

Democratic People's Republic of Korea (DPRK)

The human rights situation in the Democratic People's Republic of Korea (DPRK) continued to show no discernable improvement in 2014. While the DPRK's response to mounting calls for change by the international community showed some sensitivity to external pressure, this response was aimed at deflecting criticism, rather than taking serious steps to deliver improvements to its domestic human rights situation.

Supporting human rights, as in preceding years, remained one of our priorities for the DPRK in 2014. We continued to approach this in three ways: by ensuring the issue remained high on the international community's agenda; by using our policy of critical engagement to raise our concerns directly with the DPRK authorities; and by supporting small-scale projects aimed at improving the lives of vulnerable groups in the DPRK and increasing exposure to the outside world. The publication in February of the final report of the UN Commission of Inquiry (COI) led to increased international focus on human rights in the DPRK. The UK took an active role in shaping the UN response, which included strong resolutions at both the UN Human Rights Council (HRC) and the UN General Assembly (UNGA), an informal "Arria" briefing to the UN Security Council (UNSC) and, in December, the addition of a new item on the DPRK to the UNSC agenda.

Human rights will remain a priority for our the DPRK policy in 2015, alongside our counter proliferation work. We will continue to work with like-minded partners to apply pressure on the DPRK, urging the government to accept the existence and extent of human rights violations in-country, and to address these issues seriously by bringing about improvements and permanent change. We will also continue to maintain pressure on the DPRK through the HRC and offer our support to the presence the Office of the High Commissioner for Human Rights (OHCHR) is setting up in the Republic of Korea to collect further evidence of the situation in the DPRK. Alongside this, we will press the DPRK to deliver on the recommendations that they agreed to consider during their Universal Periodic Review (UPR) in May, and look for more creative avenues for bilateral and international engagement.

Accountability for human rights violations will remain a key concern in the year ahead. The UK and others have highlighted the need for the International Criminal Court (ICC) to be able to consider the situation in the DPRK given the COI's findings. As the DPRK is not a party to the Rome Statute, and is unlikely to accept the ICC's jurisdiction ad hoc, referral will need to be made through a UNSC resolution. The failure of efforts to refer Syria to the ICC in 2014 and the opposition of some members of the UNSC to even discussing human rights in the DPRK demonstrate the challenges to achieving such a resolution. However, the new UNSC agenda item on the DPRK provides a mechanism to keep this issue under discussion.

The COI found that the DPRK authorities were responsible for systematic, widespread and gross human rights violations, in some cases amounting to crimes against humanity. It made a number of recommendations, both for the DPRK and for the international community. These formed the basis of subsequent activity by the UN. Together with co-sponsors, the UK worked hard throughout 2014 to build on the momentum created by

the COI, and to show the DPRK that there can be no impunity for human rights violations. UK lobbying helped to secure strong resolutions at the HRC in March and the UNGA Third Committee in November, the latter subsequently confirmed by the UNGA plenary in December. Both resolutions reinforced the COI's call for the UNSC to consider the human rights situation in the DPRK, and take appropriate action to ensure accountability, including by considering a referral to the ICC.

In April, the COI gave an informal "Arria" briefing to the UNSC and, in May, UN member states drew on the report when making recommendations during the DPRK's UPR. The UK played an active part in both events. In June, the Foreign & Commonwealth (FCO) Minister for Asia Pacific, Hugo Swire, visited Geneva to take part in an Interactive Dialogue with the UN Special Rapporteur on the situation of human rights in the DPRK, Mr Mazuki Darusman. He also raised the importance of human rights in the DPRK with the UN Secretary General, Ban Ki-moon, and stressed the importance of UN action.

The UK worked with partners to ensure formal discussion of human rights in the DPRK by the UNSC. In December, we and nine other members of the UNSC sent a joint letter to the UNSC President, requesting that the situation in the DPRK be placed on the council's agenda. On 22 December, the UNSC formally recognised the human rights situation in the DPRK as a potential threat to international peace and security, and held a first discussion of this new agenda item. During this meeting, the UK expressed its concern at the human rights situation in the DPRK and its belief that if the DPRK will not hold human rights violators to account, then the international community must be ready to do so. We also underlined that the DPRK authorities bear primary responsibility for protecting human rights in the DPRK and expressed our regret that the DPRK had withdrawn the offers of engagement made ahead of the UNGA Third Committee resolution in November.

