



DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA (DPRK)

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Joint submission by:

**International Federation for Human Rights (FIDH)
Database Center for North Korean Human Rights (NKDB)**

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The **Database Center for North Korean Human Rights (NKDB)** is a human rights NGO that was established to investigate, document, and provide relief for human rights violations committed against North Koreans or within the context of the Democratic People’s Republic of Korea (DPRK). As of March 2024, NKDB has accumulated over 130,000 entries in its Unified Human Rights Database, which is the largest repository of DPRK-related human rights violations. Since July 2023, NKDB has held special consultative status with the UN Economic and Social Council.

The **International Federation for Human Rights (FIDH)** is an international human rights NGO that unites 188 member organizations from 116 countries. Since its foundation in 1922, FIDH has been defending all civil, political, economic, social, and cultural rights set out in the Universal Declaration of Human Rights (UDHR).

Introduction

1. This submission addresses the violations of select civil and political rights that have been committed by state actors in the Democratic People's Republic of Korea (DPRK), especially since its third Universal Periodic Review (UPR) in 2019. In particular, the submission highlights the DPRK government's failure to implement the UPR recommendations it accepted on the right to a fair trial and to freedom of opinion and expression. Violations of these rights are particularly alarming due to their magnitude, and have been committed in breach of the government's obligations under the International Covenant on Civil and Political Rights (ICCPR), to which the DPRK is a state party despite its attempts to withdraw from the Covenant.
2. The concerns noted herein are based on: (a) the collection of testimonies on the DPRK's human rights situation on the ground; and (b) the examination of the changes in its domestic laws as evidenced by official documents since the country's third UPR in 2019. In October 2023, NKDB surveyed and interviewed 20 North Korean escapees in the Republic of Korea (ROK) regarding the DPRK government's implementation of recommendations it had accepted during its third UPR in 2019. These 20 escapees left the DPRK after 2019 and therefore could provide first-hand accounts on the country's human rights situation for most of its third UPR cycle.¹ In addition to conducting surveys and interviews with the 20 escapees concerning the accepted UPR recommendations, NKDB relied on its Unified Human Rights Database, which is a broader repository of cases of human rights violations committed by the DPRK government. Since the organization's establishment in 2003, NKDB has conducted human rights investigations with over 20,000 of the approximately 34,000 North Korean escapees resettled in the ROK.² As of 22 March 2024, the NKDB documented 86,442 cases of human rights violations that date back to the 1940s.
3. From 2012 until the start of the COVID-19 pandemic in 2020, more than 1,000 North Korean escapees arrived in the ROK on an annual basis. However, during the COVID-19 pandemic, the DPRK government's complete border closure drastically reduced the number of North Korean escapees arriving in the ROK. According to the ROK's Ministry of Unification, only 63 escapees arrived in 2021, 67 in 2022, and 196 in 2023, with the majority having first left for the China from the DPRK before the border closure. As a result, during the COVID-19 pandemic, which overlapped with the DPRK's third UPR cycle, the number of new North Korean escapees whom NKDB could interview was significantly lower than usual. The significantly smaller sample of interviewees during this period explains the decline in NKDB's documentation of human rights violations compared to previous years, but this limited sampling should not be construed as a decrease in the actual occurrence of human rights violations in the DPRK during its third UPR cycle.
4. During the DPRK's third UPR in 2019, the government accepted 18 recommendations on civil and political rights. This followed the acceptance of 19 recommendations on civil and political rights during the second UPR in 2014. However, NKDB's findings from the aforementioned research indicate a failure in their actual implementation. While enshrining select rights in the country's domestic laws, the DPRK government has failed to uphold them in practice, leaving its citizens uninformed of their rights and vulnerable to abuse, especially by the judicial system. Moreover, the government introduced new laws to further curtail other rights, particularly the right to freedom of opinion and expression.

