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Press Release

Visit of the United Nations (UN) Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea (DPRK) to Japan: January 2008

Professor Vitit Muntarbhorn, the UN Special Rapporteur on the Situation of Human Rights in the DPRK, paid an official visit to Japan from 15 to 19 January 2008. The purpose of his visit was to assess the impact of the DPRK's human rights situation on Japan. He was accompanied by an official of the Office of the UN High Commissioner for Human Rights. This was his third visit to Japan.

The Special Rapporteur had full and open access to all entities which he sought to meet, and he thanks wholeheartedly the Japanese Government and the Japanese public for the warm hospitality and constructive dialogue throughout his visit. He held consultations with H.E. the Foreign Minister of Japan and other government officials and with a wide variety of institutions and personnel, parliamentarians, members of civil society and other stakeholders. Of particular importance was his meeting with the families of those who had been abducted by the DPRK, and he sympathizes deeply with them in the pain and suffering caused by the human rights violations committed by the DPRK.

There are two key challenges facing Japan in relation to the DPRK: the denuclearization question and the abductions issue. The former is interlinked with steps towards denuclearizing the nuclear facilities in the DPRK. A key entry point for this process is the Six-Party Talks (involving the DPRK, China, Russia, USA, Republic of Korea and Japan) which seeks to end the nuclear build-up in the DPRK. Of particular relevance is the Second-Phase Actions for the Implementation of the Joint Statement (3 October 2007) adopted by the six countries mentioned, bolstering earlier agreements on the issue, whereby 1) the DPRK agreed to disable core nuclear facilities of Yongbyon by the end of 2007; 2) the DPRK agreed to provide a complete and correct declaration of all its nuclear programmes by the end of 2007; and 3) the DPRK reaffirmed its commitment on nuclear non-proliferation, including the commitment not to transfer its nuclear materials to others. While progress has been made in implementing the first element of the agreement, implementation of the second elements is currently stalled, particularly requiring an effective response from the DPRK.

With regard to the abductions issue, at the Summit between Japan and the DPRK in 2002, the latter admitted that it had abducted Japanese citizens, apologized and agreed to prevent recurrence of such practices. However, a number of cases remain unresolved. Currently, there are 17 persons listed officially as abducted by the DPRK. While 5 returned to Japan

following the previously mentioned Summit between the two countries in 2002, the DPRK has been intransigent in regard to the other cases. The DPRK claims that out of the remaining 12 persons, 8 have died and that 4 never entered the DPRK. Such claims remain unconvincing and unsubstantiated. This issue has been raised repeatedly in the UN by the Special Rapporteur as well as in the Working Group on Enforced or Involuntary Disappearances. It can also be recalled that in UN Security Council Resolution 1718, the issue was impliedly recognized as an issue of international importance in the reference to “other security and humanitarian concerns of the international community.”

At the end of 2007, the UN General Assembly adopted another resolution castigating against the misdeeds of the DPRK on this front, in reiterating its very serious concern “at unresolved questions of international concern relating to the abduction of foreigners in the form of enforced disappearance, which violates the human rights of the nationals of other sovereign countries, and in this regard calls upon the Government of the DPRK urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees”.

A related avenue for dealing with these issues is through the bilateral track under the Six Party Talks. The track concerning Japan and the DPRK has, to date, led to two Working Group meetings to address possible normalization of relations, including the need to resolve the abductions issue satisfactorily, but concrete progress has not been made. This is an avenue that awaits concrete steps from the DPRK to advance the talks constructively.

Another important development is the increasing acknowledgement that in the past, the DPRK also abducted the nationals of other countries, thus globalizing the issue even more extensively. Networking between Japanese families affected by the abductions and the families of those affected in other countries has grown, and a Federation of these groups has been established to advance cooperation on the matter. Japan has adopted a variety of measures to put pressure on the DPRK, including prohibition of visits of vessels from the DPRK and various embargoes and restrictions on trade and exchanges with the DPRK.

An important law was adopted by Japan in 2006: the Act on Measures for Resolving the Abduction Issue and Other Human Rights Infringements Committed by the North Korean Authorities. This law provides for a series of measures, including awareness raising activities among the Japanese public, and various national conferences have been held on this issue, as well as dissemination programmes using posters and other media to inform the public about the phenomenon of abductions. In 2007, the Act was amended to encourage the Japanese authorities to work with foreign governments and international organizations to help support the call for resolution of the abductions issue.

The 2006 law also provides for the possible adoption of measures to protect and support “North Korean Defectors”. This opens the door to help other groups affected by the human rights situation in the DPRK, including the Japanese spouses and children of North Korean nationals who wish to return to Japan, Korean residents from Japan who later settled in the DPRK but who now wish to come back to Japan as well as their families, and DPRK nationals seeking asylum in Japan. Japan is now affording protection to a number of these persons. The humanitarian space can thus be enlarged to address a range of groups affected by the human rights situation in the DPRK. It is essential to provide not only social welfare support but also longer term livelihood opportunities and family/community support systems

so as to enable these groups to be included into society, bearing in mind both their physical and psychological needs.

In view of the tenuous situation mentioned, the following orientations are underlined:

- 1. The Special Rapporteur calls upon the DPRK to show a sense of responsibility urgently in addressing the issue of abductions, particularly by providing tangible results and an effective response, with due respect for the safety of the abductees, to return them immediately to Japan, and to act against the impunity of those who perpetrated the crime of abductions.**
- 2. The Special Rapporteur supports the various initiatives to settle the problem of abductions in a peaceful and satisfactory manner on the basis of international law and highlights the State responsibility and individual criminal responsibility pertaining to the conduct of the DPRK and its agents in regard to the abductions, in the expectation that the DPRK will commit itself to resolve the issue substantively in a transparent manner under the Six Party Talks and or through other channels.**
- 3. The Special Rapporteur affirms the international dimension of the abductions issue which affects the nationals of Japan and of other countries and calls for concerted efforts by the international community to ensure accountability on the issue and to influence the DPRK to settle the issue expeditiously and effectively.**
- 4. The Special Rapporteur welcomes the opportunity provided by Japan's 2006 law concerning human rights in the DPRK and other relevant measures to offer protection and support to the various groups and persons seeking asylum from the DPRK.**
- 5. The Special Rapporteur is encouraged by Japan's signature of the International Convention for the Protection of All Persons from Enforced Disappearance and invites all countries to ratify this Convention, complemented by effective implementation at the national and local levels.**
- 6. The Special Rapporteur underscores the need to assist all victims of the human rights situation in the DPRK in a sustained and comprehensive manner, bearing in mind the physical, psychological and other damage incurred, and to offer redress based upon the responsibility to protect people from human rights violations, bolstered by international solidarity to ensure such responsibility.**