

Resolution adopted by the Human Rights Council on 4 April 2024

55/21. Situation of human rights in the Democratic People's Republic of Korea

<https://docs.un.org/en/A/HRC/RES/55/21>

- PP 11bis Condemning the Democratic People's Republic of Korea for providing lethal assistance and direct military support to the war of aggression by the Russian Federation against Ukraine, resulting in grave human rights violations, and urging Democratic People's Republic of Korea to immediately end its complicity in the Russian aggression and to stop assisting serious violations of international humanitarian and human rights law.

Preferably add this new preambular paragraph after PP 11 (“Condemning the Democratic People's Republic of Korea for national policies that continue to divert its resources into pursuing nuclear weapons and ballistic missiles over the welfare of its people and their access to food, and emphasizing the necessity for the Democratic People's Republic of Korea to respect and ensure the welfare and inherent dignity of the people in the country, as referred to by the Security Council in its resolutions 2321 (2016) of 30 November 2016, 2371 (2017) of 5 August 2017, 2375 (2017) of 11 September 2017 and 2397 (2017) of 22 December 2017,”). The language is based on the recommendations by Czechia, Ukraine, Estonia and Latvia at the DPRK UPR on 7 November 2024, President von der Leyen's statement on 28 October 2024 and the EU statement at the UNSC on 16 January 2025.

Report of the Working Group on the Universal Periodic Review  
Democratic People's Republic of Korea

<https://undocs.org/A/HRC/58/11>

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7.50 Stop facilitating Russia's war of aggression against Ukraine and refrain from assisting serious violations of international humanitarian and human rights law (Czechia);

7.51 Immediately end its complicity in Russia's war against Ukraine and return to compliance with international law (Ukraine);

7.52 Immediately cease violations of international law and multiple UN Security Council resolutions including the most fundamental principles of the UN Charter and stop providing assistance and direct support to Russia's war of aggression against Ukraine (Estonia);

7.53 Stop providing support to Russia's war of aggression against Ukraine, resulting in grave human rights violations (Latvia);

Read out of the phone call between President of the European Commission Ursula von der Leyen and President of the Republic of Korea Yoon Suk Yeol

Read-out Oct 28, 2024 Brussels 1 min read

[https://ec.europa.eu/commission/presscorner/detail/en/read\\_24\\_5565](https://ec.europa.eu/commission/presscorner/detail/en/read_24_5565)

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North Korea is also increasingly providing **lethal assistance** to Russia. This represents a significant escalation of the war against Ukraine and threatens global peace, said President von der Leyen.

EU Statement – UN Security Council: Briefing on the Maintenance of Peace and Security of Ukraine

16.01.2025 New York

[https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-security-council-briefing-maintenance-peace-and-security-ukraine-0\\_en](https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-security-council-briefing-maintenance-peace-and-security-ukraine-0_en)

...

We call on all third countries to immediately cease any and all assistance to Russia's aggression. This includes both **direct military support** and the provision of dual-use goods and sensitive items that sustain Russia's military industrial base. In addition, the EU strongly condemns the deepening military cooperation between Russia and the DPRK and Iran. The deployment of DPRK troops in Russia's illegal war of aggression blatantly violates UN Security Council resolutions. The EU urges all States to comply with their obligations under international disarmament, non-proliferation and export control agreements.

Resolution adopted by the Human Rights Council on 4 April 2024

55/23. Situation of human rights in Ukraine stemming from the Russian aggression

<https://undocs.org/A/HRC/RES/55/23>

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15. Expresses concern at the impact of **the war of aggression by the Russian Federation against Ukraine** on increased food insecurity globally, in particular in the least developed countries, as Ukraine and the region are one of the world's most important areas for grain and agricultural exports, when millions of people are facing famine or the immediate risk of famine or are experiencing severe food insecurity in several regions of the world, as well as on energy security, and underlines the importance of humanitarian food programmes and other relevant initiatives;

- PP 4bis Recalling that States have the primary responsibility to respect, protect and fulfil human rights, and have the responsibility to comply with their relevant obligations to prosecute those responsible for violations of international law, including international humanitarian law and international human rights law, and for abuses of human rights law, and to provide adequate, effective, prompt and appropriate remedies, including reparation, to any person whose rights have been violated, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, with a view to ending impunity and ensuring accountability,

Preferably add this new preambular paragraph before PP 5 (“Stressing the importance of following up on the recommendations contained in the report of the commission of inquiry on human rights in the Democratic People’s Republic of Korea, which was welcomed by both the Human Rights Council and the General Assembly, and transmitted to the relevant bodies of the United Nations, including the Security Council,”).

The language is based on the past Human Rights Council resolutions on Myanmar.

Resolution adopted by the Human Rights Council on 22 March 2019

40/29. Situation of human rights in Myanmar

<https://undocs.org/A/HRC/RES/40/29>

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Recalling that States have the primary responsibility to respect, protect and fulfil human rights, and have the responsibility to comply with their relevant obligations to prosecute those responsible for violations of international law, including international humanitarian law and international human rights law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, with a view to ending impunity and ensuring accountability,

Resolution adopted by the Human Rights Council on 10 July 2024

56/1. Situation of human rights of Rohingya Muslims and other minorities in Myanmar

<https://undocs.org/A/HRC/RES/56/1>

...

Recalling that States have the primary responsibility to respect and protect human rights and have the responsibility to comply with their relevant obligations to prosecute those responsible for crimes involving violations of international law, including international

humanitarian law and international human rights law, and for abuses of human rights law, and to provide an effective remedy to any person whose rights have been violated, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, with a view to ending impunity and ensuring accountability and justice,

Per principle 2(c) of the 2005 Reparation Principles, “States shall, as required under international law, ensure that their domestic law is consistent with their international legal obligations by ... Making available **adequate, effective, prompt and appropriate remedies, including reparation** ...”.

- **PP 22bis** Noting with concern the possible negative impact on the human rights situation, including denial of the right to self-determination of the Korean people and the forced or involuntary separation of families, following the announcement of the Democratic People’s Republic of Korea in January 2024 that it would no longer pursue reunification with the Republic of Korea in breach of the Agreement on Reconciliation, Non-aggression, and Exchanges and Cooperation between the South and the North which came into effect on 19 February 1992,

Preferably add this new preambular paragraph after PP 22 (“Stressing the urgency and importance of the issue of separated families, including affected Koreans worldwide, in this regard encouraging the resumption of reunions of separated families and in accordance with the commitments made on this issue at the inter-Korean summit held on 19 September 2018 to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families, and highlighting the importance of allowing permanent regular reunions and contact between separated families, including through meetings at an easily accessible location and regular facility, regular written correspondence, video reunions and the exchange of video messages, in accordance with relevant Security Council resolutions,”).

The language is based on newly added PP 26 of General Assembly resolution 79/181 of 17 December 2024 (“**Noting with concern the possible negative impact on the human rights situation, including that of separated families, following the announcement of the Democratic People’s Republic of Korea in January 2024 that it would no longer pursue reunification with the Republic of Korea,**”).

LETTER DATED 20 MARCH 1992 FROM THE PERMANENT REPRESENTATIVES OF THE REPUBLIC OF KOREA AND THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE AGREEMENT ON RECONCILIATION, NON-AGGRESSION AND EXCHANGES AND COOPERATION BETWEEN THE SOUTH AND THE NORTH, AS WELL AS THE TEXT OF THE JOINT DECLARATION OF THE DENUCLEARIZATION OF THE KOREAN PENINSULA  
Conference on Disarmament  
CD/1147  
25 March 1992

<https://undocs.org/CD/1147>

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Agreement on Reconciliation, Nonaggression and Exchanges And Cooperation Between the South and the North

<https://2001-2009.state.gov/t/ac/rls/or/2004/31012.htm>

...

The South and the North,

In keeping with the yearning of the entire Korean people for the peaceful unification of the divided land;

...

Recognizing that their relations, not being a relationship between states, constitute a special interim relationship stemming from the process towards unification;

Pledging to exert joint efforts to achieve peaceful unification;

- PPG Deeply concerned about the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that, in many instances, constitute crimes against humanity, and the pervasive culture of impunity and lack of accountability for human rights violations and abuses in the Democratic People's Republic of Korea, as described in the report of the commission of inquiry, and in this regard notes the convictions and sentencing by courts in the Republic of Korea of former agents of the intelligence service of the Democratic People's Republic of Korea for abductions and welcomes the legal proceedings initiated by the victims of human rights violations and abuses committed by the Democratic People's Republic of Korea against the citizens of other States Members of the United Nations in at the courts in Japan and the Republic of Korea to hold the Democratic People's Republic of Korea accountable,

There have been a number of cases in South Korean and Japanese courts, including the one cited in the COI DPRK's report, and the suggested language is based on the similar formulation in Human Rights Council resolution 55/22 of 4 April 2024 on Syria.

Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea

A/HRC/25/CRP.1

<https://undocs.org/A/HRC/25/CRP.1>

...

978. The first judgment was issued in 2005 by the Seoul Central District Court, Republic of Korea.<sup>1486</sup> The findings presented therein build on the confession of the defendant, a Korean-Chinese SSD operative, as well as the testimony of a former DPRK agent who was also directly involved in the abductions. It meticulously details the DPRK's abduction of a pastor from the ROK, Reverend Mr Kim Dong-shik, the abduction of former Japanese

national Ms Ryang Cho-ock and her family, and 12 other abductions of DPRK nationals. The defendant was convicted and sentenced to 10 years of imprisonment.

For P.O.W., Landmark Verdict Against North Korea Is Long-Overdue Justice

By Choe Sang-Hun

Aug. 7, 2020

<https://www.nytimes.com/2020/08/07/world/asia/north-korea-pow-verdict-kim.html>

A Japan court says North Korea is responsible for the abuses of people lured there by false promises

By MARI YAMAGUCHI

Updated 9:46 PM GMT+9, October 30, 2023

<https://apnews.com/article/japan-north-korea-ruling-repatriation-abuse-compensation-4a27a58212b8917352accb858d897b6a>

Resolution adopted by the Human Rights Council on 4 April 2024

55/22. Situation of human rights in the Syrian Arab Republic

<https://undocs.org/A/HRC/RES/55/22>

...

3. Also welcomes the progress made regarding international accountability and notes the importance of further ongoing proceedings, such as those held in Koblenz, Germany, and efforts by States and internationally mandated institutions, including the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, to investigate conduct in the Syrian Arab Republic and, where possible, to prosecute crimes committed there in order to bring the truth to light and perpetrators to justice, in this regard notes the landmark conviction and sentencing by a court in Germany, in January 2022, of a former director of the Syrian intelligence service for crimes against humanity as part of a widespread or systematic attack against the civilian population in the Syrian Arab Republic, also notes that evidence from the Commission of Inquiry and the International, Impartial and Independent Mechanism was used as evidence during the investigation and trial, and recalls the authority of the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court;

4. Further welcomes the legal proceedings initiated by Canada and the Kingdom of the Netherlands at the International Court of Justice to hold the Syrian Arab Republic accountable for torture and other cruel, inhuman or degrading treatment or punishment of its own people and for breaches of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, urges the Syrian regime to immediately implement the order of the Court of 16 November 2023 indicating provisional measures, including that it take all measures within its power to prevent acts of torture and other cruel, inhuman or degrading treatment or punishment and ensure that its officials or persons subject to its control do not commit any such acts, as well as effective measures to

prevent the destruction and ensure the preservation of related evidence, and acknowledges the reliable and credible reporting of the Commission of Inquiry referenced by the Court in its order and in the legal proceedings initiated by Canada and the Kingdom of the Netherlands;

- **PP7** Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and noting that the General Assembly, in its resolution [79/181](#), recalled that the commission of inquiry had urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators were prosecuted and brought to justice in a manner that is in accordance with international law, while recalling the authority of the Security Council to refer the situation in the Democratic People's Republic of Korea to the International Criminal Court, and inviting the Democratic People's Republic of Korea to become a party to the Rome Statute or to accept the exercise of jurisdiction of the International Criminal Court in accordance with article 12 (3) of the Rome Statute,

The language cites the relevant passage in General Assembly resolution 79/181 in which “in a manner that is in accordance with international law” was newly added and the past Human Rights Council resolutions on Myanmar and Syria that invited the Security Council and the relevant governments to activate the ICC's jurisdiction.

Resolution adopted by the General Assembly on 17 December 2024  
[on the report of the Third Committee (A/79/458/Add.3, para. 30)]  
79/181. Situation of human rights in the Democratic People's Republic of Korea  
<https://undocs.org/A/RES/79/181>

...

Recalling the responsibility of the Democratic People's Republic of Korea to protect its population from crimes against humanity, and recalling also that the commission of inquiry urged the leadership of the Democratic People's Republic of Korea to prevent and suppress crimes against humanity and to ensure that perpetrators are prosecuted and brought to justice in a manner that is in accordance with international law,

Resolution adopted by the Human Rights Council on 22 March 2019  
40/29. Situation of human rights in Myanmar  
A/HRC/RES/40/29  
11 April 2019  
<https://undocs.org/A/HRC/RES/40/29>

...

Reiterating the urgent need to ensure that all those responsible for crimes under international law, including violations and abuses of international human rights law and violations of international humanitarian law, in particular in Rakhine, Kachin and Shan States, are held to account through credible and independent national or international criminal justice mechanisms, while recalling the authority of the Security Council to refer the situation in Myanmar to the International Criminal Court, and inviting Myanmar to become a party to the Rome Statute or to accept the exercise of jurisdiction of the International Criminal Court in accordance with article 12 (3) of the Rome Statute,

Resolution adopted by the Human Rights Council on 4 April 2024  
55/20. Situation of human rights in Myanmar  
<https://undocs.org/A/HRC/RES/55/20>

...

Reiterating the urgent need for justice and accountability and to end impunity for all violations and abuses of human rights and violations of international humanitarian law by ensuring that all those responsible for crimes relating to these violations and abuses throughout Myanmar are held to account through credible, competent and independent national or international criminal justice mechanisms, while recalling the authority of the Security Council to refer the situation in Myanmar to the International Criminal Court, and reiterating also its invitation to Myanmar to become a party to the Rome Statute of the International Criminal Court or to accept the exercise of jurisdiction of the Court in accordance with article 12 (3) of the Rome Statute,

Resolution adopted by the Human Rights Council on 4 April 2024  
55/22. Situation of human rights in the Syrian Arab Republic  
<https://undocs.org/A/HRC/RES/55/22>

...

3. Also welcomes the progress made regarding international accountability and notes the importance of further ongoing proceedings, such as those held in Koblenz, Germany, and efforts by States and internationally mandated institutions, including the International,



Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011, to investigate conduct in the Syrian Arab Republic and, where possible, to prosecute crimes committed there in order to bring the truth to light and perpetrators to justice, in this regard notes the landmark conviction and sentencing by a court in Germany, in January 2022, of a former director of the Syrian intelligence service for crimes against humanity as part of a widespread or systematic attack against the civilian population in the Syrian Arab Republic, also notes that evidence from the Commission of Inquiry and the International, Impartial and Independent Mechanism was used as evidence during the investigation and trial, and recalls the authority of the Security Council to refer the situation in the Syrian Arab Republic to the International Criminal Court;

Resolution adopted by the Human Rights Council on 10 July 2024

56/1. Situation of human rights of Rohingya Muslims and other minorities in Myanmar  
A/HRC/RES/56/1

...

Reiterating the urgent need to ensure that all those responsible for violations and abuses of international law throughout Myanmar, including international human rights law, international humanitarian law and international criminal law, are held to account through credible and independent national, regional or international justice mechanisms, while recalling the authority of the Security Council to refer cases to the International Criminal Court,

- **PP18** Recognizing the important work of the treaty bodies in monitoring the implementation of international human rights obligations, and emphasizing the need for the Democratic People's Republic of Korea to comply with its human rights obligations and to ensure regular and timely reporting to the treaty bodies, in particular the Human Rights Committee and the Committee on Economic, Social and Cultural Rights to which the Democratic People's Republic of Korea last submitted its periodic reports on 20 March 2000 and 12 April 2002 respectively, and in this regard urging the Democratic People's Republic of Korea to respond to the list of issues prior to reporting on its third periodic report on its implementation of the International Covenant on Civil and Political Rights sent by the Human Rights Committee,

North Korea acceded to the International Covenant on Civil and Political Rights on 14 September 1981, North Korea has made no reporting to the Human Rights Committee following the submission of its Second periodic report of the Democratic People's Republic of Korea on its implementation of the International Covenant on Civil and Political Rights on 20 March 2000 (CCPR/C/PRK/2000/2) and the Human Rights Committee's consideration and adoption of the concluding observations in July 2001 (CCPR/CO/72/PRK).

The Human Rights Committee therefore adopted the list of issues prior to reporting on its third periodic report (CCPR/C/PRK/QPR/3) based on information submitted by NGOs at its 131st session (1–26 March 2021).