Violations of the right to a fair trial result in arbitrary detentions

5. The DPRK government failed to implement an accepted recommendation to “enshrine fully the right to fair trial and due process guarantees,” which it received during the DPRK’s second UPR in 2014 [124.114]. Testimonies of North Korean escapees collected by NKDB revealed that the government continued to deny the right to a fair trial to the accused, especially those suspected of harboring “anti-state motives.” Such abuses occurred despite the presence of safeguards in the DPRK’s legal system. Article 79 of the Constitution stipulates that “no citizen can be placed under control or arrest [...] without a legal warrant,” and Article 166 stipulates that “judicial proceedings shall be carried out in strict accordance with the law.”
6. The authorities consider attempting to flee to the ROK, viewing or disseminating unapproved media, and other peaceful and legitimate actions as political crimes. In such cases, individuals are routinely arrested by the Ministry of State Security and detained without trial in political prison camps known as *kwanliso*, the existence of which has been confirmed by the testimonies of North Korean escapees and satellite imagery. Because these political prison camps are not acknowledged as official places of detention, individuals who are taken to these facilities are not provided with due process rights as delineated by the DPRK’s laws. As of 22 March 2024, NKDB documented 5,265 cases of imprisonment in *kwanliso*, of which 22 occurred after 2019.³
7. The deprivation of liberty of individuals in the DPRK is generally arbitrary because it lacks any legal basis, occurs in violation of the right to a fair trial, or is in response to the exercise of rights guaranteed by the ICCPR. As of 22 March 2024, NKDB documented 1,971 cases of arbitrary arrest, of which 42 occurred after 2019, and 31,974 cases of arbitrary detention, of which 137 occurred after 2019.⁴
8. Reflecting on their experiences in the DPRK post-2019, 80% of North Korean escapees surveyed by NKDB reported that the authorities failed to adjudicate criminal cases in accordance with the country’s legal procedures.⁵ In particular, they reported the lack warrants prior to arrests and opined that North Koreans were unlikely to be aware of such legal requirement in the first place. Of particular concern is the fact that some of the North Korean escapees surveyed reported that documents required by legal procedures, such as arrest warrants, were produced and issued only after individuals had been arrested and detained. These testimonies evinced the government’s disregard for due process guarantees prescribed by both domestic and international law.
9. This disregard for due process guarantees is reinforced by the routine practice of obtaining confessions from individuals suspected of committing of a crime through torture during interrogations. The majority of North Korean escapees interviewed by NKDB, who had been interrogated for alleged crimes, reported that they were tortured into making confessions while being deprived of other fundamental rights, including but not limited to: the right to food, water, and sanitation; the right to communicate with family; and the right to seek legal assistance. As of 22 March 2024, NKDB documented 3,693 cases of torture that took place during interrogations conducted by the Ministry of State Security or the Ministry of Social Security. Of those cases, 14 occurred after 2019.⁶

The judiciary lacks independence

10. The government did not implement an accepted recommendation to “ensure the functioning of an independent judiciary and procedures with free and fair judgment,” which it received during the DPRK’s third UPR in 2019 [126.46]. The DPRK’s Criminal Procedure Law prescribes the following stages of a criminal proceeding: investigation, preliminary examination, prosecution, and trial. However, according to the testimonies of North Korean escapees, the Ministry of State Security controlled the entire procedural sequence in cases involving political crimes, without any judicial oversight. Moreover, the Party Security Committee of the ruling Workers’ Party of Korea often influenced the final sentence in cases involving non-political crimes. As a result, defendants with ties to the party received lighter sentences than those without such relations.⁷
11. NKDB also documented a few cases in which a direct order from Supreme Leader Kim Jong Un led to the execution of detainees without trial during the DPRK’s third UPR cycle. In one case, which took place in Pyongyang in September 2020, an individual, who had been serving in the Supreme Guard Command (the unit responsible for the security of Kim Jong Un and his family), was detained without explanation and, shortly afterwards, executed without trial upon Kim Jong Un’s direct order.⁸

Defendants denied legal representation

12. The disparity between the DPRK’s laws and practice is also evident in matters surrounding the right to a defense counsel for those accused in criminal cases. Despite legislative changes, suspects in criminal cases remain unable to exercise the full right to counsel in practice. Since 2019, the government has amended its Criminal Procedure Law (Articles 58, 59, 62, and 63) to emphasize the accessibility of defense counsel, prescribing not only the power of the accused to appoint their own defense counsel but also the need for the court to provide, within a specified time, a defense counsel in the absence of an individually-appointed defense counsel. Alarming, 95% of the North Korean escapees surveyed by NKDB said that they were not aware of the provisions on the right to defense counsel, or that these provisions were not implemented. In addition, the escapees reported that the presence of a defense counsel was merely designed to fulfill a legal requirement rather than providing substantive legal aid, as defense counsels typically did not interact with defendants until the very late stages of the trial.⁹
13. Furthermore, in a blatant violation of the right to a fair trial, multiple North Korean escapees interviewed by NKDB reported that courts appeared to deliver verdicts that had been “written ahead of the trial.”¹⁰ In such cases, defendants found themselves unable to argue their cases or influence the verdicts.

