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**Promotion and protection of human rights: human rights
situations and reports of special rapporteurs and representatives**

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

Report of the Secretary-General**

Summary

The present report is submitted pursuant to General Assembly resolution 66/174 on the situation of human rights in the Democratic People's Republic of Korea. It provides an overview of the human rights and humanitarian situation in the country from September 2011 to August 2012. The report also provides information on the level of engagement of the Democratic People's Republic of Korea with the United Nations human rights mechanisms during the reporting period.

The report refers to humanitarian assistance programmes of United Nations entities, such as the World Food Programme, the World Health Organization, the Food and Agriculture Organization of the United Nations, the United Nations Children's Fund and the United Nations Development Programme. The report briefly touches upon the work of the Office of the United Nations High Commissioner for Refugees in monitoring the protection concerns of persons fleeing the Democratic People's Republic of Korea.

Finally, the report contains recommendations, addressed to the Government of the Democratic People's Republic of Korea and the international community, aimed at improving the human rights and humanitarian situation.

* A/67/150.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 66/174 on the situation of human rights in the Democratic People's Republic of Korea, in which Member States, while noting with appreciation the collaboration established between the Government of the Democratic People's Republic of Korea and some United Nations entities, expressed its very serious concern at the persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights, and its very deep concern at the precarious humanitarian situation in the country. Member States also strongly urged the Government of the Democratic People's Republic of Korea to engage in technical cooperation activities in the field of human rights with the Office of the High Commissioner for Human Rights (OHCHR) and to extend its full cooperation to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, including by granting him full, free and unimpeded access to the country, and to other United Nations human rights mechanisms, so that a full needs assessment of the human rights situation may be made. Member States acknowledged the country's participation in the universal periodic review process of the Human Rights Council, expressing serious concern at the refusal of the Government to articulate which recommendations included in the outcome report of its review enjoyed its support.

2. In December 2011, following the death of Kim Jong Il, Kim Jong Un succeeded as the new leader of the Democratic People's Republic of Korea. Since the succession, several world leaders, lawmakers, human rights defenders and non-governmental organizations have called upon the new leadership to embark on a policy reform process and engage with the international community. However, so far there are no indications of any policy changes. According to the United Nations overview funding report entitled "Overview of needs and assistance: the Democratic People's Republic of Korea, 2012",¹ Kim Jong Un has indicated his intention to pursue the policies implemented by his father, Kim Jong Il.

3. In June 2012, the Constitution of the Democratic People's Republic of Korea was amended to include changes in the preamble, which declares the country to be a "nuclear-armed state." However, no changes were made to bring the Constitution into alignment with international human rights instruments or democratic norms.

4. The reporting period also saw a further serious deterioration in the food situation, which, according to the above-mentioned overview funding report, the Government has begun to acknowledge publicly, actively seeking food assistance in bilateral meetings with Member States. Farmers have been under enormous pressure as they strive to maintain State-set production targets with inadequate agricultural inputs. The Crop and Food Security Assessment Mission, conducted in October 2011 by the Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), concluded that around 3 million people would continue to need external food assistance into 2012 in the five most food-insecure provinces, namely, Ryangang, Chagang, North Hamgyong, South Hamgyong and Kangwon.

¹ Available from [http://reliefweb.int/sites/reliefweb.int/files/resources/OFD%202012%20\(final%20version\)%20-%2029%20May%202012.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/OFD%202012%20(final%20version)%20-%2029%20May%202012.pdf).

5. In July 2012, torrential rain throughout the country caused flooding, which resulted in severe damage to private dwellings, public buildings, infrastructure and agricultural fields. According to the Government, some 212,204 people were left homeless and 169 people dead. The three most affected counties were Anju City and Songchon in South Pyongan Province, and Chonnae in Kangwon Province. It was reported that immediate food assistance was required for the people in those counties most affected by the floods and where water supply systems had broken down. In response to the floods, the Central Emergency Response Fund provided \$2 million in August 2012 for assistance in food, health, water, sanitation and hygiene.

6. On 25 January 2012, the United Nations allocated \$11 million from the Central Emergency Response Fund to bolster aid operations for humanitarian crises in the Democratic People's Republic of Korea. In June 2012, the overview funding report, including an outline of the funding needs for the United Nations humanitarian activities in the country, was presented to the international donor community with a request for \$198 million to address critical humanitarian needs. The document, *inter alia*, contains a description of the situation and the efforts to improve food and nutritional assistance, agricultural support and interventions in the water, sanitation, hygiene and health sectors.

