



General Assembly

Distr.
GENERAL

A/HRC/7/20
15 February 2008

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Seventh session
Agenda item 4

**HUMAN RIGHTS SITUATIONS THAT REQUIRE THE
COUNCIL'S ATTENTION**

**Report of the Special Rapporteur on the situation of human rights in
the Democratic People's Republic of Korea, Mr. Vitit Muntarbhorn***

* The present report is submitted late in order to reflect the outcomes of the recent missions of the Special Rapporteur.

Summary

The present report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea covers the period from 2007 to the beginning of 2008. The country was often in the news during the period under review due to the nuclear issue, which is being dealt with under the umbrella of the six-party talks involving China, the Democratic People's Republic of Korea, Japan, the Republic of Korea, the Russian Federation and the United States of America. Those talks also provided an avenue to address some human rights issues, thus providing more humanitarian space in a variety of settings.

The human rights situation in the Democratic People's Republic of Korea remains grave in a number of key areas. This report examines the situation particularly from the following perspectives: human rights and the development process: the inequity factor?; access to food and other necessities: the disparity factor?; rights and freedoms: the insecurity factor?; displacement and asylum: the (im)mobility factor?; groups of special concern: the inequality factor?; and consequences of violence and violations: the impunity factor?

While much depends upon global-local political will to test the desire for transparency and responsibility, whether through softer or harder entry points, it is important to underline the longstanding and systematic nature of human rights transgressions in the country which are highly visible, substantial and exponential. The report ends with a variety of recommendations to both the Democratic People's Republic of Korea and the world community to ensure the improvement of the protection of human rights in the country.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
Introduction	1 - 4	4
I. SITUATION OF HUMAN RIGHTS	5 - 48	5
A. Human rights and the development process: the inequity factor?	6 - 14	5
B. Access to food and other necessities: the disparity factor?	15 - 23	7
C. Rights and freedoms: the insecurity factor?	24 - 27	9
D. Displacement and asylum: the (im)mobility factor?	28 - 35	10
E. Groups of special concern: the inequality factor?	36 - 42	12
F. Consequences of violence and violations: the impunity factor?	43 - 48	14
II. COMMUNICATIONS	49 - 50	15
III. COUNTRY VISITS	51 - 80	15
A. Mongolia	51 - 60	15
B. Japan	61 - 69	18
C. The Republic of Korea	70 - 80	20
IV. RECOMMENDATIONS	81 - 83	23

Introduction

1. The mandate of the Special Rapporteur was established by the Commission on Human Rights in its resolution 2004/13. The Human Rights Council, in decision 1/102, extended the mandates and mandate holders of all the special procedures of the Commission on Human Rights and, in its resolution 5/1, renewed those mandates until they could be considered by the Council. The Special Rapporteur has been requested to report on the situation of human rights in the Democratic People's Republic of Korea and on the Government's compliance with its obligations under human rights instruments, including through visits to the country.

2. The present report covers the situation from 2007 to the beginning of 2008. The approach of the Special Rapporteur continues to be to invite the country to respond to the mandate as a window of opportunity to engage with the United Nations. It is thus regrettable that to date, the authorities of the country have declined to cooperate with the Special Rapporteur.

3. On the constructive side, it can first be recalled that the Democratic People's Republic of Korea is a party to four human rights treaties - the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It has submitted reports under these treaties and has appeared before the respective monitoring bodies. In November 2007, it submitted its combined third and fourth periodic reports to the Committee on the Rights of the Child (CRC/C/PRK/4). Secondly, the country is in the process of reforming its laws on narcotics control and money laundering. It has become a party to the Single Convention on Narcotics Drugs (1961); Convention on Psychotropic Substances (1971); and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). The International Narcotics Control Board was invited to visit the country recently, thus implying a greater degree of openness from the authorities. Thirdly, pursuant to devastating floods in the country in August 2007, it has allowed humanitarian agencies to have greater access to the counties affected by the flooding, and various sources indicate that the authorities have cooperated relatively well with the United Nations and other organizations in food distribution and provision of assistance to needy groups.

4. On another front, the progress of the six-party talks, particularly the February 2007 agreement to disable the controversial nuclear plant in the Democratic People's Republic of Korea, should be welcomed and be further consolidated.¹ This was advanced by the six parties in the 3 October 2007 agreement on "Second-Phase Actions for the Implementation of the Joint Statement." Another welcomed development is the second inter-Korean summit meeting, held in Pyongyang from 2 to 4 October 2007, and the adoption of the Declaration on the Advancement of North-South Korean Relations, Peace and Prosperity, which strengthens the spirit of cooperation between the two countries, with potential impact on human rights.

¹ North Korea's Nuclear Programmes: Getting Technical, *The Economist*, 10-16 November 2007, p. 42.

I. SITUATION OF HUMAN RIGHTS

5. The human rights situation in the Democratic People's Republic of Korea remains grave in a number of key areas and, as a testament to this, the General Assembly adopted another resolution (62/167), in which it expressed its very serious concern at the record of the country at the end of 2007, and requested the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and the Special Rapporteur to continue to report his findings and recommendations. The continuing negative situation in the country can be seen through the perspectives described below.

A. Human rights and the development process: the inequity factor?

6. There is a paucity of data on the development process in this country with a population of some 23 million. Sources indicate the country's negative growth from 1990 onwards for nine years, with per capita national income falling from an estimated \$1,013 in 1992 to \$573 in 1998. The economy recovered slightly from 1999 and the estimated per capita national income in 2004 was estimated at \$914.² Growth has taken place mainly in the mining and manufacturing sectors. The gross domestic product growth rate was estimated at 1 per cent per annum in 2006.³

7. There has consistently been a trade deficit facing the country. For instance, exports for 2004 were some \$1.28 billion, while imports amounted to some \$2.28 billion, with a trade deficit of around \$1.001 billion.⁴ External debt was estimated to be some \$12 billion in 1996, mainly owed to its immediate neighbours.⁵

8. The development process is faced with the lack of equity - "inequity" due to the highly stratified political structure: the elite do well, with a cult-like attachment to the apex of the administration, while the rest are left at the margins of the development process. The inequitable development pattern is propelled by a centrally planned economy of an ideology-steeped top-down and isolationist kind, which is based on perpetuating the survival of the regime in power. The country is driven by a non-democratic structure with an entrenched hierarchy interested in self-preservation, and this distorts the budget and other allocations in favour of the ruling elite. There is also a clandestine economy from which the powers-that-be benefit. There is

² North-East Asia Economic Databook: www.erina.or.jp/en/Publications/databook/index.htm, p. 49.