Inadequate measures to address human rights abuses

14. The government did not implement four recommendations it accepted during the DPRK’s second and third UPRs concerning mechanisms to address human rights violations. At the second UPR in 2014, the government accepted two recommendations to ensure the review of complaints and the punishment of human rights abuses [124.116, 124.118]. At the third UPR, the government accepted two recommendations to strengthen the legal framework for the protection of human rights [126.74, 126.76]

15. While measures like a “Petition Processing Day” and a Petition Department (established in the late 1960s and 2021, respectively) give the semblance of recourse mechanisms, these channels are practically inaccessible due to their arbitrariness and lack of transparency.¹¹ According to the testimonies of North Korean escapees, there remained a lack of a clear and specific procedure through which state agencies processed and addressed complaints, and the processing of complaints was not transparent. Three quarters of the North Korean escapees surveyed by NKDB reported that they were either unaware of the process for filing petitions, or found such process to be unfair because it was subject to the payment of bribes. Additionally, when asked about the “Petition Processing Day,” 70% of the surveyed escapees reported that they were unaware of either its existence or relevant information about it.¹²
16. The DPRK’s Ministry of Social Security, for the first time, explicitly incorporated the concept of “human rights abuses” in its curriculum for the education of its officers, as revealed by an official document dated May 2023.¹³ However, this measure is limited to the Ministry of Social Security. It does not extend to the Ministry of State Security whose officers are responsible for the most severe forms of human rights abuses, like torture, due to their jurisdiction over anti-state or anti-national crimes. In fact, guards of political prison camps are encouraged by the Ministry of State Security to treat prisoners as “less-than-humans,” according to insiders contacted in May 2023.¹⁴

Restrictions on the right to freedom of opinion and expression

17. The government failed to implement an accepted recommendation to “ensure the independence of the press,” which it received during the DPRK’s third UPR in 2019 [126.141]. State-controlled media remains the only source of information allowed in the country and predominantly serves as a tool for propaganda and indoctrination, which are crucial for the government’s maintenance of its grip on power. The Korean Central News Agency (KCNA) operates under the direct supervision of the government and is the primary source of information for the population.
18. The government also failed to implement numerous accepted recommendations to guarantee the right to seek and receive information, which it received during the DPRK’s third UPR in 2019 [126.113, 126.114, 126.138, 126.140, 126.142, and 126.144]. The government continued to exercise strict controls over the media, taking measures to ensure that only content aligned with its policies and actions is disseminated to the public. These strict controls apply to all forms of media, including print, TV and radio broadcast, and online platforms. Radios and TV sets are preset to receive only signals from state-controlled channels, preventing access to external information. Additionally, the possession of unauthorized media, such as foreign films, literature, or news, is strictly prohibited and subject to severe punishments, including imprisonment or even execution. In addition, during the third UPR cycle, the government enacted new draconian laws that further restricted the right to freedom of expression, including the right to seek and receive information: the Reactionary Ideology and Culture Rejection Act (2020), the Youth Education Guarantee Act (2021), and the Pyongyang Cultural Language Protection Act (2023).
19. The Reactionary Ideology and Culture Rejection Act (2020) outlines disproportionate punishments for the consumption and/or distribution of banned media, especially South Korean media, and for the use of unregistered devices through which such media can be accessed. The penalties range from dismissal from jobs and fines for minor offenses to death for the most severe violations. The Youth Education Guarantee Act (2021) and the

Pyongyang Cultural Language Protection Act (2023) mandate adherence to established standards on expression and behavior as a means to further restrict engagement with foreign cultures, particularly the South Korean culture. The Pyongyang Cultural Language Protection Act (2023), which prohibits speaking in a South Korean accent and using terms/phrases traceable to the South Korean culture, and the Reactionary Ideology and Culture Rejection Act (2020) set the death penalty as the maximum punishment. NKDB has documented several cases in which individuals were executed in front of a large crowd on charges under the Reactionary Ideology and Culture Rejection Act (2020) or the Pyongyang Cultural Language Act (2023).¹⁵

