

## **Position of the DPRK on the recommendations received during its first cycle UPR**

With regard to 167 recommendations received from the participating countries to the first cycle UPR of the Democratic People's Republic of Korea (DPRK) in December 2009, the DPRK rejected 50 recommendations on the ground as they seriously distorted the reality of and slandered the country.

The DPRK, from the standpoint of fulfilling its obligations in the field of human rights and honoring the UPR mechanism, gave a serious consideration to the recommendations contained in the Working Group Report (A/HRC/13/13) of 6<sup>th</sup> session of UPR and a broad consultation was made among national institutions and organizations concerned.

As a result, out of 117 remaining recommendations, the DPRK accepted 81, partially accepted 6, noted 15 and rejected 15.

The DPRK will in the future continue to attach its importance to UPR mechanism and faithfully implement its commitment to international field of human rights.

*Accepted recommendations<sup>1</sup>; 81*

2.	Consider ratification of CRPD
3.	Fully comply with the principles and rights enshrined in the Universal Declaration of Human Rights, the two international covenants, the CRC and CEDAW, to which it is a party
17.	Review its legal and administrative measures with a view to ensuring the dignity and better living conditions of the vulnerable groups, including women and children
18.	Take the measures that it deems appropriate to ensure, as soon as possible, the harmonization of its national legislation with international human rights instruments to which it is a party, and envisage acceding to other fundamental human rights instruments such as CRPD
19.	Pass legislation specifically dealing with violence against women, including domestic violence, providing for prosecution of individuals committing acts of violence against women
20.	Increase the number of women in management posts and in decision-making processes and envisage establishing full legislative provisions to promote and protect the rights of women
22.	Enhance efforts to implement all international human rights obligations it has undertaken
23.	Fulfill its obligations assumed in several conventions to which it is a party, and if it deems useful, request the assistance of the international community
24.	Adopt fully the rights-based approach in the development of future legislation
26.	Strengthen its national institutions for the promotion and protection of human rights
27.	Create a government task force to create protection programmes, provide resources for recovery and promote prevention through education and media campaigns
28.	Maintain and strengthen its economic, political and social model chosen by its people in a sovereign manner and continue advancing in its efforts to increasingly build a just and more participative society
29.	Continue its efforts aiming at achieving an environment of non-politicization, cooperation and dialogue in the human rights field
30.	Continue its efforts in ensuring economic and social rights
31.	Continue the implementation of the National Action Plan of Education for All, with a view to improving the quality of the system of 11 years of compulsory, free, universal education, increasing progressively the necessary resources allocated for this purpose
32.	Continue to increase and diversify agricultural production by resorting to agricultural strategies, which could be based on models of production that have proven to be

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<sup>1</sup> *Recommendations that are implemented or currently under implementation*

	worthwhile
33.	Continue to strengthen economic, social and cultural development with full participation of the population in public and security affairs, boost socioeconomic development, industrialization and modernization, and achieve the Millennium Development Goals
34.	Continue its cooperation with the international community in solving humanitarian issues of mutual concern
35.	Continue to promote and protect economic, social and cultural rights of its people, with greater emphasis on economic development
36.	Provide human rights education to all citizens and provide human rights training to judges, prosecutors and lawyers and law enforcement officials
37.	Take concrete measures aiming at fostering a genuine human rights culture with due regard to national and regional particularities as well as historical, cultural and religious backgrounds
38.	Ensure that the rights of women, children and persons with disabilities are more effectively realized through the implementation of the strategy for the promotion of reproductive health, 2006- 2010, the national strategy for the prevention of AIDS, 2008-2012, the primary health care strategy, 2008-2012, the national action plan for the well-being for children, 2001-2010 and the comprehensive action plan for persons with disabilities, 2008-2012
39.	Continue reporting on the implementation of human rights treaties to which it is a party
40.	Submit its pending reports to the relevant treaty bodies
41.	Improve its cooperation with the United Nations treaty bodies by agreeing on timelines for submitting overdue reports, in particular to the Human Rights Committee and the Committee on the Elimination of Discrimination against Women
53.	Continue to cooperate and strengthen its human rights dialogue with relevant international human rights mechanisms
54.	Pursue cooperation with the thematic procedures of the Council, based on the principles of objectivity, impartiality and non-politicisation
55.	Continue cooperation and strengthen human rights dialogue with relevant international human rights mechanisms despite all obstacles and existing challenges while remaining confident of its will and its way to proceed according to its needs and national priorities
56.	Respect and ensure the rights set forth in CRC of each child without discrimination of any kind
57.	Take necessary measures to ensure the right of a child to life and development without discrimination of any kind
58.	Strengthen its efforts to promote gender equality and the rights of women
59.	Invest sufficient resources to promote and protect the principle of equality in the fields of work, education and health