³ Library of Congress - Federal Research Division - Country Profile: North Korea, July 2007, p. 9. North-East Asia.

⁴ North-East Asia Economic Databook, p. 53.

⁵ Library of Congress ... (note 3 above), p. 11.

no genuine people's participation - a key determinant of sustainable development advocated by the world community. Those who are regarded as dissidents are marginalized, discriminated against and persecuted. The gap between the haves and the have-nots is on the increase, as seen in the food situation below, and the country suffers from the lack of resource and power distribution, which shape the potential for human development.

9. In 2004 the national expenditure budget was some 351 billion won, with military expenditure at 15.6 per cent, allocation for people's economy at 41.3 per cent, social and cultural sector allocation at 40.8 per cent and administrative expenditure at 2.3 per cent.⁶ The share of military expenditure, direct and indirect, is more than meets the eye as follows:

“The military expenditure burden may seem light, at first glance, but in the case of the DPRK, the share of the people's economy accounted for by the government sector is immense ..., so it is thought that the ratio of military expenditure on the economy of the DPRK is extremely large, and it would be (no) exaggeration to say that this is acting as a drag on the economic recovery.”⁷

10. Moreover, the country adheres to a “military first” policy, with millions involved in the military machinery and industry - this depletes the resources of the country in favour of militarization, in the face of many shortages and deprivations suffered by the population. It is estimated that the armed forces total over 1 million armed personnel, with another 7.7 million reserve component.⁸

11. It may be recalled that from 2006 the militarization drive was manifested by various missile and nuclear tests carried out by the authorities of the country which led to global condemnation. These acts undermined the possibility of aid from other countries which reconsidered their contributions. While the six-party talks have progressed gradually on the denuclearization front, the parallel issue of overall demilitarization and a shift from pro-military budget to pro-people budget has not yet been addressed.

12. The economic crisis faced by the country is illustrated by the rampant shortages of food and other basic necessities referred to below, particularly since the mid-1990s. The social security framework on which the country prided itself as part of a socialist system in the past, is now in serious decline.⁹

⁶ North-East Asia Economic Databook, p. 51.

⁷ North-East Asia Economic Databook, pp. 51-52.

⁸ Library of Congress ... (note 3 above), p. 18.

⁹ “White Paper on Human Rights in North Korea 2007”, Korean Institute for National Unification, Seoul, 2007, pp. xix-xx.

13. Beyond the elite, the people are faced with a painful paradox: on the one hand, the social safety nets which the State offered in the past are now no longer reliable and they must seek other ways to fend for themselves; on the other hand, when they undertake various livelihood initiatives to supplement their income, the authorities clamp down on them for fear of losing their grip on the population. One of the current quandaries is the range of new laws and regulations regulating the markets which have grown in recent years as part of the decline of State social security and as part of the experiment with the market economy. Recent regulations reportedly prohibit women under 50 from trading and forbid the sale of goods outside the market building, while public officials are patrolling markets to suppress various traders and confiscating their wares.¹⁰ It is reported that the National Intelligence Agency and police stations in Pyongyang have begun their 100-day control on the market, to check people and their bags as they enter or leave public transport and markets.

14. With regard to future planning and implementation, an important activity in the near future is the national census to be undertaken with the support of the United Nations Population Fund (UNFPA). This should enable not only the most recent data on demography to be collected, but also act as a significant basis for development programming, assessment of needs and related responses.

B. Access to food and other necessities: the disparity factor?

15. There is a great disparity between access by the elite to food and other necessities and access by the rest of the population to the wherewithal of life. This is most evident in regard to the question of food. Partly due to natural disasters and partly as a result of mismanagement on the part of the authorities, there has been a chronic food shortage since the mid-1990s affecting the general population beyond the elite. Then and now, the latter usually have first choice of whatever provisions are available.

16. The country then started to accept food aid from outside the country, particularly through the World Food Programme (WFP). This has been compounded by the decline in medical services, shortage of medicines, fertilizers and electricity, and water in some areas. The Food and Agriculture Organization of the United Nations (FAO) estimated a food shortfall (cereals) of some 890,000 metric tons for the 2005-2006 period, and over 1 million metric tons for the 2007 period.

17. In 2006, WFP began its two year protracted relief and recovery operation (PRRO) aiming to access 1.9 million people in food aid delivery at a cost of \$102 million, needing 150,000 tons of commodities, principally targeting for aid women and young children. Yet, outside aid has been less than forthcoming as a reaction to the missile and nuclear tests carried out by the country. The targets under this operation are still awaiting further support from the international community.

¹⁰ *North Korea Today*, 103rd ed., December 2007, pp. 1 and 2.

18. Severe flooding in the country in August 2007 worsened the situation, with nearly a million people affected by deprivations. The emergency response in this regard has been positive and the aid targets of some \$14 million for the flash flood appeal on this front have been attained. The Office of the Coordinator for Humanitarian Affairs (OCHA) notes that the country's reliance of external food supplies will most likely increase in 2008.¹¹

19. Developments towards the end of 2007 included:

- Rapid nutritional screening of children under 5 in 19 of the worst affected areas, between the authorities and United Nations Children's Fund (UNICEF);
- Issuance of emergency health kits, with the assistance of the World Health Organization (WHO) and the International Federation of Red Cross and Red Crescent Societies (IFRC);
- Completion of the first cycle of food distribution to 215,000 people in 37 flood-affected counties in September, with the second cycle of food distribution due in October.

20. Various key actions will be particularly important in the next phase. A crop assessment is now being undertaken by United Nations agencies. A nutritional status assessment is also being conducted by UNICEF and partners. One may recall that a large-scale survey by UNICEF, WFP and the authorities in 2004, indicated that some 37 per cent of young children were chronically malnourished, while one third of mothers were both malnourished and anaemic. These new assessments will allow the international community to take stock of the situation, particularly as it bears on vulnerable groups, and will also facilitate future programming in the endeavour to satisfy an array of economic, social and cultural rights, particularly the right to food and the right to health.