Bilaterally, we took every opportunity in 2014 to ensure that the DPRK government was aware of our serious concern about the human rights situation in the country. Mr Swire made public statements urging the DPRK to comply with the COI's recommendations, and supporting action by the international community following the publication of the COI's report in February, and again after the March and November UN resolutions. We also continued to raise human rights concerns in our direct contacts with the DPRK. In February, a senior FCO official raised this issue with the DPRK Embassy. In March, the British Embassy in Pyongyang raised our concerns with the DPRK Ministry of Foreign Affairs. In July, the FCO Director for Asia Pacific visited Pyongyang and, during meetings with the DPRK government and the Workers' Party of Korea, called for serious progress to be made in improving the human rights situation in accordance with international law. In August, the British Chargé d'Affaires in Pyongyang, together with other EU heads of mission, met the DPRK Foreign Minister, Ri Su Yong, who indicated a willingness to engage in dialogue with the EU on human rights. In October, the British Ambassador to Pyongyang met the Deputy Director of the International Organisations Directorate of the Ministry of Foreign Affairs, Han Tae Sung, and underlined the strength of UK concern on

this issue, calling for the DPRK to engage with international organisations.

In 2014, the FCO funded a range of projects in support of our country objectives for the DPRK. Our most significant commitment was a programme of English language teaching and training, delivered through the British Council. We also ran programmes which aimed to increase understanding in the DPRK of international financial and economic norms and freedom of expression.

The DPRK responded to this increased international attention by rejecting the COI's findings and claiming there were no human rights concerns in the DPRK. However, they did demonstrate a willingness, in limited circumstances, to undertake international engagement. In May, they acknowledged the UPR process provided an avenue for objective and impartial assessment by subjecting themselves to scrutiny from fellow HRC members. As part of this process they accepted 114 recommendations, mainly relating to social and economic rights. While a further 155 were "noted" (or rejected), this engagement was a noteworthy and welcome development. In October, there was a concerted diplomatic push from the DPRK to lobby on, and dilute the strength of, the EU-Japan sponsored resolution at the UNGA Third Committee. This included an offer to invite the UN Special Rapporteur to visit the DPRK in exchange for amendments to the draft resolution.

Elections

Elections to the 13th Supreme People's Assembly, the only significant state organ that appears to be directly elected, took place in March. Voting is compulsory and the selection of assembly members is far from democratic: only one candidate stands in each constituency and voting is not secret.

Freedom of Expression and Assembly

Whilst in theory the DPRK constitution guarantees freedom of expression, there remained little evidence of this, or freedom of movement or assembly in the DPRK. The general population was required to attend political gatherings in support of the DPRK leadership at regular intervals. The government maintains tight control over media, and access to foreign broadcasting is strictly limited. Reports suggest that people who are found to have access to foreign media without authorisation are subject to punishment, including imprisonment and, according to some reports, execution.

Human Rights Defenders

The security apparatus is ubiquitous in the DPRK and we have no evidence that there are any human rights defenders in the country. Some people who have defected have provided first-hand accounts of human rights violations. A number now work with non-governmental organisations (NGOs) to campaign for the improvement of human rights in the DPRK. In collaboration with the British Council, we provide an English language training programme to defectors now living in the Republic of Korea to help them gain the necessary skills to be successful in higher education and compete in the job market. A Chevening Scholarship is also provided through this programme.

Access to Justice and the Rule of Law

The judicial system is not independent. The constitutional changes made in April 2012 confirmed that its prime function is to protect the existing socialist political system. In September, the DPRK Supreme Court sentenced American Matthew Todd Miller to six years' imprisonment with hard labour for committing "acts hostile" to the DPRK as part of the "US anti-DPRK human rights campaign". A state media report claimed that the trial had been held *in camera* at the request of the defendant. However, the fact that Mr Miller's trial was held in a closed court brought into question the legitimacy and transparency of the judicial process. On 8 November, Mr Miller and Kenneth Bae, another American citizen in detention in the DPRK, were released. The trials of both Mr Bae (who was serving a sentence of 15 years' imprisonment with hard labour) and Mr Miller had fallen short of international standards.