60	Provide all children with equal opportunities to study and give them access to higher education based on their talent and individual capability
61	Continue giving priority to vulnerable groups in the distribution of international assistance
62	Continue preventing and punishing human rights abuses by law enforcement officials
63	Continue to achieve its objective of establishing a society free from crimes
64	In line with previous recommendations made by the Committee on the Rights of the Child, make every effort to reinforce protection of the right to life and development of all children
65	Enact specific legislation to punish violence against women and establish structures for the protection of victims
66	Enhance protection of rights of women and children, in particular those in the most vulnerable situations
67	Take further measures to prohibit all forms of violence against children and women
68	Strengthen measures, including through international dialogue and cooperation, to combat human trafficking and provide appropriate assistance to victims of trafficking
69	Step up measures to comprehensively address the problem of trafficking and violence against women, including by increasing public awareness campaigns
70	Continue to achieve its objective of establishing respect for law in society
72	Give all in detention a fair trial
73	Train professionals involved in the judicial system on the relevant international standards on a fair trial and rule of law
74	Ensure that all persons deprived of their liberty are treated with humanity and with respect for the inherent dignity of the human being
75	Guarantee separated families' fundamental right to know the fate of their family members across the border and to communicate and regularly meet together
76	Do everything possible, in cooperation with the Republic of Korea, to ensure that the maximum number of meetings of separated families is organized
77	Take concrete steps to continue the process of family reunification, because for the elder generation even a delay of one or two years means that their chance of seeing their relatives may be lost forever
78	Adopt measures to facilitate family reunification as recommended by the Special Rapporteur on DPRK
79	Allow the exercise of the right to the freedom of expression and the freedom of association and assembly, by fostering and facilitating civil society entities and enabling them to obtain status under law
83	Ensure full respect for the rights to freedom of association, expression, religion or belief and movement
84	Take further steps to support freedom of expression and the right to freedom of movement

86	Consider, as appropriate, increasing the percentage of representation of women in the supreme People's Assembly and other State decision-making bodies
87	Provide more opportunities for women to gain access to leading positions in both the political and economic spheres and strengthen funding and visibility of the national institutions that promote gender equality
88	Continue efforts to reinvigorate the national economy by, inter alia, allowing more freedom for people to engage in economic and commercial activities
89	Make every possible effort to ensure access to food for the entire population
90	Secure the right to food for all its citizens, especially so as to secure the right to health for children
91	Continue taking measures to ensure the right to food for its people and implement MDGs
92	Take the necessary steps to ensure impartial access to adequate food, drinking water and other basic necessities for all people within its jurisdiction, including vulnerable groups
93	Address concerns of the international community, including shortage of food, medical and other humanitarian services
94	Allocate resources equitably and implement food security policies, including through sustainable agricultural practices and reduced State restrictions on the cultivation and trade of foodstuffs
95	Continue to address the negative impact on the promotion and protection of human rights, as inflicted by external coercive measures
96	Strengthen measures to facilitate access and effective distribution of international humanitarian aid to the people in need, with special attention to vulnerable groups
97	Give access to food and other essential products to those who need them, taking into account the particular needs of children and pregnant and nursing women, and cooperate constructively with humanitarian agencies and other humanitarian actors by ensuring them access to all the territory
98	Intensify its efforts to promote and protect the human rights of specific groups within society, such as women, children, disabled persons and the elderly, with a view to empowering them and alleviating their vulnerability
99	Take positive measures to further reduce infant mortality rates and maternal mortality rates
100	Take measures to improve the quality of health services deteriorated due to lack of medical facilities and medicine
101	Work on the enhancement of the free health care programme and free primary education, obtaining the necessary assistance through international cooperation
102	Ensure that high goals of economic development by 2012 contribute to bringing about a decisive turn in the promotion and protection of human rights
103	Increase resources allocated to the education sector for better quality of education and

