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Situation of human rights in the Democratic People's Republic of Korea

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 64/175, on the situation of human rights in the Democratic People's Republic of Korea. The report provides an overview of continued human rights concerns and the deteriorating humanitarian situation in the country during the reporting period, from August 2009 to August 2010.

The report also provides information regarding the level of engagement of the Democratic People's Republic of Korea with the international human rights mechanisms.

Furthermore, the report highlights progress made by the Government in providing humanitarian assistance with the help of various United Nations offices, such as the World Food Programme, the World Health Organization, the United Nations Population Fund, the Food and Agriculture Organization of the United Nations, the United Nations Children's Fund and the United Nations Development Programme.

Finally, the report contains specific recommendations, addressed to both the international community and the Government of the Democratic People's Republic of Korea.



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I. Introduction

1. The present report is submitted further to General Assembly resolution 64/175, on the situation of human rights in the Democratic People's Republic of Korea. In that resolution, the Assembly expressed its serious concern at the persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea. The Assembly also urged the Government of the Democratic People's Republic of Korea to engage in technical cooperation activities with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and to extend full cooperation to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, including by granting him full, free and unimpeded access to the country. Furthermore, the Assembly decided to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-fifth session, and to this end requested me to submit a comprehensive report on that situation.

2. From 9 to 12 February 2010, the Under-Secretary-General for Political Affairs visited the Democratic People's Republic of Korea as my Special Envoy. He was accompanied by the Deputy Chef de Cabinet and my Special Adviser, as well as experts. The Special Envoy met with the President of the Presidium of the Supreme People's Assembly, as well as with the Minister for Foreign Affairs and the Deputy Foreign Minister. While the nuclear and other issues related to peace and security on the Korean peninsula were the focus of the delegation's attention, my Special Envoy raised with the Government humanitarian and human rights issues of concern to me as the Secretary-General. Although the delegation disagreed with the declared stand of the Democratic People's Republic of Korea on respective decisions by the General Assembly and the Human Rights Council, it welcomed the country's active participation in the universal periodic review mechanism of the Council last December and expressed hope that the Democratic People's Republic of Korea would respond positively to the recommendations made during the universal periodic review at the Council's session in March 2010. The Special Envoy also told his counterparts that the Secretary-General looked forward to cooperation between the Government and the Office of the United Nations High Commissioner for Human Rights.

3. During the visit, the delegation engaged in an extensive discussion with its counterparts on cooperation between the Democratic People's Republic of Korea and the United Nations on the ground. The delegation was encouraged by the interaction between the Government and the United Nations country team and by their improving ability to resolve perennial issues of access, monitoring and data in relation to the United Nations humanitarian and development work in the country. However, the delegation stressed the need to move towards international standards in that regard. In response, the Democratic People's Republic of Korea stated that it had made every effort to improve the working conditions of United Nations staff and to meet donors' demands, and assured the Special Envoy that it would continue those efforts.

4. I was informed by my Special Envoy and accompanying delegates that the United Nations is needed and appreciated in the Democratic People's Republic of Korea. However, the delegation was alarmed to learn about the critical shortages of funds and resources for most of the United Nations programmes in the country, which essentially are humanitarian and life-saving.

5. The Government has consistently maintained that it does not recognize the resolutions of the Human Rights Council and the General Assembly on the human rights situation in the Democratic People's Republic of Korea.¹ This was reiterated during the visit of my Special Envoy to the country in February 2010. Consequently, neither the Special Rapporteur's requests for access to the country nor the offer by OHCHR to provide technical assistance in the field of human rights with a view to improving the human rights situation in the country has been accepted. The Government deems the appointment of the Special Rapporteur a manifestation of "politicization, selectivity and double standards".²

6. The reporting period also saw the appointment of Mr. Marzuki Darusman as the new Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

7. However, the Government's engagement with the universal periodic review mechanism of the Human Rights Council has been encouraging and, to a large extent, constructive. In December 2009, the Democratic People's Republic of Korea was reviewed under the universal periodic review process. This is described in greater detail in section III of the present report. The Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office at Geneva has stated that the Government attaches importance to the universal periodic review mechanism, considering that under that process, the equality and dignity of all countries with different ideologies, social systems, cultures and traditions are respected.³

8. During the period under review, the report on the population census carried out by the country's Central Bureau of Statistics was released. The census, which was supported by the United Nations Population Fund (UNFPA), contained key findings on demography, education and socio-economic status. The United Nations Children's Fund (UNICEF) is currently involved in providing assistance for a multi-indicator cluster survey, a programme aimed at collecting and analysing data in order to fill gaps in data for monitoring the situation of children and women.⁴ The Democratic People's Republic of Korea is one of the first countries to have rolled out such a survey. I welcome such initiatives and encourage the Government to continue such engagements.

9. Late in 2009, after the suspension of its activities between 2007 and 2009, the United Nations Development Programme (UNDP) resumed its work in the Democratic People's Republic of Korea, focusing mainly on agriculture, rural energy and the Millennium Development Goals.

II. Overview of the human rights situation in the Democratic People's Republic of Korea

A. Human rights issues

10. At the outset, I note the challenges faced in gathering information or carrying out a comprehensive assessment in the Democratic People's Republic of Korea on

¹ Statement of the delegation of the Democratic People's Republic of Korea to the General Assembly at its sixty-fourth session and to the Human Rights Council at its thirteenth session, March 2010.