7. During the reporting period, Marzuki Darusman, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, was not able to visit the country but conducted missions to Japan, the Republic of Korea and Thailand. In March 2012, he submitted to the Human Rights Council his report (A/HRC/19/65) highlighting a number of human rights concerns in the Democratic People's Republic of Korea.

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

A. Human rights issues

8. Since the previous report of the Secretary-General (A/66/343), there have been no substantial changes in the obstacles faced by the United Nations in systematically monitoring and recording the human rights and humanitarian situation in the Democratic People's Republic of Korea. According to the overview funding report, negotiating access for humanitarian organizations remains a long and difficult process, with the Government often placing unacceptable constraints on conducting programmes and monitoring and evaluating activities. As regards the monitoring of the human rights situation, there are no known independent human rights non-governmental organizations in the country, and no international human rights non-governmental organizations have been permitted to visit the country for many years. However, reports emanating from various in-country sources indicate that the overall human rights situation continues to deteriorate.

9. For the past five years, the economic performance of the Democratic People's Republic of Korea, which has a direct bearing on the fulfilment of the economic, social and cultural rights of the people, has been lacklustre. Overall, there has been 2 per cent growth in real gross domestic product (GDP), implying an annual growth rate of about 0.4 per cent in real national income. Agriculture is a major contributor

to the national economy, but its share decreased from 30 per cent to 20 per cent of GDP between 2000 and 2012. Inflation has been a serious problem in recent years and has steadily worsened since the failed initiative of revaluing the currency in 2009, following which prices increased significantly. Such volatility remains a major challenge in ensuring the basic needs and rights of the population.

10. With regard to the right to food, the overview funding report states that 16 million people are suffering from varying degrees of chronic food insecurity, and high malnutrition rates. While food shortages had previously been attributed to external factors, such as sanctions and severe weather conditions, the Government recently publicly acknowledged the existence of severe food shortages.

11. With regard to the right to water and sanitation, as part of the right to an adequate standard of living, the overview funding report mentions such crucial problems as a continued deterioration of the water infrastructure, lack of resources to replace dilapidated facilities and constant power supply shortages. Inadequate access to safe water, poor sanitation services and poor hygiene are the key factors for a high incidence of diarrhoea among children under 5 years of age. In total, 22 per cent of the population above the age of 15 years is reported to be involved in collecting water, often from unprotected sources. There are also disparities between the urban and rural populations, with almost 30 per cent of the rural population involved in collecting water compared with only 18 per cent in urban areas.

12. With regard to the right to the enjoyment of the highest attainable standard of physical and mental health, the Democratic People's Republic of Korea continues to be the only country in the Asia-Pacific region that is not on track to meet Goals 4, 5 and 6 of the Millennium Development Goals, respectively to reduce child mortality, to improve maternal health and to combat HIV/AIDS, malaria and other diseases. Reducing maternal and newborn mortality has been a major challenge. The health-care system in the Democratic People's Republic of Korea has become increasingly vulnerable owing to financial constraints, which have led to a general degradation of the infrastructure. It is also unable to meet basic needs, owing to inadequate medical supplies (with less than 30 per cent of essential drug needs covered) and a lack of necessary equipment, resulting in serious affects on health, especially for pregnant women, newborn children and children under 5 years of age.

13. Against this worrisome backdrop, a number of United Nations organizations have been making efforts to alleviate the situation. However, they have been working under a constant risk of programmes being closed or suspended due to funding shortages. The Secretary-General wishes to remind Member States that the United Nations is the only remaining multilateral actor in the Democratic People's Republic of Korea that continues to provide assistance to the people. There is no doubt that better conditions of access are necessary and more needs to be done. Thus, advocacy and dialogue should continue with the Government to ensure satisfactory operating conditions. The maintenance of an in-country United Nations presence, fully able to further the purposes of the Charter of the United Nations and on the basis of the principles of humanity, neutrality and impartiality, is essential to improving the situation of the people of the Democratic People's Republic of Korea.

14. In the absence of independent national non-governmental organizations, and owing to the lack of cooperation of the Government with international non-governmental organizations and OHCHR, challenges remain in verifying the information that is brought to the attention of the United Nations. However, there is

consistency in the nature of information received and about the pattern of human rights violations reported. Several reports indicate possible gross and systematic violations of the right to life and of freedoms of opinion and expression, of movement, and of thought, conscience and religion. Some reports also indicate the existence of prison camps where torture and execution are widespread.

