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**Statement by Vitit Muntarbhorn
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Democratic People's Republic of Korea**

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Mr. Chairperson,
Distinguished delegates,
Ladies and gentlemen,

My current report before the Third Committee covers the period from 2007 till mid-2008. At the outset, allow me to express my great appreciation and thanks to the various agencies and organizations that provided some of the information used in this report, including United Nations agencies, non-governmental organizations and other sources.

The country was often in the news during the year due to the nuclear issue which was dealt with under the umbrella of the Six-Party Talks (between the country in question, China, Russia, USA, Japan and the Republic of Korea). Those talks also provided an avenue to address some of the key human rights issues covered by this study, thus inviting more humanitarian space in a variety of settings.

The human rights situation in the Democratic People's Republic of Korea remains grave in a number of key areas. My report examines the situation particularly from the following perspectives: Human Rights and the Development Process: the Inequity Factor?; Access to Food and Other Necessities: the Disparity Factor?; Rights and Freedoms: the Insecurity Factor?; Displacement and Asylum: the (Im)mobility Factor?; Groups of Special Concern: the Inequality Factor?; Consequences of Violence and Violations: the Impunity Factor?

While much depends upon global-local political will to test the desire for transparency and responsibility, whether through softer or harder entry points, it is important to underline the longstanding and systematic nature of human rights transgressions in the country which are highly visible, substantial and exponential.

On the positive side, it can first be recalled that the Democratic People's Republic of Korea is a party to four human rights treaties – the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention for the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. It has submitted reports under these treaties and has appeared before the various monitoring bodies established thereunder. Recently, it submitted another report to the Committee on the Rights of the Child. Second, it is in the process of reforming its laws on narcotics control and money laundering. It has become a party to these treaties: the Single Convention on Narcotics Drugs (1961), Convention on Psychotropic Substances (1971), and Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988). The International Narcotics Control Board was invited to visit the country recently, thus implying a greater degree of openness from the authorities. Third, pursuant to devastating floods in the country in August 2007, it has allowed humanitarian agencies to have greater access to the counties affected by the flooding, and various sources indicate that the authorities have cooperated relatively well with UN and other agencies in food distribution and provision of assistance to needy groups.

However, the continuing negative situation in the country can be seen through the perspectives I will now describe.

Human Rights and the Development Process: the Inequity Factor?

Mr. Chairperson,

The development process is faced with the lack of equity – “inequity” due to the highly stratified political structure: the elite do well, while the rest are left at the margins of the development process. The inequitable development pattern is propelled by a centrally planned economy of an ideology-steeped top-down and isolationist kind. The country is driven by a non-democratic structure with an entrenched hierarchy interested in self-preservation, and this distorts the budget and other allocations in favour of the ruling elite. There is also a clandestine economy from which the powers-that-be benefit. There is no genuine people’s participation – a key determinant of sustainable development advocated by the world community. Those who are regarded as dissidents are marginalized, discriminated against and persecuted. The gap between the have and the have-nots is on the increase, as seen in the food situation below, and the country suffers from lack of distribution of resources and power which shape the potential for human development.

The country adheres to a “military first” policy, with millions involved the military machinery and industry - this depletes the resources of the country in favour of militarization, in the face of many shortages and deprivations suffered by the population. It is estimated that the armed forces total over one million armed personnel, with another 7.7 million reserve component.

It may be recalled that in 2006 the militarization drive was manifested by various missile and nuclear tests carried out by the authorities of the country which led to global condemnation. These acts undermined the possibility of aid from other countries which reconsidered their contributions. While the Six-Party Talks have progressed gradually on the denuclearization front, the parallel issue of overall demilitarization and a shift from pro-military budget to pro-people budget has not yet been addressed.

The economic crisis faced by the country is manifested by the rampant shortages of food and other basic necessities referred to below, particularly since the mid-1990s. The social security framework on which the country prided itself as part of a socialist system, is now in serious decline.

Access to food and other necessities: the Disparity Factor?

There is a great disparity between access by the elite to food and other necessities and access by the rest of the population to the wherewithal of life. This is most evident in regard to the question of food; partly due to natural disasters and partly through mismanagement on the part of the authorities, there has been a chronic food shortage since the mid-1990s affecting the general population beyond the elite. Then and now, the latter usually have first choice of whatever provisions are available.