² See A/HRC/13/G/7/Rev.1.

³ *Ibid.*, p. 3.

⁴ See http://www.unicef.org/statistics/index_24302.html.

human rights and humanitarian issues. However, reports emanating from the country through various channels indicate continued suffering of the people of the Democratic People's Republic of Korea from chronic food insecurity, high malnutrition rates⁵ and spiralling economic problems. The best available evidence indicates that needs are acute, with young children, pregnant and lactating women and the elderly being particularly vulnerable.

11. Such persistent problems as widespread food shortages, a health-care system in decline, lack of access to safe drinking water and deterioration in the quality of education are seriously hampering the fulfilment of basic human rights.⁶ While some of the issues presented in the present report are humanitarian in nature, they are indisputably critical to the realization of human rights, especially economic, social and cultural rights, including the right to food, health, water and sanitation.

12. The UNICEF *Humanitarian Action Report 2010*⁷ predicts that a shortage of rainfall in some parts of the country will produce a yield 18 per cent lower than that in 2009. There is also concern that a reduction in food aid due to lack of funding will have alarming consequences for the nutritional status of children under 5 and of pregnant and lactating women. While a shortage of rainfall in some parts of the country is predicted, the western area was hit on 20 August by torrential rainfall as well as floods caused by unprecedented downpours in the north-eastern area of China. Action was immediately taken to rescue people, and on 24 and 25 August requests for assistance were made to the United Nations agencies working in the Democratic People's Republic of Korea and the International Federation of Red Cross and Red Crescent Societies.

13. In parallel, the outdated water and sanitation infrastructure, which cannot provide a safe drinking water supply, poses a real threat to the health of the population. Coupled with inadequate medical supplies and equipment, this makes the health-care system less able to meet basic needs.

14. Against that worrisome backdrop, the United Nations agencies providing humanitarian assistance in the Democratic People's Republic of Korea are increasingly faced with critical funding shortages. They have managed to mobilize only 20 per cent of the \$492 million required in 2009. This has led to a downsizing of operations, with several areas and some vulnerable groups no longer receiving international assistance.⁸ Early in 2010, in order to provide some respite, the Central Emergency Response Fund allocated \$8 million for underfunded humanitarian projects. Another \$5 million was allocated to the Democratic People's Republic of Korea by the Fund in July 2010. However, the limited support provided by the Fund is insufficient to meet the humanitarian needs in the country.

15. All assistance to the Democratic People's Republic of Korea continues to be provided on a "no access, no aid" basis; in other words, it is not given unless there is access to the intended recipients. The United Nations country team in the

⁵ See UNICEF *Humanitarian Action Report 2010: Partnering for Children in Emergencies*, p. 97. Available from <http://www.unicef.org/har2010/index.html>.

⁶ See joint United Nations country team submission for the United Nations compilation report, universal periodic review — Democratic People's Republic of Korea, section II. Available from <http://www.ohchr.org/EN/HRBodies/UPR/PAGES/KPSession6.aspx>.

⁷ See *Humanitarian Action Report 2010*.

⁸ See <http://ochaonline.un.org/CERFaroundtheWorld/DemocraticPeoplesRepublicofKorea2010/tabid/6610/language/en-US/Default.aspx>.

Democratic People's Republic of Korea is currently engaged in a dialogue with the Government on how to improve baseline data and project monitoring with a view to improving assistance. The recent census report and multicluster census survey, which are further discussed below, will be important in ensuring better-quality data in future.

16. Comprehensive restrictions continue to be imposed on civil and political rights, such as freedom of thought, conscience, religion, opinion and expression. The Government's control over the flow of information is strict and pervasive. For instance, the Criminal Code provides that listening to broadcasts and retaining or disseminating information perceived as opposing the State are punishable by up to two years in a "labour training camp" or, in more serious cases, five years of "corrective labour".⁹

17. Although the independent verification of all allegations has not been possible, there are a number of reports concerning public executions, the use of torture, forced labour and the ill treatment of refugees or asylum-seekers repatriated from abroad. The delegation of the Democratic People's Republic of Korea acknowledged at the universal periodic review in December 2009 that public execution is the punishment applied to criminals who have committed "very brutal violent crimes", while not defining what constitutes "very brutal crimes". The Criminal Code provides for the imposition of the death penalty for conspiracy to overturn the State, treason against the fatherland, terrorism and treason against the people. These reports indicate that there has been no change in the policy or practice of the Government of the Democratic People's Republic of Korea since my previous report on this topic to the General Assembly, submitted in 2009 (A/64/319 and Corr.1).

18. Furthermore, there are reports indicating that political prisoners continue to be held in harsh prison conditions. Although the number of prisoners cannot be verified, the Special Rapporteur, in his communication with the Permanent Mission of the Democratic People's Republic of Korea in March 2010, raised concerns over the conditions in six prisons and detention centres in which political prisoners are reportedly being held.

19. Restrictions on freedom of movement remain a concern. For instance, article 62 of the Criminal Code bars citizens from travelling to another country without State permission. This is in clear violation of the country's obligation under article 12 of the International Covenant on Civil and Political Rights. Furthermore, allegations of stricter control over the movement of people, especially those leaving the country, continue to be recorded.