15. Furthermore, the Secretary-General is concerned about the restrictions placed on public meetings and demonstrations, including possible abuse of the laws governing assembly, which is usually subject to the Law on Control for People's Security.² In addition, the fact that no regulations or legislation exist to govern the creation and registration of political parties is contrary to the provisions of article 25 of the International Covenant on Civil and Political Rights and adversely affects the rights of citizens to participate in the conduct of public affairs through freely chosen representatives.

16. The Secretary-General is deeply concerned about the state of the rule of law, given the lack of an independent and impartial judiciary. In particular, numerous provisions of the Criminal Procedure Code and Criminal Code run counter to international standards, including the possibility of a broad interpretation of the category of "political crime" and elements such as "crimes by association". On that topic, the Secretary-General refers to the above-mentioned report of the Special Rapporteur, in which he covers such issues extensively and advocates for a reform process.

17. On 18 June 2012, the United Nations High Commissioner for Human Rights, in her opening statement to the Human Rights Council at its nineteenth session,³ expressed serious concern about the human rights situation in the Democratic People's Republic of Korea, particularly about reports of political prison camps, public executions and the persistent food shortages. In that context, she called upon the authorities to allow independent experts and organizations to access the country. With reports of a number of citizens from the Democratic People's Republic of Korea forced to return to their country by some neighbouring countries, she urged respect for the principle of non-refoulement and for international protection to those people fleeing persecution.

B. International human rights and other relevant instruments

18. The Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights⁴ and to the International Covenant on Economic, Social and Cultural Rights,⁵ the Convention on the Elimination of All

² See also A/56/40 (Vol.I), para 86 (24).

³ Available from www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12245&LangID=E.

⁴ Date of accession: 14 September 1981; the Democratic People's Republic of Korea is not, however, a party to the First or Second Optional Protocols to the International Covenant on Civil and Political Rights.

⁵ Date of accession: 14 September 1981; the Democratic People's Republic of Korea is not, however, a party to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Forms of Discrimination against Women⁶ and the Convention on the Rights of the Child.⁷

19. The Democratic People's Republic of Korea is not a party to the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance. It is also not a party to the Optional Protocols to those Conventions. Calls for the Democratic People's Republic of Korea to ratify those instruments have been made on several occasions, including during the universal periodic review process and by different United Nations human rights treaty bodies.⁸

20. Treaty bodies, in particular the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights,⁹ have recommended that the Democratic People's Republic of Korea consider joining the International Labour Organization (ILO),¹⁰ with a view to ratifying the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Convention No. 182) and the Convention concerning Minimum Age for Admission to Employment (Convention No. 138),¹¹ and to consider ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.¹²

III. Cooperation with international human rights mechanisms

A. Special procedures

1. Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

21. The mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea was established in 2004 by the Commission on Human Rights through its resolution 2004/13. The Special Rapporteur's mandate has subsequently been annually extended through various Human Rights Council resolutions, the most recent being resolution 16/8.

22. The Special Rapporteur has made a number of requests to visit the Democratic People's Republic of Korea in order to better understand the situation inside the country and to allow him to assist the State in taking appropriate measures for the

⁶ Date of accession: 27 February 2001.

⁷ Date of ratification: 21 September 1990.

⁸ See A/HRC/13/13; E/C.12/1/Add.95, para. 31; CRC/C/PRK/CO/4, paras. 32 (f), 43(f), 59, 67(g), 75 and 77; and A/60/38, paras. 71 and 74.

⁹ See CRC/C/PRK/CO/4, para. 61(d); and E/C.12/1/Add.95, para. 32.

¹⁰ Despite successive General Assembly resolutions on the Democratic People's Republic of Korea, in which the Assembly called upon the country to engage with ILO, it remains a non-member.

¹¹ See CRC/C/PRK/CO/4, para. 61 (d).

¹² *Ibid.*, para. 69.

promotion and protection of human rights. The Special Rapporteur has on several occasions requested to meet with the Permanent Representatives of the Democratic People's Republic of Korea to the United Nations in New York and in Geneva without success. In May 2012, he approached a high level visiting delegation from the Democratic People's Republic of Korea to Indonesia for a meeting, but received no response. The Government has so far refused to cooperate with the Special Rapporteur, denying him entry into the Democratic People's Republic of Korea, contending that the resolutions establishing his mandate represent "politicization, selectivity and double standards" in the area of human rights (see A/HRC/16/G/2).

