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**22 January 2010  
MR/E04/10**

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## **Media Release**

### **Visit of the UN Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea (DPRK), Professor Vitit Muntarbhorn, to Japan, 16-22 January 2010.**

The UN Special Rapporteur on the Situation of Human Rights in the DPRK, Professor Vitit Muntarbhorn, visited Japan from 16 to 22 January 2010. He was accompanied by an official of the Office of the UN High Commissioner for Human Rights. The aim of his visit was to assess the impact of the DPRK's human rights situation on Japan. This was his final official visit to Japan, as his term (a maximum of six years for a Special Rapporteur under UN rules) is due to expire in the middle of this year.

He thanks warmly the Government of Japan and the Japanese people for their kind hospitality and warm support throughout his years under this mandate. He had full and free access to government agencies, non-governmental organizations, international organizations, and other concerned entities to consult with them. During this trip, he was very honoured to discuss issues under his mandate with HE Katsuya Okada, Minister of Foreign Affairs; HE Keiko Chiba, Minister of Justice; and HE Hiroshi Nakai, Minister of State for the Abduction Issue. He was especially pleased to meet again the families of those who had been abducted by the DPRK. The symbol of their Association – the Blue Ribbon – is a continual reminder of the need for effective action to address their prolonged pain and suffering – the longing for their loved ones.

The direction of the new Government of Japan, which came to power in the latter half of 2009, on key concerns – particularly the denuclearization of the DPRK and the abduction issue - can be seen in this citation: (derived from the speech by HE Yukio Hatoyama, Prime Minister, to the UN General Assembly in September 2009)

“The DPRK's nuclear tests and missile launches are a threat to the peace and stability not only of the region but also of the international community as a whole, and cannot be condoned under any circumstances. It is imperative that the DPRK comply fully with the relevant Security Council resolutions and that the international community implement these resolutions. Japan will continue its efforts to realize the denuclearization of the Korean Peninsula through the Six-Party Talks. Japan seeks to normalize relations with the DPRK in accordance with the Japan-DPRK Pyongyang Declaration (2002), through the comprehensive resolution of the outstanding issues of concern with the DPRK, including the abduction, nuclear and missile issues, and by sincerely settling ‘the unfortunate past’. In particular, regarding the abduction issue, constructive actions by the DPRK, including swiftly

commencing a full investigation as agreed last year, will be an avenue towards progress in Japan-DPRK relations. If the DPRK takes such constructive and sincere actions, Japan is ready to respond positively.”

Currently, the Six-Party talks targeted to denuclearizing the DPRK are stalled due to the intransigence of the DPRK. Resumption of talks on this front would indeed help to provide positive space for humanitarian discourse and related action - directly or indirectly. From a human rights angle, the abduction question remains a primary concern between the DPRK and Japan with international and regional implications.

At stake is the plight of many persons affected by the misdeeds of the DPRK committed extraterritorially. There are seventeen Japanese nationals listed officially as abducted by the DPRK. While five returned to Japan following the Pyongyang Summit and Declaration between the two countries, other cases await an effective commitment from the DPRK to clarify and settle matters satisfactorily. The most recent round of dialogue between Japan and DPRK took place in August 2008 with an agreement on the following components:

- The scope of investigations will be victims identified by the Government of Japan and other missing persons;
- The DPRK will establish an investigation Committee with adequate authority;
- The DPRK will notify the progress of the investigation and discuss it with Japan;
- When survivors are found, subsequent process will be discussed and agreed;
- The DPRK will cooperate so that Japan will be able to directly confirm the results of the investigation;
- Both sides will continue to discuss other matters related to the investigation.

Yet, the DPRK has postponed implementing this agreement since then. It is also increasingly acknowledged that several other countries have been affected by the abductions of their nationals committed by agents of the DPRK, giving rise to international crimes with global implications.

Japan has adopted a variety of measures targeted to ensure that the DPRK is accountable for the crimes committed. These include prohibition of visits of vessels from the DPRK, and various embargoes and restrictions on trade and exchanges with the DPRK. In 2006, an important law was adopted in Japan to address the issue of human rights violations by the DPRK, with amendments in 2007 to strengthen international cooperation on this front. This law provides for a number of measures, including awareness-raising activities among the Japanese public.

The 2006 law also provides a window for addressing other human rights concerns which are now increasingly discussed in official circles. It provides for the possible adoption of measures to protect and support “North Korean Defectors”, including the Japanese spouses of Koreans who migrated to the DPRK, Korean residents from Japan who later settled in the DPRK but who now wish to come back to Japan, and DPRK nationals seeking asylum in Japan. In regard to the second group mentioned, it is interesting that while a number of them have DPRK nationality, others have increasingly opted for South Korean nationality in recent years. This invites cooperation across frontiers to promote humanitarian solutions.

Constructive implementation is exemplified by the fact that Japan is now affording protection to a number of persons in such categories. More facilities and processes to enable them to adapt to society are welcome, especially to enable their peers and local communities to

participate in the transition. An additional challenge is to explore creative ways of enabling those who have returned to Japan to reunite with the families left behind in the DPRK and/or in a transit country.

In addition, it is notable that in 2009, Japan ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

The Special Rapporteur also paid a site visit to Obama city, Fukui Prefecture – a location where some of the abductions had taken place. Agents of the DPRK had landed on the coast to perpetrate these crimes, and it was due to the Pyongyang Summit that two of the abductees were subsequently returned to Japan, to be joined later by their children. They have reintegrated well into society, with extensive support from local authorities and communities. However, another case which has emerged concerns two children abducted from the area under suspicious circumstances; this await and requires effective resolution and clarification from the DPRK.

**The following orientations are thus identified as key lessons learned from the visit of the Special Rapporteur:**

- 1. The DPRK should immediately follow-up the August 2008 agreement between Japan and the DPRK, without further delay and in a comprehensive manner.**
- 2. The DPRK should set a concrete time frame and take concrete actions in order to resolve the abductions issue as soon as possible, including ensuring the immediate return of Japanese and other abductees.**
- 3. The DPRK should abide strictly by UN resolutions on the country and commit fully to upholding international law and ensuring the responsibility of those who perpetrated the crime of abduction;**
- 4. The DPRK should cooperate constructively with UN mechanisms and procedures on human rights, including the Special Rapporteur, and respond efficaciously to their recommendations.**
- 5. The DPRK should become a party to the International Convention for the Protection of All Persons from Enforced Disappearance, and implement it effectively as a gateway to engage with the world community and to underscore the need to comply with the international Rule of Law.**