20. With respect to some of these issues, I also wish to draw attention to the Special Rapporteur's report to the Human Rights Council submitted in February 2010 (A/HRC/13/47) and to the summary of stakeholders' submissions to the universal periodic review process regarding the Democratic People's Republic of Korea (A/HRC/WG.6/6/PRK/3 and Corr.1).

21. I welcome the release by the Democratic People's Republic of Korea of four fishermen, nationals of the Republic of Korea, and a national of the United States of America, in August 2009 and August 2010, respectively. I appreciate those positive decisions taken by the Democratic People's Republic of Korea with respect to humanitarian concerns.

⁹ See articles 195 and 222 of the Criminal Code.

B. International human rights law

22. The Democratic People's Republic of Korea is a party to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights. As such, it is bound by its obligation to respect human rights.

23. The Democratic People's Republic of Korea is not a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families or the Convention on the Rights of Persons with Disabilities. Calls for the ratification of those instruments by the Democratic People's Republic of Korea have been made on several occasions, including during the universal periodic review process, and by various treaty bodies.¹⁰

24. In addition, treaty bodies have urged the Democratic People's Republic of Korea to ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women¹¹ and the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflict.¹²

C. Domestic legislation

25. Chapter V of the Constitution of the Democratic People's Republic of Korea provides for certain fundamental rights for its citizens, combined with duties. However, those rights cannot be considered fully compliant with international human rights standards. For instance, there are limited provisions under the Constitution that address the specific needs of women and children, as provided under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women, and no provision to address violence against women and children. In April 2009, the parliament of the Democratic People's Republic of Korea revised the Constitution to include, *inter alia*, a broad provision indicating that the country respects and protects human rights. The Government has stated that this is a manifestation of the State's commitment to ensuring the full enjoyment of human rights by its citizens.¹³

26. However, there is scope for the further reform of domestic legislation, such as the amendment of provisions in the Penal Code that criminalize leaving the country without State permission and that impose the death penalty for five offences that are essentially political.

¹⁰ See E/2004/22, para. 540; CRC/C/PRK/CO/4, para. 32 (f); and A/60/38, annex III, part 2, para. 74.

¹¹ See A/60/38, annex III, part 2, para. 71.

¹² See CRC/C/PRK/CO/4, para. 75.

¹³ See A/HRC/WG.6/6/PRK/1, para. 16.

D. Institutions

27. At the universal periodic review, with regard to the establishment of an independent national human rights mechanism, the Government initially maintained that in the Democratic People's Republic of Korea, human rights are enforced at all levels of the people's committees of the State¹⁴ and that judicial and people's security organs also carry out the functions related to protecting human rights. According to the Government, domestic inter-agency organizations that are Government entities, such as the national coordinating committees for the implementation of the Convention on the Rights of the Child and of the Convention on the Elimination of All Forms of Discrimination against Women, and social and non-governmental organizations, such as the women's union and the youth league, among a number of other organizations, work towards the protection and promotion of human rights.¹⁵

28. None of these structures is considered to be a national human rights institution in line with the Paris Principles and hence accredited by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights. However, it is encouraging that, during the interactive session of the universal periodic review, the delegation of the Permanent Mission of the Democratic People's Republic of Korea made a statement in which it undertook to pay due attention to the establishment of an independent human rights mechanism and to conduct an in-depth study in that regard.¹⁶ This is an area in which the Government could seek the expertise of OHCHR.

III. Cooperation with international human rights mechanisms

A. Special procedures, including the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

29. The mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea was established by the Commission on Human Rights in its resolution 2004/13. In the resolution, the Commission requested the Special Rapporteur to establish direct contact with the Government and the people of the Democratic People's Republic of Korea, and to seek and receive credible information from all relevant actors, including non-governmental organizations, Governments and any other parties having knowledge of the human rights situation in the Democratic People's Republic of Korea, as well as through country visits. Subsequently, the Special Rapporteur's mandate has been regularly extended through various Human Rights Council resolutions.

¹⁴ The Democratic People's Republic of Korea has various levels of people's committees: the Central People's Committee; and people's committees at the provincial, city, district and country levels. The Central People's Committee is the top executive decision-making body, created under the 1972 Constitution. The Committee is composed of high officials, including the President of the Democratic People's Republic of Korea, as head of the Committee; the Vice-Presidents; the Secretary of the Committee; and unspecified "members". The provincial people's committees exercise the functions of the local organ of State power under certain circumstances.

¹⁵ See A/HRC/WG.6/6/PRK/1, para. 23.

¹⁶ See A/HRC/13/13, para. 80.

30. The Special Rapporteur has made a number of requests to visit the Democratic People's Republic of Korea in order to better understand the situation in the country, so that he can assist the State in taking appropriate measures for the promotion and protection of human rights.¹⁷ The Democratic People's Republic of Korea has consistently expressed its rejection of the mandate of the Special Rapporteur, contending that the resolution establishing the mandate represents an extreme manifestation of politicization, selectivity and double standards in the area of human rights.¹⁸ As a consequence, the Government has thus far refused to cooperate with the Special Rapporteur, denying him entry into the country.

