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### **IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 60/251 OF 15 MARCH 2006 ENTITLED “HUMAN RIGHTS COUNCIL”**

**Written statement\* submitted by the People’s Solidarity for Participatory Democracy  
(PSPD), 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.

[20 March 2007]

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

**A Statement from Human Rights and Social Organizations in the Republic of Korea regarding the Report of Vitit Muntarbhorn, the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea<sup>1</sup>**

We, the human rights and peace organizations in the Republic of Korea, consider that the issues of human rights in DPRK are closely related to the peace on the Korean peninsula as well as the human rights issues, occurring under the current state in the division of the Korean peninsula. Thus we, as a concerned actor in these issues, would like to present the following opinions.

***Opinions regarding the Special Rapporteur's activities on the situation of human rights in DPRK***

We support the UN's role of defending human rights in the international community. However, we have the following concerns regarding the activities of Vitit Muntarbhorn, the Special Rapporteur on the situation of human rights in DPRK under the UN guidance.

Vitit Muntarbhorn, the Special Rapporteur on the situation of human rights in DPRK had to present the report that had not been verified due to DPRK's refusal of his visit to assess its human rights situation. The DPRK, as a UN member state with the responsibility to actively participate in the UN's human rights work, needs to explain its position in this matter to the international community. Despite these limitations, the Special Rapporteur should have assured diverse actors' opinions to be reflected in the report through various methods. However, the report provides only the biased opinions, thus not only damaging the credibility of the report but also providing a reason for the DPRK to reject his reports already presented several times.

On the ground that the DPRK is not opposed to the UN's entire human rights regime, the UN should improve the human rights in the DPRK through mutual cooperation rather than the imposition of pressure, using disputable measures such as the resolution or the Special Rapporteur.

Regarding the human rights violations that could exist in the DPRK, the DPRK, itself, should be willing to improve the situation, and if necessary, approach this matter seriously with the cooperation of the international community. However, the double standards of the resolution and the Special Rapporteur system as well as the controversy of the partial subjectivity impede the serious approach to the improvement of the human rights situation.

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<sup>1</sup> Catholic Human Rights Committee, Civil Network for a Peaceful Korea, Dasan Human Rights Center, Democratic Legal Studies Association, Jeonbuk Solidarity for Peace and Human Rights, National Association of Professors for Democratic Society and Sarangbang Group for Human Rights also share the views expressed in this statement.

Following the concerned voice on the UN's double standards and over politicized systems of resolutions and of Special Rapporteurs, the Universal Periodic Review is evaluated as more fair. Through the Universal Periodic Review, we expect that a more justified UN human rights regime would be realized. Also, we believe that the current system of the Special Rapporteur by subjects should be continually maintained and developed.

***Opinions regarding the report of the Special Rapporteur on the situation of human rights in the DPRK***

As food security is a primary issue related to the right of survival and a humanitarian issue at the same time, the DPRK's independent efforts as well as the cooperation between the DPRK and the international community should be promoted actively. Even though the access of food for the vulnerable groups should be further improved, the unverified accusations, such as the exclusive usage of food for the military, would not help improve the people's rights to food in the DPRK.

Regarding the currently existing death penalty in the DPRK, the international community should demand the abolition of death penalty by asking the DPRK to sign the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) rather than blaming the DPRK for its method of execution. It is also worth mentioning that the human rights in correction facilities have deteriorated due to the aggravation of the rights to food and to medical care. Nonetheless, the authorities' awareness of human rights and the human rights friendly environment at the correction facilities certainly appear as the urgent tasks in protecting the inmates' human rights.

Since 2000 the reasons for the DPRK citizens to flee from their country has become diversified to include the unification with the already escaped family, the search for better lives, and escapes from criminal activities, in addition to the primary reason of food security. Seeing the characteristics and the size of escapes, the escapes has the primary characteristic of migrants rather than the secondary characteristic of refugees. Of course, the forced repatriation of the displaced people should stop, and even those who had escaped for economic reasons can be considered as refugees under the fear of punishment upon return. However, the profit driven brokers are violating the displaced people's human rights by imprisoning, assaulting and exploiting them. We would like to emphasize that the food security, the balanced improvement of the CPR and the ESCR and the overcoming of the system of division on the Korean peninsula are the fundamental solution to the problem of the displaced persons from the DPRK.

The DPRK has long been criticized on the restrictions of the freedoms of religion, peaceful assembly and association, on the access to information and movement. It is true that there is a gap between the DPRK's constitutional and legal rights and the actual implementations. The DPRK ought to review the laws and implementations surrounding the problems of human rights that had been raised from the past.

The content of II-F in the 2007 report brings us a grave concern in its reflection of the movement to apply a political approach to the human rights situation in the DPRK. The comments such as “the misdeeds of the authorities are tantamount to crimes against humanity” or “the individual criminal responsibility that may ensue from the commission of crimes against humanity,” suggesting possibilities of a military action or of a lawsuit against the chairman of the National Defense Commission of DPRK, appear very inappropriate.

Regrettably, the 2007 report fails to mention the system of division and of militaristic confrontation on the Korean peninsula as one of key points in understanding the human rights situation in the DPRK. It also fails to mention the efforts towards improving the inter-Korean relations and towards establishing peace on the Korean peninsula in their significance to the improvement of the human rights situation in the DPRK. The resolution of the hostile relations between the DPRK and the US and dismantling the system of division on the Korean peninsula are very important tasks in securing the right to peaceful survival in the Korean peninsula. Therefore, we are following the ongoing Six Party Talks very closely.

The US and the DPRK have remained in a military and diplomatic confrontation for more than 50 years. Under the inter-Korean military confrontation, two Koreas have strengthened their militaristic characters. Such development established a continual state of emergency not only in the US-DPRK relations but also on the Korean peninsula to aggravate human rights situations in the DPRK. Without accurately perceiving the influences of the hostile relationship between the US and the DPRK and the system of division of the Korean Peninsula, it would be impossible to rationally understand or fundamentally resolve the human rights situation in the DPRK.

In conclusion, this report holds limitations in effective persuasion, as it approaches the human rights issues in the DPRK, in which international matters function as important factors, by narrowing the focus of the human rights situation only within the nation and the responsibility of the authorities concerned.

***Requests of the human rights and social organizations of the Republic of Korea regarding the human rights issue in the DPRK***

We ensure the following principles in order to improve the human rights situation in the DPRK.

- I. The human rights issue in the DPRK does not only cover the domestic human rights issues in the DPRK but also includes the inter-Korean and the US-DPRK relations according to the perspective of the human rights in the Korean peninsula.

- II. In approaching the human rights issue in the DPRK, the right to peaceful survival on the Korean peninsula is essential to the promotion of all other rights.
- III. The approach of the mutual cooperation, rather than political pressure, to actually improve the human rights situation in the DPRK, is necessary.
- IV. The DPRK should also present a willingness and independent initiatives to improve its human rights situation, and seek the cooperation with other bodies in the international community.

Specifically, we request the following points to the international community.

- I. The institution of the Special Rapporteur by subjects as well as the technical cooperation between the DPRK and the office of the United Nations High Commissioner for Human rights should be activated to actually improve the human rights in the DPRK.
- II. The international community should increase the humanitarian assistance in order to advance the rights to food for the people in the DPRK and development assistance to construct the infrastructure of the human rights in the DPRK
- III. Under the principle of mutual respect, the world should not only seek to improve the human rights in the DPRK through the human rights dialogue but also explore the ways to improve the human rights situations in the entire international community.

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