- **PP19** Stressing again with grave concern the urgency and importance of the issue of international abductions, which involves a serious violation of human rights, and of the immediate **and unconditional** return of all abductees, as they and their family members are aging and there is no time to lose, expressing grave concern at the long years of severe suffering experienced by abductees and their families **as a result of their forced or involuntary separation**, the lack of any concrete or positive action by the Democratic People’s Republic of Korea, notably since the investigations on all the Japanese nationals commenced on the basis of the government-level consultations held between the Democratic People’s Republic of Korea and Japan in May 2014, and the identical and non-substantive replies by the Democratic People’s Republic of Korea to the numerous communications transmitted by the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, and strongly demanding again that the Democratic People’s Republic of Korea sincerely listen to the victims and their families to address all allegations of enforced disappearances, clarify the fate and whereabouts of disappeared persons and faithfully provide accurate, detailed and full information promptly to the families of victims, and resolve immediately all issues relating to all abductees, in particular the

realization of the immediate **and unconditional** return of all abductees of Japan and the Republic of Korea,

The same verbatim addition (“**as a result of their forced separation**”) was made in PP23 of General Assembly resolution 79/181 of 17 December 2024.

The calls for “**immediate and unconditional**” release/return have been repeated by the South Korean Minister of Unification and the US State Department spokesperson on 20 September 2024, which marked the 4,000<sup>th</sup> day of arbitrary detention of South Korean missionary Kim Jung-wook in North Korea and in the recommendation by Slovakia at the DPRK UPR on 7 November 2024.

Unification Minister’s Statement regarding the 4000th Day of the Arbitrary Detention of Kim Jung-wook in North Korea  
September 20, 2024

[https://www.unikorea.go.kr/eng\\_unikorea/news/releases/?boardId=bbs\\_0000000000000034&mode=view&cntId=54307](https://www.unikorea.go.kr/eng_unikorea/news/releases/?boardId=bbs_0000000000000034&mode=view&cntId=54307)

...

The ROK Government condemns North Korea’s illegal and inhumane human rights violations and strongly urges the North, which is a party to major international human rights instruments, to **immediately and unconditionally release** our nationals who are illegally detained.

Four Thousandth Day of Detention in the DPRK for Missionary Kim Jung-Wook  
Press Statement

Matthew Miller, Department Spokesperson  
September 19, 2024

<https://2021-2025.state.gov/four-thousandth-day-of-detention-in-the-dprk-for-missionary-kim-jung-wook>

...

The DPRK’s practice of unjustly detaining missionaries and perceived political opponents is a blatant attempt to curtail freedom of religion or belief, silence individuals, and limit access to outside information. We condemn the DPRK’s systemic violations and abuses of human rights and call for the **immediate and unconditional release** of all those unjustly detained in North Korea.

Report of the Working Group on the Universal Periodic Review  
Democratic People’s Republic of Korea

<https://undocs.org/A/HRC/58/11>

...

7.48 **Return immediately and unconditionally** all abductees to their families and countries of origin (Slovakia);

- **PP20** Noting with concern the allegations of continued violations of the human rights of unrepatriated prisoners of war and their descendants, and the continued failure of the Democratic People's Republic of Korea in its obligations to repatriate under the Geneva Convention relative to the Treatment of Prisoners of War, of 12 August 1949, and noting with concern also and the issue of nationals of other States Members of the United Nations detained in the Democratic People's Republic of Korea, with no information available regarding their health or the conditions of their detention,

The same verbatim addition (“and the continued failure of the Democratic People's Republic of Korea in its obligations to repatriate under the Geneva Convention relative to the”

Treatment of Prisoners of War, of 12 August 1949, and noting with concern also”) was made to PP24 of General Assembly resolution 79/181 of 17 December 2024.

- **PP22** Stressing the urgency and importance of the issue of separated families, including affected Koreans worldwide, in this regard encouraging the resumption of reunions of separated families and in accordance with the commitments made on this issue at the inter-Korean summit held on 19 September 2018 to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families, to end their forced or involuntary separation by the Democratic People’s Republic of Korea, and highlighting the importance of allowing permanent regular reunions and contact between separated families, including through meetings at an easily accessible location and regular facility, regular written correspondence, video reunions and the

exchange of video messages, in accordance with relevant Security Council resolutions,

The language can be strengthened to align with the comparable PP 25 of General Assembly resolution 79/181 of 17 December 2024 (“... to strengthen humanitarian cooperation to fundamentally resolve the issue of separated families, **to end their forced separation**, ...”)

It is important to highlight that North Korea is primarily responsible for the decades-long forced separation of families, an independent human rights violation in and of itself.

- **PP23** Stressing also that the situation of human rights in the Democratic People’s Republic of Korea, including with respect to gender equality and the rights of all women and girls, including adolescent girls, the right to freedom of thought, conscience and religion, including freedom to have or to adopt a religion or belief of one’s choice and the freedom to manifest one’s religion or belief in worship, observance, practice and teaching, the right to freedom of opinion and expression,

including the freedom to hold opinions without interference and the freedom to seek, receive and impart information, the right to freedom of movement, the right to leave any country, including one's own, the right to freedom of association, including the right not to be compelled to belong to an association and the right to form and join trade unions for the protection of one's interests, the right to work, including the right to the opportunity to gain one's living by work which one freely chooses or accepts, and the right to take part in the conduct of public affairs, directly or through freely chosen representatives, is intrinsically linked to international peace and security, since the Government of the Democratic People's Republic of Korea funds its unlawful nuclear weapons and ballistic missile programmes through human rights violations and abuse, such as prison or forced labour, and noting with concern that a disproportionate amount of the State budget is allocated to military spending, resulting in failure to fully respect, protect and fulfil human rights, such as the right to an adequate standard of living and the right to the enjoyment of the highest attainable standard of physical and mental health,

It is important to point out that the near complete absence of the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression, the right to freedom of movement, the right to freedom of association, the right to work and the right to take part in the conduct of public affairs enables North Korea to pursue its unlawful weapons programmes.

- **OP1(a)** The denial of the right to freedom of thought, conscience and religion, including the right to adopt a religion or belief, and of the rights to freedom of opinion, expression, peaceful assembly and association, including the freedom to seek, receive and impart information and ideas of any kind, regardless of frontiers,

either orally, in writing or in print, in the form of art, or through any other media of one's choice, both online and offline, the right to privacy and equal access to information and the right to take part in the conduct of public affairs, directly or through freely chosen representatives, which is enforced through all-pervasive and severe restrictions, including an absolute monopoly on information and total control over organized social life, previously imposed by the Ten Principles for the Establishment of a Monolithic Guidance System and the vaguely worded "anti-state" and "anti-nation" crimes in the Criminal Code and further tightened by newly enacted laws, namely the Law on Rejecting Reactionary Thought and Culture, the Youth Education Guarantee Law, the Law on Protecting the Pyongyang Cultural Language and the Enemy Area Material Disposal Law, and arbitrary State surveillance that permeates the private lives of all citizens, further tightened by newly enacted laws, namely the Inminban Organization and Operation Law, the Mass Reporting Law and the State Security Protection Law, by such means as the unlawful and arbitrary surveillance, persecution, torture and other cruel, inhuman or degrading treatment or punishment, imprisonment and summary executions of individuals exercising their fundamental human rights;

The language can be strengthened to align with the comparable OP 2(a)(vi) of General Assembly resolutions 78/218 of 19 December 2023 (“by such means as the unlawful and arbitrary surveillance, persecution, torture and other cruel, inhuman or degrading treatment or punishment, imprisonment and, in some instances, summary executions of individuals exercising their rights to ...”) and the comparable OP 2(a)(vi) of General Assembly resolution 79/181 of 17 December 2024 (“further tightened by newly enacted laws, namely the Law on Rejecting Reactionary Thought and Culture, the Youth Education Guarantee Law and the Law on Protecting the Pyongyang Cultural Language”).

The Ten Principles for the Establishment of a Monolithic Guidance System (당의 유일적령도체계확립의 10 대원칙), the 2013 update to the Ten Principles for the Establishment of a Monolithic Ideological System (당의 유일사상체계확립의 10 대원칙) of 1974, supersedes the Rules of the Korean Workers' Party (조선로동당규약) and the Socialist Constitution of the DPRK (조선민주주의인민공화국 사회주의헌법) in the normative hierarchy.

In 2014, paragraph 1220 (c) of the COI DPRK's report recommended that North Korea “Reform the Criminal Code and Code of Criminal Procedure to abolish vaguely worded “anti-state” and “anti-people” crimes and to fully enshrine the right to a fair trial and due process guarantees articulated in the International Covenant on Civil and Political Rights”.

The Reactionary Thought and Culture Rejection Law (반동사상문화배격법), the Youth Education Guarantee Law (청년교양보장법) and the Pyongyang Cultural Language Protection Law (평양문화어보호법) as well as the Enemy Area Material Disposal Law (적지물처리법), the Inminban Organization and Operation Law (인민반조직운영법), the Mass Reporting Law (군중신고법) and the State Security Protection Law (국가비밀보호법) are recent laws enacted to further tighten state control and surveillance.



