



– Summary Report of the 46th Session of the United Nations Human Rights Council – Interactive Dialogue on Human Rights in the Democratic People’s Republic of Korea¹

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This document has been prepared solely for the delegates participating in Model United Nations for Successful Reunification 2021.

The Recommendations made by the Mandate of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea²

The Special Rapporteur recommends that the Democratic People’s Republic of Korea:

- (a) Establish accountability mechanisms for human rights violations in the country in line with international human rights standards;
- (b) Acknowledge the existence of human rights violations including those raised by OHCHR, the commission of inquiry and the Special Rapporteur and provide human rights monitors and international humanitarian organizations with access to the country including detention facilities;
- (c) Address allegations of enforced disappearance, including in the form of abductions, and provide accurate information to the families of the victims on the fates and whereabouts of their missing relatives;
- (d) Initiate a process of dialogue with the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea and invite him to visit the country.
- (e) Urgently invest the maximum available resources, including through international cooperation, to ensure that basic need for food, water and sanitation and housing are met, prioritizing the most marginalized communities;
- (f) Assess the impact of measures to prevent the spread of COVID-19 on the exercise of human rights, including economic and social rights, and revise any measures that violate these rights;
- (g) Grant full and unimpeded access to medical experts and humanitarian actors, relax restrictions on access to information, and provide timely and relevant data to the United Nations and humanitarian organizations to enable them to assist the most vulnerable communities;
- (h) Comply with the COVID-19 guidance issued by the United Nations High Commissioner for Human Rights, which calls for solidarity and cooperation to tackle the virus, and to mitigate the effects of measures designed to halt its spread;
- (i) Follow the guidelines in the UNODC, WHO, UNAIDS and OHCHR joint statement on COVID-19 in prisons and other closed settings, abide by the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and consider the release of prisoners, particularly those in vulnerable situations;

¹Link to the recorded video of the interactive dialogue on human rights in the DPRK: <http://webtv.un.org/search/id-sr-on-human-rights-in-dprk-29th-meeting-46th-regular-session-human-rights%20council/6238580062001/?term=&lan=english&page=2#player>

²Quintana, T., 2021. *Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea*. [online] OHCHR. Available at: <https://www.ohchr.org/Documents/Countries/KP/A_HRC_46_51_advance_unedited_version.pdf> [Accessed 13 March 2021].



(j) Carry out research and release statistics and other data that will allow for an assessment to be made of the impact of international sanctions on the economic and social rights of the people;

(k) Recognize the fundamental right to leave and enter the country, both in law and in practice, and ensure that those who are repatriated are not subjected to punishment upon repatriation; and

(l) Engage with the Republic of Korea to restart reunions of separated families;

The Special Rapporteur recommends that the Republic of Korea:

(a) Integrate human rights into negotiations with the Democratic People's Republic of Korea;

(b) Engage with the Democratic People's Republic of Korea to realize the reunion of separated families;

(c) Engage with civil society organization with a view to enable victims, families, escapees and civil society organizations to continue their fight against impunity;

(d) Engage with civil society organizations to ensure access to Hanawon Resettlement Support Centers for North Korean Refugees in order to interview escapees receiving resettlement education.

(e) Continue its efforts to provide protection to people escaping from the Democratic People's Republic of Korea in third countries;

(f) Implement the North Korean Human Rights Act passed by the National Assembly of the Republic of Korea in 2016, including the establishment of the North Korean human rights foundation;

(g) Ensure that a human rights-based framework is integrated into possible economic and humanitarian cooperation with the Democratic People's Republic of Korea; and

(h) Facilitate people-to-people exchanges with the Democratic People's Republic of Korea by lowering limitations on freedom of communication.

The Special Rapporteur recommends that China:

(a) Apply the principle of non-refoulement to individuals from the Democratic People's Republic of Korea who are at risk of serious human rights violations upon repatriation;

(b) Actively engage in human rights issues in the Democratic People's Republic of Korea including by continuing to engage with the Special Rapporteur on the human rights in the Democratic People's Republic of Korea and with OHCHR.

The Special Rapporteur recommends that the international community:

(a) Provide support to the people of the Democratic People's Republic of Korea in combating the COVID-19 pandemic;

(b) Provide increased financial and other support to humanitarian actors, including the United Nations, to enable them to respond to the most urgent humanitarian needs in the country and to support development initiatives;

(c) Use any available opportunity for dialogue with the Democratic People's Republic of Korea to create an environment to advance a peace agreement and seek progress in the human rights situation of the country;



(d) Continue to provide support to the efforts of civil society actors to address the situation of human rights in the Democratic People's Republic of Korea; and

(e) Support efforts to promote accountability in the Democratic People's Republic of Korea, including the work of OHCHR on accountability;

The Special Rapporteur makes following recommendations to the United Nations:

(a) The Security Council should refer the situation in the Democratic People's Republic of Korea to the International Criminal Court or establish an ad hoc tribunal or other comparable mechanism.

