

**Stakeholder Submission to the Universal Periodic Review of the
Democratic People's Republic of Korea**



ABOUT KOREA FUTURE

1. Korea Future (KF) is a non-profit, non-governmental organisation documenting human rights violations and international crimes committed in the penal system of the Democratic People's Republic of Korea (DPRK). KF undertakes credible documentation and analysis of human rights violations and international crimes and uses this information to support accountability proceedings under national and international law. Korea Future was established in 2017 and we operate from offices in The Hague, Seoul, and London with a dedicated team of investigators, legal analysts, and expert consultants.
2. KF's investigations into human rights violations in the DPRK penal system form the basis of thirteen reports and two extensive, publicly accessible databases with considerable amounts of anonymised data from former detainees and officials: the North Korean Prison Database¹ and the North Korean Religious Freedom Database.²

METHODOLOGY

3. This submission draws on KF's North Korean Prison Database (NKPD), a robust, evolving repository documenting violations of international human rights laws within the DPRK's penal system. It incorporates evidence from 269 detailed interviews with survivors, witnesses, and former state officials. Each documented violation undergoes rigorous legal analysis against the framework of *jus cogens* norms, international human rights law, customary international law, and universally recognised standards. KF maintains the database as an open-source platform, offering unrestricted access to its data for further research and advocacy efforts.

Scope of information

4. This submission is grounded in data compiled by KF and open-source intelligence on human rights conditions since 2019. Following the emergence of COVID-19 and the DPRK's implementation of shoot-on-sight border policies, civilian border crossings have significantly diminished. This decline in North Korean refugees since 2020 has critically impacted the acquisition of new information via interviews. Diminished data collection capabilities have, in turn, complicated efforts to monitor and validate the DPRK's compliance with recommendations from its prior review. Despite these information-gathering challenges, KF maintains, consistent with OHCHR perspectives,³ that the insights obtained before the pandemic remain indicative of the current state of penal institutions in DPRK.

HUMAN RIGHTS SITUATION

5. During the third Universal Periodic Review (UPR) cycle in 2019, the DPRK was evaluated and subsequently received a total of 262 recommendations. Of these, the DPRK expressed support for 132, for an acceptance rate of approximately 50%. Overall, the DPRK has remained unwilling to endorse UPR recommendations, particularly those pertaining to the

enhancement of civil and political rights, since it first began participating in the review cycles.

Right to Life, Liberty and Security of Person

Arbitrary Detention

6. The DPRK has not demonstrated progress in ceasing the practice of arresting and detaining individuals for exercising their legitimate human rights, including the freedom of expression, movement, and religion. We documented nine instances of arbitrary detention in 2019, attributed to crossing the border, communication with relatives abroad, and the dissemination of foreign media content. Notably, the consumption and distribution of overseas entertainment was deemed propaganda in these documented cases, a severe offence warranting up to six months of administrative penalty. These detentions contravened the DPRK Criminal Procedure Code,⁴ occurring without lawful arrest warrants or charge notifications, and victims were denied familial contact or information regarding the reason for their arrests. This persistent pattern of arbitrary arrests underscores the DPRK's non-compliance with prior UPR recommendations aimed at establishing protections against arbitrary detention and ensuring due process and fair trial standards. Following the previous review, the DPRK's continued arbitrary arrests or detentions demonstrate the State's failure to implement recommendations from the third cycle to institute protection against arbitrary detentions that guarantee due process and fair trial (127.36).⁵
7. The enactment of the Law on the Elimination of Reactionary Thought and Culture in 2020, alongside the Pyongyang Cultural Language Protection Law in 2023, has significantly increased the incidence of arbitrary detentions of persons exercising fundamental freedoms. These laws codify the grounds for arrest or detention for activities, such as the consumption and dissemination of foreign media content, particularly that originating from the Republic of Korea (or South Korea), or the adoption of South Korean linguistic styles. This enhancement of state mechanisms for the arrest and detention of individuals exercising their human rights starkly contravenes the recommendations from the third cycle on ceasing State-endorsed practices that infringe upon fundamental human rights, including the practice of arbitrary detention (127.52).⁶
8. In the aftermath of the border closures during the COVID-19 pandemic, the subsequent partial reopening resulted in the forced repatriation and detention of over 600 DPRK citizens from the People's Republic of China (PRC), who had been confined in DPRK border penal facilities as of October 2023.⁷ KF has documented a pervasive pattern of systematic arbitrary detentions, alongside torture, inhumane or degrading treatment, and deaths in custody among those repatriated to the DPRK and held in its penal system. The October 2023 incidents of detaining repatriated individuals for crossing the border

underscore the DPRK's non-compliance with international recommendations advocating for the safeguarding of citizens' rights to freedom of movement, including the right to exit one's own country, as outlined in recommendation 126.135.⁸