20. To strengthen control over the flow of information, the DPRK government systematically employed a vast surveillance network to monitor the population for any signs of dissent or exposure to unauthorized information. The government not only designated informants in neighborhoods, but also encouraged all residents to report any suspicious behavior, creating an atmosphere of fear and self-censorship. Article 33 of the Reactionary Ideology and Culture Rejection Act (2020) prescribes penalties, including training through labor, for those who fail to report illegal activities, such as accessing, importing, or distributing foreign media.
21. The COVID-19 pandemic exacerbated the decline in the flow of information from and to the DPRK. As the government responded to the pandemic with the complete closure of its borders, nearly all routes for smuggling information were blocked. This led to the increased difficulty of using USBs, SD cards, and other traditional methods of information smuggling in and out of the DPRK.
22. The government prohibits access to the internet to almost its entire population, given the difficulty of regulating online content. As of January 2024, the DPRK had the lowest internet penetration rate in the world, with 99.9% of the country's population blocked from internet access.¹⁶ The government allows the country's elites to access a heavily censored intranet service called "Kwangmyong." At the DPRK's third UPR in 2019, the government accepted a recommendation to publish the Korean translations of the full texts of the human rights treaties ratified by the DPRK on the national intranet service "Kwangmyong" [126.98]. However, it has yet to be confirmed whether such translations have been made available.

Restrictions on freedom of movement

23. The government did not implement three accepted recommendations to ensure the right for individuals to move freely within the country and to travel abroad, which it received during the DPRK's third UPR in 2019 [126.113, 126.114, 126.135]. Article 75 of the Constitution stipulates that citizens retain the freedom of travel. However, in contrast to this constitutional provision, several laws, such as Article 30 of the People's Security Enforcement Law and Article 194 of the Administrative Penalty Law, authorize undue restrictions on ordinary travel and punish unregistered travel.
24. These restrictions on freedom of movement apply to domestic as well as international travel. Three quarters of the North Korean escapees surveyed by NKDB reported the continued lack of freedom of movement in the DPRK during the third UPR cycle, explaining that residents were required to submit a statement of purpose and request a permit for domestic travel. The minority of survey respondents who reported an increase in the freedom of movement attributed this development to the growing use of bribery as a way to bypass domestic travel requirements.¹⁷

25. Moreover, under the Sino-Korean Border Agreement, all North Koreans who escape to China must be forcibly repatriated to the DPRK. Once forcibly repatriated, these individuals are interrogated by the Ministry of State Security, as international travel, especially ROK-bound travel, can be considered a political crime. Nearly all of such individuals interviewed by NKDB underwent invasive strip searches, including body cavity searches, and forced to repeatedly sit and stand up while naked during interrogation by the Ministry of State Security.¹⁸
26. During the COVID-19 pandemic, the government further obstructed freedom of movement. Some measures, such as border closures, were initially implemented in response to the pandemic. However, their draconian implementation was protracted unnecessarily. The government did not begin to allow the return of citizens stranded overseas until August 2023.¹⁹
27. Other measures represented a disproportionate response to the threat of COVID-19. Beginning in January 2020, Supreme Leader Kim Jong Un ordered the fortification of the DPRK's borders with China and Russia, which have historically been significant avenues for North Koreans to attempt escape or to secure livelihoods through smuggling. The government erected additional fencing and guard posts and ordered border guards to "shoot on sight" any individuals approaching the borders without permission. The fortification of borders has been confirmed by commercial satellite imagery.²⁰
28. According to the testimonies of North Korean escapees interviewed by NKDB, domestic travel in the DPRK was also heavily restricted in an effort to contain the spread of COVID-19. The government imposed stringent lockdown measures, such as the sealing of high-risk cities and regions, as well as the prohibition of travel between provinces. These measures limited access to healthcare, education, and other essential services, which were not available uniformly across the country.²¹
29. The travel restrictions imposed during the pandemic also impacted the estimated 100,000 North Korean workers who were dispatched overseas.²² While UN Security Council Resolution 2397 required host countries to repatriate all North Korean workers by the end of 2019, the DPRK's complete border closure left the workers stranded overseas and unable to return home.²³ As noted above, the government did not allow their return until August 2023.²⁴ With limited access to consular assistance or support networks, these stranded workers faced uncertainty and vulnerability, particularly if their contracts were terminated or if they fell ill.

Recommendations

- Ensure that criminal procedures are properly followed in accordance with relevant laws, including by issuing warrants prior to arrests.
- Ensure the judiciary's full independence from other institutions, including the Workers' Party of Korea.
- Ensure the right of defendants in criminal cases to receive effective assistance from their defense counsels at all stages of the proceedings.
- Provide defendants in criminal cases with defense counsels who are not subject to state or party influence.
- Incorporate human rights education into the training of Ministry of State Security officers.