- **OP1(b)** Discrimination based on the songbun system secretly created and maintained by the Ministry of Social Security, which classifies people on the basis of State-assigned social class and birth and also includes consideration of political opinions and religion, and which intersects with disability and with gender-based discrimination against women and girls, including unequal access to employment, discriminatory laws and regulations, and violence against women and girls, including sexual and gender-based violence;

It is important to note that the songbun system has been secretly created and maintained by the Ministry of Social Security.

- **OP1(c)** Violations of all aspects of the right to freedom of movement, including the forcible transfer of populations, forced assignment to State-designated places of residence and employment, often based on the songbun system, and denial of the right to leave one’s own country, including harming or punishing those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned, with long imprisonment or execution for offenses, especially illegal border crossing and treason, under the Criminal Code, as well as the identical and non-substantive replies by the Democratic People’s Republic of Korea to the numerous communications transmitted by the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, including the case concerning Kim Cheol-Ok;

The language can be strengthened to align with the comparable OP 2(a)(iv) of General Assembly resolution 79/181 of 17 December 2024 (“The forcible transfer of populations ... including harming or punishing those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned”).

The relevant provisions in the Criminal Code are:

**Article 260 (Illegal Border Exit and Entry)** of the Criminal Code (“A person who exits and enters the border illegally shall be punished by training through labor. In cases where the act of exiting and entering the border illegally is grave, reform through labor for not more than five years shall be prescribed.”), and

**Article 63 (Treason against the Fatherland)** of the Criminal Code (“A person who commits an act of treason against the fatherland shall be punished by reform through labor for not less than five years. In cases where the circumstances are grave, reform through labor for life or death and confiscation of property shall be prescribed.”).

The relevant jurisprudence of the Working Group on Arbitrary Detention (WGAD) is:

Opinions adopted by the Working Group on Arbitrary Detention at its 100th session, 26–30 August 2024

Opinion No. 37/2024 concerning Kim Cheol-Ok (China and Democratic People’s Republic of Korea)

A/HRC/WGAD/2024/37

<https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session100/a-hrc-wgad-2024-37-china-democratic-peop.pdf>

...

102. In relation to Ms. Kim’s detention in the Democratic People’s Republic of Korea, there is very little information available, as discussed above. In particular, the late reply from the Government of the Democratic People’s Republic of Korea does not provide any substantive response to the allegations made by the source.

- **OP1(d)** Systematic, widespread and grave violations of the right to adequate food and health and related aspects of the right to life, exacerbated by the continued closure by the Democratic People’s Republic of Korea of its borders, which have led to food insecurity, widespread hunger and malnutrition, health problems and other hardship for the population in the Democratic People’s Republic of Korea, in particular for women, children, persons with disabilities, older persons and prisoners throughout the entire penal system and in all places of detention;

The language can be strengthened to align with the comparable OP 2(a)(vii) of General Assembly resolution 79/181 of 17 December 2024 (“Violations of economic, social and cultural rights, exacerbated by the continued closure by the Democratic People’s Republic of Korea of its borders, which have led to food insecurity, severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People’s Republic of Korea, in particular for women, children, persons with disabilities, older persons and prisoners throughout the entire penal system and in all places of detention;”).

- **OPI(e)** Violations of the right to life and acts of extermination, murder, enslavement, torture and other cruel, inhuman and degrading treatment or punishment, including inhuman conditions of detention, imprisonment, rape and other grave forms of sexual and gender-based violence and persecution on any grounds, including on the grounds of political opinion, religion or belief and sexual orientation and gender identity, throughout the entire penal system and in all places of detention, including in political prison camps, re-education camps, labour training camps, labour training centres, detention centres, holding centres and waiting rooms, and the widespread practice of extrajudicial, summary and arbitrary executions, the imposition of the death penalty for political and religious reasons, public executions, extrajudicial and arbitrary detention, the absence of fair trial and due process guarantees and the rule of law, including an independent judiciary, collective punishment extending up to three generations, with harsh sentences imposed on innocent individuals, and the extensive use of forced labour, including of children;

OP 1(e) in Human Rights Council resolutions 25/25 of 28 March 2014 to 52/28 of 4 April 2023 used the term “political prison camps”.

OP 2(a)(ii) of General Assembly resolution 79/181 of 17 December 2024 refers to “an extensive penal system including political prison camps, re-education camps, labour training camps, labour training centres, detention centres, holding centres and waiting rooms”.

OP 2(a)(i) of General Assembly resolution 79/181 of 17 December 2024 refers to “Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention;” and “extrajudicial, summary and arbitrary executions; the imposition of the death penalty for political and religious reasons; public executions; extrajudicial and arbitrary detention; the absence of fair trial guarantees and the rule of law, including an independent judiciary; collective punishments extending up to three generations; and the extensive use of forced labour, including of children;”.

- **OP1(f)** Persistent violations and abuses of all rights, including unequal access to employment and discriminatory regulations, of all women and girls, who remain the most vulnerable to trafficking in persons for the purposes of sexual exploitation, forced labour or domestic servitude and to child, early and forced marriage and other forms of sexual and gender-based violence due to the creation of internal conditions that force them to leave the country, and their subjection to sexual and gender-based discrimination, including in the political and social spheres, as well as throughout the entire penal system, including through ethnically motivated forced abortions and infanticide against repatriated mothers and their children, invasive body cavity searches and other forms of sexual and gender-based violence;

The language can be strengthened to align with the comparable OP 2(a)(viii) of General Assembly resolution 79/181 of 17 December 2024 (“Violations of the human rights and fundamental freedoms of all women and girls, including unequal access to employment and discriminatory regulations; as well as, in particular, the creation of internal conditions that force women and girls to leave the country, making them extremely vulnerable to trafficking in persons for the purpose of sexual exploitation, forced labour, domestic servitude or forced marriage, and their subjection to sexual and gender-based discrimination, including in the political and social spheres, as well as throughout the entire penal system, including through forced abortions, invasive body cavity searches and other forms of sexual and gender-based violence;”).

OP 1(d) of Commission on Human Rights resolution 2003/10 of 15 April 2004 (E/CN.4/RES/2004/13) refers to “ethnically motivated forced abortions and infanticide, including by labour-inducing injection, or natural delivery, by repatriated mothers” and OP 1(d) of Commission on Human Rights resolution 2005/11 of 14 April 2005 (E/CN.4/RES/2005/11) refers to “ethnically motivated forced abortions, including by labour-inducing injection or natural delivery, as well as infanticide of children of repatriated mothers”.

- **OP1(g)** The enforced and involuntary disappearance of persons by arrest, detention or abduction against their will, the refusal to disclose the fate and whereabouts of the persons concerned and the refusal to acknowledge the deprivation of their liberty, which places persons subjected thereto outside the protection of the law and which has had the effect of inflicting severe suffering on them and their families, including through the forced or involuntary separation of families by the Democratic People's Republic of Korea;

It is important to highlight that North Korea is primarily responsible for the decades-long forced separation of families, an independent human rights violation in and by itself.

- **OP1(h)** Systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other States Members of the United Nations, on a large scale and as a matter of State policy, as well as denial of repatriation of prisoners of war;

The language can be strengthened to align with the comparable OP 3 of General Assembly resolution 79/181 of 17 December 2024 (“Condemns the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other Member States, on a large scale and as a matter of State policy, as well as denial of repatriation of prisoners of war, ...”).

See also the suggestion for this draft resolution’s OP 2(g).

- **OP2(a)** Ensuring the right to freedom of thought, conscience and religion or belief and the rights to freedom of opinion, expression and association, both online and offline, including by permitting the establishment of independent newspapers and other media as well as the possession and distribution of religious texts and religious prayer in public or private and repealing or reforming all practices and laws suppressing the aforementioned rights, including the Ten Principles for the Establishment of a Monolithic Guidance System, the vaguely worded “anti-state” and “anti-nation” crimes in the Criminal Code, the Law on Rejecting Reactionary Thought and Culture, the Youth Education Guarantee Law and the Law on Protecting the Pyongyang Cultural Language as well as the Enemy Area Material Disposal Law, the Inminban Organization and Operation Law, the Mass Reporting Law and the State Security Protection Law;

The **Ten Principles for the Establishment of a Monolithic Guidance System** (당의 유일적령도체계확립의 10 대원칙), the 2013 update to the Ten Principles for the Establishment of a Monolithic Ideological System (당의 유일사상체계확립의 10 대원칙) of 1974, supersedes the Rules of the Korean Workers’ Party (조선로동당규약) and the Socialist Constitution of the DPRK (조선민주주의인민공화국 사회주의헌법) in the normative hierarchy.