31. Although unable to visit the Democratic People's Republic of Korea, the Special Rapporteur has conducted missions to neighbouring countries — Mongolia (21 September-1 October 2009), the Republic of Korea (10-16 January 2010) and Japan (16-22 January 2010) — on which he based the report that he submitted to the Human Rights Council in February 2010 (A/HRC/13/47).

32. Thus far, the Democratic People's Republic of Korea has not extended an invitation to any special procedure of the Human Rights Council.

33. During the reporting period, only one written communication was addressed to the Government by the special procedures. In March 2010, the Special Rapporteur sent a letter regarding conditions in six prison camps and detention centres for political detainees, raising concerns about allegations of forced labour and limited access to basic necessities, such food, shelter, clothing, sanitation and medical treatment. It is alleged that the camps hold a large number of persons who have been detained for expressing political opinions, defecting or engaging in acts against the Government, or who are family members of accused persons.

34. In a letter dated 31 March 2010, the Government responded to the Special Rapporteur's communication, stressing that it did not recognize his mandate. The Government also stated that since it believed that the communication was based on fabricated information, it saw no need to comment on its substance.

35. In June 2010, the Human Rights Council appointed Mr. Marzuki Darusman as the new Special Rapporteur for the situation of human rights in the Democratic People's Republic of Korea. Mr. Darusman succeeded Vitit Muntarbhorn, who had served as a mandate holder for six years, since 2004. I wish to thank Professor Muntarbhorn for his excellent work over the years and to congratulate Mr. Darusman on his appointment, with assurances that the Office of the United Nations High Commissioner for Human Rights will lend him its full support.

B. Working Group on Enforced or Involuntary Disappearances

36. In its report to the Human Rights Council at its thirteenth session (A/HRC/13/31 and Corr.1 and Add.1), held from 1 to 26 March 2010, the Working Group on Enforced or Involuntary Disappearances reported that nine cases connected to the Democratic People's Republic of Korea had remained outstanding during the reporting period (5 December 2008 to 13 November 2009). Of these,

¹⁷ The most recent request to visit the country on an official mission was made on 14 July 2009, through a letter to the Permanent Mission of the Democratic People's Republic of Korea to the United Nations Office at Geneva.

¹⁸ See A/HRC/13/G/7/Rev.1.

eight related to the abduction of Japanese nationals in the 1970s and 1980s, while the ninth involved the disappearance of a young woman at the border between China and the Democratic People's Republic of Korea in 2004. In two communications, dated 19 January and 27 April 2009, the Government of the Democratic People's Republic of Korea had issued a reply to the Working Group on the nine cases, but the Working Group considered the information provided to be insufficient to clarify the cases. All nine cases continued to be pending as at 13 November 2009, with no substantial changes since my previous report to the General Assembly.

37. The Working Group called upon the Government to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and to accept the competence of the Committee on Enforced Disappearances in accordance with its articles 31 and 32.

C. United Nations treaty bodies

38. With regard to engagement with the treaty bodies, as of July 2010 the Government of the Democratic People's Republic of Korea had yet to submit to the Human Rights Committee its third periodic report on the implementation of the International Covenant on Civil and Political Rights. The report has been due since 1 January 2004. Likewise, the second State party report to the Committee on the Elimination of Discrimination against Women on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the third periodic report to the Committee on Economic, Social and Cultural Rights on the implementation of the International Covenant on Economic, Social and Cultural Rights have been due since 27 March 2006 and 30 June 2008, respectively.

39. I encourage the Government of the Democratic People's Republic of Korea to ensure that all its pending State party reports to treaty bodies are submitted without further delay.

D. Universal periodic review of the Human Rights Council

40. On 7 December 2009, during the sixth session of the universal periodic review, the Democratic People's Republic of Korea was reviewed. I warmly welcomed the country's engagement in the process and encourage a similar approach to the special procedures and OHCHR.

41. Fifty-two countries intervened during the session, following the presentation made by the Ambassador and Permanent Representative of the Democratic People's Republic of Korea to the United Nations Office at Geneva. A compilation of questions posed by 15 countries had been made available to the Government in advance. Various delegates noted positive initiatives undertaken by the State, including the policy of providing 11 years of compulsory, free primary education, the plan aimed at the complete eradication of illiteracy, comprehensive and universal free medical care, specific public strategies in the field of health, and the inclusion of human rights in the Constitution in April 2009.

42. At the same time, delegates raised concerns regarding the situation in political prisons and detention centres; allegations of extrajudicial execution; forced labour; criminal sanctions imposed on people trying to leave the country; the absence of a

national human rights institution; difficulties in realizing the right to food;¹⁹ the lack of engagement with the special procedures; and the rejection of the offer of technical assistance made by OHCHR.

43. Some of the intervening States urged the Government to accelerate its efforts to accede to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities, and to implement those conventions to which the State was already a party. The State was also advised to consider joining the International Labour Organization and to accede to its core conventions, especially those on child labour.

44. A total of 117 comments and recommendations were made by Member States during the review process. While the Democratic People's Republic of Korea orally welcomed some of the recommendations, it rejected close to half of them, arguing that they were based on a misunderstanding of the realities in the country or on misinformation.²⁰ Recommendations that did not enjoy the support of the Democratic People's Republic of Korea were related mainly to civil and political rights and cooperation with the Special Rapporteur.