Conditions of Detention

9. KF's investigations have revealed minimal enhancements in detention conditions, contrary to the recommendations for adopting concrete measures to improve them, aligned with the Nelson Mandela Rules and the Bangkok Rules (126.131).⁹ Documentation covering 11 cases in 2019 indicates the provision of nutritionally deficient food, often contaminated with non-edible materials such as rocks and soil. Detainees face substantial challenges in achieving rest due to overcrowded conditions that prevent comfortable sleeping positions, compounded by significant obstacles in maintaining personal hygiene due to the scarcity of basic supplies like a soap. The resultant conditions frequently lead to acute weight loss, severe malnutrition, and untreated injuries, exacerbated by the widespread absence of qualified medical staff and essential medications in numerous penal facilities documented by KF. Detainees are unable to access medication from outside penal facilities, meaning detainees must rely on medication supplied during family visits, which is a provision unattainable for those detained far from their home provinces. While a single interviewee noted improvements in one facility's conditions since 2013—including better food quality and quantity and enhanced heating—such isolated enhancements do not mitigate the overarching deficiency in adherence to international standards regarding detainee treatment (127.26),¹⁰ as evidenced across various detention facilities.
10. Reports persist of children in political prison camps being subjected to compulsory labour, enduring physical assaults, and punitive actions for not meeting work quotas, in contravention of the recommendation to cease forced labour practices in within political prison camps, particularly to safeguard minors under 18 from any forced labour activities (127.29)¹¹. Alarming accounts indicate that children as young as four years old are coerced into labour, without any differentiation from adults in terms of work type or volume.¹² Detainees, inclusive of children, reportedly face up to 15 hours of daily labour. Adults and children also experience illegal punishments, such as physical violence and food deprivation, if their labour requirements are unmet. This treatment clearly disregards recommendations from the previous review cycle as well as the DPRK's obligations under international law, underscoring a profound violation of the fundamental human rights of detainees, especially children. It emphasises the urgent necessity to rectify these violations and for the DPRK to fulfil its legal commitments to eliminate forced labour within political prison camps and ensure the protection of children from all forms of forced labour.

Torture and cruel, inhuman or degrading treatment

11. Despite acknowledging previous UPR recommendations concerning the prohibition of

torture and cruel, inhuman, or degrading treatment, the DPRK remains non-compliant with international legal standards. To this day, the DPRK has not ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (126.11, 126.5).¹³ KF identified ten instances of torture and inhumane treatment in 2019, evidencing the use of physical assault, including corporal punishment, as mechanisms for discipline enforcement or confession extraction during pre-trial examinations. Testimonies from interviewees indicate that beatings and verbal assaults by correctional personnel are routinely employed in detention centres (*kuryujang*). Furthermore, it was documented that in labour training camps (*rodong danryondaes*), correctional and guidance officers, along with selected detainees designated for peer surveillance, frequently administered physical punishments. Additionally, in four documented instances, detainees were subjected to stress positions, such as prolonged standing, squatting, and sitting in intentionally discomforting postures for extended periods. This persistent perpetration of torture and inhumane treatment underscores a significant deviation from the third cycle's recommendations to prohibit torture and other forms of cruel, inhuman, or degrading treatment (126.130),¹⁴ thereby highlighting a systemic violation of human rights in the DPRK's penal system.

12. Despite the DPRK's endorsement of recommendations advocating for professional training to eliminate torture and maltreatment in penal facilities (126.129),¹⁵ there remains an absence of documented training programs or public awareness initiatives directed at state bodies to eradicate such practices. The DPRK promulgated the Law on the Prevention of Beating in November 2021, ostensibly to uphold societal unity and safety.¹⁶ This legislation defines sanctions for state-affiliated personnel, including punitive measures, demotion, dismissal, or expulsion, for either neglecting to investigate allegations of physical abuse or for perpetrating such acts.¹⁷ Additionally, the amendment to Article 6 of the Criminal Procedure Law in 2021 purports to "thoroughly guarantee human rights in the adjudication of criminal matters."¹⁸ Despite these legislative efforts, ongoing reports concerning the employment of physical torture and maltreatment by state-affiliated agents, particularly during the pre-trial examination phase, cast significant scepticism on the enforcement or efficacy of these laws in ameliorating the conditions of detainees.¹⁹²⁰²¹ This disjunction underscores a profound discrepancy between the DPRK's legislative reforms and their practical implementation, questioning the State's commitment to and the adherence to the UPR's recommendations on professional training.