In 2014, paragraph 1220 (c) of the COI DPRK’s report recommended that North Korea “Reform the **Criminal Code** and Code of Criminal Procedure to **abolish vaguely worded “anti-state” and “anti-people” crimes** and to fully enshrine the right to a fair trial and due process guarantees articulated in the International Covenant on Civil and Political Rights”. The **Reactionary Thought and Culture Rejection Law** (반동사상문화배격법), the **Youth Education Guarantee Law** (청년교양보장법) and the **Pyongyang Cultural Language**



Protection Law (평양문화어보호법) as well as the Enemy Area Material Disposal Law (적지물처리법), the Inminban Organization and Operation Law (인민반조직운영법), the Mass Reporting Law (군중신고법) and the State Security Protection Law (국가비밀보호법) are recent laws enacted to further tighten state control and surveillance.

- **OP2(b)** Ending discrimination against citizens, including State-sponsored discrimination based on the songbun system secretly created and maintained by the Ministry of Social Security, and taking immediate steps to ensure gender equality and the full enjoyment by all women and girls of their human rights and the protection of women and girls from all forms of violence, including sexual and gender-based violence as well as ensuring that trafficking in persons constitutes an independent offense under the criminal law;

It is important to note that the songbun system has been secretly created and maintained by the Ministry of Social Security.

It is also important for North Korea to criminalize trafficking in persons as an independent offense.

- **OP2(d)** Promoting equal access to food **and health care**, including by allowing humanitarian access to all persons in need and full transparency regarding the provision of humanitarian assistance so that such assistance is provided to persons in vulnerable situations, including persons with disabilities, older persons, individuals in detention **throughout the entire penal system and in all places of detention**, children, and women and girls, especially those who are pregnant and lactating;

The language can be strengthened to align with the comparable OP 2(a)(vii) of General Assembly resolution 79/181 of 17 December 2024 (“Violations of economic, social and cultural rights, **exacerbated by the continued closure by the Democratic People’s Republic of Korea of its borders, which have led to food insecurity, severe hunger, malnutrition, widespread health problems and other hardship for the population in the Democratic People’s Republic of Korea, in particular for women, children, persons with disabilities, older persons and prisoners throughout the entire penal system and in all places of detention;**”).

- **OP2(e)** Allowing humanitarian organizations and humanitarian personnel to carry out their activities, commencing with the immediate reopening of the national borders of the Democratic People’s Republic of Korea which were first closed in January 2020 following the global outbreak of the coronavirus disease (COVID-19) pandemic for the delivery of urgently required humanitarian goods, such as food, medicines and agricultural supplies;

It is important to emphasize that there is no justification for the continued border which was first triggered by the COVID-19 pandemic in January 2020.

- **OP2(g) Halting Ending** immediately all human rights violations in the entire penal system and in all places of detention, including in **political** prison camps, re-education camps, labour training camps, labour training centres, detention centres, holding centres and waiting rooms, including the practice of forced labour and the use of torture and other cruel, inhuman and degrading treatment or punishment, **including inhuman conditions of detention**, and sexual and gender-based violence, dismantling all political prison camps and releasing all political prisoners, immediately ceasing the practice of the arbitrary and summary execution of persons in custody, including public executions, and ensuring that justice sector reforms provide for protections for fair trials and due process **by, inter alia, ensuring in law and practice the independence of the judiciary from other branches of government and the Korean Workers' Party and repealing or reforming the provisions of the Criminal Procedure Code which provide that prosecutors issue arrest warrants upon application by preliminary examiners and grant jurisdiction over investigation and preliminary examination of the vaguely worded "anti-state" and "anti-nation" crimes to the Ministry of State Security;**

OP 2(a)(ii) of General Assembly resolution 79/181 of 17 December 2024 refers to “an extensive penal system including **political prison camps**, re-education camps, labour training camps, labour training centres, detention centres, holding centres and waiting rooms”. In 2014, paragraph 1220 (c) of the COI DPRK’s report recommended that North Korea “Reform the Criminal Code and **Code of Criminal Procedure** to **abolish vaguely worded “anti-state” and “anti-people” crimes** and to fully enshrine the right to a fair trial and due process guarantees articulated in the International Covenant on Civil and Political Rights”. The relevant provisions in the Criminal Procedure Code are: **Article 50 (Jurisdiction over investigation and preliminary examination)** of the Criminal Procedure Code (“The investigators and preliminary examiners of security organs shall conduct the investigation and preliminary examination of ‘anti-state and anti-nation’ crimes.”), and **Article 177 (Application for the Issuance of Arrest Warrants and Their Issuance)** of the Criminal Procedure Code (“A preliminary examiner who wishes to arrest an examinee who is not in detention shall send an application for the issuance of an arrest warrant to a prosecutor for authorization. Authorization by the prosecutor shall be done by the method of issuing an arrest warrant.”).

- **OP2(h)** Urgently resolving the issue of all persons who have been abducted or otherwise forcibly disappeared, **including those from other Member States**, and their descendants by clarifying their fate and whereabouts, in good faith and with transparency, including by ensuring the realization of their immediate **and unconditional** return **of all abductees, detainees and unrepatriated prisoners of war**, and engaging in constructive dialogue with the parties concerned;

The language can be strengthened to align with the comparable OP 3 of General Assembly resolution 79/181 of 17 December 2024 (“Condemns the systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, **including those from other Member States**, on a large scale and as a matter of State policy, as well as denial of repatriation of prisoners of war, and in this regard strongly urges the Government of the Democratic People’s Republic of Korea to engage in constructive dialogues with the parties concerned and to urgently resolve these issues of international grave concern, by clarifying

their whereabouts in good faith and in a transparent manner, including by ensuring the realization of the immediate return of all abductees, detainees and unrepatriated prisoners of war;).

See also the suggestion for this draft resolution's OP 1(h).

- **OP2(i)** Ensuring the immediate resumption of the reunions of separated families across the border, considering the advanced age of the family members concerned, to end the forced or involuntary separation of families by the Democratic People's Republic of Korea;

It is important to highlight that North Korea is primarily responsible for the decades-long forced separation of families, an independent human rights violation in and of itself.

- **OP2(j)** Abolishing immediately the practice of guilt-by-association punishment which has no known legal basis;

It is important to highlight that there is no known legal basis for guilt-by-association punishment.

- **OP2(k)** Ensuring that everyone within the territory of the Democratic People's Republic of Korea enjoys the right to liberty of movement and is free to leave the country, including for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea, by ending the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who



are returned, with long imprisonment or execution for offenses, especially illegal border crossing and treason, under the Criminal Code;

The language can be strengthened to align with General Assembly resolution 79/181 of 17 December 2024's comparable OP 2(a)(iv) ("The forcible transfer of populations ... including harming or punishing those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned") and OP 19(f) ("... for the purpose of seeking asylum outside the Democratic People's Republic of Korea, without interference by the authorities of the Democratic People's Republic of Korea;")

The relevant provisions in the Criminal Code are:

**Article 260 (Illegal Border Exit and Entry)** of the Criminal Code ("A person who exits and enters the border illegally shall be punished by training through labor. In cases where the act of exiting and entering the border illegally is grave, reform through labor for not more than five years shall be prescribed."), and

**Article 63 (Treason against the Fatherland)** of the Criminal Code ("A person who commits an act of treason against the fatherland shall be punished by reform through labor for not less than five years. In cases where the circumstances are grave, reform through labor for life or death and confiscation of property shall be prescribed.").

See also the suggestion for this draft resolution's OP 1(g).

- **OP2(l)** Providing nationals of other States Members of the United Nations detained in the Democratic People's Republic of Korea with protections, including freedom of communication with and access to consular officers, in accordance with the Vienna Convention on Consular Relations, to which the Democratic People's Republic of

Korea is a party, and any other necessary arrangements to confirm their status and to communicate with and be visited by their families, counsel or any other person of their choice, as well as realizing the immediate and unconditional release of missionaries Kim Jung-wook, Kim Kook-kie and Choi Chun-gil who have been arbitrarily detained, charged, arrested, convicted and sentenced on specious grounds:

The language can be strengthened to fully incorporate article 17(d) of the International Convention for the Protection of All Persons from Enforced Disappearance which provides that: “2. Without prejudice to other international obligations of the State Party with regard to the deprivation of liberty, each State Party shall, in its legislation: ... Guarantee that any person deprived of liberty shall be authorized to communicate with and be visited by his or her family, counsel or any other person of his or her choice, subject only to the conditions established by law, or, if he or she is a foreigner, to communicate with his or her consular authorities, in accordance with applicable international law;”

Unlike other foreign nationals held against their will in North Korea who Pyongyang claims have “volunteered” to stay, Pyongyang has publicly claimed that South Korean missionaries Kim Jung-wook, Kim Kook-kie and Choi Chun-gil are spies who have been detained and convicted. It is relatively easy for Pyongyang to release them on “humanitarian grounds” as it has done for other Korean American and Korean Canadian missionaries.