The country then started to accept food aid from outside the country, particularly through the World Food Programme (WFP). In 2005 - 2006, the authorities demanded from the international presence a shift from humanitarian aid to a more development-oriented framework, and in the process scaled down the presence of various foreign humanitarian agencies in the country. One implied consequence was to reduce the monitoring of the aid coming into the country. While the 2005 harvest was a welcome improvement from the

harvest of previous years, in the middle of 2006 major floods wreaked havoc on the year's harvest, resulting in severe food shortfall. This was compounded by the decline of medical services, shortage of medicines, fertilizers and electricity, and water in some areas.

In 2006, the WFP began its two-year Protracted Relief and Recovery Operation (PRRO) aiming to access 1.9 million people in food aid. Severe flooding in the country in August 2007 worsened the situation, with nearly a million people affected by deprivations. The emergency response in this regard was positive and the aid targets of some 14 million USD for the flash flood appeal on this front was attained. However, in 2008, it became evident that the food shortage was more serious than anticipated, with reports that millions of people in the country were facing severe deprivations not seen since the mid 1990s. It is now estimated that the food shortfall will be over one and a half million tons for 2008.

In 2008, a new agreement was reached between the authorities and the WFP to assist some 6.5 million people. The WFP/Food and Agricultural Organization (FAO) carried out an important food security assessment in June 2008 to assess the situation. The initial findings revealed very disquieting features indicating a serious decline of food availability, food accessibility and food consumption. Particularly worrying is the finding that cases of children affected by diarrhoea have increased markedly – nearly twice the number recorded in the previous government/UN nutritional survey in 2004. Child malnutrition and illnesses have thus been on the rise.

The WFP has highlighted three groups as particularly food insecure: the socially vulnerable - children in child institutions, the elderly and children in paediatric wards; the physiologically vulnerable - pregnant and lactating women, children under 5 years old and adolescents; and the geographically vulnerable – particularly the Northeast and the South. The immediate food needs are closely related to the need for fertilizers and fuel.

UN agencies act on the basis of “no access, no food”, implying that if they do not have access to the areas concerned, food aid will not be given. This is different the mind set of “no food, no access” emanating from some official sources of the recipient country. There is a recurrent challenge facing the monitoring process of distribution. It is also important to underline the need to generate food security in the country, for which no foreign aid could be a substitute. This is very much linked with the need for a sustainable development process based on broad people's participation in income and food generation, conservation and regeneration. The types of practical programming needed include measures to deal with pre and post harvest losses, conservation of watershed areas, avoidance of deforestation, and people's participation in planning and benefiting from agricultural development.

Rights and Freedoms: the Insecurity Factor?

Civil and political rights are severely constrained in the country due to the repression imposed by the regime, creating insecurity among the general population. Political participation in the democratic sense is non-existent, with the ruling party in absolute superimposition. There is rigid control over the media, and people are not allowed to own mobile phones and computers without permission from the authorities. There are reports of a crackdown on cellphones. Some inhabitants watch clandestinely video and TV programmes from the South, but in 2008 there were reports of crackdowns on South Korean videos. From information received, the authorities have imposed restrictions on long distance telephone calls to block the spreading of news concerning the current food shortage.

Particularly disconcerting is the use of public executions to intimidate the public. This is despite various law reforms in 2004 and 2005, which claim to have improved the criminal law framework and related sanctions. Overhaul of the prison system is long overdue, and the harsh conditions imposed by the criminal justice system and related detention give rise to a plethora of abuses, including torture and cruel, inhuman and degrading treatment. The abuses are ubiquitous - including degrading treatment of deceased persons.

With regard to the issue of freedom of religion, while the authorities claim that this is respected in the country, the situation indicates otherwise, with rigid control over those professing their religious beliefs. It is reported that security personnel are ever-present among religious congregations to report on their activities and that the authorities use various persons disguised as religious personnel to monitor religious practices. Persecution of those professing their faith is pervasive, with families sent to prison for adhering to religious beliefs. It is also well known that those who seek the help of religious personnel in other countries in the quest for asylum are likely to be punished severely if sent back to the country of origin. Religion is thus seen by the authorities as a competitor and threat to the personality cult practiced through the prism of top-down indoctrination.

On another front, the authorities have been engaged in the abductions of foreign nationals. There are some seventeen listed cases of Japanese in such situation, although five have been returned to Japan from the Democratic People's Republic of Korea. The nationals of a range of other countries have also been affected. The Six-Party talks have opened the door to bilateral talks between the country and Japan on steps towards normalization of relations, an important component of which is to solve the abductions issue clearly and transparently. The most recent consultations between the two countries were in June 2008, with the Japanese delegation requesting that all abductees be returned to Japan; that a full account of the victims be provided; and that those responsible for the actions be extradited. The Democratic People's Republic of Korea responded by undertaking to reinvestigate the cases. It is to be hoped that the latter will respond substantively, constructively and expeditiously on this longstanding issue.

