly more weight than the unverifiable claims presented by the DPRK.

The statement focuses on three human rights thematics: (1) arbitrary detention; (2) fair trial and justice, and; (3) conditions of detention.

II. Statement

1. Arbitrary Detention

A. Previous Cycle

¹ Taskforce comprised of officials from the Presidium of the Supreme People's Assembly, Central Court, Central Public Prosecutors Office, Ministry of Foreign Affairs, Education Commission, Ministry of Public Health, Ministry of Labour and Central Bureau of Statistics, as well as representatives of social organisations such as Socialist Women' Union, Federation for the Protection of Persons with Disabilities, Federation for the Protection of the Elderly and Association for the Support of the Child, and experts from academic institutions like the Institute of Human Rights and Law Institute of the Academy of Social Sciences.

From the third UPR cycle, the DPRK government noted *six* recommendations provided under the theme of arbitrary arrest and detention (D33)².

B. Human Rights Situation Development

The DPRK has not demonstrated any progress in halting the violation of procedural rights in the arrest and detention of individuals exercising fundamental human rights, such as freedom of expression, movement, and religion. According to Korea Future's first-hand investigations, instances of arbitrary detention were documented in 2019, with cases lasting up to six months. In particular, we recorded cases where law enforcement authorities failed to produce a valid arrest warrant and did not inform the individuals of the reasons for their arrest.

Moreover, there were instances where the authorities neglected to promptly notify the detainees' families or allow any familial contact, leaving families unaware of the whereabouts of their family members. These documented cases contravene both the DPRK's own Criminal Procedure Law and the International Covenant on Civil and Political Rights (ICCPR).

In October 2023, following the partial reopening of borders after the COVID-19 closures, over 600 North Korean citizens were forcibly repatriated from China and subsequently detained in penal facilities near the DPRK border. A similar large-scale wave of repatriations occurred again in April 2024, following the same *modus operandi*. These incidents, alongside Korea Future's documentation of a systematic pattern of arbitrary detention that disregards procedural rights, highlight the absence of any meaningful progress since the last review cycle and underscore the urgent need for international attention.

Since the last review, the DPRK has enacted several laws, including the 2020 Law on the Elimination of Reactionary Thought and Culture, the 2021 Youth Education Guarantee Law, and the 2023 Pyongyang Cultural Language Protection Law. These laws have resulted in a marked increase in the arbitrary detention of individuals exercising their fundamental freedoms. Under these regulations, individuals can be arrested and detained for actions such as consuming or sharing foreign media—particularly from the Republic of Korea—engaging in religious activities, or using South Korean linguistic styles. The continued pattern of arbitrary arrests and detentions underscores the DPRK's failure to adhere to and implement recommendations aimed at protecting against such violations.

C. Recommendations

To address the issue of arbitrary detention in the DPRK, we make the following key recommendations:

1. *Prohibit* the arrest of individuals for the legitimate exercise of their right to leave the country and cease the detention of DPRK citizens who have been forcibly repatriated.
2. *Ensure* that all detentions are based on lawful criteria and are carried out in full compliance with established due process protocols.

2. Fair Trial & Justice

A. Previous Cycle

² Arbitrary arrest and detention is one of the recommendation themes from the third UPR cycle of Democratic People's Republic of Korea. Specific recommendations can be found here: <https://shorturl.at/i24wp>

From the third UPR cycle, the DPRK noted *two* recommendations provided under the theme of administration of justice & fair trial (D51)³.

B. Human Rights Situation Development

Our investigation reveals that the DPRK continues to lack essential due process safeguards. In 2019, administrative penalties were imposed without judicial oversight, and the Ministry of State Security operated quasi-judicial bodies, exercising extrajudicial powers to sentence individuals for alleged anti-State and anti-Party activities. This underscores a significant deficiency in the legal framework required to protect due process rights and highlights the DPRK's failure to align with international recommendations for an independent judiciary.