23. During the reporting period, as in previous years, the Special Rapporteur conducted missions to the Republic of Korea (from 21 to 25 November 2011) and Japan (from 16 to 20 January 2012) to collect information from relevant stakeholders. In March 2012, he presented his above-mentioned report to the Human Rights Council, highlighting issues such as family reunions, the economic situation, access to food, due process of law, the death penalty and the abduction of foreign nationals. From 25 to 30 June 2012, the Special Rapporteur visited Thailand with the objective of gathering updated information on the situation in the Democratic People's Republic of Korea and to report to the General Assembly in October 2012.

2. Thematic special procedures mandate holders

24. Thus far, the Democratic People's Republic of Korea has not extended an invitation to any thematic special procedure mandate holder of the Human Rights Council to visit the country. During the reporting period, requests to visit were made by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on freedom of religion or belief and the Special Rapporteur on the right to food.

25. Since the previous report of the Secretary-General to the General Assembly, no communications have been directed to the Government of the Democratic People's Republic of Korea. However, two communications have been sent by special procedures mandate holders regarding citizens of the Democratic People's Republic of Korea. In particular, a joint urgent appeal was sent on 24 February 2012 by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Arbitrary Detention, raising concerns about the arrest of a group of 31 citizens of the Democratic People's Republic of Korea in a neighbouring country and fears regarding their possible refoulement to the Democratic People's Republic of Korea. It had been alleged that, if repatriated, the individuals would be subjected to detention, torture and execution as illegal border-crossers.

26. The Working Group on Enforced or Involuntary Disappearances, in its report to the Human Rights Council at its nineteenth session (A/HRC/19/58/Rev.1), reported that 12 cases remained outstanding in relation to the Democratic People's Republic of Korea. Of those cases, eight related to the abduction of Japanese nationals in the 1970s and 1980s, one related to the disappearance of a young woman at the border between China and the Democratic People's Republic of Korea in 2004 and three newly reported cases related to nationals of the Republic of Korea.

27. The Government of the Democratic People's Republic of Korea transmitted three communications to the Working Group, dated 9 February, 9 May and 12 September 2011, replying to nine of the outstanding cases. However, the Working Group considered the information insufficient to lead to the clarification of the cases. The Secretary-General regrets that all 12 cases continue to be outstanding, with no substantial progress since his previous report to the General Assembly. He calls upon the Government of the Democratic People's Republic of Korea to show greater transparency in investigating and resolving such cases, to sign and ratify the International Convention for the Protection of All Persons from Enforced Disappearance and, in so doing, accept the competence of the Committee on Enforced Disappearances.

28. On 2 May 2012, during its sixty-third session, the Working Group on Arbitrary Detention adopted its opinion No. 4/2012 (A/HRC/WGAD/2012/4) on the case of Oh Kil Nam and his family. In December 1985, Mr. Oh, his wife, Shin Sook Ja, and their daughters, Oh Hae Won and Oh Kyu Won, nationals of the Republic of Korea, were reportedly persuaded by agents of the Democratic People's Republic of Korea to move to that country from the then Federal Republic of Germany, where they had been residing. In 1986, Mr. Oh left the Democratic People's Republic of Korea, reportedly on the pretext of bringing back to that country more nationals of the Republic of Korea who were residing in the Federal Republic of Germany. However, he never returned, instead leaving in the Democratic People's Republic of Korea his wife and two daughters, who, the following year, were allegedly taken to Yodok Camp for political prisoners, presumably owing to Mr. Oh's failure to return. In 1992, Mr. Oh returned to the Republic of Korea and began to campaign for the return of his family to their country of origin. Since the early 1990s, there had been no news of the whereabouts of Ms. Shin and her daughters. On 27 April 2012, the Government of the Democratic People's Republic of Korea responded to a communication sent on 1 March 2012 by the Working Group. In that response, it indicated that Ms. Shin had died from complications related to hepatitis and that Mr. Oh's daughters did not wish to have any contact with him. The Government has not responded to the request by the Working Group to provide detailed information about the current situation of Oh Hae Won and Oh Kyu Won, and to provide clarification about the legal provisions justifying their continued detention. In its opinion, the Working Group considered the continued detention of Ms. Shin and her daughters to be arbitrary and in violation of articles 8, 9, 10 and 11 of the Universal Declaration of Human Rights as well as articles 9 and 14 of the International Covenant on Civil and Political Rights.¹³ The Working Group requested the Government to immediately release Mr. Oh's family and to provide compensation to the victims, in accordance with article 9(5) of the International Covenant.

¹³ The Working Group regards the deprivation of liberty to be arbitrary in cases when (a) it is clearly impossible to invoke any legal basis justifying the deprivation of liberty, such as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him (category I); (b) the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II); and (c) the total or partial non-observance of international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III).