	encourage the authorities to continue their efforts in this area
104	Grant access to international humanitarian agencies such as WFP
105	Allow WFP to access those in need
108	Allow humanitarian agencies to resume food assistance and grant WFP full, safe and unhindered access to the country in order to monitor aid distribution
109	Grant greater access to WHO and international NGOs working in the health field
112	Seek to continue to provide satisfactory conditions of operation to the United Nations aid agencies working in the country
113	Continue engaging members of the international donor community in capacity-building in the field of economic and social rights
114	Strengthen its cooperation with the United Nations and its mechanisms on human rights and humanitarian matters with a view to building national capacities and improving the people's well-being
115	Work on overcoming the obstacles related to economic problems and the scarcity of resources through cooperation with the international community and the United Nations so as to ensure the promotion and protection of human rights
116	Continue to seek constructive cooperation with international mechanisms and other countries in areas of human rights in a non-confrontational and non-politicized manner
117	Continue to cooperate with the United Nations, other international organizations and the world community to settle all the humanitarian issues

*Partially accepted recommendations<sup>2</sup>; 6*

1	Ratify the Convention on the Elimination of the Worst Forms of Child Labour (ILO Convention No. 182), CED, ICERD, CAT and its Optional Protocol, the ICRMW and CRPD
13	Consider signing all the core international human rights instruments
14	Seriously consider ratification of other existing human rights treaties
21	Systematically implement the ratified human rights treaties with the assistance of relevant Special Rapporteurs and OHCHR
51	Cooperate and engage in dialogue within the United Nations human rights mechanisms, including with the Special Rapporteurs and the High Commissioner for Human Rights
80	Decriminalize the practice of leaving the country without permission or at least allow free movement of citizens within the country

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<sup>2</sup> Recommendations some parts of which are accepted and currently under implementation

*Noted recommendations<sup>3</sup>; 15*

4	Ratify core universal human rights instruments, in particular, ICERD and CAT, and fulfil its treaty obligations
5	Ratify the fundamental human rights conventions such as ICERD or the optional protocols to the International Covenant on Civil and Political Rights
6	Consider signing/ratifying the remaining international human rights instruments, including ICERD and ICRMW
7	Become a party to CAT and take the necessary national measures to comply with its provisions
8	Ratify CAT
9	Ratify CAT and its Optional Protocol
10	Consider joining ILO and accede to and implement its core conventions, in particular Nos. 29, 105 and 182, on child and forced labour
11	Join ILO and accede to its core instruments and extend an open invitation, and without restrictions, to ILO officials to analyze the situation of workers' rights in the country
12	Join ILO and ratify core conventions, particularly Nos. 105, 182 and 138, and allow related monitoring by ILO staff
16	Amend the Labour Law of the Industrial Complex of Kaesong and incorporate the minimum age of 18 years for work hazardous to the health, security or morality of minors
85	Allow more freedom of movement of the people and foreigners in the country as a way to generate economic activities
106	Grant full access to WFP to ensure food reaches the most vulnerable, and adopt other measures to promote the right to food including economic reforms to incentivize those working in the agricultural sector to increase production
107	Grant immediate access without obstacles to international humanitarian agencies, including WFP, as well as the Special Rapporteur on the right to food, in order to allow the resumption of necessary operations for food supply and to ensure that aid is distributed on the basis of the genuine needs of the people
110	Consider positively OHCHR offers of technical assistance and cooperate with the Human Rights Council special procedures in support of national efforts in this regard
111	Accept the advisory services offered by OHCHR

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<sup>3</sup> *Recommendations that are difficult to accept under present circumstances, however, are reserved for consideration in the future*

