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Submission on progress in accountability for human rights violations in the Democratic People's Republic of Korea for the UN Special Rapporteur's report to the 46th Human Rights Council session in March 2021

To the UN Special Rapporteur Tomás Ojea Quintana:

The Citizens' Alliance for North Korean Human Rights (Citizens' Alliance, or NKHR) would like to draw your kind attention to the issue of slavery and other crimes against humanity in the supply chain of DPRK that contribute to its trade, sponsor its military investments, and further human rights abuses by enriching the North Korean criminal state. These intricate connections have never been investigated by the UN Commission of Inquiry for DPRK (COI), nor by the UN Sanctions Committee monitoring North Korean trade, nor were they raised during the previous annual human rights discussions on the DPRK (North Korea) at the UN Security Council, which regretfully have not been held since late 2017. The UN's stark lack of understanding and recognition of North Korea's economic dependence on human rights crimes and forced labor that underwrite the military and nuclear programs limits the effectiveness of its actions to date, as well as any progress on accountability in the DPRK and promotion of peace on the Korean Peninsula.

The Citizens' Alliance's comprehensive, years-long investigation into the role of the North Korean regime's top structures in export has revealed a pyramid system of quotas that relies on the extortion of goods and forced labor in a vast network of detention and political prison camps. This pyramid of extortion is also enforced through each Ministry and Party organ and is imposed on every citizen throughout society.

In particular, this investigation (the first ever of its kind) shows the link between the extract industry, notably coal production - a top export commodity for the North Korean regime and the target of the most restrictive international sanctions - and the intergenerational discrimination based on the *songbun* system, which determines which citizens will reinforce the slave labor force in the infamous prison system. This system expands to all sorts of production in prisons for the military personnel and infamous network of *kyohwaso* prisons that host large numbers of women forcibly deported back to North Korea. The hunting system for prisoners and slave labor is enforced by the Ministry of State Security which, together with the Ministry of People's Safety and Korea People's Army, sits under the current Leader in the State Affairs Commission - the top organ of the State. Significantly, this pyramid scheme is also directly linked to the production and proliferation of weapons, including weapons of mass destruction. Given the leadership's excessive and preferential expenditure on military development, this means that all of North Korea's trade is implicated in weapons development and other sanctions violations.

We also found an increase in coal production on satellite photos and expansion of boundaries of the political prison camps producing coal, even as sanctions were becoming more restrictive after 2016.

While there has been an abundance of coal for export - in violation of UN Security Council sanctions - and visible stockpiles of coal on satellite photos, continued shortages of coal are reported for hospitals, schools and citizens, except Pyongyang, and increases in electricity shortages are also reported since 2019.

This information has direct implications for counter-proliferation measures in the sanctions system and lifting of sanctions to promote a peace economy and, as a result, peace on the Korean Peninsula. In fact, the government's human rights crimes have been instrumental in its quest to shore up its political and financial power, and in turn develop and expand its nuclear program, at the expense of peace, development and improvement of the lives of the general population in North Korea. While in recent years there has, understandably, been an increasing focus on the humanitarian impact of sanctions in North Korea, there has been zero analysis of the humanitarian implications of lifting sanctions and how it enables the kleptocratic state economy and slavery production in the DPRK.

