



*Life Funds
for North
Korean
Refugees –
LFNKR*



www.hrw.org

November 19, 2009

Prime Minister Yukio Hatoyama
Public Relations Office
Cabinet Secretariat
1-6-1 Nagata-cho, Chiyoda-ku
Tokyo 100-8968, Japan

Re: Japanese Policy on North Korean Human Rights and Refugees

Dear Prime Minister Hatoyama:

We write to urge your new government to take a more active and leadership role on human rights issues concerning the Democratic People's Republic of Korea (North Korea) than previous governments.

We note that Japan has played an important role in raising international awareness about North Korea's human rights conditions, especially that of Japanese abduction victims. Japan has co-sponsored many United Nations General Assembly and Commission on Human Rights resolutions condemning human rights violations in North Korea. Japan was also a generous donor of food aid to North Korea during the famine in the 1990s and until the early 2000s.

Since North Korea's leader Kim Jong Il admitted in September 2002 that North Korean agents had abducted 13 Japanese citizens in the 1970s-1980s, Japan has made tremendous efforts to resolve the issue. As a result, Japan succeeded in bringing back five of its citizens and their family members. We commend the Japanese government's commitment and resolve to protect its own citizens who, as abductees, had been victims of severe human rights violations.

We urge your government to address the plight of North Koreans with the same urgency. For example, Japan's strong criticism of the human rights situation in North Korea has not in the past led Japan to accept North Korean refugees. Instead, Japan

has accepted only those with proven ties with Japan, such as living relatives.

We believe Japan can play a stronger and more proactive role in promoting and protecting the human rights situation in North Korea by raising human rights issues in future dialogues with North Korea, pressing China to protect and recognize North Korean refugees, accepting North Korean refugees who do not have ties to Japan, and continuing to accept former migrants to North Korea who return to Japan.

Strong Multilateral and Bilateral Diplomacy on Human Rights in North Korea

Human rights conditions in North Korea remain dire. There is no organized political opposition, independent labor unions, free media, functioning civil society, or religious freedom. Arbitrary arrest, detention, torture, inhuman and degrading treatment of detainees and lack of due process in the criminal justice system are serious and endemic violations. Repression of anyone perceived as potentially a critic of the existing order is so severe that there is not a single publicly known dissident or activist living in North Korea.

Japan should press North Korea to include human rights in the agenda in bilateral talks. In addition to the resolution of the fate of Japanese citizens, former citizens, former residents, their spouses and children living in North Korea, that agenda should include the following key issues.

- An immediate and permanent ban of public executions and taking steps to abolish the death penalty. North Korea routinely executes people for stealing state property, hoarding food, and other "anti-socialist" crimes, often in the presence of children.
- Cooperation with the UN human rights bodies, and opening the country to visits by UN Special Rapporteurs and technical assistance from the Office of High Commissioner for Human Rights. Of high priority should be facilitating inspection of all types of detention facilities by United Nations or other independent international experts and implementation of recommendations from such trips.
- Ending the punishment of North Koreans who return home, either voluntarily or forcibly, after leaving the country without state permission.
- Granting exit visas to prisoners of war, South Korean and Japanese abductees and their families who wish to leave North Korea for Japan or other countries. The International Red Cross should independently assess each individual's wishes without the presence of other North Koreans during the interviews.

Food Aid

Although the country recovered from the 1990s famine that killed millions, North Korea still suffers from widespread hunger. In September 2009, the World Food Programme reported that a third of North Korean women and children are malnourished and the country will need to import or receive aid of almost 1.8 million tons of food to feed the most vulnerable population.

We believe humanitarian aid should continue and never be used as a political tool. We also believe it is crucial to monitor the distribution of such aid. Humanitarian aid should reach the most vulnerable, including young children, the elderly, the disabled, and pregnant and nursing women. Donors should make sure that aid is reaching the intended recipients.

The deterioration of the state rationing system as food has become more of a market commodity has made food too expensive for many North Koreans to access in sufficient quantities. Market “trickle down” effects do not ensure that those on the bottom of the economic ladder receive sufficient food. For this reason, we believe that Japan should urge the North Korean government to:

- Accept proper monitoring of food aid distribution consistent with international standards of transparency and accountability. These standards include access around the country to determine needs and the ability to make visits to places where food aid is delivered.

Refugees

The plight of North Korean refugees is relatively well known both in Japan and internationally. Hundreds of thousands of North Koreans crossed the border to China since a famine hit the country in the mid-1990s. Although the number of such people decreased significantly, border crossings to avoid wide-spread hunger and earn income continue to date. China has an obligation to protect and shelter them as refugees, but periodically arrests and repatriates them instead. Those who are forcibly returned face grave human rights abuses, including detention, inhuman treatment, torture, imprisonment in labor and the so-called political prison camps, and even execution.

North Korean refugees who arrive at Japan’s borders, embassies or consulates should have their claims for asylum assessed under the provisions of the 1951 Refugees Convention and the 1967 Protocol. Furthermore, under Japan’s 2006 North Korea Abduction and Human Rights Act, Japan should introduce policies to provide protection and assistance to refugees from North Korea.