***Recommendations which do not enjoy the support of the DPRK; 15***

15	Undertake a review of national criminal and immigration legislation to ensure its compatibility with international obligations of the Government, in particular regarding the right to freedom of movement of individuals, in response to the recommendations of the Committees on Civil and Political Rights, on Economic, Social and Cultural Rights and on the Rights of the Child
25	Create a national human rights institution, seek accreditation from the International Coordinating Committee of National Institutions and accept technical assistance from OHCHR in setting up this national institution
42	Cooperate with the special rapporteurs and other United Nations human rights mechanisms by granting them access to the country
43	Invite the Special Rapporteur on freedom of religion or belief to visit the country and fully cooperate with her
44	Agree to the requests for visit by the Special Rapporteur on the right to food
45	Invite the Special Rapporteur on violence against women and the Special Rapporteur on torture to visit the country and provide more extensive recommendations
46	Fully cooperate with all human rights mechanisms, including accession to CAT, as well as access to the territory for the Special Rapporteur on torture
47	Positively consider requests for country visits of special procedures of the Council and implement the recommendations stemming from United Nations human rights mechanisms
48	Grant access to the three thematic Special Rapporteurs who have requested a visit
49	Respond favourably to the request of special procedures mandate-holders to enter the country and cooperate with special procedures and other human rights mechanisms
50	Invite the special procedures mandate holders who have requested visits
52	Work with the Special Rapporteur on freedom of religion to ensure that its international human rights obligations under article 18 of ICCPR are fully implemented
71	Provide unlimited access to ICRC to all detention facilities in the country
81	Pay special attention to the recommendations of the Human Rights Committee in the field of freedom of movement, including the right to leave the country
82	Decriminalize unauthorized travel

**50 recommendations rejected on the ground in December 2009**

1.	Sign and ratify CAT, establish judicial oversight over all prison facilities and take immediate action with a view to the elimination of all forms of torture by the security forces and prison personnel
2.	Implement its obligations under the human rights instruments to which it is party and cease the use of arbitrary detention, labour camps and collective punishment
3.	Work with the international community to bring its criminal justice system into line with its obligations under ICCPR and other international human rights instruments
4.	Recognize the mandate of the Special Rapporteur on the situation of human rights, cooperate with him and grant him access
5.	Grant access, as a matter of priority, to the Special Rapporteur on the situation of human rights in DPRK
6.	As a first step, allow the visit requested by the Special Rapporteur to take place as soon as possible and on the best conditions, and take his recommendations seriously taken into account
7.	Cooperate with the special procedures concretely by accepting the repeated requests for a country visit by the Special Rapporteurs on the situation of human rights situation and the right to food
8.	Cooperate more intensively with United Nations human rights mechanisms, in particular by responding positively to the repeated requests for visits by the Special Rapporteurs on the situation of human rights and the right to food
9.	Agree to the requests for a visit by the Special Rapporteur on the situation of human rights
10.	Fully cooperate with the Human Rights Council and accept the request of the Special Rapporteur on the situation of human rights to visit the country
11.	Improve its cooperation with United Nations human rights mechanisms, in particular the Special Rapporteur on the situation of human rights and other special procedures, and allow access
12.	Develop cooperation on the issues of human rights with international organizations and their mechanisms, in particular by engaging constructively with the Special Rapporteur on the situation of human rights and responding positively to offers of technical assistance by OHCHR
13.	Allow urgently the development of international operations of food distribution in the whole country; put an end to discrimination in the governmental food distribution, prioritizing children, pregnant women, persons with disabilities and senior citizens
14.	Establish a moratorium on executions with a view to abolishing the death penalty
15.	Abolish death penalty or at least to establish a moratorium on executions
16.	End all public and extrajudicial executions and introduce a moratorium on the death penalty with a view to its abolition
17.	Adopt a moratorium on the application of death penalty to put an end to the practice of public executions and the imposition of the death penalty for religious or political crimes
18.	Taking note of reduction of number of crimes punishable by the death sentence, consider introducing a moratorium with a view to abolish the death penalty in the future
19.	Halt all public executions, and intensify efforts to ensure that no detainee is subject to torture or cruel, inhuman or degrading treatment or punishment
20.	Establish a moratorium on executions with a view to the rapid abolition of the death penalty, and in the immediate future, respect minimum international standards, including