45. The relevant report of the Working Group on the Universal Periodic Review was adopted on 18 March 2010 at the thirteenth session of the Human Rights Council, during which the delegation of the Democratic People's Republic of Korea stated that the Government had taken note of the 117 recommendations. However, the Government has not submitted any written position on them.

IV. Role of the Office of the United Nations High Commissioner for Human Rights in assisting the Government of the Democratic People's Republic of Korea, and status update

46. Regrettably, the Government of the Democratic People's Republic of Korea has continued to reject offers of technical assistance made by the Office of the United Nations High Commissioner for Human Rights. The outcome of the universal periodic review process should provide the country with new opportunities to seek the expertise of OHCHR. I urge the Government to reconsider its stance on the technical cooperation offered by the Office.

V. Assistance for the promotion of humanitarian conditions and protection of human rights in the Democratic People's Republic of Korea provided by the United Nations system

47. In accordance with previous practices and on my behalf, OHCHR, in a letter dated 22 April 2010, invited United Nations principals to provide it with relevant information on the situation of human rights in the Democratic People's Republic of Korea. Subsequently, the Office received information from the following United

¹⁹ See A/HRC/13/13.

²⁰ See <http://www.ohchr.org/EN/HRBodies/UPR/Pages/Highlights7December2009p.aspx>.

Nations entities: the World Food Programme (WFP), UNICEF, UNDP, the United Nations High Commissioner for Refugees (UNHCR), the Office for the Coordination of Humanitarian Affairs, the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Population Fund (UNFPA). On the basis of information provided by those entities, the section below summarizes some of the activities carried out by the United Nations in the Democratic People's Republic of Korea and includes observations on some of the relevant findings.

A. United Nations Children's Fund

48. There is concern that the acute humanitarian needs of at least 3.5 million children and women in the Democratic People's Republic of Korea are expected to become even greater in 2010, given the ongoing food shortages resulting from the effects of previous and current floods and past drought. The global economic crisis is further increasing the levels of hardship experienced by many. In addition, bilateral and multilateral food aid to the country has declined significantly over the past few years.²¹

49. Those factors are creating an alarming situation as they lead to disease, poor nutrition and worsening education opportunities for children. UNICEF reports that each year, some 40,000 children under 5 years of age become acutely malnourished, of whom 25,000 are admitted to hospitals for treatment. The lack of maintenance of water and sanitation systems increases rates of diarrhoea and acute respiratory infections, which are leading causes of child death. In addition, one third of women of childbearing age suffer from anaemia, a nutrition deficiency that is also a major cause of maternal mortality.²²

50. While secondary schooling is free and compulsory, it is reported that there are persistent shortages of textbooks, school materials and fuel for heating during the long sub-zero winters, as well as poor school infrastructure, which cause children to be deprived of basic, high-quality education.²³ Furthermore, UNICEF reports that teaching methods have not evolved in line with international standards, which is lowering the quality of education. UNICEF has provided some support by providing educational materials for primary and secondary schools.

51. I call on the Government of the Democratic People's Republic of Korea to work closely with UNICEF in alleviating the situation of children and responding to some of the concluding observations and recommendations made by the Committee on the Rights of the Child in 2009,²⁴ which raised concerns, especially with regard to health, education, nutrition and the right to life.

52. In 2009, UNICEF was involved in a number of activities in the Democratic People's Republic of Korea, such as providing training in case management and facility support in 105 provincial paediatric and county hospitals, which helped to improve the medical treatment of children under 5 suffering from acute malnutrition. In addition, UNICEF led and coordinated inter-agency efforts to improve water sanitation and hygiene, which resulted in the rehabilitation of water

²¹ See *Humanitarian Action Report 2010*, p. 97.

²² *Ibid.*, p. 98.

²³ *Ibid.*

²⁴ See CRC/C/PRK/CO/4.

supplies and sanitation facilities for approximately 120,000 people affected by natural disasters.

53. An independent immunization coverage evaluation survey conducted in 2009 showed that immunization services reach virtually all children throughout the Democratic People's Republic of Korea, without any gender-based discrimination. The survey was conducted in partnership with the Ministry of Public Health, with technical and financial assistance provided by UNICEF. The Fund has shared the results of the survey with all provincial-level health and immunization managers, who have jointly developed an action plan for the implementation of the recommendations set out in the survey report. The action plan targets lower-performing provinces.

54. In 2010, UNICEF has been working to tackle major challenges relating to health, nutrition, education, water sanitation and hygiene. Together with the Ministry of Public Health, UNICEF will respond to the lack of access to adequate health care for 900,000 children under 5 and 2.6 million women of reproductive age.