Administration of justice & fair trial

13. KF's analysis indicates that DPRK authorities have yet to institutionalise due process safeguards. The practice of administrative bodies levying administrative penalties (*rodong kyoyang chobol*) without judicial review persisted in 2019. Furthermore, the Ministry of State Security, an intelligence entity, maintains its operation of quasi-judicial bodies that

sentence individuals under its extrajudicial mandate for purported anti-State and anti-party offences. Consequently, the DPRK's adherence to international recommendations advocating for the establishment (127.49)²² and operation of an independent judiciary (126.146)²³ remains unfulfilled, signifying a substantial gap in the legal framework essential for the protection of due process rights.

14. Enhancements in the assurances of fair trial rights (127.50)²⁴ have also not been effectively realised. Two individuals interviewed by KF in 2021 were unaware of their rights to legal assistance and access to legal representation throughout the administrative penalty process. Notably, one detainee who underwent a trial reported an extended pre-trial detention period of six months, during which they were deprived of essential procedural rights, such as access to legal aid, communication with external parties, and timely notification of the charges against them.

RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW

KOREA FUTURE CALLS ON THE GOVERNMENT OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA (DPRK) TO ADDRESS THE FOLLOWING:

ARBITRARY DETENTION

- *Prohibit* the practice of arresting individuals based on the legitimate exercise of their right to exit the country and *cease* the detention of DPRK citizens who have been forcibly repatriated.
- *Ensure* that all detentions adhere to lawful criteria and are executed in accordance with established due process protocols.
- *Introduce* regulations to guarantee immediate notification of detention to the detainee's family members and ensure unfettered access to legal counsel for all individuals detained.

ADMINISTRATION OF JUSTICE AND THE RIGHT TO A FAIR TRIAL

- *Guarantee* the entitlement to a fair trial for all persons, in alignment with international human rights norms, through the systematic training of judicial and law enforcement personnel on these foundational principles.
- *Ensure* the independence and impartiality of judicial authorities and guarantee the right to a fair trial for individuals subject to administrative sanctions.

TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT

- *Prohibit* torture and cruel, inhuman, or degrading treatment within the entirety of the penal system, categorically outlawing activities such as, but not limited to, severe physical assault and the prolonged deprivation of food.

CONDITIONS OF DETENTION

- *Enhance* detention conditions to safeguard the right to health, mandating the provision of nutritionally balanced sustenance in adequate quantities devoid of non-consumable materials, facilitating unconditional access to medical services encompassing mental, physical, maternal, and reproductive healthcare, and affirming the accessibility of sufficient personal hygiene amenities.

SAFEGUARDS FOR VULNERABLE GROUPS

- *Acknowledge* the distinct vulnerabilities and the specific protective measures required for vulnerable populations, including women, children, and individuals with disabilities in detention settings.
- *Take immediate action to implement* explicit protections for these vulnerable groups in the penal system, safeguarding their human rights and making provisions to fulfil their entitlement to suitable care and support.

GENERAL RECOMMENDATIONS

- *Ratify* the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, along with the Optional Protocols associated with core international human rights treaties, especially those that pertain to the thematic concerns detailed within this report.
- *Enhance* collaboration with the UN Special Procedures by facilitating a state visit from the Special Rapporteur on the situation of human rights in the DPRK, and ensure timely responses to all inquiries and fulfilment of ²⁵reporting duties to treaty bodies.