21. United Nations agencies act on the basis of "no access, no food", implying that if they do not have access to the areas concerned, food aid will not be given. A recurrent challenge is the monitoring process of distribution. Interestingly, the Report by the External Auditor on WFP activities in the country notes these challenges:

- The Government of the Democratic People's Republic of Korea required advance notice of planned food monitoring visits;
- WFP monitors were not provided with unrestricted access to field operations, limiting the assurance obtained over the type of beneficiary and the quantities of food consumed;
- Interviews were conducted by non-Korean speaking WFP staff through an interpreter in the presence of government officials.¹²

¹¹ See OCHA, Situation Report No. 7, 10 September 2007, on Floods in the country, and WFP DPRK, Floods Rapid Assessment Report, August 2007, p. 1.

¹² WFP/EB.2/2007/5-F/1, 27 August 2007, para. 47.

22. Since the implementation of the PRRO in June 2006, there are indications that WFP has conducted some 58 monitoring visits per month. Under the letter of understanding between WFP and the country on the issue, the authorities agreed that WFP staff may travel to the areas where WFP food is distributed by WFP. The issue of limited access is well known to United Nations agencies and there are steps to try to improve access. The Auditor recommends that “WFP should critically review the reliability of food monitoring statistics and continue efforts to extend field monitoring agreements to support unrestricted access wherever possible, to include translators.”¹³

23. In this perspective, it is important to underline the need to generate food security in the country, for which no foreign aid could be a substitute. This is very much linked with the need for a sustainable development process based on broad people’s participation in income and food generation, conservation and regeneration. The types of practical programming needed include measures to deal with pre- and post-harvest losses, conservation of watershed areas, avoidance of deforestation and overexploitation of ecologically sensitive land areas, and people’s participation in planning to benefit from agricultural development.

C. Rights and freedoms: the insecurity factor?

24. Civil and political rights are severely constrained in the country due to the repression imposed by the regime, coupled with intimidation and an extensive informant system, creating insecurity among the general population. In this context, the authorities tend to divide the population into three different groups: those close to the regime (the core mass), the group in the middle (the basic mass), and those considered hostile to the regime (the complex mass).¹⁴ The first group is the ruling elite, which is well endowed with privileges, such as access to special schools and hospitals. They are allowed to own private phones and read foreign publications. The second is the majority of the population, such as farmers and workers. They are provided with food rations, although dwindling in recent years due to the Government’s experimentation with the market economy and a reduction in the State-sponsored public distribution system. The third group is considered to be the enemies of the State and is persecuted accordingly. They include the landed class before the communist takeover of the country, public officials under Japanese rule, religious groups, and those who assisted South Korean forces during the Korean war (1950-1953). They are denied access to college education and are discriminated against in their access to basic necessities such as housing, medical care and education. Many land up in the appalling prisons referred to below. When people are punished for political reasons, there is also the use of collective punishment or guilt by association against families.

25. Political participation in the democratic sense is non-existent, with the ruling party dominating completely. There is rigid control over the media, and people are not allowed to own mobile phones and computers without permission from the authorities. There are also reports of a crackdown on cellphones.¹⁵ Yet, some inhabitants watch clandestinely video and TV

¹³ Ibid., para. 49.

¹⁴ White Paper 2007 ... (see note 9 above), p. 119.

¹⁵ White Paper 2007 ... (see note 9 above), p. xviii.

programmes from the Republic of Korea. TV and radio sets are pre-tuned to government programmes (of the North), and people are punished for disobedience on this matter. While the authorities claim that religious freedom is allowed, it is known that those who leave the country in search of refuge elsewhere and who contact missionaries en route are persecuted and punished if sent back to the country.

26. Particularly disquieting is the continuing use of public executions to intimidate the public, despite various law reforms in 2004 and 2005 which claim to have improved the criminal law framework and related sanctions. Overhaul of the prison system is long overdue and the harsh conditions imposed by the criminal justice system and related detention give rise to a plethora of abuses, including torture and other cruel, inhuman and degrading treatment. The transgressions are often multiple and repeated, including not only torture committed against people in detention, but also malnutrition linked with starvation, and even defiling and degrading treatment of those who are dead.¹⁶

27. On another front, the authorities have been engaged in the abductions of foreign nationals. There are a number of Japanese abducted by the Democratic People's Republic of Korea, and details are provided below in the report on the Special Rapporteur's visit to Japan. The nationals of a range of other countries (according to information received, a dozen countries or more) have also been affected.

D. Displacement and asylum: the (im)mobility factor?

28. Since its inception, the regime in power has regulated migration stringently as an instrument of State control. Generally the population is not allowed to move freely within the country and they are only able to travel abroad with official permission. However, in recent years the policy of immobility has been diluted, since many people have been displaced for political reasons and/or economic reasons. On the one hand, a large number of those who are persecuted by the regime have sought refuge outside the country. On the other hand, people are also on the move within the country and across the border in search of basic necessities to overcome hunger and improve their livelihood. It has thus become more difficult for the authorities to exert full control over the migration factor. On another front, there is an incipient stream of workers and migrant labourers who travel to special economic zones within the country and/or across the border to other countries as part of bilateral arrangements on labour importation.

29. With regard to asylum and refuge, the Special Rapporteur analysed at length in his previous reports¹⁷ the status of those who seek asylum in other countries. There are those who leave the country of origin for reasons of persecution (the traditional refugee) and those who fear persecution after having left the country (refugee *sur place*). Both types of refugees are found from the Democratic People's Republic of Korea. The latter group arises because they may be punished upon return for having left the country without permission (an exit visa) and this threat of persecution is tantamount to potential or actual persecution, albeit at a later stage. There have

¹⁶ D. Hawk, *Concentrations of Inhumanity*, Freedom House, Washington, 2007, pp. 9-10.

¹⁷ A/HRC/4/15, paras. 18-28 and A/62/264, paras. 28-40.

been reports of greater leniency of treatment of returnees on some fronts. For example, in the case where those who exit the country because of hunger are returned to the country, they would tend to be questioned by the authorities rather than imprisoned. However, other cases, such as those who repeatedly exit the country without permission, those with political affiliations seen as hostile to the authorities or those who seek the help of missionaries in neighbouring countries are subjected to punishment, ranging from re-education to forced labour and incarceration.