55. Finally, UNICEF has been providing assistance for a multi-indicator cluster survey. The Democratic People's Republic of Korea is among the first countries to have rolled out such a survey, which is designed to provide a country with the information it needs to accurately monitor its progress towards national goals and global commitments, including those set out in the Millennium Development Goals. The multi-indicator cluster survey will constitute the largest effort to collect nationally representative data carried out in the Democratic People's Republic of Korea. The results of the survey are expected later this year.²⁵

B. United Nations Population Fund

56. Following its first-ever population census, conducted in 1993, which had a relatively limited scope, the Central Bureau of Statistics conducted a second national population census of the Democratic People's Republic of Korea, from April 2007 to December 2008, to collect more accurate demographic and socio-economic data and statistics. In response to the country's request, UNFPA provided technical support for the census, including through direct work with structural organizations such as the Central Bureau of Statistics and the National Census Steering Committee, formed by the Democratic People's Republic of Korea to ensure the successful implementation of the census. Assistance included input on census design, questionnaire development, participation in a pilot study, data capturing and processing, and the training of census enumerators and supervisors.²⁶

57. The questionnaire included queries about housing, education, migration, economic activity, maternal mortality and disability. On the basis of the data collected in the census, the Government and the United Nations should be able to develop planning that better reflects conditions and needs.

58. Some key findings from the census results, which were released on 16 December 2009, are worth highlighting. The total population has increased by approximately 3 million since 1993, indicating an average annual growth rate of

²⁵ See http://www.unicef.org/statistics/index_24302.html.

²⁶ See http://unstats.un.org/unsd/demographic/sources/census/2010_PHC/North_Korea/Final%20national%20census%20report.pdf.

0.85 per cent. In 2008, life expectancy at birth was shorter than it had been in 1993, but life expectancy for women had become longer than that for men. This indicates that the life expectancy gap between men and women has been reduced. In contrast, the infant mortality and maternal mortality rates increased between 1994 and 2008.²⁷ These increases are worrisome and reflect poorly on the Government's commitment to protecting the right to life of its citizens. In the concluding observations made by the Human Rights Committee, similar concerns were expressed. The Government is urged to take measures, in cooperation with the international community, to urgently address the food and nutrition situation in the country.²⁸

59. With respect to literacy and education, it was reported that a high percentage of children are attending school and are able to read. This applies to both boys and girls between the ages of 5 and 16. However, far fewer women than men have completed a university education: only 1 out of 12 women (above the age of 16), compared with 1 out of 7 men.²⁹ While there should be no prejudgements as to the reasons for those discrepancies, it is hoped that the Government will take appropriate measures to bridge such differences.

60. The census revealed that the urban population could have easier access to the services provided by health-care professionals, since 77 per cent of those with an academic background in health care live in urban areas.³⁰ Such social disparities within the State need to be bridged and the necessary steps taken to ensure equitable access to health-care services for the urban and rural populations.

61. It was reported that 2.5 per cent of the population have impaired mobility and 2.4 per cent have visual problems. Smaller percentages of the population reportedly have hearing and mental disabilities.

62. In addition to providing support for the 2008 population census of the Democratic People's Republic of Korea, UNFPA has contributed to various activities to improve the situation of the country's people. With monitoring and technical support provided by the Fund, the Central Bureau of Statistics and the Population Centre conducted a national reproductive health survey in May 2010. Some 6,000 women between the ages of 15 and 49 were interviewed about their knowledge and behaviour in the area of reproductive health. Ten provincial hospitals, 20 county hospitals and approximately 200 *ri*³¹ clinics/hospitals were also assessed with respect to the quality of service delivery. In preparation for disaster and contingency, UNFPA has obtained emergency reproductive health kits to be provided in 2010. In addition, UNFPA has made further efforts to provide reproductive-health-related medical equipment and supplies to health-care facilities in specific areas.³² In collaboration with other partners, including the World Health Organization (WHO) and the International Federation of Red Cross and Red Crescent Societies, UNFPA has contributed to efforts to train household doctors in

²⁷ In 1993, the infant mortality rate stood at 14 per 1,000 live births; the figure had increased to 19 by 2008. Likewise, the maternal mortality rate has increased from 54 to 77 per 100,000 live births.

²⁸ See CCPR/CO/72/PRK, para. 12.

²⁹ See http://unstats.un.org/unsd/demographic/sources/census/2010_PHC/North_Korea/DPRK%20Final%202008%20Census%20Key%20Findings.doc.

³⁰ *Ibid.*, p. 2.

³¹ A county is subdivided into smaller geographic areas called *ri*.

³² Monthly note to the Emergency Relief Coordinator, Democratic People's Republic of Korea, May 2010.

order to reinforce their knowledge and practice with regard to the prevention and treatment of common diseases.³³

C. World Food Programme

63. The Democratic People's Republic of Korea continues to suffer from widespread food shortages, despite several appeals made by the international community in recent years concerning the urgency of resolving the food problem. According to WFP, in addition to geographic and climatic constraints, agricultural production is severely limited by shortages of inputs, in particular fuel and fertilizer. In 2009, in the absence of the FAO/WFP Crop and Food Supply Assessment Mission, the United Nations received Government agricultural production figures showing a net increase of 7 per cent between 2008 and 2009. According to the FAO Global Information and Early Warning System, despite a slight improvement over previous years, a below-average cereal harvest is forecast. It estimates that the Democratic People's Republic of Korea requires 3.54 million tons of cereals for human consumption and an additional 1.2 million tons for seed, feed, industrial use and post-harvest losses. FAO also estimates import requirements of 1.10 million tons of cereals for marketing year 2009/10.