(b) The General Assembly should also discuss the establishment of an ad hoc international tribunal on crimes against humanity committed in the Democratic People's Republic of Korea

(c) The Security Council should adopt targeted sanctions against those who are most responsible for crimes against humanity;

(d) The Security Council should consider lifting sanctions that negatively affect people's human rights;

(e) The Secretary-General and OHCHR should conduct a comprehensive study of the detrimental impact of sanctions on the human rights of the people of the Democratic People's Republic of Korea and on the humanitarian situation in the context of the current COVID-19 preventative measures;

(f) The Secretary-General and OHCHR should continue to explore and support technical cooperation projects on human rights with the Democratic People's Republic of Korea; and

(g) OHCHR should organize an international conference on prisons in the Democratic People's Republic of Korea to develop comprehensive programs to improve the situation by opening access for monitoring and building national capacity;

The Special Rapporteur recommends that China, the Democratic People's Republic of Korea, the Republic of Korea and the United States of America, with the participation of other Member States of the United Nations as necessary, reach an agreement on peace and prosperity, including provisions to promote human rights and address human rights violations.

Interactive Dialogue: Summary of the Speeches delivered by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea³

During the 46th Regular Session of the Human Rights Council, an interactive dialogue was held with Mr. Tomás Ojea Quintana, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (hereafter DPRK). Mr. Quintana began the interactive dialogue by expressing his grave concern about the continuing crimes against humanity, including 'extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other forms of sexual violence, persecution on political, racial, religious and gender grounds, the forcible transfer of populations, enforced disappearances and the inhumane act of knowingly causing prolonged starvation' being committed by state authorities against North Korean civilians. Mr. Quintana spoke of his experience of serving as the former Special Rapporteur on the situation of human rights in Myanmar from 2008 to 2014 and proclaimed the importance of 'tell[ing] the truth about what happened in a situation where serious human

³United Nations Web TV. 2021. ID: SR on Human Rights in DPRK - 29th Meeting, 46th Regular Session Human Rights Council. [online] Available at: <<http://webtv.un.org/search/id-sr-on-human-rights-in-dprk-29th-meeting-46th-regular-session-human-rights-council/6238580062001/?term=&lan=english&page=2#player>> [Accessed 13 March 2021].



rights abuses have been committed’ and ‘hold[ing] those responsible to account’. In his mandate, Mr. Quintana stressed that the United Nations Security Council (hereafter SC) bears responsibility for its sidelining of and inaction against the human rights violations perpetrated in the DPRK. Mr. Quintana reiterated that the ‘urgency to stop violations of such a scale, gravity and nature cannot take a back seat to national interests or geopolitical interests’, and strongly urged the Security Council to refer the DPRK to the International Court of Justice over its human rights record.

Interactive Dialogue: Summary of the Speeches made by States on the Speakers List⁴

Countries in favor of the Mandate

The European Union: EU is appalled by the human rights violations in North Korea. Supports the Special Rapporteur’s call upon the Security Council to refer the issue of DPRK to the International Court of Justice.

France: Concerned about the continuing grave human rights violations in the DPRK. Aligns itself with the EU statement.

Spain: Concerned about the exacerbation of the human rights violations in the DPRK amid the Covid pandemic. Urges the DPRK to grant access to medical personnel and humanitarian workers.

Switzerland: Calls on the North Korean government to put an end to its human rights violations and to authorize the import into the DPRK of humanitarian supplies. Agrees with the Special Rapporteur that the DPRK issue should be referred to the ICJ.

Norway: Deeply concerned about the grave human rights situation in the DPRK and supports the Special Rapporteur’s mandate.

Ireland: Aligns with the EU’s statement. Deeply concerned about the human rights violations in the DPRK. Commends the work of the Special Rapporteur.

Czech Republic: Aligns itself with the EU statement. Supports the Special Rapporteur’s call upon the Security Council to refer the DPRK human rights situation to the ICJ.

United Kingdom: Maintains that the international community must not ignore the human rights violations in North Korea. Urges the DPRK to engage with the international community to improve its human rights record.