We recommend that Japan:

- Press North Korea to abolish penalties on North Koreans who leave the country without official permission, halting their punishment in practice, and enabling international monitoring of those who are repatriated or voluntarily return. The persecution of persons for leaving North Korea creates thousands of refugees *sur place* every year, and deepens regional instability and tension with North Korea's neighbors.
- Press China to stop arresting and repatriating North Korean refugees, and to fulfill its obligations to shelter and protect them under the 1951 Refugee Convention. Press China to allow the United Nations High Commissioner for Refugees access to North Koreans to determine their status, and assist with their safe and speedy settlement in China or transit to a third country.
- Approach other governments in the region, particularly China, to ensure that all North Korean refugees who seek refuge at Japanese diplomatic facilities receive prompt assistance to be safely transferred to their desired destination, including Japan.
- Send clear instructions to all Japanese diplomatic facilities on the principle of receiving and sheltering North Korean refugees and assisting with their transit.
- Establish a well-defined process of admitting, identifying and settling refugees from North Korea that takes Japan's security concerns into consideration with coordinated action among local immigration bureaus, Japan Coast Guard, and local police so that the returnees do not have to depend on their relatives living in Japan to identify them.

Mass migration from Japan to North Korea

Abysmal human rights conditions in North Korea have affected many Japanese citizens, former citizens, former residents, their spouses and children for decades, a fact not widely known outside Japan. More than 93,300 people migrated from Japan to North Korea from 1959 to 1984 under an agreement between the Red Cross Societies of both countries. Migrants included ethnic Koreans brought by force as slave laborers to Japan in 1910-1945, their descendents who were born and lived their entire lives in Japan, and some 6,000 people including ethnic Japanese married to ethnic Koreans and their children.

According to North Korean escapees, including those who migrated from Japan to North Korea, the North Korean government eventually sent not a small number of these people to labor camps, where many died of hunger, lack of medical care and

physical abuse. Even those who avoided labor camps were often forced to start their new lives in North Korea with few financial resources, as they were forced to donate most of their belongings to the state.

Many, if not all of those who migrated, moved without knowledge of the repressive policies and poor conditions in North Korea. Within a few years of the initial push in 1959 by pro-North Korea groups to encourage migration, the Japanese government was aware of the hardships the migrants from Japan faced, and had ample opportunities to inform and warn people over the next two decades of migration. Yet it failed to do so.

To date, the Japanese government has paid relatively little attention to the plight of not only former Japanese residents of Korean descent but also their spouses of Japanese nationality (mostly women) and their children who migrated to North Korea, especially compared to its focus on abduction victims. Many of these migrants are unlikely to have survived, because of old age, illnesses, imprisonment or the famine in the 1990s. However, some may be still living in desperate need of assistance.

The Japanese government has a moral and humanitarian responsibility for this population. We urge you to take strong measures to address this problem, including building a comprehensive database on the identity of this population and vigorously negotiating with North Korea to locate these individuals and enable them to freely contact their families and relatives in Japan. Once such a database is completed, Japan should directly negotiate with North Korea regular reunion meetings between long-separated families and relatives.

The Japanese government requires the North Korean escapees to be identified by their relatives in Japan but there have been cases where the relatives in Japan belonging to a pro-North Korea group refused to help identify them. North Korea considers leaving without official permission as an act of criminal offense, and those loyal to the North Korean government would shun the escapees as traitors. Japan should explicitly state all Japanese citizens, former citizens, former residents, their spouses and children including those who were born in North Korea can restore or gain citizenship, permanent resident status or refugee status, without having to rely on their relatives to identify them.

We recommend that Japan:

- Build a comprehensive database of Japanese citizens, former citizens, former residents, their spouses and children who migrated from Japan to North Korea in 1959-1984.
- Accept the return to Japan of all Japanese citizens, former citizens, former

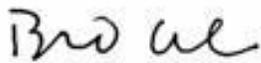
residents, their spouses and children, and restore to them citizenship or permanent resident status, or grant them refugee status.

- Negotiate with North Korea to locate these migrants and enable them to contact their families and relatives in Japan and hold regular family reunion meetings.
- Offer those who returned from North Korea to Japan and North Korean refugees who settle in Japan language classes, job training and healthcare services, as needed. Alternately, create a fund for NGOs to offer them such services.

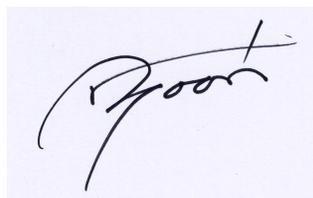
We are fully aware that improving human rights conditions in a country such as North Korea is a daunting task. But Japan has a chance to contribute to alleviating the suffering of Japanese citizens, former residents, their families, refugees and North Korean citizens in general and in increasing pressure on North Korea to improve its human rights record. We believe it is crucial that the new Japanese government take a leadership role in this difficult task.

We would be happy to discuss these matters further with you.

Sincerely,



Brad Adams
Asia Director
Human Rights Watch



Benjamin Hyun Yoon
Representative
Citizens' Alliance for North Korean Human Rights



Hiroshi Kato
Executive Director
Life Funds for North Korean Refugees

Kotaro Miura

Kotarou Miura
Secretary General
The Society to Help Returnees to North Korea

CC

Foreign Minister Katsuya Okada
Ministry of Foreign Affairs
Kasumigaseki 2-2-1, Chiyoda-ku
Tokyo 100-8919, Japan

Mr. Masahiro Tauchi
Director-General of the Immigration Bureau
Ministry of Justice
Kasumigaseki 1-1-1, Chiyoda-ku
Tokyo 100-8977, Japan

Commandant Hisayasu Suzuki
Japan Coast Guard
Kasumigaseki 2-1-3, Chiyoda-ku
Tokyo 100-8918, Japan