



# International Covenant on Civil and Political Rights

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## Human Rights Committee

### List of issues prior to the submission of the third periodic report of the Democratic People's Republic of Korea\*

#### A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant

1. Please report on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national, provincial and local levels that have taken place since the adoption of the Committee's previous concluding observations.<sup>1</sup> With reference to the previous concluding observations (para. 11),<sup>2</sup> please detail any progress that has been made within the reporting period to increase the limited number of human rights organizations in the State party and to grant access to its territory to international human rights organizations and other international bodies on a regular basis. Please also indicate whether the State party intends to accede to the first Optional Protocol to the Covenant and the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.

#### B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the previous recommendations of the Committee

##### Constitutional and legal framework within which the Covenant is implemented (art. 2)

2. Please provide information on the status of international human rights treaties in the State party's hierarchy of norms. Recalling the previous recommendation of the Committee (para. 8), please specify what measures have been taken to ensure that the Covenant takes precedence over domestic law in practice and provide examples of cases in which the national courts have applied its provisions. Please describe the measures taken to raise awareness of the provisions of the Covenant among the population, public officials, judges, prosecutors and lawyers.

3. Bearing in mind the previous recommendation of the Committee (para. 10), please indicate whether any progress has been made in developing a national human rights institution that is consistent with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

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\* Adopted by the Committee at its 131st session (1–26 March 2021).

<sup>1</sup> CCPR/CO/72/PRK.

<sup>2</sup> Unless otherwise indicated, paragraph numbers in parentheses refer to CCPR/CO/72/PRK.



**Anti-corruption measures (arts. 2 and 25)**

4. Please respond to reports that corruption is endemic within the State party, including among Government officials and police officers, and discuss any steps taken to prevent and address such practices. In this regard, please include information about: (a) reports that individuals are required to pay bribes to public officials, including police officers, in order to exercise their fundamental rights, including to liberty and freedom of movement; (b) whether there are any independent mechanisms in place within the State party to investigate and prosecute cases of corruption; and (c) the extent to which information relating to the functioning of the Government is made publicly available in order to ensure transparency and accountability, including any legislation in place to ensure freedom of information.

**Derogations (arts. 4, 9, 12 and 21–22)**

5. Please provide information about the measures taken by the State party to address the coronavirus disease (COVID-19) pandemic. Please discuss whether any measures taken to address the COVID-19 pandemic derogate from the State party's obligations under the Covenant, including with respect to freedom of assembly, freedom of movement, liberty and due process. If they do, please specify whether the measures were strictly required by and proportional to the exigencies of the situation and limited in duration, geographical coverage and material scope, as outlined by the Committee in its statement on derogations from the Covenant in connection with the COVID-19 pandemic,<sup>3</sup> and whether other States parties were informed of the measures through the Secretary-General of the United Nations. Please also clarify whether any non-derogable rights, in particular the right to life, have been violated as a result of any actions taken by the State party to tackle COVID-19.

**Non-discrimination (arts. 2, 19–20 and 26)**

6. Please describe the legislative and other measures taken during the reporting period to combat discriminatory laws and social practices based on discriminatory grounds, in particular family background (*songbun*), sexual orientation, gender, religion and disability. Please include information on steps taken to collect information on minority and marginalized groups and their needs, and on what anti-discrimination legislation is in place to provide protection from all forms of discrimination.

**Gender equality (arts. 3 and 26)**

7. Please discuss efforts made by the State party to achieve full gender equality between men and women and to protect women from all forms of discrimination. Please: (a) describe the legislative and institutional framework in place to ensure equality between men and women and the protection of women's rights; (b) discuss any steps taken to address gender-based stereotypes and traditional practices that negatively impact the rights of women; and (c) provide data on the representation of women within decision-making roles in the public and private sectors, including the percentage of those in the Supreme People's Assembly who are women.

**Violence against women, including domestic violence (arts. 2–3, 6–7 and 26)**

8. Please provide information on measures taken by the State party to address all forms of violence against women, including rape, domestic violence and violence against women in detention. Please: (a) respond to allegations of violence and of cruel and degrading treatment of women in detention facilities, including reports of sexual violence and women being forced to undergo abortions or witness the infanticide of their newborn babies; (b) discuss the legal provisions in place to criminalize all forms of rape, including marital rape, and clarify the criminal penalties for all related offences and the support services in place for women; and (c) outline the steps taken to address high levels of domestic violence, including whether there have been any targeted measures to ensure that the COVID-19 pandemic does not exacerbate such abuse.