30. The situation facing those who seek refuge abroad remains disconcerting for a number of reasons.¹⁸ First, due to the more restrictive border conditions, it has become more difficult for groups to access asylum in some of the neighbouring countries. Those who access those countries tend to depend on smugglers, with large sums (promised) passing hands in the process. Second, there is a difference between those who left the country a while ago and who resided in a neighbouring country for several years before moving on to another country, and those who exited recently and headed for another asylum country, transiting briefly in a neighbouring country. With regard to the former, there is the question of whether those who resided in the neighbouring country for a long period, say for over 10 years, should be eligible to seek resettlement via another country of refuge. Perhaps the best test is to ask whether such persons are protected by the country of origin and/or by the country of residence. If not, the door to resettlement in another country should be open to them. With regard to both groups - the longstayers and the newcomers - there is regrettably the threat that they will be prosecuted in some of the countries of refuge for illegal entry. The Special Rapporteur has emphasized in his reports that they should not be prosecuted and that they should not be treated as illegal immigrants.¹⁹ Rather, they should be treated as asylum-seekers or refugees deserving international protection. Another possibility would be to treat them as humanitarian cases, not subjected to the strictures of the immigration laws of the countries where they seek asylum. It is worth remembering that there is conceptually a difference between refugees and illegal immigrants: while the latter are still protected by the country of origin, the former are not and should thus be afforded international protection.

31. Secondly, there is the question of the status of children born in other countries from one or more parents who are nationals of the country in question. In the case where the parent is living clandestinely in the country where the child is born, it is often difficult to register the birth of the child, unless a special deal is agreed upon, often illicitly, with the authorities. There is also the question of the child's nationality. Given that all nationals of the Democratic People's Republic of Korea are in principle seen in the law of the Republic of Korea as South Korean citizens, would the same apply to the child born outside the Democratic People's Republic of Korea? The approach of the Special Rapporteur is to invite responses to ensure that the child does not become stateless.

¹⁸ Ho Kyung-hwa, "The Human Rights Status of North Korean Refugee Women and Children, and Suggestions to Improve and Protect their Rights", in Proceedings of The Fourth General Assembly of International Parliamentarians' Coalition for North Korean Refugees and Human Rights (IPCNKR), Secretariat of the Fourth General Assembly of IPCNKR, Seoul, 2007, pp. 24-33.

¹⁹ See note 17 above.

32. Thirdly, there is the question of family reunification. In the process of exodus or flight, families are often dispersed, with the father and/or mother leaving first, in the hope that one day they will be joined by the rest of the family. Family reunion of nationals of the Democratic People's Republic of Korea at times takes place subsequently, and this does not give rise to major problems where the husband, wife and child are all nationals of the country in question who were born in the North. However, matters are more complicated where a national of the Democratic People's Republic of Korea marries another national in a neighbouring country and gives birth to a child after that. Any hope of family reunion for the latter would depend upon flexible bilateral and other negotiations to enable family reunion to take place, without too many preconditions.

33. A disquieting practice which creates fear and insecurity among asylum-seekers is the reported presence of security agents of the country of origin working in other countries to trace and track asylum-seekers who have left the country in search of refuge elsewhere. At times, these agents use intimidation through a variety of means to pressure the latter to return, including by threats to those family members who remain behind in the country of origin.

34. In reality, matters may be even more complicated. Often the situation of displacement is a mixed or composite flow, with a variety of reasons for the exodus, political and/or economic and other factors. This is compounded by human traffickers and smugglers which often prey on those who are already vulnerable. Thus a humane response is invited from all countries to respect the human rights of those who are displaced, whatever their designation and however they are classified. Particularly concerning the refugee, there is a key principle in international law which prohibits push-back to areas of danger ("non-refoulement"), an imperative to be respected.

35. With regard to workers and migrant labourers, it is important to highlight the need to respect labour rights, such as fair wages, the right to collective bargaining and freedom of association, the right to send remittances home, and humane working conditions. Regrettably, the country has not yet engaged with the International Labour Organization, and it needs to accede to ILO Conventions and to implement them at the national and local levels.

E. Groups of special concern: the inequality factor?

36. The Constitution of the Democratic People's Republic of Korea lays down the principle of non-discrimination and equality, especially between men and women, yet the reality is often quite different. While women constitute the majority of the workforce, their access to key decision-making positions at the top is still limited. In addition to stereotyped roles for women, an issue which has not been addressed adequately in the national setting is violence against women. This varies from home-based violence to State-linked violence.

37. Of particular concern is the group of women who are not part of the elite. Those who are seen as enemies of the regime are subject to persecution and marginalization. Those who do not necessarily fall into the category of enemies are often disadvantaged in their access to food and other necessities. The situation has thus become critical in recent years in the face of food shortage, compounded by other deprivations, such as lack of medicines and clean water.

38. Attention should be paid to those women who leave the country in search of asylum and/or greener pastures elsewhere. They are often subjected to human trafficking and smuggling. The

Special Rapporteur has talked directly with many of these women, some of whom had been sold into forced marriage in a neighbouring country, before moving on to seek refuge elsewhere. The reasons why criminals prey on this group were already referred to in the Special Rapporteur's previous reports, e.g. the pretext of family reunion, the belief that women fulfil their promise to pay up more seriously than men and that they are less likely to be prosecuted for illegal entry into another country.²⁰

39. With regard to child rights, a recent self-assessment by the country is visible from its third and fourth consolidated reports under the Convention on the Rights of the Child (CRC/C/PRK/4). Of note is the range of new plans and laws which have come into being in recent years, such as the 2005 Law on Tobacco Control which prohibits sale of tobacco to minors; the revisions of the Criminal Code and Criminal Procedure Code in 2004 and 2005 to offer clearer categorization of criminal offences; the 2004 Family Law affording protection to mothers and children. The country has formulated a National Programme of Action for the Well-being of Children 2001-2010, reflecting some of the Millennium Development Goals. International agencies indicate good cooperation from the authorities on some fronts, such as vaccination against measles and the development of a gravity-fed water purifying system.

40. There remains the challenge of implementation of the programme while existing policies manipulate child development as part of the survival strategy of the regime in power. Of particular importance is to assess the implementation of child rights considering the hierarchical and stratified nature of the political system. Obviously, children who are not part of the elite are more susceptible to discrimination. This includes the range of abandoned children and street children, hungry for help and sustenance - the Khojetbis. Matters are made more complicated if they leave the country of origin for refuge elsewhere. The report recently submitted by the Democratic People's Republic of Korea to the Committee on the Rights of the Child (CRC/C/PRK/4) is decidedly thin in regard to the special protection measures needed to address the specific concerns of children in difficulties, such as refugee children, children of political dissidents, children of minorities, abused/neglected children, and children who are in conflict with the authorities. There is an urgent need to improve the criminal justice system affecting children, bearing in mind juvenile justice standards of a universal kind. This is interrelated with the question of prisons and detention facilities discussed above.