	the right to a fair trial, the limitation of the death penalty to the most serious crimes, as well as the non application of the death penalty to minors, pregnant women and persons suffering from mental diseases
21.	Refrain from the practice of public execution used to intimidate the people, as reported by the Special Rapporteur on the situation of human rights, in contravention of its own penal code, and accept the recommendation of the Committee on Civil and Political Rights to work toward the abolishment of capital punishment
22.	Put an end to the practice of extrajudicial executions, public and secret
23.	Immediately end extrajudicial executions and the practice of collective punishment
24.	Put an end to kidnapping and enforced disappearance of persons, whatever their country of origin
25.	Set a concrete time frame and take concrete actions in order to resolve the abduction issue as soon as possible, including ensuring the immediate return of Japanese and other abductees
26.	Immediately cease public executions and the use of torture and cruel, inhuman, or degrading treatment or punishment and ratify CAT
27.	Abolish the practice of torture, cruel, inhuman and degrading treatment, including the collective punishment of families, as reported by the Special Rapporteur, and amend national legislation to prohibit the torture and other ill-treatment of children, as recommended by the Committee on the Rights of the Child
28.	Implement regulations to protect women from torture and abuse in detention facilities, and hold female criminal offenders separately from men, guarded by female guards
29.	End collective punishment of families, especially against children
30.	Abolish military training for children
31.	End the practice of imposing punishment on returnees
32.	Create and adopt a law that specifically addresses trafficked persons in the country and abolish all practices of penalizing trafficked women and children for unlawfully exiting the country upon their deportation back to DPRK
33.	Take immediate action to cease the practice of forced labour, including in detention facilities, and take urgent measures to ensure that children are not forced to participate in mobilization projects
34.	Take effective measures against the practice of forced labour, including child labour and join ILO
35.	Put an end to forced labour practices
36.	Take measures to ensure an independent judicial system and the individual's right to a fair trial
37.	Implement its obligations under article 14 of ICCPR to ensure that everyone without distinction is entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law
38.	Abstain from political interference in judicial proceedings
39.	Establish an independent judiciary and guarantee access to legal counsel and judicial redress to all detainees
40.	Ensure an independent judiciary that operates without political interference by the State and uphold an internationally recognized notion of the rule of law by reviewing and amending the constitutional and legislative provisions that may compromise or diminish the independence and impartiality of the judiciary, as recommended by the Committee on

	Economic, Social and Cultural Rights
41.	Release persons detained for reasons related to their opinions or peaceful political activities
42.	Put an end to the practice of incarcerating all the members of the family of every opposition figure, release without delay political prisoners and members of their family as well as ensure freedom of opinion and expression
43.	Reform its criminal code as soon as possible in order to guarantee freedom of movement both within its territory as well as towards foreign countries without the need for prior permission in accordance with applicable international standards
44.	Allow freedom of movement of its citizens within and across the border and end the punishment of those expelled or returned from abroad, including refugees and asylum-seekers
45.	Review the legislation on religious groups and organizations so as to ensure its compliance with ICCPR
46.	Lift restrictions imposed on religious practices, cease persecution and rigid control over those professing their religious beliefs and ensure that its domestic legislation and practice is in full compliance with the requirements of article 18 of ICCPR
47.	With regard to ensuring the right to food to the entire population, including in jails and labour camps, cooperate in a constructive manner with the competent United Nations institutions and facilitate the work of NGOs present in the country by guaranteeing their access to the entire population
48.	Reduce controls on its population, including the closure of markets, suppression of criticism of Government policies, lack of alternative media and harsh penalties on those who access external information
49.	Increase technical cooperation on human rights issues including by granting access to the Special Rapporteur on the human rights situation
50.	Demonstrate a genuine willingness to improve its human rights record by engaging more positively and openly with the international community, including the Special Rapporteur on the situation of human rights, and work constructively with the United Nations system to bring its human rights into line with international standards