Whilst the releases of these detainees were a welcome development, the DPRK made no statement regarding them, nor provided a reason.

Death Penalty

There are 22 crimes that are officially punishable by death, but which are ambiguously defined in law. The DPRK does not provide statistics on the use of the death penalty. Throughout 2014, there were unconfirmed reports of executions. Officials usually refuse either to confirm or deny these claims, although in December they staged a press conference with a group of repatriated defectors who had been alleged to have been either executed or imprisoned.

Torture and Cruel, Inhuman or Degrading Treatment

There is a substantial body of evidence from defectors that the DPRK government routinely uses torture in the criminal justice system. The DPRK denies this, but the volume of testimonials claiming that the practice continues is significant. The COI has played an important role in systematically recording and publishing some of this testimony.

Freedom of Religion or Belief

According to authorities in the DPRK, there are a small number of state-controlled churches and other state-sanctioned places of worship, including 500 house churches. We are unable to verify these statistics or to attest to the type of activity that takes place inside these house churches. However, there are many reports that people who are involved in religion outside these state-controlled organisations have been imprisoned for practising their beliefs. Officially recognised churches are effectively under state control.

Women's Rights

Despite formal equality, there is evidence that a subservient view of women is pervasive throughout families, public organisations and political life in the DPRK. Consistent reports suggest that sexual abuse and domestic violence is common. Conditions in the DPRK have also led thousands of women to cross the border into China illegally every year, where they are vulnerable to human-trafficking gangs and sexual exploitation.

Disability Rights

The UN Convention on the Rights of Persons with Disabilities is the only convention that the DPRK has agreed to ratify, although they have not, as yet, completed ratification. In December, the DPRK held events in Pyongyang to mark International Disabled Person's Day. While the DPRK's willingness to acknowledge these events is encouraging, it is noteworthy that the DPRK citizens were not invited to participate.

Our engagement with the DPRK on disability issues aims to build the capacity of the DPRK to promote and protect disability rights and to provide small-scale practical support to persons with disabilities. During 2014, our Embassy in Pyongyang worked with international and domestic organisations in the DPRK to improve the treatment of disabled people. This included supporting a sports and cultural event for disabled children on the "National Day of People with Disability" to raise awareness of disability issues.

LGBT Rights

The DPRK authorities deny that LGBT persons exist. There is consequently neither legal nor practical protection for their rights.

Children's Rights

Whilst the DPRK signed the Optional Protocol to the Convention on the Rights of the Child, on the sale of children, child prostitution and pornography in September and formally ratified it in November 2014, children in the DPRK remain one of the most vulnerable groups of society. The government is obliged under its constitution to provide free, universal and compulsory education for children. However, most schools and universities outside Pyongyang are dilapidated and poorly equipped, and access to these institutions depends on the state authorities. As in previous years, children in the DPRK were removed from schools to be used for child labour and for taking part in national events such as mass gymnastic performances and other military and political rallies.

Other Issues**Social/economic welfare**

People in the DPRK remain chronically malnourished and nutrition is poor. Despite moves to allow farmers to keep or sell some of their produce, some 70% of the DPRK population still rely on the public distribution system. The current rate of 400g of grain per person per day for the daily state ration falls well below the official government target of 573g. In November, the DPRK published its own national report on food security, after refusing to undertake a joint assessment on food security with the UN World Food Programme and the Food and Agriculture Organisation. The DPRK data, which has not been corroborated by an independent source, suggests that although cereal production has improved, increased demand has resulted in a shortfall, which the DPRK will need to cover by imports or support from foreign donors. Whilst the DPRK continues to emphasise the need to improve the living standards of its population, we remain concerned that significant resources are still being focused on construction and

infrastructure projects, whilst the country lacks the ability to provide for the basic needs of its people.