Statement by Mr. Marzuki Darusman
SPECIAL RAPPORTEUR
ON THE SITUATION OF HUMAN RIGHTS
IN THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA

68th session of the General Assembly
Third Committee
Item # 69 b&c

29 October 2013
New York
Thank you **Mr. President**,  

**Excellencies, Distinguished Delegates, Ladies and Gentlemen,**  

I address this Assembly today in my capacity as the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea. Together with me are members of the commission of inquiry: the Chair, Justice Michael Kirby of Australia, and member Ms Sonja Biserko of Serbia. I serve as the third member of the commission.

This arrangement is in itself worth-noting. It represents a firmer approach the international community has now taken towards finding the truth, bringing justice and reconciliation, and improving human rights in the Korean Peninsula. And it is this Assembly that paved the way for this concerted approach when it, for the first time ever, adopted a resolution on human rights in the Democratic People’s Republic of Korea without a vote last December.

Encouraged by this multilateral breakthrough, a comprehensive review of some 60 relevant United Nations reports and resolutions was undertaken in my report to the Human Rights Council this year. The report identified nine patterns of violations, documented the government’s persistent refusal to cooperate with me or my predecessor, and presented the case for an inquiry mechanism to be set up.

In response, and also echoing the calls by the High Commissioner for Human Rights and civil society, the Human Rights Council, without resorting to a vote, decided to establish a commission of inquiry. This reinforced the unanimous stance taken by this Assembly last year and sent an unequivocal message to the North Korean leadership: Gross human rights violations cannot continue with impunity.

It must be stressed that, while highly significant, these developments are not an end but the beginning of a much needed and determined approach towards improving human rights for the tens of millions in the country. In this context, it is critical for this Assembly to maintain its support for resolutions concerning human rights in the Democratic People’s Republic of Korea. In particular, the international community must insist on the full cooperation of the government, ensure the support of neighbouring countries, and demonstrate its determination to follow up on the outcome of the inquiry. In particular, all countries where escapees from the
Democratic People’s Republic of Korea are seeking refuge or transiting must protect them, treat them humanely and abstain from returning them.

Mr. President,

This brings us to the main observations on the latest developments and recommendations, as contained in the Special Rapporteur’s report to the General Assembly this year.

The refoulement of asylum seekers and escapees from the Democratic People’s Republic of Korea remains a pressing issue. For example, in late May, nine escapees, mostly children and reportedly all orphans, were repatriated from the Lao People’s Democratic Republic via China to the Democratic People’s Republic of Korea. The international law principle of non-refoulement, that is, the obligation not to return asylum seekers or refugees to a place where their life or liberty would be at great risk, clearly applies to North Koreans who have left the country without permission. It applies to those who flee the country owing to persecution as well as to those who leave for economic reasons and freedom.

Relatedly, there is a notable decrease in the number of escapees who managed to reach the Republic of Korea during the current reporting period. According to publicly available figures, a total of 2,706 escapees arrived in the Republic of Korea in 2011; the number dropped to 1,509 in 2012. In the first nine months of this year, the number fell further to 1041. This represents a reversal of the trend of steady increase in the number of annual arrivals since 1998, possibly due to recently tightened border control and increased incidents of refoulement.

Excellencies and distinguished Delegates,

The Government of the Democratic People’s Republic of Korea has continued to pursue a belligerent military policy. Meanwhile, the majority of the people’s right to food is being denied. Recurrently in any given year over the past decades, millions are put at risk of serious shortages of food that border on mass famine, and in some years resulting in large scale human suffering. It is crucial that the government rethinks its approach to the “military first” policy in order to reallocate enough resources to improve the living standard of the people. The Secretary-General, in his report to the General Assembly this year, has expressed serious
concern at the funding shortfalls facing the United Nations agencies in carrying out their programmes in the Democratic People’s Republic of Korea, which provide critical assistance to the government in safeguarding and promoting food security, nutritional status and the general health of its citizens. In this context, I wish to highlight that members of the international community have both a joint and individual responsibility to provide humanitarian assistance in times of emergency. Food should never be used as an instrument of political and economic pressure.

Overall, there has been no improvement in the dire situation of human right in the country since my last report. I continue to receive reports of arbitrary detention, torture and inhumane treatment in prison camps, and enforced disappearances. The issue of abduction of foreign nationals remains unresolved. I am also concerned about heightened social control through rights-restrictive and criminalization legislation, which in turn exacerbates the abuse of power by local officials and law enforcement agents. Human rights groups have documented the widespread use of arbitrary arrests and detention by corrupt officials to extort bribes in the recent crackdown on economic “crimes”, such as engaging in private trading activities and possessing DVDs and CDs of dramatic and music productions from abroad.

Discrimination has a crossing-cutting impact on the all the human rights issues addressed in my report. It often leads to multiple forms of discrimination against women, children, people living with disabilities, returnees, and those considered hostile to the regime. I urge the government to halt all discrimination and ratify the Convention on the Rights of Persons with Disabilities it signed recently.

**Ladies and Gentlemen,**

For any United Nations human rights mechanisms to be truly effective, the backing of the international community is critical. Human rights, peace and security, and development must be pursued simultaneously if we want to achieve and sustain any. I trust that no one here needs to be convinced further. Not after many lessons, recent or distant, in all regions of the world, realities have taught us that a narrow focus could simply point the wrong way.

This Assembly, in its last session, started off a firmer and more concerted approach towards improving human rights in the Democratic People’s Republic of Korea. The people in the country and beyond, some of their horrifying testimonies you
have heard today from the oral update by the Chair of the Commission of Inquiry, count on your determination to make real and just changes in their lives.

Thank you.