41. Elderly persons are also increasingly vulnerable to the mounting deprivations, given the food and economic uncertainties in the country; likewise the plight of those with disabilities.

42. The Special Rapporteur underlines a key issue which has not been adequately addressed to date: family reunion. Many of those who exit from the Democratic People's Republic of Korea and/or transited in a neighbouring country leave behind family members before reaching the final destination country. Measures should be adopted at the bilateral and/or other levels to facilitate family reunification, coupled with measures to ensure that no intimidation or other forms of coercion are used against those family members who remain in the country of origin or any other country.

²⁰ A/HRC/4/15, para. 30, and A/62/264, para. 42.

F. Consequences of violence and violations: the impunity factor?

43. In retrospect, through the range of reports offered by the Special Rapporteur as well as other sources of information, it is clear that there have been and are serious human rights violations in the country. It is incumbent upon the national authorities and the international community to address the impunity factor which has enabled such violations to exist and/or persist for a long time.

44. The softer entry point to deal with the misdeeds of local officials is to make them more accountable at the national level. This may be taking place in some situations where law enforcers and others are prosecuted for some crimes committed against the population. However, care should be exercised to assess such actions against international standards and the rule of law. Given the non-independent nature of the judiciary in the country, it is difficult to ensure that justice is done and seen to be done.

45. The harder entry point is to advocate more accountability in the international setting, whether in terms of State responsibility and/or individual criminal responsibility. The fact that this mandate of the Special Rapporteur was established in 2004 may be seen to be part of this trend which militates against impunity and emphasizes the accountability of those who should be responsible for human rights violations. This is reiterated and advanced by resolutions from the United Nations, particularly those of the General Assembly on the country in question, which exert graduated pressure for accountability. Yet, the question remains whether the issue of violations in the Democratic People's Republic of Korea will be taken up at some stage at the pinnacle of the system, within the totality of the United Nations framework.

46. As noted in the previous report of the Special Rapporteur, civil society has begun to advocate the responsibility of the authorities to protect nationals of the Democratic People's Republic of Korea from human rights violations, as the "responsibility to protect" people, with possible access to the Security Council and a non-binding resolution.²¹ There may also be avenues for mobilizing action for individual criminal responsibility, inspired by the presence of the International Criminal Court, where the local system is unable or unwilling to act to make individuals accountable for serious crimes.

47. The above issues are part of the multilateral framework for accountability. Another entry point is to examine whether other arrangements - regional, bilateral or mixed - may be possible to advocate a sense of responsibility to counter the impunity factor. On a more facilitative side, it is regrettable that the country has not sought assistance from the Office of the United Nations High Commissioner for Human Rights (OHCHR) to improve its justice system and human rights implementation. Given that the six-party talks are currently also dealing with some aspects of

²¹ See further: "Failure to Protect: a call for the UN Security Council to act in North Korea", U.S. Committee for Human Rights in North Korea (Washington, 2006); and *North Korea: A Case to Answer - A Call to Act*, Christian Solidarity Worldwide (London, 2007).

human rights through bilateral contacts and other tracks, such as a possible peace treaty for the Korean peninsula which could cover the question of missing persons and separated families, and the issue of abductions committed by agents of the Democratic People's Republic of Korea, there may be additional space to advocate more effective implementation of human rights in the national setting.

48. While much depends upon global-local political will to test the desire for transparency and responsibility, whether through softer or harder entry points, it is important to underline the long-standing and systematic nature of human rights transgressions in the country which are highly visible, substantial and exponential.

II. COMMUNICATIONS

49. On 22 February 2007, the Special Rapporteur sent one communication to the Government of the Democratic People's Republic of Korea, in connection with two soldiers of the country who were reportedly at risk of imminent execution. It was the understanding of the Special Rapporteur that the two soldiers, an officer and a sergeant, were the commander and vice-commander of a border post near the town of Hoeryong, in North Hamgyong province. They were reportedly arrested following a government investigation into the flow of citizens of the Democratic People's Republic of Korea into a neighbouring country, tried and sentenced to death for assisting citizens of the Democratic People's Republic of Korea to make unauthorized visits to the neighbouring country. The Government of the Democratic People's Republic of Korea did not reply to this communication.

50. The Special Rapporteur notes that a variety of other communications are received by him, but they fall under the jurisdiction of other mandates. He cross-refers them to the relevant channels accordingly.

III. COUNTRY VISITS

A. Mongolia (15-21 December 2007)

51. The Special Rapporteur paid a visit to Mongolia from 15 to 21 December 2007. The purpose of the visit was to assess the impact of the human rights situation in the Democratic People's Republic of Korea on Mongolia.

52. The strategic position of Mongolia as a democratic country in North-East Asia - positioned between powerful neighbours and influenced by the desire for peaceful relations with all countries in the region and beyond - should be borne in mind.

53. Mongolia has been a friend to the six-party talks in the quest for denuclearization of the Korean peninsula. It hosted the second meeting of the bilateral talks between Japan and the Democratic People's Republic of Korea on possible normalization of relations, complementing the six-party talks. It is exploring bilateral cooperation with the country, for example in relation to the entry of labour force from the country. The President of the Presidium of the Supreme People's Assembly of the country also visited Mongolia during the past year.

54. The main impact of the situation in the Democratic People's Republic of Korea on Mongolia relates to the influx of its nationals who have exited from the country in search of asylum. In recent years, there has been a continuing flow of these persons through a neighbouring country into Mongolia. Mongolia's policy towards the group has been based upon humanitarian considerations, offering them temporary asylum prior to durable solutions. It has abided by the international principle of "non-refoulement" of those who seek asylum and has worked closely with the United Nations High Commissioner for Refugees (UNHCR) in the process. In 2007, several hundred persons, originally from the country, sought protection and assistance in Mongolia and they are housed in various facilities before being processed for resettlement in the Republic of Korea.

55. From the angle of the country's engagement with the international system which has bearing on the protection of those seeking asylum in the country, Mongolia is already a party to key human rights treaties and is now considering accession to the Convention relating to the Status of Refugees and its Protocol. It is also in the process of acceding to the United Nations Convention against Transnational Organized Crime and its Protocols to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and against the Smuggling of Migrants by Land, Sea and Air.