The reality, however, is that the North Korean regime has for decades been extorting much more from its people, with dire consequences. Its oppressive quota system has never been analyzed in light of how it may have contributed to starvation, deprivation, and persecution of citizens. The COI in its 2014 report found the evidence of systematic, widespread and grave violations of the right to food through decisions of State officials related to production and distribution of food, discriminatory access to food based on *songbun*, as well as access and the use of international aid. It has also highlighted the fact that the state has failed its citizens by improper allocation of resources, instead prioritizing the development of the weapons systems and the nuclear program even during mass starvation that took the lives of hundreds of thousands of North Korean citizens. However, the COI did not analyze how the chain of command in the pyramid system of extortion of quotas of various goods from private citizens has been ensuring continued flow of resources and sponsoring rapid military investments since 1980s. It did not identify how the free slave labor in the vast network of detentions has been serving this purpose, providing top commodities for export and primary revenue for the state. Indeed, many testimonies of women and children that have been reported since the 1990s have only been analyzed separately and not connected to the kleptocratic state which, even during the time of the Great Famine, required the continued submission of quotas of agricultural goods, metals and clothing for the Military. In the decades post-famine, the women-driven grassroots economy, which could contribute to private entrepreneurship and development of the country, suffers the most, as the regime has been increasingly tapping into the meagre earnings of women through Korea's Democratic Women Union and Neighborhood Watch Units which impose ever-increasing amounts of goods for export as well as require goods and forced labor for the increasing expenditures on the military and infrastructure projects that benefit the elites.

Indeed, before this investigation, there was no discussion of how this pyramid scheme of extortion and slavery – which the North Korean government depends on for exports and foreign currency earnings and thus its economic survival – suppresses any possibility of development or reforms in North Korea. In fact, it is another worrying sign that during the January 2021 Korea Worker's Party Congress, the statements of the Leader admitting economic failures and necessity for reforms were equated with statements calling to bolster the defense capabilities of the DPRK. Given the state of the North Korean economy and challenges of COVID-19, these two statements are mutually exclusive: the government requires resources for defense weaponry, rather than for reforms that would benefit all citizens. Such statements in the context of the NKHR's investigation, and the continued focus on military expenditure may again bring dire consequences for the population of the DPRK, where the regime only increases pressure on citizens to deliver through quotas of goods and labor, risking another famine.

It is therefore critical for the UN to examine the intricate connections between the ongoing crimes against humanity committed by the highest structures of the North Korean state and incentives for its kleptocratic economy, and the profit it gathers from international trade and investments in militarization and nuclearization. Policies that only promote the peace agenda and economy, non-proliferation and denuclearization, without addressing the regime's reliance on massive human rights crimes for its very survival, are policies doomed to fail. We agree with many of your previous statements that these three issues are inextricably linked and if one fails, the others cannot ultimately be realized.

Most importantly, due to these connections, there will never be an incentive for reforms or accountability in the DPRK for the crimes against humanity committed at the highest level of the state. Such pressure can only come from the international community, the UN system and the states that have direct interest in continuing negotiations with the DPRK. It is critical for concerned governments and the United Nations, including the UN Security Council's sanctions committee, to fully investigate North Korea's absolute dependence on slavery and forced labor, the full extent of the extraction and illegal export of coal and other products, and the international supply chain linked to these exports. In our view, this is critical if the international community wants to ensure more effective enforcement of the existing sanctions framework which would help, in turn, raise the political cost for non-compliance.

Similarly, promoting a peace economy framework that aims to inject funds and resources to lead to the development of the North Korean economy, peaceful coexistence and greater future interrelation of the two Korean states, is only possible if the underlying human rights abuses are verifiably abolished through enforcement of international labor and human rights standards. Well-documented examples include intergenerational discrimination, slave labor, and unpaid compulsory labor of women and children on construction projects. Otherwise, instead of peace economy the ROK government risks sponsoring a persistent feudalistic economy based on human chattels.

In order to follow up on the COI's work seven years after its report, the role of the OHCHR Office in Seoul and its Accountability Team is crucial. It should continue to receive support from the concerned states and the totality of the UN system, including its specialized expert teams, so that it can continue its investigations and possibly also look into the criminal patterns of enslavement, forced labor, North Korean export, and how these together maintain the current structures of power and persecution.

In our opinion, there is an urgent need to make a strong call for greater coordination among the various components of the UN System and among the concerned states to investigate and expose the links between the human rights violations in the DPRK, lack of accountability for them, and the threat they pose to the regional and international peace and security.

*This submission can be posted publicly.

*The findings of the investigation mentioned in the submission will be made available for you separately.