



# General Assembly

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## Human Rights Council

### Thirteenth session

Agenda item 2

### Annual report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General

## Written statement\* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2010]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

## **Government relations and special projects**

As non-governmental human-rights organizations, we are deeply interested in the Universal Periodic Review and are hopeful that it will produce substantive improvements in the human rights situations of countries around the world. We acknowledge and welcome the participation of the delegation of the Democratic People's Republic of Korea in the UPR process. We also note that the DPRK has expressed its approval of the UPR process, and accordingly expect the DPRK to take seriously the recommendations of other States.

In particular, the DPRK has been called upon by States to decriminalize all travel, both domestic and foreign, and to allow free movement within the country. Freedom of movement is a basic human right and in the case of North Korea is vital for its citizens' food security. The current practice of criminalizing non-authorized movement within North Korea as well as leaving the country is doubly punishing, as North Koreans face severe punishment for themselves and their families for unauthorized travel to find enough food to survive. We strongly urge the DPRK to decriminalize all travel and allow free movement immediately.

A number of States have urged the DPRK to ratify the Convention against Torture (CAT), among other international human-rights instruments. Numerous reports of torture, including sexual abuse, being committed by DPRK authorities continue to come out of North Korea. Torture is used on border crossers who have returned to North Korea, and on inmates of political prison camps. The DPRK must recognize that any use of torture, for any reason, is totally unacceptable and must cease. We urge the DPRK to ratify the CAT without delay, and to work sincerely toward the immediate implementation of its provisions.

States have also called for the DPRK to ratify the Convention on the Elimination of the Worst Forms of Child Labour, among other International Labor Organization conventions. We urge the DPRK to ratify this convention as soon as possible.

We urge the DPRK, along with several States, to grant immediate and full access to international humanitarian agencies including the World Food Program and the Special Rapporteur on the Right to Food, and to allow the unimpeded monitoring of aid distribution.

We also urge the DPRK to grant the International Committee of the Red Cross (ICRC) immediate, full, and genuine access to all detention facilities in the country, and allow the ICRC to examine conditions and to interview prisoners confidentially and without reprisals. The ICRC must be allowed access to such detention facilities at any time, in good faith, and without lead times allowing the facilities to be destroyed, emptied of prisoners, or otherwise tampered with.

There is currently no respect for the rule of law in the DPRK and little separation among the legislative, judicial, and executive branches. North Korean citizens are subject to arbitrary arrest and detention, to punishment by association, and to deplorable conditions in detention, including torture, sexual abuse, and a lack of the basic necessities of life. We, along with several States, call on the DPRK to provide legal professionals in the DPRK with training in international legal standards on fair trials and the rule of law, to apply those standards to all North Koreans, to ensure that all persons deprived of their liberty are treated humanely, and to allow regular and uninhibited access to detention facilities by the ICRC.

The DPRK has also been urged to address the problems of trafficking and violence against women, including by increasing public awareness campaigns. At present, North Korean women are vulnerable to being trafficked from within the DPRK by those promising work

across the border in China. Increasing public awareness would help to reduce the risk of women being trafficked from within North Korea, and we strongly encourage the DPRK to conduct a public education campaign to raise awareness about trafficking, in tandem with the abolishing of travel restrictions, to increase the safety of those crossing the border.

In addition to the above recommendations made by States at the 6th UPR Session which the DPRK pledged to examine before the current Human Rights Council Session, there were numerous serious recommendations rejected outright by the DPRK delegation.

The refusal of the DPRK to accept the reports of the Special Rapporteur on the situation of human rights in the DPRK or permit him to visit is a matter of continuing concern. The Special Rapporteur's role is to monitor and report impartially on the human rights situation in North Korea. The DPRK's belligerence toward the Special Rapporteur's role calls into question its sincerity and its willingness to be part of the international community. There is ample evidence that the most grave human rights violations are taking place in North Korea, and the DPRK's repeated claims that this is not the case are disingenuous. We strongly urge the DPRK to show its good faith toward the rest of the international community and allow the Special Rapporteur on the situation of human rights in the DPRK unimpeded access to the country, and to cooperate with him or her fully.

We also remain concerned about the DPRK's refusal to resolve the issue of the state abduction of foreign nationals, and its refusal to acknowledge responsibility for the majority of such abductions, including those from the Republic of Korea, Europe, and Macau. In the case of Japanese abductees, the DPRK has claimed that the remainder of those it acknowledges responsibility for have died, but it has failed to provide any satisfactory evidence for this, instead providing obviously falsified documents and ashes. In the case of the Republic of Korea, despite credible evidence and numerous eye witnesses on the abduction of 82,959 civilians during the Korean War, the DPRK has never admitted responsibility, and has not provided the whereabouts of the abductees. We urge the DPRK to work constructively with all the governments involved to resolve this issue by returning all abductees and remainders without delay.

We are also gravely concerned about public and extrajudicial executions in the DPRK. There are documented cases of public executions taking place without any form of independent or fair trial, with a cursory show "trial" taking place moments before the execution, and being conducted by the executioners. In addition, public executions are used in North Korea as a means of frightening the general population. Moreover, children are often present. We urge the DPRK in the strongest terms possible to cease immediately all public and extrajudicial executions. We also urge the DPRK to put an immediate moratorium on the death penalty, with a view to its eventual abolition.

With its participation in the Universal Periodic Review, the Democratic People's Republic of Korea has given some indication that it wants to be regarded as a full member of the international community. We welcome that impulse and are hopeful that it is indicative of positive changes to come. However, the DPRK continues to perpetuate the grossest human rights violations imaginable and then to deny that such violations occur. North Korea has a history of participating in international mechanisms on a superficial level, and of failing to show good faith in negotiations with the international community. We urge the DPRK once more to acknowledge the human-rights issues that exist in North Korea and to act without delay in resolving them, in order that North Koreans may fully enjoy the rights to which they are entitled.