56. The Special Rapporteur notes commendable progress, since his previous visit, in regard to improvements concerning the facilities sheltering asylum-seekers. These facilities now offer more space and are better ventilated than in the past. The Special Rapporteur was informed by those who are sheltered at these facilities that they are well cared for and that they look forward to a new life in their final destination country. A recurrent pattern of the life stories of this group is that they left the country clandestinely, under dangerous circumstances, before making their way through a neighbouring country, and ultimately arriving in Mongolia in search of safety. Their reasons for departure from the country vary from political reasons, such as persecution and forced labour, to economic reasons, such as the quest for a new livelihood.

57. The majority of the group are women and some landed up in exploitative situations, such as forced marriage, before reaching Mongolia. Both male and female cases indicated to the Special Rapporteur that they had spent several years in the neighbouring country before seeking to leave the country. While some had been subjected to human trafficking, such as forced marriage, at times with children as a result of the union, others had taken up employment in the neighbouring country mentioned, although threatened with uncertainty due to their undocumented status, prior to moving to Mongolia. Nearly all cases that the Special Rapporteur witnessed stated that they had paid or promised to pay substantial sums to smugglers to help find their way to the Mongolian border. The sums demanded by the smugglers were around two to three and a half million Korean won, possibly with an additional "advance" sum. Several had left their families behind either in the country or in the neighbouring country where they had been forced to marry. They were afraid of the consequences of exposure of their identity, especially in regard to potential retaliation in the country against their families, and they expressed a strong desire for confidentiality.

58. On analysis, interestingly the flows of people from the country are often mixed or composite flows with a variety of motivations, with subsequent reasons for moving on after residing for a number of years in a neighbouring country, before finally heading to Mongolia, usually paying their way through a smuggler. Some come as part of small groups arranged by

intermediaries. Upon arrival at the border, Mongolian authorities offer them initial shelter before sending them to Ulaanbaatar for more detailed processing prior to resettlement in another country. Clearly a consistent challenge is to afford them protection and assistance, consistent with international human rights standards and/or international refugee law, at all stages of the migration process. This entails the responsibility to protect these persons accessibly and effectively, in the interlinked chain of countries from the source, through transit, to the final destination.

59. With regard to responses to the situation, the country has cooperated well with UNHCR, particularly in improving the physical conditions of the facilities sheltering asylum-seekers from the country. It has published in Mongolian a book on refugee-related instruments, as well as the UNHCR *Handbook for Emergencies*, with the support of UNHCR. It is also in the process of joining the International Organization for Migration which will be an additional avenue to address migration issues in the region.

60. The following preferred orientations are thus underlined:

- The Special Rapporteur welcomes Mongolia's consideration of accession to the Convention on the Status of Refugees and its Protocol, and urges expeditious accession to these treaties, complemented by effective implementation at the national and local levels.
- The Special Rapporteur welcomes Mongolia's future accession to the United Nations Convention against Transnational Organized Crime and its Protocols, and encourages victim-sensitive procedures as part of the implementation process to ensure that victims of human trafficking and/or human smuggling are not criminalized, with due regard to gender sensitivity and the needs of special groups such as children.
- The Special Rapporteur invites the Mongolian authorities to continue the policy of affording humane treatment to those seeking asylum in the country, with the provision of facilities to meet their physical and psychological needs, including the possibility of counselling in the Korean language to alleviate their traumas, and productive activities, including vocational training and education, pending their departure to the resettlement country.
- The Special Rapporteur recommends a broad capacity-building process, in cooperation with civil society, to convey a positive image of those who seek asylum in the country, including training of officials on international standards, and awareness-raising among parliamentarians and the public to nurture an attitude of empathy towards those who seek protection in Mongolia.
- The Special Rapporteur supports continued and strengthened cooperation between the Mongolian authorities and United Nations agencies, including UNHCR, to promote and protect human rights, including the rights of those who seek asylum, in accordance with international standards, complemented by procedures to promote the identification of cases needing protection, fostering transparency in the spirit of international solidarity and responsibility-sharing.

B. Japan
(15-19 January 2008)

61. The Special Rapporteur paid an official visit to Japan from 15 to 19 January 2008. The purpose of his visit was to assess the impact of the Democratic People's Republic of Korea's human rights situation on Japan. Of particular importance was his meeting with the families of those who had been abducted by the Democratic People's Republic of Korea, and he sympathizes deeply with them in the pain and suffering caused by the human rights violations committed by the country in question.

62. There are two key challenges facing Japan in relation to the Democratic People's Republic of Korea: the denuclearization question and the abductions issue. The former is interlinked with steps towards denuclearizing the nuclear facilities in the Democratic People's Republic of Korea. A key entry point for this process is the six-party talks, which seek to end the nuclear build-up in the country. Of particular relevance is the agreement on the "Second-Phase Actions for the Implementation of the Joint Statement" adopted by the six parties on 3 October 2007, bolstering earlier agreements on the issue, whereby (a) the Democratic People's Republic of Korea agreed to disable core nuclear facilities of Yongbyon by the end of 2007; (b) it agreed also to provide a complete and correct declaration of all its nuclear programmes by the end of 2007; and (c) it reaffirmed its commitment to nuclear non-proliferation, including the commitment not to transfer its nuclear materials to others. While progress has been made in implementing the first element of the agreement, the implementation of the second and third elements is currently stalled, particularly requiring an effective response from the Democratic People's Republic of Korea.

63. With regard to the abductions issue, at the first summit between Japan and the Democratic People's Republic of Korea held in 2002, the latter admitted that it had abducted Japanese citizens, apologized and agreed to prevent recurrence of such practices. However, a number of cases remain unresolved. Currently, there are 17 persons listed officially as abducted by the country. While five returned to Japan following the 2002 summit, the Democratic People's Republic of Korea has been intransigent in regard to the other cases. It claims that out of the remaining 12 persons, 8 have died and that 4 never entered the country. Such claims remain unconvincing and unsubstantiated. This issue has been raised repeatedly at the United Nations by the Special Rapporteur as well as in the Working Group on Enforced or Involuntary Disappearances. It can also be recalled that the Security Council in its resolution 1718 (2006) underlined the importance that the Democratic People's Republic of Korea respond to "other security and humanitarian concerns of the international community".

64. At the end of 2007, the General Assembly adopted resolution 62/167 in which it reiterated its very serious concern "at unresolved questions of international concern relating to the abduction of foreigners in the form of enforced disappearance, which violates the human rights of the nationals of other sovereign countries" and strongly called upon the Government of the Democratic People's Republic of Korea "urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees".

