

Update on the Situation of Human Rights in North Korea

Introduction

Professor Muntarbhorn focused his conversation on the general state of human rights in North Korea and on recent trends, reflected in his latest report presented before the United Nations General Assembly on October 22, 2009.

Professor Muntarbhorn is the United Nations Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea (DPRK). The role of the Special Rapporteur is to monitor and investigate human rights abuse. The Special Rapporteur reports to Geneva, to the General Assembly, and in some instances, directly to the Security Council. The Special Rapporteur works to inform and mobilize global networks to affect a positive outcome. The UN sets up the monitoring process through a mandate, and the role of the Special Rapporteur is to continuously engage with the country that opposes the UN

mandate. Professor Muntarbhorn engages with the government of the DPRK as well as other facets of civil society concerning while monitoring and reporting on the human rights situation.

Professor Muntarbhorn's final report to the General Assembly focused on the five F's: freedom from want, freedom from fear, freedom from discrimination, freedom from persecution, and freedom from exploitation.

Freedom from Want

Professor Muntarbhorn discussed the problem of food shortages. Since the mid 1990s, there were rampant malnutrition and other tragedies inflicted on the population, partly due to natural disasters and partly due to mismanagement by the ruling authorities. The current situation would require the UN Food Program to cover close to 6 million people in the

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DPRK, but only 1.4 million are receiving food aide. The shortage of international aide could be a reaction to the nuclear and missile tests carried out by the DPRK. Economic initiatives, particularly on the part of women, were severely curtailed in 2007-2008 when the governing authorities prohibited women under 40 years old from trading. The rationale was that if you take away the ability to earn income, then the population will be more dependent on the state. From banning the sales of rice, to closing general markets, the reach of the ruling authorities has continued to increase, to the detriment of the people living within the DPRK.

Freedom from Fear

The pervasive repression imposed by the authorities ensures that the people live in a state of continual fear and are pressed to inform on each other, said Professor Muntarbhorn. The State practices extensive surveillance over its people, and throughout the years, the authorities have bred a culture of mistrust, a policy of divide and rule that permeates families and communities. The 'fear' factor is most evident when a person does not belong to or does not share the ideology of the elite. The situation is aggravated by

the divisive practices adopted by the regime in controlling its population. Collective punishments are used against people-with whole families persecuted and sent into detention where a member falls out of favor with the authorities. Public executions continue to take place and these executions have been applied more particularly in recent years to those involved in human trafficking. Many punishments are unreasonable and abusive.

Freedoms associated with human rights and democracy, such as the freedom to choose one's government, freedom of association, freedom of expression, freedom of communication/information, privacy, and freedom of religion are all flouted on a daily basis by the nature and practices of the current regime.

Freedom from Discrimination

Given the very hierarchical system in the DPRK, those in the elite group live well, while the rest of the population suffers. The discrimination which results from such stratification can be seen through the plight of various groups, said Professor Muntarbhorn. Women

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constitute a large base of the population involved in the economic sector, particularly in commercial and informal activities. They have been particularly affected by the State's reassertion of control over its population in the economic sphere, such as prohibition against women under a certain age from trading and the closure of markets, with evident clashes between women traders and the authorities.

Additionally, Professor Muntarbhorn stated that in 2009, the DPRK's delegation appeared before the Committee on the Rights of the Child as part of its obligations under the Convention on the Rights of the Child. The report from the DPRK is decidedly thin on special protection measures for children in various difficulties, such as street children, child refugees, and children who have to face the criminal justice system. Another area of concern is linked with the reforms of the criminal law in 2007 having impact on children, namely, the introduction of 'public education' so as to rehabilitate those who have committed minor crimes.

Freedom from Persecution

The oppressive environment in the country, coupled with per-

secution of those who fall foul of the regime, has resulted in forced displacements of the people. Paradoxically since the outset, authorities have followed a policy of strict control over the movement of its citizens. Internally, travel permits are required if people wish to travel across the country. The food crisis during the mid 1990s and thereafter has led to increased migration of people in search of food and other necessities across the border. It is important to highlight the need for all persons in migration situations to be treated humanely in keeping with internationally recognized human rights. During the past year, the arrivals in neighboring countries have dwindled, and the scenario facing those who seek asylum has become more stringent due to these factors.

There are reports of more severe sanctions imposed on those who seek to leave the country and those who are forcibly returned to the country, despite possible indications of a more lenient attitude on the part of the authorities a couple of years ago. Instead of the previous practice of imposing fines on returnees, prison sentences are now being applied. The families of those left behind are now being targeted for pu-

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nishment as a collective deterrent measure.

Freedom of Exploitation

While many members of the population are in abject poverty and suffer prolonged deprivations linked to shortage of food and other necessities, the country itself is endowed with vast mineral resources controlled by the authorities. It is the exploitation of the ordinary people which has become the pernicious prerogative of the ruling elite. This is all the more ironic, since it is reported that the economy has improved slightly over the past year, an indication that more resources could be available to help the population. Thus, some national resources are available, but are misplaced and misspent, resulting in the exploitation of and detriment to the general population.

Conclusion/Recommendations

Professor Muntarhorn concluded his speech by describing several recommendations that the DPRK should take, including:

-Respond effectively to the freedom from want by ensuring effective provision of and

access to food and other basic necessities for those in need of assistance.

-End the punishment of those who seek asylum abroad and who are sent back to the country, and instruct officials clearly to avoid detention and inhumane treatment of such persons.

-Terminate public executions and abuses against the security of a person, and other violations of rights and freedoms, by means of law reforms and related implementation measures, clearer instructions to law enforcers to respect human rights, related capacity building and monitoring of their work to ensure accountability.

-Cooperate effectively to resolve the issue of foreigners abducted by the country and to address the other issues, including the consequences of the Korean war, which give rise to shackles of fear in the country.