64. The impact of the sustained food deficit has been uneven, with urban areas dependent on public food rations and mountainous inland regions more affected and vulnerable than the rest of the country. Government rations distributed through the public distribution system are considered to be the main source of cereal supply for households. However, these entitlements depend in large part on the level of the main harvests in September/October. In 2010, the average ration planned for distribution is 380 grams per person per day, significantly below the target of 500-600 grams and less than two thirds of daily energy requirements.

65. According to the findings of the WFP midterm review of its emergency operation, conducted in July 2009, the food security situation in the Democratic People's Republic of Korea improved marginally between 2008 and 2009. However, approximately half of the households surveyed had a poor or borderline food consumption score. Families were still relying extensively on negative coping strategies, with one in six households falling into a high-risk category for livelihoods. Food insecurity thus remains a threat for specific groups such as pregnant and lactating women and young children, and there is a continued need for well-targeted interventions to provide highly nutritious foods. Owing to the multiple shocks experienced and other circumstances, rebuilding and the strengthening of livelihoods have also become priority needs, particularly during the lean season.

66. Continued large-scale food shortages and the heavy emphasis on cereal production have dietary repercussions because of the low numbers of livestock and poultry and the limited availability of vegetables and legumes. The inadequacy of the people's diet also translates into widespread micronutrient deficiencies among young children and pregnant and lactating women in particular, making them susceptible to infectious diseases, physical and mental development disorders, poor labour productivity and an increased risk of premature death.

³³ Monthly note to the Emergency Relief Coordinator, Democratic People's Republic of Korea, 1 December 2009-31 January 2010.

67. Under-nutrition remains among the major underlying causes of maternal and child mortality and constitutes a serious public health problem. The Democratic People's Republic of Korea still has high rates of malnutrition compared with other countries in the region. Preliminary findings from the 2009 multiple-indicator cluster survey, the full report on which will be available later this year, indicate some worrying trends. Those findings show a 32 per cent rate of stunting, a 19 per cent rate of underweight and a 5 per cent rate of wasting in children under 5. The provincial aggregated data show stunting levels ranging between 23 and 45 per cent, underweight levels ranging between 14 and 25 per cent and wasting levels ranging between 2 and 8 per cent. Close to 28 per cent of pregnant and lactating women are undernourished, as indicated by a mid-upper arm circumference of less than 22.5 cm.

68. As was the case with other agencies, WFP continued to face limited availability of resources for the funding of humanitarian food assistance programmes in the Democratic People's Republic of Korea. During the critical funding shortage, WFP decided to prioritize the most vulnerable beneficiary groups, women and children. Since the funding level was not even high enough to permit the distribution of full rations to those groups, it was decided that local food production³⁴ would be continued so that fortified blended food and biscuits could be distributed to combat under-nutrition among women and children.

69. Since the Government terminated the emergency operation in 2006, citing as justifications a better harvest and concerns about a culture of dependency, the WFP Executive Board has approved a protracted relief and recovery operation, beginning in July 2010 and lasting for a period of two years. The overarching goal of the operation is to provide assistance in order to enhance food and nutritional security in food-insecure areas (65 counties), with special emphasis on nutritional support for women and children. WFP will continue its efforts to improve the health and nutritional status of the most nutritionally vulnerable groups through the provision of locally produced fortified foods to young children in nurseries, kindergartens, hospitals and orphanages, and of fortified biscuits to primary school students. Pregnant and lactating women will also be provided with fortified blended foods in order to meet their nutritional requirements. Cereals, pulses and oil will be included in the food basket with a view to meeting energy and nutritional requirements.

70. The Government recently indicated that an FAO/WFP Crop and Food Supply Assessment Mission could be facilitated in October 2010. That is a welcome development, as it will be essential to understand the food security situation in the country, to identify the population groups that are unable to meet their basic food needs and to recommend a targeted food security assistance strategy and specific actions to be taken to address any import requirements revealed.

71. It is of paramount importance that the WFP humanitarian operation be adequately resourced so that it can help to meet the food needs of the people in the Democratic People's Republic of Korea and to ensure the fulfilment of some of the Government's obligations related to the right to food.

³⁴ The local production of fortified food in a country, accomplished through the management of the programme and the provision of raw materials and funding for equipment, packing, vitamin/mineral premix and spare parts.

D. Food and Agriculture Organization of the United Nations

72. FAO has mobilized resources to assist farms through the provision of a range of agricultural inputs, machinery and associated spare parts, focusing on the plains areas of the main cereal-producing region, known as the “cereal bowl”, comprising parts of North and South Pyongan, Kangwon and North and South Hamgyong provinces and Pyongyang. Recently, the approach of FAO has evolved from providing mainly agricultural inputs to supporting training at various Government levels. Hence, its revised rehabilitation and recovery programme consists of input support, training and capacity-building aimed at, *inter alia*, enhancing the production of major summer crops and integrating potato production into the conservation agriculture approach.

E. United Nations High Commissioner for Refugees

73. UNHCR notes that no substantial change was observed during the reporting period with regard to the flow of nationals of the Democratic People’s Republic of Korea out of the country to seek protection and assistance in neighbouring countries. While the number of people leaving the country has continued to decrease slightly, UNHCR emphasizes that a number of concerns remain, such as reports that women are being subjected to human trafficking and forced marriage; reports of severe restrictions on movement, including leaving the country, which is criminalized under the Penal Code; violations of the fundamental principle of non-refoulement, or non-return by the country of transit; and continued reports of severe punishment in cases of forced return to the Democratic People’s Republic of Korea.