65. A related avenue for dealing with these issues is through bilateral contacts under the six-party talks. The contacts between Japan and the Democratic People's Republic of Korea have, to date, led to two working group meetings to address possible normalization of relations,

including the need to resolve the abductions issue satisfactorily. However progress has not been made and concrete steps from the Democratic People's Republic of Korea are awaited to advance the talks constructively.

66. Another important development is the increasing acknowledgement that in the past, the country also abducted the nationals of other countries, thus globalizing the issue even more extensively. Networking between Japanese families affected by the abductions and the families of those affected in other countries has grown, and a Federation of these groups has been established to advance cooperation on the matter. Japan has adopted a variety of measures to put pressure on the Democratic People's Republic of Korea, including the prohibition of visits of its vessels as well as various embargoes and restrictions on trade and exchanges.

67. An important law was adopted by Japan in 2006: the Act on Measures for Resolving the Abduction Issue and Other Human Rights Infringements Committed by the North Korean Authorities. This law provides for a series of measures, including awareness-raising activities among the Japanese public, and various national conferences have been held on this issue, as well as dissemination programmes using posters and other media to inform the public about the phenomenon of abductions. In 2007, the Act was amended to encourage the Japanese authorities to work with foreign governments and international organizations to help support the call for resolution of the abductions issue.

68. The 2006 law also provides for the possible adoption of measures to protect and support "North Korean Defectors". This opens the door to help other groups affected by the human rights situation in the country, including the Japanese spouses and children of North Korean nationals who wish to return to Japan, Korean residents from Japan who later settled in the Democratic People's Republic of Korea but who now wish to come back to Japan as well as their families, and those North Korean nationals seeking asylum in Japan. Japan is now affording protection to a number of these persons. The humanitarian space can thus be enlarged to address a range of groups affected by the human rights situation in the Democratic People's Republic of Korea. It is essential to provide not only social welfare support but also longer term livelihood opportunities and family/community support systems so as to enable these groups to be included into society, bearing in mind both their physical and psychological needs.

69. In view of the tenuous situation described above, the following orientations are underlined:

- The Special Rapporteur calls upon the Democratic People's Republic of Korea to show a sense of responsibility urgently in addressing the issue of abductions, particularly by providing tangible results and an effective response, with due respect for the safety of the abductees, to return them immediately to Japan, and to act against the impunity of those who perpetrated the crime of abductions.
- The Special Rapporteur supports the various initiatives to settle the problem of abductions in a peaceful and satisfactory manner on the basis of international law and highlights the State responsibility and individual criminal responsibility pertaining to the conduct of the country and its agents in regard to the abductions, in the expectation that the Democratic People's Republic of Korea will commit itself to resolve the issue substantively in a transparent manner under the six-party talks and/or through other channels.

- The Special Rapporteur affirms the international dimension of the abductions issue which affects the nationals of Japan and of other countries. He calls for the international community to make concerted efforts to ensure accountability on the issue and to influence the country to settle the issue expeditiously and effectively.
- The Special Rapporteur welcomes the opportunity provided by Japan's 2006 law concerning human rights in the country and other relevant measures to offer protection and support to the various groups and persons seeking asylum from the Democratic People's Republic of Korea.
- The Special Rapporteur is encouraged by Japan's signature of the International Convention for the Protection of All Persons from Enforced Disappearance and invites all countries to ratify this Convention and to ensure its effective implementation at the national and local levels.
- The Special Rapporteur underlines the need to assist all victims of the human rights situation in the country in a sustained and comprehensive manner, bearing in mind the physical, psychological and other damage incurred, and to offer redress based upon the responsibility to protect people from human rights violations, bolstered by international solidarity to ensure such responsibility.

C. The Republic of Korea (19-24 January 2008)

70. The Special Rapporteur paid an official visit to the Republic of Korea from 19 to 24 January 2008. The purpose of his visit was to assess the impact of the Democratic People's Republic of Korea's human rights situation on the Republic of Korea.

71. Importantly, he interviewed a number of nationals of the former country who had sought refuge in the latter and learned first hand about their life stories. They ranged from new arrivals, housed in the Hanawon reception centre, to others who had settled for a period of time in the Republic of Korea.

72. His visit was at a time when a transition was taking place with the election of a new President in the country. Various policy changes, including those concerning the relations between the two countries, were pending, and the Special Rapporteur was cognizant of a number of key developments and possible trends. Importantly, the six-party talks concerning the denuclearization of the nuclear build-up in the country in Democratic People's Republic of Korea were still taking place. While there was progress in disabling the core nuclear facilities of Yongbyong in the Democratic People's Republic of Korea under various agreements and targets reached between the parties, other elements awaited progress. This would have impact on the overall atmosphere and sense of security on the Korean peninsula with possible traction for the humanitarian space under the umbrella of the six-party talks.

73. The two countries adopted the Declaration on the Advancement of South-North Korean Relations, Peace and Prosperity on 4 October 2007, under which they pledged to cooperate on a variety of issues, including the transformation of inter-Korean relations into ties of mutual trust and respect, the mitigation of tensions and the guarantee of peace on the Korean peninsula and

the development of inter-Korean economic and humanitarian cooperation projects. They also agreed to promote the interests of the Korean people and “the rights and interests of overseas Koreans on the international stage”. Various innovative activities between the two sides were being initiated, including the establishment of railway links, and the economic zone in Gaeseong, a key cooperation project begun several years ago.

74. The Republic of Korea has dealt with a variety of human rights issues in its dialogue with the Democratic People’s Republic of Korea, at times at the bilateral level, at times in the multilateral and other levels. First, there is the issue of the consequences of the Korean war 1950-1953. The two countries have come together periodically to facilitate the reunion of families separated by the war, and with the help of the Red Cross Societies of the two sides, there have been a number of meetings between families, as well as through videoconferencing. There remains the issue of nationals of the Republic of Korea taken as prisoners of war (POW) and missing persons taken by the Democratic People’s Republic of Korea during and after the war.

75. Secondly, the Republic of Korea has provided various forms of emergency and humanitarian aid to the Democratic People’s Republic of Korea, including food, medicines and fertilizers. Third, the Republic of Korea has accepted over 10,000 nationals of the Democratic People’s Republic of Korea for settlement in their search for refuge from their country of origin. During all his visits, the Special Rapporteur went to talk to new arrivals at the Hanawon centre, and the improved facilities of the centre are much welcome.