Concerns about the prolonged arbitrary detention of missionaries Kim Jung-wook, Kim Kook-kie and Choi Chun-gil have been raised by the international community.

Unification Minister’s Statement regarding the 4000th Day of the Arbitrary Detention of Kim Jung-wook in North Korea

September 20, 2024

[https://www.unikorea.go.kr/eng\\_unikorea/news/releases/?boardId=bbs\\_000000000000034&mode=view&cntId=54307](https://www.unikorea.go.kr/eng_unikorea/news/releases/?boardId=bbs_000000000000034&mode=view&cntId=54307)

Four Thousandth Day of Detention in the DPRK for Missionary Kim Jung-Wook

Press Statement

Matthew Miller, Department Spokesperson

September 19, 2024

<https://2021-2025.state.gov/four-thousandth-day-of-detention-in-the-dprk-for-missionary-kim-jung-wook>

European Parliament resolution of 28 November 2024 on reinforcing EU’s unwavering support to Ukraine against Russia’s war of aggression and the increasing military cooperation between North Korea and Russia (2024/2940(RSP))

[https://www.europarl.europa.eu/doceo/document/TA-10-2024-0055\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-10-2024-0055_EN.html)

...

11. Expresses deep concern over the ongoing and severe human rights violations in North Korea, where the regime's oppressive policies and systemic neglect of basic needs have resulted in widespread suffering among the country's people; condemns the diversion of resources towards military activities and external conflicts, including support for Russia's war of aggression, at the expense of addressing urgent humanitarian needs within North Korea; calls for the EU and international partners to enhance efforts to hold the North Korean regime accountable for its human rights abuses; urges increased support for civil society organisations and human rights defenders working to document abuses and provide aid to North Korean citizens; urges the Chinese Government to cease refoulement practices and provide North Korean refugees with access to international protection; calls on North Korea to grant UN human rights bodies access to the country to assess the human rights situation, enforced disappearances and the conditions of detainees and returned refugees, including the cases of Kim Cheol-ok and South Korean missionaries Kim Jung-wook, Kim Kook-kie and Choi Chun-gil;

China's refoulement of DPRK escapees, and the situation of detainees in the DPRK  
27.11.2024

Question for written answer E-002674/2024

to the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy

Rule 144

César Luena (S&D)

[https://www.europarl.europa.eu/doceo/document/E-10-2024-002674\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-10-2024-002674_EN.html)

...

2. In any future interaction with the DPRK, will the EU raise the above-mentioned case together with the cases of the three South Korean missionaries detained for over ten years, Kim Jung-wook, Kim Kook-kie and Choi Chun-gil, and call for their release?

...

Submitted: 27.11.2024

The past EU-drafted resolutions on Myanmar named individual victims and calls for the release of detained Reuters journalists Wa Lone and Kyaw Soe Oo in Human Rights Council resolutions 37/32 of 23 March 2018, 39/2 of 27 September 2018 and 40/29 of 22 March 2019 contributed to their eventual release which was welcomed in Human Rights Council resolution 43/26 of 22 June 2020:

OP 18 of Human Rights Council resolution 34/22 of 24 March 2017 ("Calls upon the Government of Myanmar to accelerate its efforts to ensure thorough, independent and impartial investigations into the killings of constitutional legal expert and senior National League for Democracy adviser Ko Ni, in January 2017, land and environmental activist Naw Chit Pan Daing, in November 2016, and journalist Soe Moe Tun, in December 2016, the rape and murder of Kachin school teachers Maran Lu Ra and Tangbau Hkawn Nan Tsing in January 2015, as well as other cases, and that those responsible are held accountable;")

OP 25 of Human Rights Council resolution 37/32 of 23 March 2018 (“Also calls upon the Government of Myanmar to immediately release journalists Wa Lone and Kyaw Soe Oo, and to allow unhindered access of journalists throughout Myanmar, in particular in Rakhine, Kachin and Shan States;”)

OP 18 of Human Rights Council resolution 39/2 of 27 September 2018 (“Expresses grave concern that the journalists Wa Lone and Kyaw Soe Oo, who were investigating the Inn Dinn killings, have been jailed, prosecuted and sentenced, and calls for their immediate and unconditional release, and calls upon the Government of Myanmar to allow unhindered access of journalists throughout Myanmar, in particular in Rakhine, Kachin and Shan States;”)

OP 10 of Human Rights Council resolution 40/29 of 22 March 2019 (“Also calls upon the Government of Myanmar to fulfil its commitment to release unconditionally all remaining political prisoners and to provide for the full rehabilitation of former political prisoners, and reiterates its call for the immediate and unconditional release of journalists Wa Lone and Kyaw Soe Oo, and of other journalists, media workers, human rights defenders and activists detained, charged and arrested under these restrictive laws, and for the Government to step up without delay action to combat hate speech and incitement to violence and hatred;”)

OP 8 of Human Rights Council resolution 43/26 of 22 June 2020 (“Welcomes the release of journalists Wa Lone and Kyaw Soe Oo, and reiterates its call for the immediate and unconditional release of all other journalists, media workers, human rights defenders and activists detained, charged and arrested and for the Government of Myanmar to fulfil its commitment to release unconditionally all political prisoners and to provide for the full rehabilitation of former political prisoners;”)

OP 4 of Human Rights Council resolution 46/21 of 24 March 2021 (“Calls for the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those who have been arbitrarily detained, charged or arrested on specious grounds during and in the aftermath of 1 February 2021, ...”)

OP 6 of Human Rights Council resolution 49/23 of 1 April 2022 (“Calls for the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those who have been arbitrarily detained, charged, arrested, convicted or sentenced on specious grounds, in particular since 1 February 2021, ...”)

OP 8 of Human Rights Council resolution 52/31 of 4 April 2023 (“Calls for the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those who have been arbitrarily detained, charged, arrested, convicted or sentenced on specious grounds, in particular since 1 February 2021, ...”)

OP 8 of Human Rights Council resolution 55/20 of 4 April 2024 (“Calls for the immediate and unconditional release of President Win Myint, State Counsellor Aung San Suu Kyi and all those who have been arbitrarily detained, charged, arrested, convicted or sentenced on specious grounds, in particular since 1 February 2021, ...”)

- **OP2(m)** Ensuring that refugees, asylum-seekers and other citizens of the Democratic People’s Republic of Korea who have been expelled or repatriated to the Democratic People’s Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of human rights violation, including enforced disappearance, arbitrary execution, torture and ill-treatment, as well as sexual and gender-based violence, including ethnically motivated forced abortions and infanticide against repatriated mothers and their children, invasive body cavity searches and trials that do not conform with international fair trial guarantees, and providing information on their status and treatment, in particular of women, children and persons with disabilities in detention;

The addition of “refugees, asylum-seekers and other” before “citizens” will align with the language used in the draft resolution’s OP 6 (“the situation of refugees and asylum-seekers returned to the Democratic People’s Republic of Korea and other citizens of the Democratic People’s Republic of Korea who have been repatriated from abroad”).

The language can be strengthened to align with the comparable OP 19(g) of General Assembly resolution 79/181 of 17 December 2024 (“19(g) To ensure that citizens of the Democratic People’s Republic of Korea who are expelled or returned to the Democratic People’s Republic of Korea are able to return in safety and dignity, are treated humanely and are not subjected to any kind of human rights violations and abuses, including enforced disappearances, arbitrary executions, torture and ill-treatment, sexual and gender-based violence, including forced abortions and infanticide against repatriated mothers and their children, and trials that do not conform with international fair trial guarantees, and to provide information on their status and treatment, in particular of women, children and persons with disabilities in detention;”).

OP 1(d) of Commission on Human Rights resolution 2003/10 of 15 April 2004 (E/CN.4/RES/2004/13) refers to “ethnically motivated forced abortions and infanticide, including by labour-inducing injection, or natural delivery, by repatriated mothers” and OP 1(d) of Commission on Human Rights resolution 2005/11 of 14 April 2005 (E/CN.4/RES/2005/11) refers to “ethnically motivated forced abortions, including by labour-inducing injection or natural delivery, as well as infanticide of children of repatriated mothers”.