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<sup>3</sup> CCPR/C/128/2.

**Right to life (art. 6)**

9. Bearing in mind the previous recommendation of the Committee (para. 13) and its general comment No. 36 (2018), please provide up-to-date information about the use of the death penalty in the State party. Please: (a) detail which crimes are eligible for the death penalty, according to the Criminal Code, and provide information on how it is ensured that the punishment is only used in cases of the most serious crimes, as outlined in article 6 (2) of the Covenant; (b) provide data on the number of executions that have taken place within the reporting period, including information about the crimes for which the death penalty was applied and the age and gender of the individuals subjected to the punishment; and (c) describe the degree of judicial oversight of death penalty cases and respond to reports that extrajudicial executions have taken place in detention facilities. Please also respond to reports that public executions have taken place within the reporting period.

10. Please clarify whether relevant criminal legislation defines and criminalizes all acts of enforced disappearances in accordance with international human rights standards. Please report on measures taken to conduct prompt, thorough and impartial investigations into all cases of alleged enforced disappearances, to bring those responsible to justice and to repatriate individuals. In this regard, please: (a) respond to allegations of enforced disappearances during the reporting period, including reports of two citizens of the Democratic People's Republic of Korea who were seized from the East Sea on 7 November 2019, while in transit through Panmunjeom, and then deported to the Democratic People's Republic of Korea; and (b) discuss efforts made within the reporting period to investigate unresolved prior cases of enforced disappearances and guarantee access to justice and remedies to victims and their family members, including information about those affected by disappearances allegedly taking place in the context of the Korean War, missing citizens of the Democratic People's Republic of Korea forcibly repatriated to the State party, individuals allegedly kidnapped and disappeared from countries abroad, and the 11 passengers and crew members from the Republic of Korea who were allegedly abducted following the hijacking of the Korean Air Lines flight in 1969.

11. Please respond to reports that shoot-to-kill orders have been issued to prevent those suspected of having COVID-19 from entering the State party's territory, in contravention to the non-derogable character of the right to life. In this regard, please: (a) clarify whether the State party has issued or implemented any such orders and provide data on any resulting deaths or injuries; (b) elaborate on the legal basis for any such practices and their compatibility with article 6 of the Covenant; and (c) discuss the steps taken by the State party to prevent any excessive use of force by law enforcement officials in full compliance with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

12. Bearing in mind paragraph 66 of the Committee's general comment No. 36, please describe the steps taken within the reporting period to stop the proliferation of weapons of mass destruction, including measures: to prevent their acquisition by non-State actors; to refrain from developing, producing, testing, acquiring, stockpiling, selling, transferring and using them; to destroy existing stockpiles; to take adequate measures of protection against accidental use; and to negotiate in order to achieve nuclear disarmament. Please also discuss the environmental impact of nuclear test sites, including responding to reports that groundwater sources have become contaminated and have exposed people in affected areas to radiation.

13. Recalling the previous recommendation of the Committee (para. 12), please provide information about the steps taken within the reporting period to improve access to food, reduce infant mortality and improve life expectancy, including the outcomes of the national strategy and action plan to control child and maternal malnutrition for the period 2014–2018. Please discuss any measures taken by the State party to ensure that the COVID-19 pandemic does not exacerbate food insecurity and associated mortality.

**Prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and treatment of persons deprived of their liberty (arts. 6–7)**

14. In the light of the Committee's previous recommendation (para. 15), please respond to reports of the widespread use of torture and other cruel, inhuman or degrading treatment or punishment, including violence by State officials, forced confessions, sexual harassment and violence, and deliberate withholding of food, in detention facilities within the State party. Please provide information about: (a) the legal provisions in place relating to torture and ill-treatment, including the definition of torture and the punishments for such crimes; (b) the number of complaints of torture and ill-treatment received within the reporting period, including the age and gender of victims, and the number of individuals who have died of related injuries; and (c) the accountability mechanisms in place to investigate and punish perpetrators of torture, and the processes to ensure remedies to victims.