76. The authorities have increased their support for these persons, such as through longer term protection periods, the provision of pensions, employment and other opportunities. More recently the aim has been to promote more independence and self-reliance on the part of those who settle in the country. The law concerning divorce of nationals from the Democratic People’s Republic of Korea after arrival in the Republic of Korea was passed in 2007, allowing them to file for divorce from the spouse in the former country if the location of the spouse cannot be identified. The Special Rapporteur was encouraged by educational and training programmes for the young generation from the Democratic People’s Republic of Korea, complemented by caring neighbours who help them adapt to society.

77. Other cases, such as torture victims from the Democratic People’s Republic of Korea and the older generation, may need longer support systems, given that they may find it difficult to adapt to the new society. Individualized care and support, coupled with psychological and other back-up, with family and community networks, are important. The Special Rapporteur was informed that some of these persons later leave for other countries in search of other futures. A key activity is to promote a positive image of those who seek refuge, such as success stories, to ensure understanding of their plight and foster interactive cooperation between the newly arrived and the rest of the population, such as through volunteer projects to help the new arrivals.

78. Thirdly, another issue inviting a more proactive response is that of children of mixed marriages and family reunion (e.g. a national of the Democratic People’s Republic of Korea who has a child with another national en route to the South whom is left behind in the second country). This heartbreaking situation invites bilateral and other links to enable them to exit from other countries and reunite in the Republic of Korea. There are parallel family reunion challenges in regard to the family members left behind in the North, with the additional fear that

they might be intimidated by the authorities, if the identity of the people who have sought refuge in the Republic of Korea are known to the former. Guarantees of the safety of family members and their reunification are thus essential.

79. Fourthly, the Republic of Korea has supported the work of the Special Rapporteur, particularly in regard to his visits to the country and the Special Rapporteur is greatly appreciative of this. There are various key links between the authorities, civil society and other entities and the United Nations on human rights issues. There may also be room in future for the establishment of an office of OHCHR in North-East Asia, and the support of the region on the issue will be essential.

80. In view of the above and the changing political scenario in the country, the Special Rapporteur underlines the following considerations:

- The Special Rapporteur welcomes the country's membership of various human rights-related treaties, including the Convention on the Status of Refugees, and the country's signature of various instruments on human smuggling and trafficking, and invites other countries to ratify these treaties and ensure their effective implementation at the national and other levels.
- The Special Rapporteur highlights the various human rights issues mentioned above in inter-Korean relations, including the impact and the aftermath of the Korean war, such as the issue of POWs, missing persons and separated families; humanitarian aid to the Democratic People's Republic of Korea with effective monitoring to ensure that it reaches the target groups; the grant of assistance and protection of those who seek refuge from the country in question; and cooperation with the United Nations and other entities on human rights.
- The Special Rapporteur invites a more comprehensive support system for those who seek refuge, including longer term facilities to help them adapt to their new lives; social, educational, employment and psychological back-up, with family- and community-based networks; more family reunion possibilities; more protection to be afforded to those who do not receive the protection of other countries; and a more active information campaign using success stories of those who have settled in the Republic of Korea to ensure a positive image and nurture a sense of empathy for those who exit from the Democratic People's Republic of Korea in search of refuge elsewhere.
- The Special Rapporteur is encouraged by various cooperation activities between the Republic of Korea and the United Nations, and looks forward to the further strengthening of such ties.
- The Special Rapporteur recognizes the catalytic leverage that the Republic of Korea may have on human rights in the Democratic People's Republic of Korea and welcomes constructive actions at the bilateral and other levels to increase the humanitarian space in the Democratic People's Republic of Korea for the promotion and protection of human rights.

IV. RECOMMENDATIONS

81. Given that the human rights situation in the Democratic People's Republic of Korea remains grave on several fronts, it is essential to press for concrete actions to address the various challenges set out in this report in an expeditious and effective manner.
82. For the future, the country in question should take the following measures:
- Ensure a more equitable development process in the country; implement human rights effectively and comprehensively, bearing in mind that it is party to a number of human rights treaties; and transfer resources from the militarization process to the social development sector;
 - Overcome the disparities in access to food and other basic necessities, and build food security through sustainable agricultural development with broad-based people's participation;
 - Guarantee the security of the human person by liberalizing the national system, modernize its administration of the justice and prison system, help solve the issue of abductions/disappearances by showing tangible and credible results, and abide by the rule of law, such as safeguards for accused persons, fair trial and the building of an independent judiciary;
 - Adopt a clear policy not to punish those who leave the country without permission, desist from punishing returnees, and amend the law and train its officials accordingly;
 - Address the root causes leading to refugee outflows and criminalize those who exploit them in the process of human smuggling, trafficking and extortion, while not criminalizing the victims, and accede to international treaties on the issue;
 - Become a party to the Conventions of the International Labour Organization and implement them effectively;
 - Protect the rights of women, children and other groups, particularly by overcoming the inequalities and the ensuing discrimination facing them;
 - Address the violence and violations which have given rise to impunity and ensure that those who should be accountable are brought to justice;
 - Invite the Special Rapporteur to visit the country to assess the human rights situation on the ground and to advise on needed improvements;
 - Request technical assistance from OHCHR to help promote and protect human rights in the country, and engage sustainably and transparently with the monitoring committees of the treaties to which the country is a party.

83. **The international community is invited to take the following measures:**
- **Emphasize more strongly the need for participatory and sustainable development in the country and highlight strategies for food security, while continuing to provide humanitarian aid on the basis that the aid must reach the target groups (“No access, No aid”), coupled with effective monitoring;**
 - **Respect the rights of refugees, particularly the principle of non-refoulement, abide by the human rights of migrants, and mitigate the severity of national immigration laws which might otherwise lead to the detention of refugees and of those seeking refuge;**
 - **Maximize dialogues with the Democratic People’s Republic of Korea to promote dispute resolution, and enlarge the space for human rights discourse and action, with relevant packages of incentives and graduated pressures, possibly linked with security guarantees, as appropriate;**
 - **Ensure a calibrated approach within the United Nations so as to have leverage to influence the Democratic People’s Republic of Korea to respect human rights;**
 - **Address the impunity factor through a variety of entry points substantively, whether in terms of State responsibility and/or individual criminal responsibility.**