- **OP3** Recalls General Assembly resolution **79/181**, in which the Assembly expressed its very serious concern at the violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike, and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children, as well as at the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour, often for the purpose of generating income for the Government, and in which the Assembly strongly urged the Government to become a member of the International Labour Organization, to enact legislation and adopt practices to comply with international labour standards and to consider ratifying all the relevant conventions, in particular the core labour conventions of the International Labour Organization and underlines the obligations of States to comply with their obligations under international human rights and labour law, including the International Covenant on Economic, Social and Cultural Rights, the Forced Labour Convention and the Occupational Safety and Health Convention, in relation to workers from the Democratic People's Republic of Korea who are covered by those instruments;

The existing language of the draft resolution's OP 3 refers to the General Assembly resolution's OP 2(a)(xi) ("Widespread use of forced labour and violations of workers' rights, including the right to freedom of association and effective recognition of the right to collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights, and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child, as well as the exploitation of workers sent abroad from the Democratic People's Republic of Korea to work under conditions that reportedly amount to forced labour, often for the purpose of generating income for the Government, ...").

The language can be strengthened by adding a reference to the General Assembly resolution's OP 19(m) ("Strongly urges the Government of the Democratic People's Republic of Korea to respect, protect and fulfil all human rights and fundamental freedoms and, in this regard: ... To become a member of the International Labour Organization, to enact legislation and adopt practices to comply with international labour standards and to consider ratifying all the relevant conventions, in particular the core labour conventions of the International Labour Organization;").

It is also important to underline the obligations of States to comply with their obligations under international human rights and labour law, including the International Covenant on Economic, Social and Cultural Rights, the Forced Labour Convention and the Occupational Safety and Health Convention, in relation to North Korea's overseas workers in those States.

- **OP6** Reiterates its deep concern at the findings of the commission of inquiry and subsequent investigations of the Office of the United Nations High Commissioner for Human Rights concerning the situation of refugees and asylum-seekers returned to the Democratic People's Republic of Korea and other citizens of the Democratic People's Republic of Korea who have been repatriated from abroad and made subject to sanctions, including internment, torture, cruel, inhuman and degrading treatment or punishment, sexual and gender-based violence, including ethnically motivated forced abortions and infanticide against repatriated mothers and their children and invasive body cavity searches, enforced disappearance or the death penalty as well as the identical and non-substantive replies by the Democratic People's Republic of Korea to the numerous communications transmitted by the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, including the case concerning Kim Cheol-Ok, in this regard strongly urges all States to respect the fundamental principle of non-refoulement, especially in the light of the resumption of cross-border travel, including where the Government of the Democratic People's Republic of Korea exerts pressure on returning States to effectuate such returns, to take action to counter acts of transnational repression by the Democratic People's Republic of Korea, to treat humanely those who seek refuge and to ensure unhindered access to the Office of the United Nations High Commissioner for Refugees and the Office of the United Nations High Commissioner for Human Rights, with a view to protecting the human rights of those who seek refuge, and to ensure adequate international protection by refraining from sharing information about the contacts and conduct of refugees, asylum-seekers and other citizens of the Democratic People's Republic of Korea with the Government of the Democratic People's Republic of Korea, and once again urges States to comply with their obligations under international human rights law, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as the Convention relating to the Status of Refugees and the Protocol thereto and Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in relation to persons from the Democratic People's Republic of Korea who are covered by those instruments, in particular by terminating or amending bilateral treaties with the Democratic People's Republic of Korea on border security, mutual legal assistance and transfer of prisoners that facilitate the violation of their

obligations under international human rights law, and notes the relevant decisions of the European Court of Human Rights;

The language can be strengthened to align with General Assembly resolution 79/181 of 17 December 2024's comparable OP 2(a)(viii) of (“... including through forced abortions, invasive body cavity searches and other forms of sexual and gender-based violence;”) and comparable OP 19(g) (“... sexual and gender-based violence, including forced abortions and infanticide against repatriated mothers and their children, and trials that do not conform with international fair trial guarantees ...”).

OP 1(d) of Commission on Human Rights resolution 2003/10 of 15 April 2004 (E/CN.4/RES/2004/13) refers to “ethnically motivated forced abortions and infanticide, including by labour-inducing injection, or natural delivery, by repatriated mothers” and OP 1(d) of Commission on Human Rights resolution 2005/11 of 14 April 2005 (E/CN.4/RES/2005/11) refers to “ethnically motivated forced abortions, including by labour-inducing injection or natural delivery, as well as infanticide of children of repatriated mothers”.

The Chinese and Korean versions of the 1998 Agreement between the Ministry of Public Security of the People's Republic of China and the Ministry of State Security of the Democratic People's Republic of Korea on Mutual Cooperation for the Maintenance of State Security and Social Order in the Border Area is available below at the PRC MFA website. Article 4(1) provides that “Those who do not hold legal documents or have used a crossing point not specified in the documents will be treated as illegal border crossers” while article 4(2) provides that “Illegal border crossers will be returned to the other side with information on their identity and specific situation”.

中华人民共和国公安部 朝鲜民主主义人民共和国国家安全保卫部 关于在边境地区维护国家和社会秩序的工作中相互合作的议定书

조선민주주의인민공화국 국가안정보위부 중화인민공화국公安部 국경지역에서 국가의 안전과 사회질서 유지사업에서 호상 협조할데 대한 합의서

Signature 1998.07.08 ; Entry into force 1998.08.28

<http://treaty.mfa.gov.cn/Treaty/web/detail1.jsp?objid=1531876990894>

The 2003 Treaty between the People's Republic of China and the Democratic People's Republic of Korea on Judicial Assistance in Civil and Criminal Matters, which entered into force in January 2006 (only the Chinese version provided by the PRC MFA), also facilitates the deportation.

中华人民共和国和朝鲜民主主义人民共和国关于民事和刑事司法协助的条约

Signature 2003.11.19 ; Entry into force 2006.01.21

<http://treaty.mfa.gov.cn/web/detail1.jsp?objid=1531876855012>



Russia's bilateral treaties with North Korea on (1) mutual legal assistance in criminal matters, (2) extradition, (3) transfer and receipt of illegal entrants and residents, and (4) transfer of sentenced persons facilitate the deportation of North Koreans who seek asylum or wish to opt for settlement in South Korea.

[Treaty between the Russian Federation and the Democratic People's Republic of Korea on Mutual Legal Assistance in Criminal Matters]  
ДОГОВОР МЕЖДУ РОССИЙСКОЙ ФЕДЕРАЦИЕЙ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКОЙ О ВЗАИМНОЙ ПРАВОВОЙ ПОМОЩИ ПО УГОЛОВНЫМ ДЕЛАМ  
Signature 05.12.2017; Entry into force 19.04.2019  
[https://www.mid.ru/ru/foreign\\_policy/international\\_contracts/international\\_contracts/2\\_contract/43707](https://www.mid.ru/ru/foreign_policy/international_contracts/international_contracts/2_contract/43707)

[Treaty between the Russian Federation and the Democratic People's Republic of Korea on Extradition]  
ДОГОВОР МЕЖДУ РОССИЙСКОЙ ФЕДЕРАЦИЕЙ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКОЙ О ВЫДАЧЕ  
로씨야련방과 조선민주주의인민공화국사이의 범인인도에 관한 조약  
Signature 17.11.2015; Entry into force 24.03.2017  
[https://www.mid.ru/ru/foreign\\_policy/international\\_contracts/international\\_contracts/2\\_contract/43706](https://www.mid.ru/ru/foreign_policy/international_contracts/international_contracts/2_contract/43706)

[Treaty between the Government of the Russian Federation and the Government of the Democratic People's Republic of Korea on the Transfer and Receipt of Persons Who Illegally Entered and Are Illegally Staying in the Territory of the Russian Federation and the People's Republic of Korea]  
СОГЛАШЕНИЕ МЕЖДУ ПРАВИТЕЛЬСТВОМ РОССИЙСКОЙ ФЕДЕРАЦИИ И ПРАВИТЕЛЬСТВОМ КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКИ О ПЕРЕДАЧЕ И ПРИЕМЕ ЛИЦ, НЕЗАКОННО ВЪЕХАВШИХ И НЕЗАКОННО ПРЕБЫВАЮЩИХ НА ТЕРРИТОРИИ РОССИЙСКОЙ ФЕДЕРАЦИИ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКИ  
Signature 02.02.2016; Entry into force 07.08.2017  
[https://www.mid.ru/ru/foreign\\_policy/international\\_contracts/international\\_contracts/2\\_contract/43686](https://www.mid.ru/ru/foreign_policy/international_contracts/international_contracts/2_contract/43686)

[Treaty between the Russian Federation and the Democratic People's Republic of Korea on the Transfer of Persons Sentenced to Imprisonment]

ДОГОВОР МЕЖДУ РОССИЙСКОЙ ФЕДЕРАЦИЕЙ И КОРЕЙСКОЙ НАРОДНО-ДЕМОКРАТИЧЕСКОЙ РЕСПУБЛИКОЙ О ПЕРЕДАЧЕ ЛИЦ, ОСУЖДЕННЫХ К ЛИШЕНИЮ СВОБОДЫ

로씨야련방과 조선민주주의인민공화국사이의 자유박탈형판결받은자인도에 관한 조약  
Signature 05.12.2017; Entry into force 19.04.2019

[https://www.mid.ru/ru/foreign\\_policy/international\\_contracts/international\\_contracts/2\\_contract/52773](https://www.mid.ru/ru/foreign_policy/international_contracts/international_contracts/2_contract/52773)

In February 2016, then-SR DPRK Darusman sent letters to North Korea and Russia expressing concerns about these treaty.