ENDNOTES

- ¹ Korea Future, "North Korean Prison Database," Accessed April 5, 2024, <https://nkpd.io/>.
- ² Korea Future, "North Korean Religious Freedom Database," Accessed April 5, 2024, <https://nkrf.io/>.
- ³ Office of the United Nations High Commissioner for Human Rights (OHCHR), Promoting Accountability in the Democratic People's Republic of Korea, A/HRC/52/64 (Geneva: OHCHR, 2023), para. 45.
- ⁴ The DPRK Criminal Procedure Code was amended in 2021. Translation of the 2012 Criminal Procedure Code is available at <https://www.lawandnorthkorea.com/laws/criminal-procedure-law-2012?rq=procedure>. Most updated version of the DPRK Criminal Procedure Code is available at <https://www.unilaw.go.kr/bbs/selectBoardArticle.do>.
- ⁵ 127.36 Immediately dismantle all political prison camps, release all political prisoners, institute protections against arbitrary detention that guarantee due process and fair trial, and grant international observers, including United Nations special procedures, unimpeded and unrestricted access to the country and to all detention facilities (United States of America).
- ⁶ 127.52 Acknowledge the existence of human rights violations and end all State-sanctioned practices that breach fundamental human rights, including arbitrary detention, torture, forced abortion and other sexual violence (New Zealand).
- ⁷ M. Lee, "(LEAD) Unification ministry says many N. Koreans in China believed to have been repatriated," *Yonhap News Agency*, October 13, 2023, <https://en.yna.co.kr/view/AEN20231013003751315>.
- ⁸ 126.135 Ensure the freedom of movement of all citizens of the Democratic People's Republic of Korea in the country and abroad (France).
- ⁹ 126.131 Take concrete measures to improve conditions of detention by implementing the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (Thailand).
- ¹⁰ 127.26 Give international humanitarian organizations access to provide assistance to detainees in all penitentiary facilities, including labour training camps, prisons and political prison camps, allow family visits to all detainees, and establish rules regarding the treatment of detainees in accordance with international human rights standards (Germany).
- ¹¹ 127.29 Put an end to forced labour in political prison camps and, in particular, protect children under 18 years against any form of forced labour in conformity with target 8.7 of the Sustainable Development Goals (Switzerland).
- ¹² D.H. Moon, "Children in N. Korean political prison camps face forced labor and other human rights abuses," *DailyNK*, October 17, 2023, <https://www.dailynk.com/english/children-in-n-korean-political-prison-camps-face-forced-labor-and-other-human-rights-abuses/>.
- ¹³ 126.11 Ratify other international human rights instruments to which it is still not a party, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the Elimination of All Forms of Racial Discrimination (Republic of Korea); 126.5 Ratify all remaining main human rights instruments, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Greece).
- ¹⁴ 126.130 Prohibit the use of torture and other cruel, inhuman or degrading treatment, and ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Spain).
- ¹⁵ 126.129 Take immediate and effective action to stop torture and ill-treatment including sexual violence, through proper training, awareness campaigns and enactment of laws, especially for State security and policing organs (Germany).
- ¹⁶ Y. T. Kwon, "Changes in the North Korean legislation regarding human rights: centered around Law on the Prevention of Beatings 북한이 인권 대응 법제 변화: 구타행위방지법을 중심으로," *Korea Legislation Research Institute, Reunification Legislation Issue Paper 2023 Vol.2*, August 31, 2023, https://www.klri.re.kr/viewer/skin/doc.html?fn=UL-IP-23-02-H.pdf&rs=/doc_convert/FILE_00000000034303JdR2V#.
- ¹⁷ Ministry of Unification Center for North Korean Human Rights Records, *2023 Report on North Korean Human Rights* (Seoul: Ministry of Unification Center for North Korean Human Rights Records, 2023), 138.
- ¹⁸ Republic of Korea Ministry of Justice Database on a Unified Korea's Legal System, "North Korean Criminal Procedure Law 형사소송법" (*Unilaw Database*), April 10, 2023, https://www.unilaw.go.kr/image_skin/doc.html?imageConverting=true&key=202304100530098682&contextPath=/synapsoft/out/202304100530098682&fileNm=%EC%A1%B0%EC%84%A0%EB%AF%BC%EC%A3%BC%EC%A3%BC%EC%9D%98%EC%9D%B8%EB%AF%BC%EA%B3%B5%ED%99%94%EA%B5%AD+%ED%98%95%EC%82%AC%EC%86%8D%EB%B2%95%282021.1.20.%29.hwp.
- ¹⁹ Ministry of Unification Center for North Korean Human Rights Records, *2023 Report on North Korean Human Rights* (Seoul: Ministry of Unification Center for North Korean Human Rights Records, 2023), 86-87.
- ²⁰ C.U. Lee, "Hyesan woman allegedly beaten to death while under investigation by N. Korea's security agency," *DailyNK*, February 18, 2022, <https://www.dailynk.com/english/hyesan-woman-allegedly-beaten-death-while-under-investigation-state-security-agency/>;
- ²¹ C.U. Lee, "Hoeryong security officials turn to violence to extract confessions from remittance brokers," *DailyNK*, November 24, 2023, <https://www.dailynk.com/english/hoeryong-security-officials-turn-to-violence-to-extract-confessions-from-remittance-brokers/>.
- ²² 127.49 Build an independent judiciary, and unconditionally release all political prisoners and those detained without a due process (Czechia).

²³ 126.146 Guarantee the functioning of an independent judiciary, and reform the criminal code and the criminal procedure code to fully ensure procedural guarantees and free and just judgements (Costa Rica).

²⁴ 127.50 Ensure the right to a fair trial by amending the provisions of the criminal code that are incompatible with respect for individual guarantees and ensuring the publicity of proceedings (France).