B. United Nations treaty bodies

29. With regard to engagement with the United Nations human rights treaty bodies, as at July 2012, the Democratic People's Republic of Korea had yet to submit its third periodic report on the implementation of the International Covenant on Civil and Political Rights to the Human Rights Committee, due since January 2004; its second State party report to the Committee on the Elimination of Discrimination against Women, due since March 2006; and its third periodic report to the Committee on Economic, Social and Cultural Rights, due since June 2008.

30. The Democratic People's Republic of Korea is expected to submit its fifth periodic report to the Committee on the Rights of the Child by 20 October 2012. The Secretary-General urges the Democratic People's Republic of Korea to engage with the treaty bodies in accordance with its obligations under the treaties to which it is a party, to submit all outstanding reports in a prompt and timely manner and to implement the recommendations made by the treaty bodies.

IV. Cooperation with the Office of the High Commissioner for Human Rights

31. On 29 May 2012, the United Nations High Commissioner for Human Rights met with the Permanent Representative of the Democratic People's Republic of Korea to the United Nations in Geneva. She raised serious concerns, inter alia, about the use of political prison camps, public executions and severe food shortages. Additionally, she renewed her previous offer to provide technical assistance, which included specific proposals to help review the country's Criminal Code and Criminal Procedures Code so as to ensure their compatibility with the international obligations of the Democratic People's Republic of Korea. The Government again rejected offers of technical assistance, expressed its refusal to allow entry to the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and all thematic special procedures mandate holders, and stressed that the Democratic People's Republic of Korea considers the question of abductions to be resolved.

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

32. The United Nations High Commissioner for Human Rights invited United Nations entities to provide relevant human rights and humanitarian information to OHCHR to be included in the present report. Subsequently, OHCHR received information from WFP, the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNCHR), the Office for the Coordination of Humanitarian Affairs of the Secretariat and FAO. Based on the inputs, the present section contains a summary of some of the activities of the United Nations in the Democratic People's Republic of Korea.

33. Activities of United Nations agencies, funds and programmes in the Democratic People's Republic of Korea, including the provision of humanitarian assistance such as emergency food assistance and programmes to improve the health-care and education systems, are critical in assisting the Government in its efforts to fulfil the economic and social rights of its population. The Secretary-General strongly encourages United Nations entities to continue and strengthen such activities with a view to implementing the standards and principles enshrined in the Universal Declaration of Human Rights.

A. Overarching concerns and critical assistance programmes

34. Over the years, an overarching issue of concern to most United Nations entities that provide assistance in the Democratic People's Republic of Korea has been the limitations placed on humanitarian organizations in relation to access and opportunities to conduct comprehensive needs assessments and monitoring of programmes. Access has usually been uneven, depending on the amount of assistance involved. In that context, humanitarian agencies operating in the Democratic People's Republic of Korea have highlighted that a harmonization of operating conditions, using the highest possible standard, would serve to facilitate the provision of humanitarian and development assistance in the country. The United Nations system will continue to apply the strategy of upholding the principles of "no access, no aid", and to seek wider access for humanitarian activities. Despite that challenge, it is believed that it is possible to implement effective assistance programmes that address many of the most critical needs, provided that necessary funds are made available.

B. Office for the Coordination of Humanitarian Affairs

35. In October 2011, the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Valerie Amos, travelled to the Democratic People's Republic of Korea to assess the humanitarian situation and response. Ms. Amos met with several Government officials, United Nations entities, non-governmental organizations, donors and members of the diplomatic community in Pyongyang. The backdrop for her visit was the increasingly worrying information coming from in-country aid agencies indicating that a large number of people were in need of food aid. In her end-of-mission statement,¹⁴ she emphasized the plight of the people in the country, noting that they suffered from a complex set of challenges, including chronic poverty and underdevelopment emanating from structural causes. She noted that the slow deterioration in living conditions since the mid-1990s had increased vulnerability. She underscored that those least able to cope were most likely to be affected by any shock that might upset the very fragile support systems, such as the public distribution system and the outdated and poorly resourced health-care system.

¹⁴ Available from <http://ochanet.unocha.org/p/Documents/USG%20Amos%20Press%20Statement%20on%20DPRK,%2021%20October%202011%20FINAL.pdf>.

C. World Food Programme

36. The activities of WFP, which has been working in the Democratic People's Republic of Korea since 1995, are underpinned by letters of understanding with the Government that set out mutually agreed operating conditions, notably on access and monitoring. A letter of understanding governing an emergency operation that ran from 1 April 2011 to 30 June 2012 and targeted 3.5 million people, including children, pregnant and breastfeeding women and elderly people in 107 counties in eight provinces, established the best operating conditions that WFP had secured until that time, including 24-hour notice of travel for monitoring staff (down from one week), unprecedented access to local markets and provision for Korean-speaking international staff. The Government adhered fully to its terms.