F. United Nations Development Programme

74. Since the end of 2009, UNDP has resumed its work in the Democratic People’s Republic of Korea following the suspension of its activities from 2007 to 2009. In 2007, the Executive Board of the Programme mandated several changes to UNDP programmes and operations in the country. At the beginning of March 2007, UNDP moved to adjust its practices in several areas in order to align them with its system-wide standards. This involved making changes in the method of recruiting local staff, the use of local currency and the oversight of projects. However, agreement could not be reached with the authorities of the Democratic People’s Republic of Korea on the implementation of the mandated changes, and operations were suspended and personnel withdrawn.

75. UNDP has resumed its engagement on six projects in the areas of agriculture, rural energy and statistics regarding the Millennium Development Goals. With the assistance of the Programme, the Government intends to produce the first-ever national progress report on the Goals by the end of 2010. The report is expected to serve as the foundation for development assistance cooperation in the Democratic People’s Republic of Korea.³⁵

³⁵ See <http://www.undp.org/dprk/mdgs.shtml>.

G. World Health Organization

76. With regard to the right to health, the Democratic People's Republic of Korea must address a number of needs in fulfilling its obligations. These include the need to develop a medium- to long-term health sector plan, to improve the health information system and to strengthen planning, management and supervision skills. In addition, inadequate quality of care, due to a limited supply of medical equipment and essential drugs and to other infrastructure limitations such as an unstable power and water supply, adds to the challenges in the health sector.

77. There have been noticeable public health achievements in recent years, in particular increased immunization coverage, high tuberculosis treatment completion rates and declines in the incidence of malaria. However, persistent health issues include relatively high maternal mortality and abortion rates; relatively high prevalence of low birth weight and childhood malnutrition; and tuberculosis, malaria and hepatitis B.

78. At the same time, non-communicable diseases account for increasing morbidity and mortality burdens. The difficulty in tackling these challenges is compounded by financial constraints affecting the health-care and other sectors, and the country's vulnerability to harsh environmental conditions and natural disasters. Outdated facilities and a lack of access to essential medicines are contributing to higher mortality rates among vulnerable groups such as mothers and children. Owing to the lack of investment in health-care services over the past 20 years, health-care facilities cannot provide the required range and quality of services.

79. WHO continues to support the Ministry of Public Health in addressing the country's significant resource gaps and human resource development needs in order to strengthen its health-care system. Mobilizing donor resources, WHO has supported the Ministry in improving 8 provincial, 89 county and 1,200 *ri* health-care facilities, in particular to meet the emergency and essential health service needs of women and children. This has included the reconstruction and rehabilitation of *ri* clinics and county hospitals.

80. Recently, the Ministry of Public Health, with the assistance of WHO, developed a medium-term strategic plan aimed at the development of the health-care sector through an interactive, participatory process, with the involvement of various stakeholders such as the Ministries of Public Health, Land and Environmental Protection and Water Management; the National Coordination Committee; United Nations agencies; European Union projects; and embassies accredited in the country. The plan addresses five strategic priorities, including health-care system strengthening, communicable and non-communicable diseases, women's and children's health and the social and environmental determinants of health. Preliminary cost estimates have been made, and a 67 per cent resource gap has been identified.

81. With the aim of further improving the access to health-care services, WHO assisted the Ministry of Public Health in initiating an innovative telemedicine project connecting the central-level multispecialty hospital with provincial hospitals. The scope of telemedicine includes diagnostic and consultative services and will be further expanded to include training and surveillance. Currently, all nine provincial capital hospitals and the central hospital are connected to the telemedicine network.

82. WHO continues to strengthen its monitoring activities through joint field and facility assessments. In total, WHO made more than 100 field visits in 2009.

VI. Conclusions and recommendations

83. **There is an urgent need for the Government of the Democratic People's Republic of Korea to take immediate steps to ensure the enjoyment of the right to food, water, sanitation and health, and to allocate greater budgetary resources to that end.**

84. **I encourage the Government to ratify the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Optional Protocol thereto, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities, and to review domestic laws so as to ensure that they are in compliance with its international treaty obligations.**

85. **I encourage the Government to submit its outstanding reports on the implementation of the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women.**

86. **I welcome the participation of the Democratic People's Republic of Korea in the universal periodic review process and urge the Government to implement all recommendations fully. I encourage the country, in implementing the recommendations, to engage with OHCHR and to make use of technical cooperation.**

87. **I urge the Government, as part of its cooperation with the Human Rights Council, to provide access to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and other special procedures so that they can observe the human rights situation in the country.**

88. **I wish to remind neighbouring countries and the international community in general of their obligation, under the 1951 Convention relating to the Status of Refugees, to provide protection to those fleeing the Democratic People's Republic of Korea in order to seek asylum. Furthermore, I urge countries providing asylum to engage closely with organizations working on refugee issues, including UNHCR.**

89. **I urge the international community not to constrain humanitarian aid on the basis of political and security concerns and to continue its efforts to encourage improvements in the human rights situation of the people of the Democratic People's Republic of Korea.**