- Clearly define and improve the transparency of the procedures by which petitions on human rights abuses are received and processed, including by enforcing a strict timeline by which state agencies must respond to petitions.
- Repeal the Reactionary Thought and Culture Rejection Law, the Youth Education Guarantee Law, and the Pyongyang Cultural Language Protection Act, and decriminalize actions that amount to the legitimate exercise of the right to freedom of opinion and expression.
- Allow individuals to freely access all types of media and information, including online.
- Ease domestic and international travel restrictions to enable the smooth flow of essential goods, such as food and medicine.
- Guarantee the right to freedom of movement, including the right to leave one's country, in accordance with the International Covenant on Civil and Political Rights.
- Release all individuals who have been forcibly repatriated to the DPRK from China.

¹ NKDB published the results of this research in *Third Time's the Charm? North Korea's Implementation of Recommendations During its Third Universal Periodic Review* (2024).

² The ROK's Ministry of Unification reported a total of 34,078 North Korean escapees resettled in the country (as of December 2023).

³ NKDB, Unified Human Rights Database.

⁴ NKDB, Unified Human Rights Database.

⁵ NKDB, *Third Time's the Charm? North Korea's Implementation of Recommendations During its Third Universal Periodic Review* (2024).

⁶ NKDB, Unified Human Rights Database.

⁷ NKDB, *Behind Closed Doors* (2023).

⁸ NKDB, Unified Human Rights Database.

⁹ NKDB, *Third Time's the Charm? North Korea's Implementation of Recommendations During its Third Universal Periodic Review* (2024).

¹⁰ NKDB, Unified Human Rights Database.

¹¹ In the late 1960s, Kim Il Sung ordered state agencies to dedicate a particular day to the processing of petitions. In January 2021, the Workers' Party of Korea established a Petition Department after a woman had delivered a petition to the party in regard to an incident of sexual abuse that took place in a medical university; KBS World, *Complaints and Petitions in N. Korea*, 11 November 2021;

https://world.kbs.co.kr/service/contents_view.htm?lang=e&menu_cate=northkorea&id=&board_seq=414209;

Tongil News, *Is it impossible for North Korea to have a system of redress through the law?*, 14 October 2000 [in Korean];

<https://www.tongilnews.com/news/articleView.html?idxno=86900>

¹² NKDB, *Third Time's the Charm? North Korea's Implementation of Recommendations During its Third Universal Periodic Review* (2024).

¹³ NK Insider, *North Korea adopts the concept of 'human rights abuse' for law enforcement training*, 12 March 2024;

<https://www.nkinsider.org/2024/03/12/north-korea-adopts-the-concept-of-human-rights-abuse-for-law-enforcement-training/>

¹⁴ DailyNK, *Ideological education of prison guards in political prison camps that promote human rights violations... Looking at the content*, 15 May 2023 [in Korean]; <https://www.dailynk.com/20230515-4/>

¹⁵ NKDB, Unified Human Rights Database.

¹⁶ Statista, *Countries with the lowest internet penetration rate as of January 2024*, January 2024;

<https://www.statista.com/statistics/725778/countries-with-the-lowest-internet-penetration-rate/>

¹⁷ NKDB, *Third Time's the Charm? North Korea's Implementation of Recommendations During its Third Universal Periodic Review* (2024).

¹⁸ NKDB, Unified Human Rights Database.

¹⁹ Yonhap News, *N.K. allows citizens abroad to return in official reopening of border following pandemic closure*, 27 August 2023;

<https://en.yna.co.kr/view/AEN20230827000451325>

²⁰ Reuters, *North Korea spent the pandemic building a huge border wall*, 27 May 2023;

<https://www.reuters.com/graphics/NORTHKOREA-BORDER/byrwlwjrve/>

²¹ NKDB, Unified Human Rights Database.

²² US Department of the Treasury, *North Korea Sanctions*, Accessed 22 March 2024; <https://ofac.treasury.gov/sanctions-programs-and-country-information/north-korea-sanctions>

²³ UN Security Council, 8151st Meeting, S/RES/2397 (2017).

²⁴ Yonhap News, *N.K. allows citizens abroad to return in official reopening of border following pandemic closure*, 27 August 2023; <https://en.yna.co.kr/view/AEN20230827000451325><https://en.yna.co.kr/view/AEN20230827000451325>