Moreover, our investigation exposes further deficiencies in upholding specific fair trial rights, particularly those administered by the Ministry of Social Security. North Korean exiles interviewed by Korea Future reported being unaware of their right to legal assistance during the administrative penalty process or trial. They also described being subjected to pre-trial detention for up to six months, during which they were not promptly informed of the charges against them, denied access to legal aid, and isolated from outside communication.

Additionally, our findings indicate that defence attorneys in the DPRK are state-appointed and, without the exchange of bribes, do not effectively represent their clients. Corruption is rife among state officials within law enforcement and the judiciary, further illustrating the absence of an independent and transparent legal system. The DPRK consistently disregards the presumption of innocence, with detainees being treated as convicted criminals even before trial. Overall, the DPRK has failed to implement the recommendations aimed at establishing an independent judiciary.

C. Recommendations

To address the issue of fair trial and justice in the DPRK, we make the following key recommendations:

1. Ensure the right to a fair trial for all individuals, in accordance with international human rights standards, by systematically training judicial and law enforcement personnel in these fundamental principles.
2. Safeguard the independence and impartiality of judicial authorities, and guarantee the right to a fair trial for individuals facing administrative sanctions.

3. Conditions of Detention

A. Previous Cycle

From the third UPR cycle, the DPRK government noted *seven* recommendations provided under the theme of conditions of detention (D26)⁴.

B. Human Rights Situation Development

³ Administration of justice & fair trial is one of the recommendation themes from the third UPR cycle of Democratic People's Republic of Korea. Specific recommendations can be found here: <https://shorturl.at/i24wp>

⁴ Conditions of detention is one of the recommendation themes from the third UPR cycle of Democratic People's Republic of Korea. Specific recommendations can be found here: <https://shorturl.at/i24wp>

Our investigations have revealed minimal improvement in detention conditions within the DPRK, despite recommendations to comply with the Nelson Mandela Rules and the Bangkok Rules. In 2019, we documented instances of nutritionally deficient and contaminated food, severe overcrowding, and a lack of basic hygiene supplies. These conditions led to acute weight loss, severe malnutrition, and untreated injuries, all exacerbated by the absence of qualified medical staff and essential medications.

Detention conditions are particularly harsh for women and girls, who are disproportionately subjected to sexual violence, including invasive body searches and forced penetration without medical justification. These degrading practices are often carried out by untrained personnel, highlighting the absence of lawful procedures and oversight in detention facilities. Although Article 175 of the Criminal Procedure Law (2021) theoretically exempts pregnant women from detention from three months before to seven months after childbirth, the reality fails to reflect the law. Pregnant women continue to be detained and subjected to reproductive violence.

Since 2019, coerced abortions have been performed by law enforcement authorities through methods such as injections, malnutrition, or physical violence. Data collected since 2019 indicates no improvement in the patterns of gender-based violence in detention, nor have DPRK state officials taken any meaningful steps to address these abuses or to ensure adequate conditions for detainees who are particularly vulnerable to such violence.

C. Recommendations

To address the issue of conditions of detention in the DPRK, we make the following key key recommendations:

1. *Improve* detention conditions to safeguard the right to health by ensuring the provision of nutritionally balanced food in adequate quantities, free from contaminants, and by guaranteeing unconditional access to comprehensive medical services, including mental, physical, maternal, and reproductive healthcare. Additionally, affirm the availability of sufficient personal hygiene amenities for all detainees.
2. *Discipline or prosecute* officials found to be engaging in discriminatory practices or committing gender-based violence, including sexual and reproductive violence against women.

III. Conclusion

Detention practices in the DPRK remain a critical area of concern, revealing significant shortcomings in the protection of fundamental rights and freedoms that are central to any just legal system. The experiences of women in detention, particularly the grave violations to which they are vulnerable, have further been brought to light by two survivor-led organisations, EUM Research Institute and UNISEED, underscoring the urgent need for reform. Addressing these issues is essential to uphold the individual freedoms enshrined in the UN framework. We strongly urge the DPRK to undertake meaningful reforms to begin aligning with its international commitments.