37. In October 2011, a joint FAO/WFP Crop and Food Security Assessment Mission was undertaken to assess the food security situation and prospects for the 2011/12 marketing year. The mission concluded that children and pregnant and lactating women were the most vulnerable to food insecurity. The mission recommended a humanitarian response of 120,000 tons (cereal equivalent) of fortified blended food, fortified biscuits and other high-protein food commodities for distribution to 3 million vulnerable people living in the five most food-insecure provinces (Ryangang, Chagang, North Hamgyong, South Hamgyong and Kangwon) and in food deficit counties in four provinces (North Pyongan, South Pyongan, North Hwanghae and South Hwanghae).

38. A letter of understanding signed by both sides in July 2012 to underpin the current WFP Protracted Relief and Recovery Operation, entitled "Nutritional support to women and children", targeting around 2 million people, including children and pregnant and lactating women in 85 counties, smaller in scope than the previous emergency operation, retained the improved conditions of the 2011 arrangement, while replacing the 24-hour notice of travel clause with an "immediate access" provision.

39. Although WFP faces challenges in providing adequate amounts of food assistance during the most food-insecure months of the lean season, from May to September, the average public distribution system rations for the period of May 2011 to April 2012 were 300 g per day per person, which was still below the goal of the Government of 573 g per day per person and also below the average ration of 386 g per day per person provided in 2009/10.

40. For years, WFP has faced limited availability of resources to fund urgent humanitarian assistance in the Democratic People's Republic of Korea. There have been improved monitoring and operational conditions for WFP, which provides donors with assurances about the implementation of assistance. The Government's financial support of the local food production facilities that produce blended foods is noteworthy.

D. United Nations Children's Fund

41. The current UNICEF country programme (2011-2015) seeks to enhance the development of a national policy environment that is conducive to the protection of children through advocacy, technical support and building strategic alliances with organizations such as the GAVI Alliance and the Global Fund to Fight AIDS,

Tuberculosis and Malaria. UNICEF also supports the generation, management and utilization of knowledge about children for evidence-based national planning, including for the monitoring of progress towards the achievement of the Millennium Development Goals.

42. UNICEF has been working closely with the World Health Organization (WHO) and the United Nations Population Fund on the issues of children and maternal health, including immunization, the provision of essential medicines, training in the integrated management of childhood diseases and safe delivery. UNICEF and WHO support the introduction by the Democratic People's Republic of Korea of the pentavalent vaccine.¹⁵ Phase 1 of the grant to combat malaria and tuberculosis from the Global Fund has been completed with a very good rating of A1 in malaria and B1 in tuberculosis. Phase 2 is being negotiated with the Global Fund.

43. According to UNICEF, food insecurity remains a major concern in the Democratic People's Republic of Korea and undernutrition affects many children and women. In order to address some of those concerns, UNICEF continues to partner with WFP to provide nutritional support to treat children with severe acute malnutrition. Multi-micronutrient supplements are provided to pregnant and lactating mothers and iron and folic acid is provided to adolescent girls. UNICEF also supports programmes for the iodization of salt.

44. For the first time, UNICEF supported the measurement of upper arm circumference of about 180,000 children aged 6 to 59 months in 25 counties in the north-eastern provinces. The measurements showed that about 5,000 children were suffering from severe acute malnutrition. UNICEF has provided support to treat those children with an 85 per cent success rate. UNICEF will continue to support the treatment of children suffering from severe acute malnutrition in 25 counties and in baby homes, where most vulnerable children live.

45. UNICEF also continues to support the improvement of water supply systems and to promote sanitation and safe hygiene practices in institutions and communities. UNICEF is engaged in curriculum renewal, promoting child friendly schools, early child development and the rehabilitation of schools and training centres. UNICEF started an early child development project in a systematic manner to ensure that children get early childhood education.

E. Office of the United Nations High Commissioner for Refugees

46. During the reporting period, UNHCR observed no substantial change with regard to the flow of nationals from the Democratic People's Republic of Korea who are seeking protection and assistance in neighbouring countries. UNHCR emphasizes that a number of concerns regarding this situation remain, such as reports that women are being subjected to human trafficking and forced marriages and, in some instances, children born in such conditions have been deprived of the care of their mothers. There have been reports of severe restrictions on movement,

¹⁵ A combination of the vaccines for diphtheria, tetanus, whooping cough, hepatitis B and Haemophilus influenzae type b (the bacteria that causes meningitis, pneumonia and otitis). Starting in July 2012, the GAVI Alliance has been providing the vaccine to the Democratic People's Republic of Korea.

notably including the prohibition against leaving the country, which is criminalized under the Criminal Code; violations of the fundamental principle of non-refoulement, or non-return by the country of transit; and continued reports of severe punishments in cases of forced return to the Democratic People's Republic of Korea.