**Liberty and security of persons and the treatment of persons deprived of their liberty (arts. 9–10)**

15. Please respond to reports of widespread arbitrary detention within the State party. In this regard, please: (a) describe efforts made within the reporting period to uphold fundamental procedural safeguards, including the rights of individuals detained to be informed of the charges against them, to have prompt access to a lawyer, to have access to a medical assessment and to be brought before a judge in a prescribed time frame; (b) respond to allegations that large numbers of individuals are sentenced to lengthy custodial sentences in ordinary prisons and political prison camps without any form of trial or as a result of unfair trials; and (c) clarify whether individuals are sent to detention facilities as a result of the actions of their family members.

16. Recalling the previous recommendation of the Committee (para. 16), please provide information about steps that have been taken within the reporting period to improve conditions in detention facilities in line with the provisions of the Covenant and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). Please: (a) include information about access to food, medical services, and water and sanitation; (b) describe any measures taken within the reporting period to reduce overcrowding, and provide data on the overall number of individuals held in all types of detention facilities, including labour camps (*rodongdanryondaes*), pretrial detention centres (*kuryujang*), holding centres (*jipkyulso*) and ordinary prisons (*kyohwaso*); and (c) clarify whether any alternatives to detention, particularly for non-violent offences, have been considered by the State party. Please also provide information on whether the State party's COVID-19 response has addressed risks to detained populations, including among the detainees who are most vulnerable to the virus.

17. With reference to the previous recommendation of the Committee (para. 18), please respond to reports that individuals are kept in pretrial detention for lengthy periods and that remand detainees are held with convicted offenders. Please provide statistics on the number of persons held in pretrial detention and the duration of and reasons for such detention.

**Elimination of slavery, servitude and trafficking in persons (arts. 2, 7–8 and 26)**

18. Recalling the previous recommendation of the Committee (para. 17), please discuss whether any amendments have been made to chapter two of the Labour Law of the Democratic People's Republic of Korea to bring it into line with article 8 of the Covenant. Please also respond to reports that forced labour is widespread within the State party, in particular within political prison camps and labour reform camps, where prisoners, including children, are subjected to long hours of physically demanding, unpaid labour with limited access to food, water and basic sanitation.

19. In the light of the previous recommendation of the Committee (para. 26), please describe measures taken within the reporting period to address trafficking in persons. In this regard, please: (a) clarify whether trafficking in persons is criminalized within the State party and, if so, how such cases are effectively investigated; (b) respond to reports that restrictions of freedom of movement make individuals more vulnerable to trafficking; and (c) describe any measures taken to provide assistance to victims of trafficking and to investigate and

prosecute such crimes, including in cases where Government officials are implicated. Please also respond to reports that the Government sends individuals from the State party abroad to work under exploitative and hazardous working conditions.

#### **Freedom of movement (art. 12)**

20. Recalling the previous recommendations of the Committee (paras. 19–20), please provide information about whether there have been changes to the State party's laws and practices governing internal and external freedom of movement. In this regard, please: (a) discuss the compatibility of article 233 of the Criminal Code, which criminalizes border crossings without exit visas and awards strict punishments for such actions, with the right to freedom of movement, as outlined in article 12 of the Covenant and article 75 of the Constitution, protecting freedom of movement; (b) whether any progress has been made in eliminating the need for prior approval in order to travel domestically within the State party; and (c) provide the Committee with further information about the issuance of new identity cards in 2019 and the impact of such changes on freedom of movement.

#### **Treatment of aliens, including migrants, refugees and asylum seekers (arts. 7, 9, 12–13 and 24)**

21. Bearing in mind the previous recommendation of the Committee (para. 21), please describe whether there has been any progress in developing a law, consistent with the principle of non-refoulement, to govern the expulsion of aliens from the territory of the Democratic People's Republic of Korea.