3. Displacement and Asylum: the (Im)mobility Factor ?

Since its inception, the regime in power has regulated migration stringently as an instrument of State control. Generally the population are not allowed to move freely within the country and they are only able to travel abroad with official permission.

In recent years, the policy of immobility has been diluted, since many people have been displaced for political reasons and or economic reasons. On the one hand, a large number of those who are persecuted by the regime have sought refuge outside the country. On the other hand, people are also on the move within the country and across the border in search of basic necessities and improved livelihood. It has thus become more difficult for the authorities to exert full control over the migration factor. There is also an incipient stream of workers and migrant labourers who travel to special economic zones in-country and or across the border to other countries as part of bilateral arrangements on labour importation.

With regard to asylum and refuge, I have analysed at length in my previous reports the status of those who seek asylum in other countries. Suffice it to state here that there are those who leave the country of origin for reasons of persecution (the traditional refugee) as well as those who fear persecution after having left the country (refugee sur place). Both types are found

from the Democratic People's Republic of Korea. The latter group arises because they may be punished upon return for having left the country without permission (an exit visa), and this threat of prosecution is tantamount to potential or actual persecution, albeit at a later stage.

The situation facing those who seek refuge abroad remains precarious for a number of reasons. First, more restrictions have been imposed during the past year on exit from the country and entry into neighbouring areas. There are reports of more severe sanctions being imposed on those seeking to leave the country as well as those forcibly returned to the country, despite indications of possibly a more lenient attitude on the part of the authorities a couple of years ago. Second, from information received, there are indications that asylum-seekers are being apprehended through the promise of rewards (bounties) offered by the local authorities in an asylum country to help identify them, with a view to forcibly returning them to the country of origin. Third, the threat of more severe punishments for those offering them asylum across the border has increased.

In reality, matters may be even more convoluted; often the situation of displacement is a mixed or composite flow, with a variety of reasons for the exodus, political and or economic and other factors. This is compounded by human trafficking and smuggling, which often prey on those who are already vulnerable. Thus a humane response is invited from all countries to respect the human rights of those who are displaced, whatever their designation and however they are classified. Particularly concerning the refugee, there is a key principle of international law, which prohibits push-back to areas of danger ("non-refoulement"), an imperative to be respected. In this regard, it is important to reinforce the work of the Office of the UN High Commissioner for Refugees to exercise its mandate in all relevant situations, with effective access to those who are in need of international protection, and I am in contact with this Office in a mutually supportive manner under their respective mandates.

My report also looks more deeply into the plight of groups of special concern such as women and children, especially those not belonging to the elite, from the angle of various inequalities facing them. It also addresses the consequences of violence and violations, especially the impunity factor and the responsibility of the national authorities to protect its people from grave human rights transgressions.

Mr. Chairperson,
Distinguished delegates,

Before I conclude, allow me to reflect on some recommendations I have made in my report, and which I encourage the Government of the Democratic People's Republic of Korea to consider:

- Immediately (short-term):
 - o Ensure effective provision of and access to food and other basic necessities for the people of the country, and cooperate constructively with UN agencies and other humanitarian actors on the issue;
 - o End the punishment of asylum-seekers returned from abroad;
 - o Terminate public executions and other abuses against the security of the person;
 - o Cooperate transparently and accountably to resolve the issue of foreigners abducted by the Democratic People's Republic of Korea;

- Extend an invitation to me to enter the country to assess the human rights situation at the ground level and to advise on needed improvements.
- Progressively (longer-term):
 - Ensure a more equitable development process in the country; implement human rights effectively and comprehensively, bearing in mind its membership of four human rights treaties; and transfer resources from the militarization process to the social development sector;
 - Overcome the disparities in access to food and other basic necessities, and build food security through sustainable agricultural development with broad based people's participation;
 - Guarantee the security of the human person by modernising the national legal system, reform its prisons, and abide by the rule of law, such as safeguards for accused persons , fair trial and the building of an independent judiciary;
 - Address the violence and violations which have given rise to the impunity factor and ensure that those who should be accountable are brought to justice;
 - Request technical assistance from the Office of the UN High Commissioner for Human Rights to help promote and protect human rights in the country, and engage sustainably and transparently with the human rights committees of the treaties to which the country is a party.

The international community is also invited to address various recommendations I have made, including the need to have a calibrated response from the totality of the UN system to the longstanding violations in this country.

Thank you.