F. Food and Agriculture Organization of the United Nations

47. From 3 to 17 October 2011, at the request of the Government, the Crop and Food Security Assessment Mission of FAO/WFP visited 29 counties and cities in all agricultural provinces to look into food production, vulnerability to shocks and the prevalence of undernutrition. The mission was given unprecedented access to the three main types of formal markets in the Democratic People's Republic of Korea, specifically State shops, daily markets and farmers' markets. The information and data that the mission obtained were based on discussions with key Government officials, interviews conducted with households and discussions with the international community in Pyongyang.

48. The Democratic People's Republic of Korea maintains a centrally planned food distribution system, under which the allocation of cereals for most of the population is determined by the National Peoples' Committee. The major consumer groups are cooperative farmers; public administration, defence and social security workers; and people who are dependent on the public distribution system. Cooperative farmers receive an annual allocation of 216 kg per year per person or 600 g per day per person, which amounts to 1,577,821 tons that have been allocated for the 2011/12 marketing year, according to the Ministry of Food Administration. The Ministry also indicated that 179,947 tons had been allocated for public administration, defence and social security workers. After those allocations, the balance of cereals and soybeans is reserved for other worker households and institutions through the public distribution system.

49. The Ministry informed the mission that they estimated that 2,291,004 tons of cereals would be available for people dependent on the public distribution system during the coming marketing year, allowing them to distribute rations averaging 380 g per day per person. However, in times of food scarcity, the ration can be considerably less than planned. For example, the average ration of the public distribution system between May and September 2011 was at or below 200 g per day per person, reaching 150 g per day per person in June 2011. In order to partially make up the gap created by the low public distribution system ration, some of the interviewed households reported having individual gardens and foraging for wild food.

50. It is likely that the public distribution system rations will be lower than estimated throughout the remainder of 2012 owing to a severe drought that has been affecting a significant number of crops, although the situation appears currently to be under control. Further food donations in April of 330,000 tons of cereals have helped to maintain the public distribution system rations on a higher level compared with 2011. FAO issued a report on 18 June 2012 entitled "Democratic People's Republic of Korea dry spell situation: prolonged dry spell in south-west and central provinces threatens 2012 cropping seasons". Since the first 10-day crop cycle, or dekad, of May, a severe dry spell lasting for four dekads had affected early season

crops that had reached the maturing stage and were being harvested. The provinces that had reported the most widespread crop damage were North Hwanghae, South Hwanghae, North Pyongan, South Pyongan and farmed areas of Pyongyang City. The Government estimates that the total area affected by the dry spell amounts to about 17 per cent of the total national area of food crops cultivated during the main season, including cereals, potatoes and soybeans.

51. The FAO Country Programming Framework 2012-2015 defines the organization's priorities for technical cooperation with the Government of the Democratic People's Republic of Korea and provides a framework for how FAO can best assist the Government in meeting its development priorities. Additionally, the framework sets out jointly agreed medium-term priorities for the Democratic People's Republic of Korea and FAO, including in agriculture, food security, natural resource management and rural livelihoods, mainly through agriculture-based activities.

G. United Nations Development Programme

52. The UNDP office in the Democratic People's Republic of Korea is currently implementing several projects, three of which are related to nutrition and agriculture through project documents signed in March 2011, including one on improving seed production for sustainable agriculture, one on reducing post-harvest losses for food security and one on strengthening the food and agriculture information system.

H. World Health Organization

53. WHO operations in the Democratic People's Republic of Korea cover all 208 counties in all 10 provinces of the country, including more than 7,000 hospitals and clinics in county subdivisions and all hospitals at the county, provincial and central levels.

54. The WHO Country Cooperative Strategy in the Democratic People's Republic of Korea from 2009 to 2013 prioritizes five main strategic areas, including (a) strengthening the public health system to further develop capacity for policy, planning and improvement in service delivery; (b) addressing women's and children's health; (c) sustaining achievements made in addressing communicable diseases; (d) addressing risk factors in order to decrease the prevalence of non-communicable diseases; and (e) addressing the environmental determinants of health preparedness and response.

55. Malaria is a seasonal disease in the Democratic People's Republic of Korea that is mainly reported between May and November. Through the national malaria programme, and in close partnership with community-based organizations, 332,000 long-lasting insecticide treated bednets were delivered to an estimated 263,053 households and indoor residential spraying was completed in 594,800 households in May and June 2012. The total number of households in high- and medium-transmission areas reached with such bednets and spraying has increased from 9.6 per cent in 2009 to 69 per cent in 2012. In May 2012, as part of the project entitled "Partnership for sustaining child survival gains", carried out in Kangwon Province, WHO distributed four new ambulances, oxygen concentrators and laboratory equipment to the Kangwon Provincial General Hospital and three

county hospitals. Four county hospitals were also connected to the Kangwon Provincial General Hospital and the Pyongyang Maternity Hospital through telemedicine facilities. Around 1.4 million people in Kangwon Province, including 28,000 pregnant women, 22,500 newborns and 108,662 children under 5 years of age, have benefited from the project.

56. The *Haemophilus influenzae* type B bacteria is a major cause of meningitis and severe pneumonia and responsible for related childhood deaths and disabilities. The introduction of a new vaccine is being supported by the GAVI Alliance under a co-financing scheme with the Government to ensure financial sustainability. The WHO Country Office is also planning the monitoring of activities under Expanded Programme on Immunization programme during and after the introduction of the pentavalent vaccine.

VI. Conclusions and recommendations

57. **The Secretary-General urges the Government of the Democratic People's Republic of Korea to take note of the wide range of human rights concerns raised in the present report. He remains concerned about the protection of the rights to life and physical integrity, including freedom from torture and other cruel, inhumane or degrading treatment or punishment, particularly in the context of detention, and the application of the death penalty. He calls upon the Government to take decisive measures to respect the rights to freedom of thought, conscience and religion; assembly; and opinion and expression.**

58. **The Secretary-General also urges the Government of the Democratic People's Republic of Korea to take immediate steps to secure respect for the rights to food and health, including the right to water and sanitation, and to allocate greater budgetary resources for such purposes.**

59. **The Secretary-General welcomes the work accomplished so far by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea and urge the Government to cooperate with the Special Rapporteur and thematic special procedures, in particular with the Working Group on Enforced and Involuntary Disappearances and the Working Group on Arbitrary Detention, as a part of its engagement with United Nations human rights mechanisms.**

60. **The Secretary-General deeply regrets that the Democratic People's Republic of Korea has again rejected the offer of technical cooperation made by the United Nations High Commissioner for Human Rights. He urges the Democratic People's Republic of Korea to engage with the Office of the United Nations High Commissioner for Human Rights and use the Office's expertise to improve its human rights record and amend several of its laws to ensure compatibility with international human rights standards.**

61. **The Secretary-General strongly encourages the Government of the Democratic People's Republic of Korea to strengthen its engagement with the treaty bodies as a tool to strengthen human rights protection through a regular system of review and reporting. In that regard, he calls upon the Government to submit outstanding reports on the measures taken to implement the International Covenant on Civil and Political Rights, the International**

Covenant on Economic, Social and Cultural Rights and the Convention on the Elimination of All Forms of Discrimination against Women. He further calls upon the Government follow up on the recommendations of the universal periodic review process, by clarifying which recommendations the Government supports and by providing information on measures taken to implement recommendations.

62. The Secretary-General is pleased to note that the latest letter of understanding governing the operating conditions of WFP, signed in July 2012, is a further improvement over its predecessor, whose terms were fully adhered to by the Government. He encourages the Government to continue with similar forms of cooperation in providing access to all humanitarian entities in the Democratic People's Republic of Korea.

63. The Secretary-General urges the international community to continue its efforts and provide humanitarian aid, especially food and medical assistance, to the people of the Democratic People's Republic of Korea. In that regard, he appeals to the international community to continue its efforts to encourage improvements in the human rights and humanitarian situation of the people of the Democratic People's Republic of Korea.

64. Finally, the Secretary-General urges the countries neighbouring the Democratic People's Republic of Korea to respect the principle of non-refoulement under the 1951 Convention relating to the Status of Refugees, to refrain from forcibly returning persons fleeing persecution from the Democratic People's Republic of Korea and to provide international protection to such people.

65. With a view to taking further the aforementioned recommendations, the Secretary-General wishes to reiterate the availability of his good offices to promote dialogue with the Government of the Democratic People's Republic of Korea on ways to strengthen the protection and promotion of human rights in the Democratic People's Republic of Korea.