Australia: Welcomes the Special Rapporteur’s mandate and maintains that the DPRK should abandon weapons of mass destruction.

⁴United Nations Web TV. 2021. *ID: SR on Human Rights in DPRK - 29th Meeting, 46th Regular Session Human Rights Council*. [online] Available at: <<http://webtv.un.org/search/id-sr-on-human-rights-in-dprk-29th-meeting-46th-regular-session-human-rights-council/6238580062001/?term=&lan=english&page=2#player>> [Accessed 13 March 2021].



Countries against the Mandate

The Democratic People's Republic of Korea: Representative is absent.

China: Maintains that the realization of nuclear disarmament on the Korean peninsula is a priority of the international community. Opposes country-specific mandates without the consent of the country concerned. Calls for the council's non-interference in the internal affairs of the DPRK. Condemns the unilateral coercive measures implemented by some countries as this hinders development in the DPRK.

Russia: Condemns the United Nations Human Rights Council's use of the human rights issue as a tool to exert pressure on North Korean authorities. Asserts that the council should refrain from making provocative announcements ('accusations') and maintains that a non-consensual approach to the human rights situation in the DPRK only provokes internal political instability and fails to aid the improvement of human rights.

Iran: Rejects double standards and politicization of the human rights situation in the DPRK. Asserts that the United Nations Human Rights Council should respect state sovereignty and approach the human rights situation in the DPRK through discussion, constructive dialogue, cooperation, mutual confidence and consent.

Venezuela: Opposition to country specific mandates on human rights, interventionist mandates, aggression against sovereign countries, undermines the active cooperation of the DPRK. topic of human rights must be approached without politicization and selectivity. Supports UPR mechanism.

Laos: Maintains that the human rights situation in the DPRK should be approached in a fair, objective and non-selective manner. Supports constructive dialogue and cooperation as means to improve the human rights situation in the DPRK and calls for the avoidance of the practice of politicization and double standards regarding human rights matters.

Belarus: Rejects country-specific mandates without the consent of the country concerned. Maintains that the human rights situation in the DPRK should be approached on the basis of constructive dialogue and cooperation.

Syrian Arab Republic: Constructive dialogue and cooperation based on respect to is the best approach to human rights issue. Opposes country-specific measures. Interferes with internal affairs of DPRKs. Politically driven resolutions do not enjoy the approval of the country concerned. Lift the inhumane sanctions imposed on it.

Sri Lanka: Against country-specific mandates without the consent of the country concerned as such mandates are confrontational and counterproductive. Maintains that the human rights situation in North Korea should be guided by mutual respect and cooperation, based on the consent of North Korea.

Cuba: Opposes selective and politically motivated resolutions and mandates and stresses instead cooperation and respectful dialogue as an effective means to promote human rights in the DPRK. Suggests nondiscriminatory mechanisms such as the Universal Periodic Review (UPR).



South Sudan: Calls for the avoidance of double standards and politization in the field of human rights.

Cambodia: Maintains that all country mandates should have the consent of the country. Asserts that the council should bear in mind the national particularities of countries and approach the human rights situation in the DPRK with objectivity, impartiality, the principle of sovereign equality and non-interference. Suggests dialogue as an alternative means.

Nicaragua: Condemns the council's cruel attack on the DPRK's culture, different way of life, own model and institutions, that differ from those held by the imperial powers.

Burundi: Condemns the Special Rapporteur's mandate for being politically motivated and for flouting the real situation in the DPRK. Opposes country-specific mandates without the agreement of the country concerned and claims such a mandate is used to meddle with the internal affairs of DPRK. Maintains that the council should promote constructive dialogue instead.

Indonesia: Maintains that the council should serve as an inclusive forum and opposes double standards and selectivity. Urges the DPRK to open its doors to the international community and calls for a genuine dialogue with the DPRK.

Vietnam: Urges the council to uphold the principles of universality, objectivity, non-selectivity, and non-politization and maintains that the promotion of human rights in the DPRK can only be achieved through genuine dialogues. Calls on the DPRK to cooperate with the international community on the issues of forced abductions.

Countries neither for nor against the Mandate

The Republic of Korea: Maintains that the human rights situation in the DPRK should not hinder the international community from considering the humanitarian situation in North Korea.

United States: Strongly supports the independence of mandate holders. Condemns the lack of transparency in the DPRK.

Japan: Urges the DPRK to take concrete actions to resolve the issue of forced abductions. Condemns the DPRK for pursuing the development of nuclear missiles at the cost of the welfare of North Korean citizens.