#### **Independence of the judiciary and the criminal justice system (arts. 2 and 14–15)**

22. Bearing in mind the previous recommendation of the Committee (para. 8), please describe the measures taken by the State party to ensure and protect the independence and impartiality of the judiciary at all levels. In this regard, please include information about: (a) whether there have been any changes to the constitutional provisions that make the Central Court accountable to the Supreme People's Assembly; (b) whether provisions that assign criminal liability to judges for awarding unjust sentences are still in place following revisions during the reporting period to the Criminal Code and the Criminal Procedures Law; and (c) whether the tenure of judges remains five years.

23. Recalling the previous recommendation of the Committee (para. 14), please discuss whether provisions in the Criminal Code allowing for the prosecution of crimes not defined within the law has been repealed.

#### **Right to privacy (art. 17)**

24. Please discuss reports of large-scale surveillance activities within the State party and comment on their compatibility with article 17 of the Covenant. Please include information about: (a) the activities of the neighbourhood watch units (*inminban*) and Group 109, including reports that they search private homes without a warrant or notice; (b) reports of State monitoring of the written and telephone communications of individuals, and of surveillance of 3G technology usage among mobile telephone owners; and (c) the legal basis for such surveillance activities, and the processes for judicial oversight of their application.

#### **Freedom of expression (art. 19)**

25. Recalling the previous recommendation of the Committee (para. 23), please respond to allegations that the State party severely restricts freedom of expression and public access to information in multiple ways, which result in a significant chilling effect among the population. In this regard, please: (a) discuss the relevant legal framework, including provisions within the Criminal Code criminalizing conspiracy to subvert the State and anti-State propaganda and agitation, and comment on their compatibility with the provisions of the Covenant; (b) clarify the role of the Propaganda and Agitation Department and clarify also to what extent independent media, films, radio broadcasting and entertainment programmes are freely available within the State party; and (c) respond to reports that harsh criminal sanctions, including the death penalty, have been inflicted on individuals for seeking

information from sources outside the Government or exercising their freedom of expression. Please also provide information about who can access the Internet within the State party and whether online content is subject to State control.

**Peaceful assembly and freedom of association (arts. 21–22)**

26. Bearing in mind the previous recommendation of the Committee (para. 24) and its general comment No. 37 (2020), please describe the measures taken to uphold the rights to peaceful assembly and freedom of association. In this regard, please provide information about: (a) the current legal provisions in place governing public assemblies, including the crime of conspiracy to subvert the State within the Criminal Code, and their compatibility with the Covenant; (b) the number of independent non-governmental organizations operating within the State party and the process for registration of such organizations; and (c) the number and political affiliation of the trade unions within the State party and whether the right to strike is upheld in law and practice.

**Freedom of conscience and religious belief (arts. 2, 18 and 26)**

27. Recalling the previous recommendation of the Committee (para. 22), please discuss any progress that has been made within the reporting period to ensure that the State party's practices in relation to freedom of conscience and religious belief meet the requirements outlined in article 18 of the Covenant. In this regard, please include information about: (a) the legal provisions in place relating to freedom of conscience and religious belief, including whether any religious practices are criminalized; (b) reports indicating that people have faced criminal charges and harsh punishments, including deportation to prison camps and executions, for practising religion in the State party; and (c) whether practising Christianity, or being associated with someone who practises the religion, serves as a basis for being considered a hostile class within the *songbun* system.

**Rights of the child (arts. 23–24 and 26)**

28. Please provide information about steps taken by the State party within the reporting period to ensure the comprehensive protection of children. In this regard, please: (a) respond to reports that corporal punishment is commonly used within the State party and clarify the legal provisions prohibiting such abuse against children, including whether it is prohibited in all settings, such as the home and institutional care settings; (b) provide data about the number of children who are held in detention facilities within the State party, including political prison camps; and (c) describe the legal framework in place relating to juvenile justice, including how due process for any form of the deprivation of liberty of children is ensured.

**Participation in public affairs (arts. 25–26)**

29. Recalling the previous recommendation of the Committee (para. 25) and general comment No. 25 (1996), please discuss efforts within the reporting period to ensure full compliance with article 25 of the Covenant. In this regard, please provide information about: (a) measures taken to encourage and promote political pluralism and ensure free and genuine elections; (b) whether voters could choose any candidates not associated with the Korean Workers' Party during the 2019 Supreme People's Assembly elections; and (c) reports that political dissent from the Korean Workers' Party is punished within the State party.

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