Subject: Allegations of restrictions to the right of freedom of movement in relation to an extradition treaty signed between the Russian Federation and the Democratic People's Republic of Korea (DPRK). According to the information received, in November 2015, the Russian Federation and DPRK signed an extradition treaty, calling for mutual assistance in criminal matters. On 2 February 2016, DPRK and the Russian Federation reportedly signed another treaty that calls for "transferring and readmitting individuals who have illegally left and are illegally present" on the territory of either country. The treaty aims to reduce the number of illegal migrants present in both countries, which reportedly relates to an established practice where DPRK sends its workers to work at logging and/or construction sites in the Russian Federation where they are subjected to severe working conditions and limitations of their basic rights, including freedom of movement. Some workers have reportedly sought asylum outside the DPRK, including in the Russian Federation, fearing persecution for deserting official employment, including torture, should they return to their country. A related communication was sent to the Government of the Russian Federation on 15 February 2016, see below, case no. RUS 1/2016.

REFERENCE: OL PRK 1/2016

15 February 2016

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=17685>

Subject: Allegations of restrictions to the right of freedom of movement in relation to an extradition treaty signed between the Russian Federation and the Democratic People's Republic of Korea (DPRK). According to the information received, in November 2015, the Russian Federation and DPRK signed an extradition treaty, calling for mutual assistance in criminal matters. On 2 February 2016, DPRK and the Russian Federation reportedly signed another treaty that calls for "transferring and readmitting individuals who have illegally left and are illegally present" on the territory of either country. The treaty aims to reduce the number of illegal migrants present in both countries, which reportedly relates to an established practice where DPRK sends its workers to work at logging and/or construction sites in the Russian Federation where they are subjected to severe working conditions and limitations of their basic rights, including freedom of movement. Some workers have reportedly sought asylum outside the DPRK, including in the Russian Federation, fearing persecution for deserting official employment, including torture, should they return to their

country. Concern is expressed that this treaty might be used in contravention of the principle of non-refoulement. A related communication was sent to the Government of the Democratic People's Republic of Korea on 15 February 2016, see above, case no. PRK 1/2016.

REFERENCE: OL RUS 1/2016

15 February 2016

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=17685>

The new Treaty on Comprehensive Strategic Partnership, signed by Putin and Kim Jong Un on June 18, 2024 and entered into force on December 4, 2024, calls for mutual legal assistance in civil and criminal matters (article 14).

The relevant jurisprudence of the Working Group on Arbitrary Detention (WGAD) is:

Opinions adopted by the Working Group on Arbitrary Detention at its 100th session, 26–30 August 2024

Opinion No. 37/2024 concerning Kim Cheol-Ok (China and Democratic People's Republic of Korea)

A/HRC/WGAD/2024/37

<https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/opinions/session100/a-hrc-wgad-2024-37-china-democratic-peop.pdf>

...

102. In relation to Ms. Kim's detention in the Democratic People's Republic of Korea, there is very little information available, as discussed above. In particular, the late reply from the Government of the Democratic People's Republic of Korea does not provide any substantive response to the allegations made by the source.

The relevant jurisprudence of the European Court of Human Rights is:

Russian Court Saves North Korean Defector From Deportation

Feb. 14, 2017

<https://www.themoscowtimes.com/2017/02/14/russian-court-saves-north-korean-refugee-from-deportation-a57144>

Missing student risks torture and death if returned to North Korea

<https://hudoc.echr.coe.int/app/conversion/pdf/?library=ECHR&id=003-7903456-10998060&filename=Judgment%20K.J.%20and%20Others%20v.%20Russia%20-%20Missing%20student%20risks%20torture%20and%20death%20if%20returned%20to%20North%20Korea%20.pdf>

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CASE OF K.J. AND OTHERS v. RUSSIA

(Applications nos. 27584/20 and 39768/20)

JUDGMENT

19 March 2024

- **OP7** Stresses and restates its grave concern at the finding of the commission of inquiry that the body of testimony gathered and the information received provided reasonable grounds to believe that crimes against humanity have been committed in the Democratic People's Republic of Korea, pursuant to policies established at the highest level of the State for decades and by institutions under the effective control of its leadership, and that the crimes against humanity entail extermination, murder, enslavement, torture and other cruel, inhuman and degrading treatment or punishment, imprisonment, rape, ethnically motivated forced abortions and infanticide against repatriated mothers and their children, invasive body cavity searches and other forms of sexual and gender-based violence, persecution on political, religious, racial and gender-related grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation;

- **OP8** Stresses that the authorities of the Democratic People's Republic of Korea continue to fail to hold accountable those responsible for crimes against humanity and other human rights violations and abuses, and encourages all States, the United Nations system, including relevant specialized agencies, regional intergovernmental organizations and forums, civil society organizations, foundations and other stakeholders to cooperate with accountability efforts, especially the efforts made by the Office of the United Nations High Commissioner for Human Rights, which can facilitate cooperation with the stakeholders by adopting terms of reference and by concluding memorandums of understanding with individual stakeholders that set forth the procedure for the provision of information and evidence to the Office by the stakeholders, such as the handling of the information and evidence provided and the guarantee of confidentiality, and to ensure that the crimes do not remain unpunished;
- **OP13** Welcomes the oral update of the High Commissioner, presented to the Human Rights Council pursuant to its resolution 52/28, on promoting accountability in the Democratic People's Republic of Korea, and commends the Office of the High

Commissioner, including its field-based structure in Seoul, for the efforts it has made to date, and encourages it to take into account the experience of other relevant mechanisms, including the adoption of terms of reference and conclusion of memorandums of understanding with individual stakeholders that set forth the procedure for the provision of information and evidence to the Office by the stakeholders, such as the handling of the information and evidence provided and the guarantee of confidentiality by the Office, and to actively engage and cooperate with national, regional and international mechanisms, and civil society, victims and survivors, as appropriate, as part of its efforts to identify strategies for accountability, in accordance with international law standards;

On the 10th anniversary of the COI report, CSOs have been calling for OHCHR to adopt terms of reference (TOR), similar to the TOR adopted by the OHCHR Sri Lanka accountability project, that to “clarify, increase transparency and help to raise awareness about the OHCHR DPRK accountability project’s work and thereby encourage States to provide greater support, motivate CSOs and other stakeholders to share more information and help ensure informed participation and a victim- and survivor-centred approach to accountability”.

While the OHCHR asks CSOs to provide information and evidence, the OHCHR has yet to conclude memorandums of understanding with CSOs that set forth the procedure for the provision of information and evidence, including OHCHR’s handling of the information and evidence provided and the guarantee of confidentiality, like other UN accountability mechanisms and projects. This is problematic as it goes against NGO code of ethics to share sensitive information with OHCHR or any other party in the absence of a formal legal arrangement specifying the intention of the parties, confidentiality and conditions for information sharing, including the respect for conditional consent from the NGO and the escapees who provided statements for their usage.

- **OP15** Decides to continue to strengthen, for a period of two years, the capacity of the Office of the High Commissioner, including its field-based structure in Seoul, to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for international crimes and other grave human rights violations and abuses in the Democratic People’s Republic of Korea, to advocate for victims and survivors, and to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction;

The mandate of the OHCHR DPRK Accountability Project must be strengthened, like the mandate of the OHCHR Sri Lanka Accountability Project, to: (1) collect, consolidate, analyse

and preserve information and evidence for international crimes and other grave human rights violations, (2) advocate for victims and survivors, and (3) support relevant judicial and other proceedings. Simply documenting and compiling a central information and evidence repository and developing future accountability strategies as the current mandate allows will do little to further justice and accountability.

Resolution adopted by the Human Rights Council on 23 March 2021  
46/1. Promoting reconciliation, accountability and human rights in Sri Lanka  
A/HRC/RES/46/1

...

6. Recognizes the importance of preserving and analysing evidence relating to violations and abuses of human rights and related crimes in Sri Lanka with a view to advancing accountability, and decides to strengthen in this regard the capacity of the Office of the High Commissioner to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka, to advocate for victims and survivors, and to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction;