



# Security Council

Seventieth year

Provisional

## 7575<sup>th</sup> meeting

Thursday, 10 December 2015, 2.30 p.m.

New York

*President:* Ms. Power . . . . . (United States of America)

*Members:*

Angola . . . . .	Mr. Gimoliega
Chad . . . . .	Mr. Gombo
Chile . . . . .	Mr. Barros Melet
China . . . . .	Mr. Wang Min
France . . . . .	Mr. Lamek
Jordan . . . . .	Mrs. Kawar
Lithuania . . . . .	Mr. Baublys
Malaysia . . . . .	Mr. Ibrahim
New Zealand . . . . .	Mrs. Schwalger
Nigeria . . . . .	Mr. Sarki
Russian Federation . . . . .	Mr. Zagaynov
Spain . . . . .	Mr. Oyarzun Marchesi
United Kingdom of Great Britain and Northern Ireland . .	Mr. Wilson
Venezuela (Bolivarian Republic of) . . . . .	Mr. Ramírez Carreño

## Agenda

The situation in the Democratic People's Republic of Korea

Letter dated 3 December 2015 from the representatives of Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the President of the Security Council (S/2015/931)

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*The meeting was called to order at 2.40 p.m.*

### **Adoption of the agenda**

**The President:** I shall now give the floor to those members of the Council who wish to make statements.

**Mr. Wang Min (China)** (*spoke in Chinese*): China is always opposed to intervention by the Council on issues concerning the human rights situation in any country. The Charter of the United Nations clearly lays out the functions and division of labour among the major organs of the United Nations, which should discharge their respective responsibilities and refrain from encroaching on the functions of others.

As bearer of the primary responsibility for maintaining international peace and security, the Council should devote itself to addressing threats to international peace and security. It is not the venue for addressing issues of human rights, and the human rights situation in the Democratic People's Republic of Korea does not constitute a threat to international peace and security. China is against allowing the Council to deliberate on the human rights situation in the Democratic People's Republic of Korea. We request that a vote be held on the provisional agenda of today's meeting.

**The President:** I shall now make a statement in my capacity as the representative of the United States.

In December 2014, under Australia's critically important leadership, the Security Council held its first meeting on the situation in the Democratic People's Republic of Korea (see S/PV.7353), focused on the widespread and systematic human rights violations documented in the comprehensive report of the United Nations Human Rights Council's commission of inquiry (A/HRC/25/63). Accordingly, the situation in the Democratic People's Republic of Korea is now an item on the Security Council's seizure list.

Given that the Democratic People's Republic of Korea continues to carry out widespread and systematic human rights violations, inflicting immeasurable suffering on the North Korean people, and given the ongoing threat posed by the Democratic People's Republic of Korea to international peace and security, the reasons for the Council to meet on the situation in the Democratic People's Republic of Korea persist. For as long as the situation in the Democratic People's Republic of Korea remains unchanged, the Council

should continue to hear briefings about and engage in debates on the human rights situation in the Democratic People's Republic of Korea, in this Chamber. We therefore support the adoption of the agenda.

I now resume my functions as President of the Council.

I wish to draw the attention of members to document S/2015/931, which contains a letter dated 3 December 2015 from the representatives of Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America addressed to the President of the Security Council.

In view of the request contained in document S/2015/931 and the comments made by the representative of China, and the comments I made in my national capacity, I propose to put the provisional agenda to the vote. Accordingly, I shall put it to the vote now.

*A vote was taken by show of hands.*

*In favour:*

Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

*Against:*

Angola, China, Russian Federation, Venezuela (Bolivarian Republic of)

*Abstaining:*

Chad, Nigeria

**The President:** There were 9 votes in favour, 4 votes against and 2 abstentions. The provisional agenda has been adopted.

### **The situation in the Democratic People's Republic of Korea**

**Letter dated 3 December 2015 from the representatives of Chile, France, Jordan, Lithuania, Malaysia, New Zealand, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the President of the Security Council (S/2015/931)**

**The President:** Since the provisional agenda was adopted, I shall suspend this meeting and we shall resume, after a brief recess, to continue consideration of the agenda item.

*The meeting was suspended at 2.45 p.m. and resumed at 2.50 p.m.*

**The President:** In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representatives of Japan and the Republic of Korea to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite the following briefers to participate in this meeting: Mr. Jeffrey Feltman, Under-Secretary-General for Political Affairs, and Mr. Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Mr. Feltman.

**Mr. Feltman:** I thank you, Madam, for the opportunity to brief the Security Council on the situation in the Democratic People's Republic of Korea.

One year ago, on 22 December 2014, the Security Council extended its debate on the Democratic People's Republic of Korea beyond nuclear concerns to include human rights. It is fitting that we meet today, Human Rights Day, commemorating the day on which, in 1948, the General Assembly adopted the Universal Declaration of Human Rights.

On 19 November, the Third Committee adopted, by a recorded vote of 112 votes in favour, the draft resolution on the situation of human rights in the Democratic People's Republic of Korea. The General Assembly is due to formally adopt the draft resolution later this month. As is well known, the commission of inquiry concluded that

“the gravity, scale and nature of these violations reveal a State that does not have any parallel in the contemporary world” (*A/HRC/25/63, para. 80*).

Efforts to engage the Government of the Democratic People's Republic of Korea to improve the human rights situation in the country must go hand in hand with efforts to hold perpetrators of crimes accountable.

In keeping with its obligations under international law, the Democratic People's Republic of Korea has a responsibility to protect its population from the most serious international crimes. And the international community has a collective responsibility to protect the population of the Democratic People's Republic

of Korea and to consider the wider implications of the reported grave human rights situation for the stability of the region.

The international community has yet to find and agree on an effective way to address the serious human rights concerns raised by the report of the commission of inquiry, and how to bring about positive and lasting change for the North Korean people. Particular challenges have been posed on how to balance calls for accountability and focus on security matters, and the need for engagement and dialogue.

Despite different perspectives on this matter, discussion of human rights concerns by Member States, including in the Council, allows for a more comprehensive assessment and action when addressing security and stability concerns in the Korean peninsula. History has shown that serious violations of human rights often serve as warning signs of instability and conflict, especially in the absence of accountability for such violations.

The Democratic People's Republic of Korea has on multiple occasions made clear its objection to the General Assembly resolution on the human rights situation in the country. Unlike in 2014, however, the Democratic People's Republic of Korea has refrained from raising the possibility of conducting a fourth nuclear test in its statements rejecting the resolution.

We are concerned by the report that the Democratic People's Republic of Korea conducted a further submarine-launched ballistic missile test on 28 November. The Security Council has repeatedly demanded, through relevant resolutions, that further launches using ballistic missiles be ceased and obligations be met for verifiable denuclearization. Although each challenge has different contexts, the Joint Comprehensive Plan of Action with Iran shows that diplomacy can work to address non-proliferation challenges. There is strong international consensus on the need to work for peace, stability and denuclearization on the Korean peninsula. To achieve this goal, dialogue is the way forward. Meaningful dialogue must be revitalized and conducted in a sincere manner.

Over the past two years, the consistent efforts of the humanitarian community to engage and the commitment on the part of the Government to improving its disaster-management capacity have resulted in concrete progress in improving overall relations between the United Nations and the Democratic People's Republic of Korea.

The Government's increasing openness to carrying out joint assessments with United Nations agencies and non-governmental organizations has facilitated access and data collection, ensuring that assistance reaches those in need. Continued engagement is key to maintaining this momentum.

The engagement between the authorities of the Democratic People's Republic of Korea and the United Nations in the preparation of the 2016 needs and priorities document is welcome. The document will provide an overview of the urgent humanitarian priorities in the country and will call on Member States to support the activities of the humanitarian community in this regard.

International assistance plays a critical role in safeguarding the lives of millions in the country. Humanitarian funding to the Democratic People's Republic of Korea has, however, steadily declined during the past decade, from \$183 million in 2003 to less than \$50 million in 2014. Lack of timely, predictable and sufficient funding is crippling humanitarian agencies' ability to respond effectively to the affected communities. The United Nations urges Member States to increase humanitarian assistance to those in need in the Democratic People's Republic of Korea.

The new 2030 Sustainable Development Agenda (General Assembly resolution 70/1) is a promise by leaders to all people everywhere. As we move to implement the 2030 Agenda and achieve the Sustainable Development Goals, the principle of leaving no one behind is a challenge that every nation must address. The United Nations country team is in discussion with the Government on a new strategic framework, starting in 2017, that would cover both humanitarian assistance and development support for the coming five years.

This year marks the seventieth anniversary of the founding of the United Nations, as well as the division of the Korean peninsula. Inter-Korean relations have remained deadlocked for far too long. The United Nations therefore warmly welcomes the holding of family reunions between the Democratic People's Republic of Korea and the Republic of Korea from 20 to 26 October at Mount Kumgang. Humanitarian measures such as the reunions of separated families should be regularized and not subject to political and security considerations.

The Secretary-General is encouraged by the positive trends related to inter-Korean relations, particularly

the August agreement, and plans for inter-Korean talks on 11 December. He hopes that the recent momentum will pave the way for greater inter-Korean dialogue, people-to-people contact, reconciliation and cooperation. He further hopes that more dialogue and exchanges will contribute to the promotion of human rights, and peace and stability on the Korean peninsula.

For the second time, Foreign Minister Ri Su Yong of the Democratic People's Republic of Korea attended the General Assembly debate in September 2015 (see A/70/PV.24) and met with the Secretary-General, confirming the commitment of his country to sustaining and continuing the dialogue with the United Nations. The Secretary-General has often stated his willingness to play a constructive role if there was an opportunity, including through a visit to the Democratic People's Republic of Korea, in an effort to promote inter-Korean peace and reconciliation.

The Democratic People's Republic of Korea has extended invitations to the High Commissioner for Human Rights, for the first time in history, and the European Union Special Representative for Human Rights to visit. While the Democratic People's Republic of Korea continues not to recognize the mandate of the Special Rapporteur or the Seoul Office of the High Commissioner for Human Rights, the invitations are positive signals that the Democratic People's Republic of Korea may become more substantively engaged with the United Nations human rights system.

It is worth noting that several members of the Council have previously made it known that they stand ready to adjust their positions in response to concrete steps that the Democratic People's Republic of Korea takes to improve human rights in the country. The international community's attention to the human rights situation in the Democratic People's Republic of Korea, including the discussion today, is an opportunity for that country's authorities and the international community to take concrete steps to improve human rights and the living conditions of the people of the Democratic People's Republic of Korea. I urge both the Government of the Democratic People's Republic of Korea and concerned Member States to begin taking these steps. The United Nations is committed to helping towards that end.

**The President:** I thank Mr. Feltman for his briefing.

I now give the floor to Mr. Al Hussein.



**Mr. Al Hussein:** I welcome this invitation of the Security Council to provide a briefing on the human rights situation in the Democratic People's Republic of Korea, where gross violations continue, the institutional nature and severity of which pose a threat to international peace and security. The abduction of foreign nationals, the enforced disappearances, the trafficking and continued movement of refugees and asylum-seekers make this point clearly. These, in addition to a litany of other gross human rights violations, have still not been halted or reversed by the Government of the Democratic People's Republic of Korea. Victims are still unable to find judicial redress, and there is still no accountability grounded in the work of an independent judiciary.

It is appropriate that today's discussion falls on Human Rights Day, which this year focuses on "our rights, our freedoms, always". Millions of people in the Democratic People's Republic of Korea continue to be denied their basic rights and freedoms. They are not allowed to move freely within and outside their country or to speak out about injustices. They are not allowed to follow their faith. They are denied access to information not sanctioned by the regime and the right to form organizations that can, in any way, be seen to be critical of the Government.

The independent international commission of inquiry established by the Human Rights Council described in graphic detail the appalling nature of the Democratic People's Republic of Korea's political prison-camp system, where people, including children, have been deliberately starved, made to carry out forced labour, subjected to extrajudicial killings and summary executions, tortured and raped. The commission of inquiry stated that hundreds of thousands of people have died in these camps over several decades and that they are still believed to contain between 80,000 and 120,000 prisoners.

Over the past year, my Office began implementing the recommendations of the commission of inquiry, which concluded that "the gravity, scale and nature of [the human rights] violations reveal a State that does not have any parallel in the contemporary world" (A/HRC/25/63, para.80) and stated unequivocally that a wide range of crimes against humanity had been committed. Their recommendations included the establishment of a presence by the Office of the United Nations High Commissioner for Human Rights (OHCHR); I inaugurated that Office in Seoul in June,

and it is now fully operational, in accordance with its mandate. The Office has begun collecting testimonies from individuals who have left the Democratic People's Republic of Korea, documenting developments in the human rights situation and deepening the evidentiary basis for the accountability that surely is owed to the victims and deserved by the alleged perpetrators.

During my visit, I met with a number of defectors, men and women, and their personal experiences were indeed extraordinarily harrowing. I must also mention my concern over the threats issued by the Democratic People's Republic of Korea authorities and media against the OHCHR Office in Seoul when it was first established. I reiterate that it is wholly unacceptable for a Member State to issue threats like that against a United Nations office and its staff, and I hope it will not reoccur.

Three types of allegations have emerged from OHCHR's recent monitoring and documentation efforts.

First, victims and witnesses have spoken of the severe treatment of detainees in political prison camps and in other detention locations, especially at the early stages of criminal proceedings. Detainees have no access to independent lawyers and, we have been told, endure inhuman detention conditions, as well as torture during interrogation, adding weight to the findings of the commission of inquiry.

Secondly, food insecurity is an ongoing concern. While food availability may have improved relative to past periods of massive starvation, the systemic failure of the public distribution system has not been addressed. Given the social inequalities within the Democratic People's Republic of Korea, the vulnerability of those lacking adequate cash income remains worrisome.

Thirdly, as in many other countries, women in the Democratic People's Republic of Korea are subject to gender-based violence and discrimination. Their suffering appears to be exacerbated by a lack of awareness that such violence is unacceptable and by the absence of appropriate support mechanisms. Recent restrictions on movement across the border with China, often used by women engaging in private trade, are also said to have had a strong negative impact on women, restricting their ability to provide for their families, increasing vulnerability to trafficking for those seeking to leave, and augmenting the risk of detention and ill-treatment for those who try to cross the border or are repatriated.

The family reunions that took place in October were a welcome development, and such reunions should be regularized. Today, on the occasion of Human Rights Day, my Office in Seoul is organizing a workshop on the human rights implications of the separation of Korean families, which affects more than 130,000 individuals. Most have reached an advanced age and are longing to be reunited with their loved ones. The very few who were selected for previous reunions have to live with the psychological impact of a one-off meeting, with no possibility of maintaining contact. I hope that the commitment and collaboration shown by both sides through the most recent reunions will continue.

The matter of international abductions remains a cause for very grave concern. While the establishment of a special investigation committee in the Democratic People's Republic of Korea on this issue, following bilateral talks between Japan and the Democratic People's Republic of Korea in May 2014, was a positive development, no information has been provided since then on the results emanating from its work. Equally, the fate of hundreds of victims of abduction from the Republic of Korea must be established. On 21 September, OHCHR organized consultations on the situation of human rights in the Democratic People's Republic of Korea, including on the issue of international abductions, enforced disappearances and related matters. This was followed up by a visit to Japan by my Seoul team.

Once again this year, the General Assembly may well call on the Security Council to take action by referring the situation in the Democratic People's Republic of Korea to the International Criminal Court, which I believe to be essential, given the scale and extreme gravity of the allegations. Any call for accountability must, however, go hand in hand with an open dialogue with the Government of the Democratic People's Republic of Korea, encouraging it towards reform and urging it to accept assistance. My Office has continued to engage with the authorities on possible technical cooperation, with the goal of assisting them to address the prevailing human rights challenges and, ultimately, to trigger positive change in the lives of all people in the Democratic People's Republic of Korea.

There are signs that the Government is making some tentative efforts to engage in the international arena. In this context, I very much welcome the invitation extended to me by the Minister for Foreign Affairs of the Democratic People's Republic of Korea to visit the

country. My Office is now engaged with the authorities to explore modalities for a possible future visit.

The continuing violations and systemic failings simply heighten international anxieties over the possibility of a precipitous turn, an event of great centrifugal consequence that could rapidly engulf the region. As we have stated time and again, if the international community is serious about reducing tensions in the region, more must be done collectively to ensure respect for human rights in the Democratic People's Republic of Korea. Addressing the chronic human rights situations in that country is urgent and long overdue.

**The President:** I thank Mr. Al Hussein for his briefing.

I shall now give the floor to the members of the Security Council.

**Mr. Wilson (United Kingdom):** I thank Under-Secretary-General Feltman and High Commissioner Al Hussein for the sobering briefings that they have just given us. I agree with them that this debate is a sad but fitting way to mark international Human Rights Day. It has to be right that we focus on what is probably the worst human rights situation in the world.

As the recent report of the Special Rapporteur makes clear, the Democratic People's Republic of Korea remains an unnecessary and unending human rights tragedy. Today we have heard yet more horrifying accounts; we heard many times of summary executions, arbitrary detentions, abductions and disappearances, all this against a backdrop of secrecy and of fear. This is the work of a totalitarian State with no parallel anywhere elsewhere in the world today. It is a State that deliberately starves its people; it is a State that punishes relatives for the alleged crimes of their family; it is a State that instrumentalizes forced labour, prison camps, torture and rape. Such flagrant human rights violations cannot go unchallenged by the Council.

Let me be clear: we are not here today to score political points. We are here because a stream of factual reports concerning systematic human rights violations in a country cannot be ignored. The failure of States to respect the principles set out in the Universal Declaration of Human Rights should concern everyone in the Chamber. Without human rights, participatory Government and the rule of law, peace and security are at risk. That can be seen clearly through the focus of the Democratic People's Republic of Korea on military

and nuclear programmes at the expenses of its people's welfare, and through its prioritization of spending on weapons development and its nuclear programme at a time of mass starvation. We cannot consider either human rights or peace and security in isolation. And concern for the situation in the Democratic People's Republic of Korea goes far beyond the Council, as I think the audience here demonstrates today. Over 100 countries expressed their concern through the adoption last month by the Third Committee of a draft resolution on the subject. That was not a conspiracy, nor was it propaganda. It reflected a shared belief from all parts of the world that we all want North Koreans to have the human rights that we all want and demand for ourselves.

It has been nearly a year since we last met to discuss the Democratic People's Republic of Korea (see S/PV.7353). Given the absence of any tangible progress, many of us will be looking today and asking what more we can do to improve the human rights situation in the Democratic People's Republic of Korea. Yes, we can point to the opening of the Office of the United Nations High Commissioner for Human Rights in Seoul. That is a welcome move, sadly attacked, as aides have just reminded us, by the Democratic People's Republic of Korea itself. We can speak of our encouragement to the Democratic People's Republic of Korea that it engage in the Universal Periodic Review last year; that was a good thing. But nothing can mask the fact that the onus to change the situation on the ground rests with the Democratic People's Republic of Korea itself. It is in its power to improve the lives of its citizens in a meaningful way.

Pyongyang is likely to disregard, dispute and deny the facts that have just been set out to us in the Council. It has said that it does not have a human rights problem, that people are treated fairly and that there is accountability for all. The Democratic People's Republic of Korea has claimed that it is willing to host inward visits on that issue. Therefore, if the Democratic People's Republic of Korea really has nothing to hide, it should not fear transparency. We look forward to proper access for international observers, including the High Commissioner for Human Rights, to increase our understanding of the human rights situation in the Democratic People's Republic of Korea. We look forward to hearing from the Democratic People's Republic of Korea how it will implement the Universal Periodic Review recommendations that it has claimed to accept.

Until we see the Democratic People's Republic of Korea take steps to address the shocking crimes detailed in so many reports, the Council should bear witness to the shocking reality there. The Democratic People's Republic of Korea needs to know that the world is watching. If the Democratic People's Republic of Korea will not enable or ensure accountability, the international community must be ready to do so. The United Kingdom fully supports the call for the Council to consider how it can best ensure accountability, including through considering a referral to the International Criminal Court.

One bilateral reflection, this week marked the fifteenth year of diplomatic relations between the United Kingdom and the Democratic People's Republic of Korea. We have built links in education, culture and sport. We have done so because we firmly believe that persistent, patient dialogue is the best way to help the citizens of that country in the long term. We will continue to use that dialogue, as well as this forum, to stress the need for concrete action by the Democratic People's Republic of Korea to improve its human rights situation and ensure accountability. Until those steps are taken, until the authorities of the Democratic People's Republic of Korea treat their obligations to their people seriously, we have no option but to remain seized of the matter.

We grow increasingly concerned about stability and security on the Korean peninsula and what that means for all of us, most of all for the citizens of a country whose regime will allow them no voice in this debate at all and has been trying its level best to ensure that they do not hear it.

**Mr. Wang Min** (China) (*spoke in Chinese*): China has already expressed its position against discussion in the Security Council of the human rights situation in the Democratic People's Republic of Korea. China is always opposed to the Security Council's intervention in issues that concern a country's human rights. The Security Council is not the place to address human rights issues. More important, human rights issues should not be politicized.

Currently, the situation on the Korean peninsula remains complicated and delicate. Maintaining peace and stability on the peninsula, realizing the goal of de-nuclearization on the peninsula and resolving relevant issues through dialogue and consultation are in the common interests of all the relevant parties. China



calls on all such parties to bear in mind the big picture and to make greater efforts to de-escalate the tension on the peninsula so as to promote dialogue and mutual trust, rather than the contrary.

As a permanent member of the Security Council and the host country of the Six-Party Talks, China has for many years been actively promoting negotiation and dialogue for peace and has made unremitting efforts to maintain peace on the peninsula and achieve de-nuclearization. We hope that all parties will work with China to play a positive role in realizing the goals of de-nuclearization on the peninsula and safeguarding the common interests of all parties.

**Mr. Gimolieca** (Angola): We are meeting today at the request addressed to the President of the Security Council by nine separate Council Member States to discuss the human rights situation in the Democratic People's Republic of Korea.

On 22 December 2014, the Council decided to add to its agenda a new item, namely, the situation in the Democratic People's Republic of Korea, separate from the non-proliferation issue. At the time, we were not a member of the Security Council. Had we been, our vote would have been no, as it was today. Angola has been extending its full support and cooperation to the Security Council and to its Committee established pursuant to resolution 1718 (2006), concerning the Democratic People's Republic of Korea, with particular reference to the issue of nuclear proliferation by the Democratic People's Republic of Korea. Our position is based on our unwavering support for the nuclear non-proliferation regime and our conviction that nuclear proliferation on the Korean peninsula constitutes a threat to regional and international peace and security.

Concerning the human rights situation, however, it is our conviction that it does not constitute a threat to regional or international peace and security, and therefore falls outside the mandate of the Security Council, whose primary responsibility, conferred upon it by the Charter of the United Nations, is the maintenance of international peace and security. Moreover, the General Assembly is already dealing with the human rights situation in North Korea, and the Human Rights Council is the appropriate forum to discuss and deliberate on human rights issues. Our position is also dictated by our disapproval of the double-standards criteria that are so often applied by the Council. There are country situations where egregious human rights violations take place on a daily

basis, as well as countries that sponsor terrorism and promote conflict, without being subject to a word of condemnation by the Security Council.

**Mrs. Schwalger** (New Zealand): New Zealand believes that it is right for the Council to meet today to discuss the human rights situation in the Democratic People's Republic of Korea. The situation there demands our continuing attention because it remains a threat to regional peace and security.

Two years ago, the commission of inquiry on human rights in the Democratic Republic of Korea, established by the Human Rights Council, brought the gravity of the violations in that country to the attention of the global community. Violations were described as gross, systematic and widespread. The commission found that, in many cases, the Democratic People's Republic of Korea had committed crimes against humanity based on State policies. We see little evidence that the country's regime shows respect for international law, including international human rights law. Respect for the rule of law is intimately linked with international peace and security.

The Democratic People's Republic of Korea has engaged in an exercise of extreme militarization under its Songbun — "military first" — policy. That policy is predicated on the repression of North Korean citizens. The commission of inquiry estimated that the Democratic People's Republic of Korea devoted up to 25 per cent of its gross national product to defence spending. Even a minor redistribution of that amount would significantly alleviate suffering in the country.

This time last year, the Security Council added the question of the human rights situation in the Democratic People's Republic of Korea to its agenda. With no discernible improvement in the country over the year, it is appropriate for the Council to discuss the situation again.

I thank High Commissioner for Human Rights Al Hussein and Under-Secretary-General Feltman for their briefings. New Zealand is deeply concerned about the situation they have outlined.

According to the Special Rapporteur's report issued earlier this year (see A/70/362), 1,382 people were publicly executed between 2010 and 2014. Some of those victims were alleged to have done nothing more than challenge State policies or have their loyalty to the regime questioned. As we have heard today, the commission of inquiry estimated that prison camps hold



up to 120,000 political prisoners. There are violations of freedoms of thought, expression and movement.

New Zealand concurs that North Korea's threats of merciless punishment for the Office of the United Nations High Commissioner for Human Rights (OHCHR) in Seoul are completely unacceptable. The safety and security of United Nations staff must be respected. New Zealand shares the concerns of other Council members on reports of abductions, forced labour, refolement, human trafficking and much more.

New Zealand acknowledges certain positive developments over the past two years. Pyongyang has invited High Commissioner Al Hussein to visit and to follow up on his Office's interest in technical cooperation. There have been positive signs of improvement for persons with disabilities, including free medical care and specialized education.

Over 200 recommendations were made during the Democratic People's Republic of Korea's second Universal Periodic Review, with Pyongyang accepting close to half of them. We were pleased that the country accepted New Zealand's recommendation to work closely with humanitarian agencies to ensure their free and unimpeded access to all populations in need. Humanitarian assistance must be distributed transparently and reach the most vulnerable citizens.

We require a collective effort to ensure that the human rights situation genuinely improves. New Zealand makes the following three calls for action.

First, we call on the Democratic People's Republic of Korea to put an immediate end to human rights violations, deliver on the promises made in the Universal Periodic Review, sign, ratify and implement key human rights instruments, open the door for discussions on human rights and unconditional visits by the Special Rapporteur and the United Nations leadership, engage in the newly established contact group on human rights, in which the country is a welcome member, and resume the discussions with OHCHR on technical cooperation.

Secondly, we call on Member States to continue to engage the Democratic People's Republic of Korea on human rights, where possible. We need to do what we can at the human level to bring North Koreans out of their enforced isolation. At the same time, Member States should continue discussions on accountability.

Finally, we call on the Security Council to remain seized of the human rights situation in the Democratic

People's Republic of Korea. We should be ready to explore options to ensure that we are getting accurate information. The frequency of our meetings should correlate with the country's progress in addressing the situation.

In conclusion, I would like to reiterate the centrality of the Korean peninsula to the security of the Asia-Pacific region, of which New Zealand is a part. Addressing the militarization of the Democratic People's Republic of Korea, as it manifests itself in Pyongyang's nuclear programme and the treatment of its citizens, is a task to which the Security Council and the wider international community must remain committed. To that end, we welcome the inter-Korean dialogue scheduled for 11 December in Kaesong.

**Mr. Gombo** (Chad) (*spoke in French*): I would like to thank Mr. Jeffrey Feltman, Under-Secretary-General for Political Affairs, and Mr. Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, for their briefings.

It should be recalled that, in the same time period last year, the Security Council took up the question under consideration today following a report of the commission of inquiry on human rights in the Democratic People's Republic of Korea that reported massive human rights violations in the country. The report, which described some of those violations, including crimes against humanity, recommended that the international community and the Security Council take urgent action, including by referring the situation to the International Criminal Court, given the seriousness of the situation in the country, which was characterized by systematic, flagrant and widespread violations of human rights. According to the latest reports on the situation in the Democratic People's Republic of Korea in 2015, those violations persist. As in 2014, we express our deep concern with regard to allegations of serious violations of human rights in the country.

We abstained today, as we did last year, because the reports of serious violations are the result of investigations conducted outside the country and because the North Korean authorities categorically reject them. That is why we call for caution and emphasize the urgent need to conduct further investigations in order to determine unequivocally whether the alleged violations were actually committed, before assigning responsibility. Furthermore, the special interest that Council members bring to the issue of human rights violations in the Democratic People's Republic of Korea

should be extended to all similar situations around the world in order to avoid a double standard, which would imply that the issue is being used for political purposes.

We therefore urge the members of the Security Council to move beyond their political and ideological differences and to find agreement on the ways and means to create a suitable framework for cooperation between the Democratic People's Republic of Korea and the United Nations bodies responsible for investigating violations of human rights. Accordingly, we call on all States that can exert influence over the Democratic People's Republic of Korea to encourage the country to engage in a genuine dialogue with the international community and the countries of the region to facilitate the access of independent investigators to its territory.

**Mrs. Kawar** (Jordan) (*spoke in Arabic*): I thank the President for holding today's public meeting following the request of 9 members of the Security Council, including Jordan. I would like to thank the Under-Secretary-General for Political Affairs, Mr. Jeffrey Feltman, and the United High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, for their briefings on the situation in the Democratic People's Republic of Korea.

Jordan is deeply concerned about the gross violations that continue to be committed in North Korea in a systematic manner and on a wide scale, particularly against women and children. The violation of the right to food, the right to expression and the right to free movement, in addition to the forced disappearances and the inhumane treatment in detention camps, which are described in many United Nations reports, are all violations of human rights and of international humanitarian law and may be violations that constitute crimes against humanity.

The situation in North Korea — in its internal dimension with regard to human rights and in its international dimensions in view of the continued threat by North Korea to conduct nuclear tests, to develop ballistic missiles and to launch those missiles — represents a threat to international peace and security and has led to violations of the relevant Security Council resolutions and of the Charter of the United Nations. We call upon the Democratic People's Republic of Korea to allow the Special Rapporteur of the United Nations on the human rights situation in the Democratic People's Republic of Korea to visit the country. The Democratic People's Republic of Korea must engage constructively with the international

community on all issues related to human rights and comply with the relevant Security Council resolutions in that regard. At the same time, we would like to stress the need for the Security Council to work in a unified manner so as to put an end to such practices, which threaten peace and security on the Korean peninsula, and to take concrete measures to deal with the present situation.

**Mr. Ramírez Carreño** (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We welcome the presence of the United Nations High Commissioner for Human Rights, Mr. Zeid Ra'ad Al Hussein, and of the Under-Secretary-General for Political Affairs, Mr. Jeffrey Feltman. We thank them for their briefings.

The Bolivarian Republic of Venezuela notes with concern that, over the past few years, the Security Council has increasingly sought to deal with topics outside its specific mandate, which has to do with maintaining international peace and security. We reject that trend. Our country believes that the Security Council should focus on the specific mandate conferred upon it by the Charter of the United Nations, which sets out a strategic vision for a clear division of roles among the various organs of the Organization. In that way, there is an attempt de facto to alter the founding principles of the Charter and, by way of employing a double standard, to redefine what does and does not constitute a threat to international peace and security and the meaning of the principle of sovereignty, including by invoking Chapter VII of the Charter to deal with issues such as migrants.

The international community currently faces major and complex challenges that require attention and timely and concrete efforts on situations of conflict that have often been prolonged owing to the geopolitical and economic interests of certain Powers. In turn, that has had a negative impact on the effectiveness of the work of the Security Council and the credibility of this organ in the eyes of international public opinion. The issue of terrorism — and how it is promoted via geopolitical interests in the Middle East — and the Palestinian question should instead be among the top priorities for Council action.

The topic we are discussing today, the human rights situation in the Democratic People's Republic of Korea, does not contribute to the proper and effective functioning of the United Nations system. Meanwhile, the Security Council has been expanding its activities into areas that do not fall under its mandate. This forum

does not have the prerogative to address human rights situations. Issues related to human rights should be taken up by the General Assembly and by the Human Rights Council in Geneva, the latter body having been specifically established to debate such issues and endowed with the necessary competence to deal with them. We would therefore urge the Council to expand upon the progress that has been achieved since the establishment of the Human Rights Council and to prioritize the Universal Periodic Review mechanism as the most important cooperation format for addressing the issue of human rights. In that context, Venezuela supports the position of the Movement of Non-aligned Countries with regard to its rejection of addressing human rights issues for politically motivated ends and in a selective, partial, unobjective and politically motivated manner, with the goal of exerting pressure on specific countries under the pretext of protecting human rights, while at the same time often applying double standards for political and economic reasons.

The situation on the Korean peninsula continues to be delicate and complex. The adoption of measures that could affect the necessary climate of trust for the promotion of dialogue in order to guarantee peace and stability in the region will not effectively contribute to a sustainable, sound or genuinely democratic solution. At the same time, efforts to politicize human rights by singling out a particular country have shown themselves to be ineffective, as they serve only to fuel confrontation and undermine the express goals of the Organization and of this organ, namely, to use diplomacy to solve conflicts in a specific manner. Such measures only divert us from the path to peace and towards an artificial divide where there are good countries and bad ones. That in no way contributes to a climate of national harmony and dialogue in situations of great fragility, such as that on the Korean peninsula.

Furthermore, we welcome the fact that, last August, following intense negotiations, the Democratic People's Republic of Korea and the Republic of Korea reached an agreement aimed at easing tensions and resuming dialogue. The putting in place of a plan to resume negotiations between both countries in a sovereign and independent manner and with the constructive support of the international community is a positive indication of the commitment of the parties to find a negotiated political solution to the crisis, which we believe to be the only desirable way of achieving a firm and lasting peace. We therefore reiterate our appeal to Member States to effectively promote a climate of trust that

helps overcome tensions in a peaceful and constructive way and to embark upon a fruitful dialogue process.

In conclusion, we would like to reiterate that the Security Council should strictly comply with its responsibilities and focus on addressing matters that have a direct bearing on international peace and security. This debate is not being conducted in the appropriate forum — the Human Rights Council, which we support — and is outside the context of the situation on the Korean peninsula. As is the intention today, this meeting is being turned into a disruptive factor when it comes to the overall goal of stabilizing the Korean peninsula, reducing military tension and promoting and supporting the initiatives under way to work towards the priority goal of the denuclearization of the Korean peninsula through diplomatic initiatives and political negotiation. That is the path that we believe the parties should embrace in order to arrive at a definitive solution based on international law.

**Mr. Lamek (France)** (*spoke in French*): I would like to thank the Under-Secretary-General and the United Nations High Commissioner for Human Rights for their respective briefings. The information they presented is shocking and shows that the tragic situation of human rights in North Korea has not changed. We are talking about ongoing systematic violations and crimes of another era — arbitrary detention, forced labour, human trafficking and extrajudicial executions. While the existence of labour camps for prisoners of conscience is already in itself intolerable to the human conscience itself, we learn that torture is practised systematically in many of those camps. The mere exercise of the freedom of opinion and expression can lead to death, including for senior officials of a regime that is destroying itself. According to a report published on 8 September by the Special Rapporteur (see A/70/362), between 2010 and 2014, 1,382 people were executed publicly for the most questionable reasons and without the slightest respect for the most basic rules of due process.

As we celebrate Human Rights Day today, I am mindful of the direct victims of those violations and of their families — victims of forced disappearances, who live in the uncertainty of the fate of their relatives. The forced disappearances are innumerable in a territory that does not allow them to be counted. The victims also extend to citizens of other countries — dozens of Japanese nationals who were abducted, perhaps more. The North Korean authorities have acknowledged their responsibility for a certain number of the forced



disappearances. They must respond to the concerns of families and allow the return of the abducted persons. France lends its full support to the strategy of the Special Rapporteur and his international approach in that regard. France has also historically supported the initiative on the issue of forced disappearances. It is one of the countries at the origin of the International Convention for the Protection of All Persons from Enforced Disappearance, and it commends the work that has been done by the Working Group on Enforced or Involuntary Disappearances on the issue of forced disappearances that North Korea could be responsible for.

The violations in North Korea affect all individuals, first of all dissidents and human rights defenders, but also women, children and vulnerable groups. All those who have testified, in particular before the Human Rights Council's international commission of inquiry, describe the same terror by a regime that commits crimes as part of a State policy aimed at ensuring limitless control over an enslaved population, "trapped inside the country", to echo one of the headings of the report (see A/70/362).

As the you know, Mr. President, France is particularly committed to the fight against impunity. Beyond indignation, it is the only response that would enable justice and the rule of law to be restored. Those responsible for crimes committed in North Korea will be held accountable before the law. Some crimes committed and described by the commission of inquiry could, owing to their scope and severity, constitute crimes against humanity as defined by the Rome Statute of the International Criminal Court. In that regard, the recommendation by the international commission of inquiry in its report to refer the situation to the Court deserves the Council's full attention.

The Democratic People's Republic of Korea has ratified several international instruments, including the Convention on the Rights of the Child. It has accepted almost half of the recommendations that were made to it during the Universal Periodic Review to which it was subjected in 2014 in Geneva at the Human Rights Council. We must ensure that those commitments are effectively implemented. Until then, we must continue to document the violations and shed light on the crimes. That is why France commends the work of the commission of inquiry. By documenting the crimes, it is preparing the work for justice. France also hopes that the Office of the United Nations High Commissioner

for Human Rights in Seoul will play its full role. Any threats against it or its staff are unacceptable.

France welcomes the fact that, since the holding of the meeting on this subject under the Arria Formula and the first meeting in the Security Council a year ago (see S/PV.7353), the issue of human rights in North Korea has come up regularly on the international agenda, not only in the Human Rights Council and the General Assembly, but also now in the Security Council. The extent of the violations at the governmental scale, which does not have any parallel in the contemporary world, as the report says, is in itself a threat to international peace and security. A regime that places itself in a position of denial and entirely disregards the rule of law, including on the non-proliferation of weapons of mass destruction, and at the same time continues to develop nuclear and missile programmes, in flagrant violation of all our resolutions, must not be allowed to continue to act ruthlessly with impunity.

That is why it is important that the Security Council, seized with the situation, remain mobilized, so that that regime hears the voice of the international community, puts an end to its violations, releases its prisoners of conscience and all those who have been abducted, and makes a firm commitment to the path of openness and respect for the rights of its people. We will make sure of this, and we will not relent in our efforts.

**Mr. Baublys (Lithuania):** I thank Under-Secretary-General Jeffrey Feltman and United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein for their contributions to this debate.

Serious and grave violations of human rights serve as a warning sign of instability and conflict, especially in the absence of accountability for such violations. Human rights violations of the type and scale that we are witnessing in North Korea have an impact well beyond the country in which they are committed. Lithuania therefore decided to be part of the group of nine Security Council members that called for this public meeting on the human rights situation in the Democratic People's Republic of Korea.

The threat to international peace and security posed by the Democratic People's Republic of Korea has not been limited to its clandestine nuclear weapons and ballistic missile programmes and proliferation activities. The threat also stems from the massive and atrocious violations of human rights of its own people.



The scale and gravity of the human rights violations in the Democratic People's Republic of Korea, as detailed in the 2014 report of the Human Rights Council on human rights in the Democratic People's Republic of Korea (S/2014/276, annex), gives no room to argue with its judgement — the Government of the Democratic People's Republic of Korea has manifestly failed to comply with the responsibility to protect its own people, and international action is required. The Democratic People's Republic of Korea, a State Member of the United Nations, has for decades pursued policies involving crimes that shock the conscience of humankind. The international community must accept its responsibility to protect the people of the Democratic People's Republic of Korea. To remain silent in the face of gruesome crimes would amount to condoning them. Those responsible for that nightmare must be brought to justice for their actions. The situation in the Democratic People's Republic of Korea should be referred to the International Criminal Court. We also believe that the Security Council should consider imposing targeted sanctions against those in the Democratic People's Republic of Korea who are responsible for crimes against humanity.

The millions of people who suffer under the regime in the Democratic People's Republic of Korea deserve to have their plight and their human rights violations known. The United Nations and its partners should ensure coherent and well-coordinated strategies to address such violations. The Security Council should consider the situation of human rights in the Democratic People's Republic of Korea as a regular item on its formal agenda. The Office of the United Nations High Commissioner for Human Rights in Seoul should continue to collect information on the ongoing human right violations.

We urge the authorities of the Democratic People's Republic of Korea to engage without delay with the United Nations representatives and international interlocutors, the Office of the High Commissioner for Human Rights and the Special Rapporteur. Such engagement should be followed by concrete action, including acknowledging the existence of human rights violations, allowing unimpeded access to international human rights and humanitarian organizations and starting the implementation of the recommendations of the commission of inquiry.

To conclude, let me reiterate the conclusion by the commission of inquiry that the crimes against

humanity in the Democratic People's Republic of Korea will continue as long as the policies, institutions and patterns of impunity that lie at their heart remain in place. The Security Council should therefore demand that the authorities of the Democratic People's Republic of Korea implement the recommendations by the commission of inquiry without delay.

**Mr. Sarki** (Nigeria): I also thank Under-Secretary-General Jeffrey Feltman and United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein for their presence.

Nigeria attaches great importance to respect for human rights and fundamental freedoms everywhere. We consider it an obligation for States to promote and protect the rights of their citizens. Human rights are essential in ensuring that all human beings live in dignity.

We agree with the Under-Secretary-General that there are different perspectives on the issue of human rights and international peace and security. We believe that independent and sovereign States must be engaged with on all matters, including human rights, on the basis of mutual respect and constructive dialogue. The issue of human rights must also not be linked to the issue of the non-proliferation of nuclear weapons and the testing of missiles.

In the framework of one of its three main pillars, the United Nations has established appropriate mechanisms for promoting and protecting human rights throughout the world. Those mechanisms, which include the Human Rights Council, special procedures, the Universal Periodic Review and treaty bodies, have been shown to be relevant in dealing with human rights issues, as they concern all United Nations States Members. We note that the Democratic People's Republic of Korea participated in the first and second cycles of the Universal Periodic Review. We also note that the Democratic People's Republic of Korea has ratified several key international human rights treaties. Nigeria will therefore continue to encourage the Democratic People's Republic of Korea to maintain, and indeed strengthen, its engagement with the Human Rights Council and the treaty bodies, with a view to promoting and protecting the rights of its citizens.

**Mr. Zagaynov** (Russian Federation) (*spoke in Russian*): As it did last year (see S/PV.7353), our delegation voted against holding a meeting on the situation in the Democratic People's Republic of Korea.

We would like to note that the request (S/2015/931) to convene this meeting was circulated to the Security Council just two days after the adoption of the programme of work of the Council for December. As far as can be understood from the text of the request, its authors did not link their request to any events that taken place since the programme's adoption. In other words, this issue was intentionally left out of the joint work to undertaken by the members of the Council under the December programme. We believe that such an approach does not contribute to enhancing the transparency and openness of the work of the Security Council, a subject about which we speak so often.

With regard to the substance of the issue, the position that we took a year ago has not changed. We believe that the issue of the human rights situation in any given country does not fall within the mandate of the Security Council and should be taken up in the specialized bodies, above all in the Human Rights Council. The Security Council should focus on discussing issues related to threats to international peace and security, which does not apply to the human rights situation in the Democratic People's Republic of Korea. Burdening the agenda of the Security Council with matters that do not fall within its purview will only lead to duplication of effort, thereby dissipating the Council's focus and energy and consequently reducing the effectiveness of its work.

At this juncture, priority should be placed on the resumption of the Six-Party Talks, in which framework it would be possible to resolve a range of complex issues related to the situation on the Korean peninsula. Today's meeting, unfortunately, only further distances us from achieving that goal. As experience has taught us, in particular in the context of the success achieved with regard to the Iranian nuclear programme, collective efforts, when based on good faith, facilitate solving the most complex problems.

**Mr. Barros Melet** (Chile): We thank the United States presidency for having convened this meeting. We also thank Mr. Jeffrey Feltman and Mr. Zeid Ra'ad Al Hussein and their teams for their briefings today.

It is difficult for us to remain indifferent in the face of human rights situations that demand coordinated and specific actions on the part of the United Nations system. We therefore appreciate the fact that the Council is responding today to the call of the Third Committee made through its draft resolution on the situation of human rights in the Democratic People's Republic of

Korea to consider the conclusions and recommendations of the commission of inquiry and to take the appropriate measures to ensure accountability. The possibility of referring the ongoing situation in that country to the International Criminal Court should be considered. It is important to note that there are issues, such as the protection and promotion of human rights, which are broadly cross-cutting in nature. Notwithstanding the specific competencies of various organs, we cannot avoid moving towards constructive and complementary cooperation among the different bodies of the United Nations system. That is what makes the United Nations more effective and credible.

There has been some progress since the meeting held by the Council on 22 December 2014 (see S/PV.7353), such as the establishment in Seoul of an Office of the United Nations High Commissioner for Human Rights and the meeting that took place last October of separated families living on both sides of the border. Nevertheless, we remain concerned by the serious human rights violations and the climate of impunity described in the reports of the Secretary-General and of the Special Rapporteur, both of whom have pointed out that, regrettably, the human rights situation has not improved and crimes against humanity, as documented by the commission of inquiry, continue to be perpetrated. It is urgent to put an end to summary and extrajudicial executions, torture and arbitrary detention. We must resolve the issues of abductions and enforced disappearances of foreign nationals and resume the dialogue on technical matters between Pyongyang and the Office of the High Commissioner for Human Rights.

It is imperative to protect the affected population and to ensure their human rights through greater involvement and dialogue with the authorities of the Democratic People's Republic of Korea, as well as by promoting accountability and putting an end to impunity. We urge the Democratic People's Republic of Korea to welcome the various recommendations, especially those made by the commission of inquiry and the Special Rapporteur. They include: moving forward on the dialogue with the entire United Nations system, especially with regard to the technical talks with the Office of the United Nations High Commissioner for Human Rights and its Office in Seoul; facilitating access to the Special Rapporteur to the country, in accordance with the terms of reference of the United Nations on special procedures; and cooperating

with Member States that are affected by the issue of international abductions and enforced disappearances.

The continued refusal of the leadership of the Democratic People's Republic of Korea to cooperate constructively with the United Nations system does not help to rectify the critical human rights and humanitarian situation, which cannot be disentwined from the nuclear programme. It is therefore imperative that its authorities respond positively to calls on behalf of the international community to cooperate with the United Nations system. The agenda item on nonproliferation and the Democratic People's Republic of Korea proved to be insufficient in addressing this very complex situation, and that is why we hope that this initiative will be repeated if the situation, which is having such an impact on the civilian population, does not improve.

I thank you again, Madam President, for having facilitated this meeting.

**Mr. Oyarzun Marchesi** (Spain) (*spoke in Spanish*): As the United Nations High Commissioner for Human Rights just stated, any massive and systematic violation of human rights constitutes a threat to international peace and security. Spain energetically and unreservedly supports the idea that such matters should be taken up by the Security Council.

As many others before me have stated, we are devoting today's meeting to the human rights situation in the Democratic People's Republic of Korea precisely because the reports of the commission of inquiry, the Secretary-General and the Special Rapporteur have documented chilling testimony pertaining to massive human rights violations in that country that, in many cases, constitute crimes against humanity. Moreover, the dire situation with regard to human rights in the Democratic People's Republic of Korea has affected its neighbours and endangers regional stability. The statements to be made by the representatives of Japan and the Republic of Korea will be particularly useful for the work of the Security Council.

The international community and the Council cannot ignore what is happening in the Democratic People's Republic of Korea. Its Government is the first responsible for ensuring and protecting the human rights of its own people. Faced by the unresponsiveness of that Government, it falls to the international community to assume that responsibility and take the necessary measures to protect a population that has

suffered far too long. For too long, too, the Council has been addressing this issue mainly from the perspective of non-proliferation. Without abandoning that approach, which Spain fully supports, the time has come for the Security Council to also provide a response to the systematic violations of human rights that the people of the Democratic People's Republic of Korea are enduring.

That does not mean politicizing the issue. Inaction would in fact be tantamount to taking sides and turning our back on international law. The time has come to see what the Security Council can do to improve the situation. Without a doubt, it is necessary to condemn human rights violations. Many members of the Security Council share that view. However, it is not enough. The international community and the Council need to demonstrate that they are ready to work in order to overcome the situation. By the same token, the Democratic People's Republic of Korea needs to respond by acknowledging the concerns that have been expressed and taking action to put an end to those violations. The statements made today by the Supreme Leader of that country certainly do not contribute to peace and security in the region. In that regard, Spain considers that the Security Council should strongly support the strategy proposed by the Special Rapporteur, to which the Ambassador of Chile just referred.

The strategy proposes combining various elements that are separate but complementary. First, conveying a strong and unequivocal message to the authorities in Pyongyang. That involves a clear commitment to combating impunity, including, if there are no other options, the referral of this matter to the International Criminal Court. The second element consists of an offer to cooperate and engage in dialogue on the topic of human rights. And I would like to underscore the work that can and should be carried out by the Office of the High Commissioner for Human Rights that was opened in Seoul this year. For this, it is essential for the North Korean Government to allow access to experts, to allow progressive exchanges with individuals from the North Korean regime and civil society and to cooperate with a view to easing tensions and contributing to dialogue in the Korean peninsula — cooperation that is key to achieving a solution in the medium and long term. Thirdly, regional forums, such as the Association of Southeast Asian Nations and the European Union, can play, and indeed are playing, a very important role in the development of this dialogue.



In conclusion, I would like to say that Spain is in favour of a progressive approach that takes advantage of United Nations mechanisms in order to open channels of communication with a view to improving the humanitarian and human rights situation in the Democratic People's Republic of Korea. We support the efforts of the Secretary-General, and, in that regard, would like to thank Mr. Feltman for his briefing. At the same time, we appeal to the Pyongyang regime to cooperate and to establish a meaningful dialogue with the High Commissioner for Human Rights and other mechanisms in that area.

**Mr. Ibrahim** (Malaysia): I thank both the United Nations High Commissioner for Human Rights, Prince Zeid Al Hussein, and Under-Secretary-General Jeffrey Feltman for their respective briefings, which my delegation listened to intently. I also take this opportunity to thank the Secretary-General for his report (A/70/393) and to recognize the Security Council Committee established pursuant to resolution 1718 (2006), concerning the Democratic People's Republic of Korea, and its Panel of Experts for the important work that has provided us with insight for today's discussions.

My delegation assumed its seat on the Council with the understanding that, as a member, we would not shy away from difficult discussions on delicate and complex situations. We have consistently held the principled position that issues of concern should be addressed through constructive dialogue and consultations. In that regard, we have supported the proposal for the Council to discuss the issue before us today. At the same time, Malaysia reaffirms its position on upholding the principles enshrined in the Charter of the United Nations, such as respect for sovereignty and territorial integrity, and non-interference in the internal affairs of a country.

Malaysia furthermore reaffirms the understanding that the Council's consideration of this situation is without prejudice to the role of other bodies and mechanisms, particularly the Human Rights Council and the Universal Periodic Review process, which have the primary mandate of promoting and protecting human rights. In that regard, Malaysia welcomes the recent announcements made by the Government of the Democratic People's Republic of Korea of its intention to engage in dialogue with the Office of the United Nations High Commissioner for Human Rights (OHCHR) on human rights issues. The upcoming visit

of the High Commissioner to the country should be seen as a positive step towards further constructive engagement. That would allow OHCHR to have a more objective and accurate assessment of the human rights situation in the country. At the very least, it would ensure that the views and positions of all parties could be conveyed accurately.

We are also encouraged by the Democratic People's Republic of Korea's continued participation in the Universal Periodic Review process and welcome its acceptance, last September, of 113 recommendations, including on economic, social and cultural rights. We believe that the full implementation of the accepted recommendations will contribute positively to the enjoyment of human rights and to the socioeconomic development of the people and demonstrate the Democratic People's Republic of Korea's willingness to subscribe to the United Nations human rights system. At the same time, we encourage closer cooperation between that Government and the relevant United Nations bodies and agencies, as well as other potential partners and donors, with a view to enhancing the well-being of its people.

Malaysia notes with concern that, on the political security front, tensions remain high between the Republic of Korea and the Democratic People's Republic of Korea. In that respect, we welcome the recent engagement between the two countries. We continue to emphasize the importance for both the Republic of Korea and the Democratic People's Republic of Korea to honour the terms of the 25 August 2015 agreement in order to continue making progress in inter-Korean relations, as well as to maintain peace and security in the Korean peninsula. We note that the recently held working-level meeting resulted in the proposed vice-ministerial level talks at the Kaesong Industrial Complex in the Democratic People's Republic of Korea on 11 December 2015. We urge both sides to make full use of that meeting to resolve all pending issues, for the betterment of inter-Korean relations.

My delegation is also encouraged by the October 2015 reunion of families separated by the Korean War. That is a positive development that we hope will contribute to further improving inter-Korean relations.

We continue to believe that the Six-Party Talks is the best platform available to facilitate and consolidate various efforts aimed at resolving the long outstanding issues in an amicable manner. In that regard, we call on all parties to return to negotiations without



preconditions. We welcome the commitment made by China, the Republic of Korea and Japan during the recent trilateral summit in Seoul to resume the Six-Party Talks at an early date. We hope that the United States and the Russian Federation will also work towards that goal. Furthermore, we encourage the Democratic People's Republic of Korea to step up cooperation and engagement with the Council, other partners and stakeholders, including the 1718 Committee's Panel of Experts, with a view to addressing non-proliferation concerns.

I wish to conclude my remarks by reiterating Malaysia's readiness to engage constructively with all Council members, the United Nations, other partners and stakeholders, as well as with the Democratic People's Republic of Korea, not only on the human rights pillar but also on the development and peace and security pillars.

**The President:** I shall now make a statement in my capacity as the representative of the United States of America.

I thank United Nations High Commissioner for Human Rights Zeid Ra'ad Al Hussein for his efforts as well as for the efforts of his team to document human rights violations in North Korea, and to make such violations known. I also thank Under-Secretary-General Jeffrey Feltman for briefing the Council today. In addition, while they are not briefers here today, I would also like to thank the brave individuals who, after escaping from North Korea, have taken great risks to share their testimonies. Were it not for their determination to make their experiences known, much of what we know today about the suffering of the North Korean people would remain hidden.

Almost a year ago, on 22 December 2014, the Security Council met for the first time ever to discuss the human rights situation in the Democratic People's Republic of Korea (see S/PV.7353). The Council brought up this issue for discussion because the widespread and systematic human rights violations being committed by the North Korean Government not only were deplorable in their own right but posed a threat to international peace and security. I would like to address those who believe that what is happening in the Democratic People's Republic of Korea is not a threat to peace and security. I would like to ask whether those countries think that systematic torture, forced starvation and crimes against humanity are stabilizing or good for international peace and security. I assume they do

not think that. Therefore, could that level of horror be regarded as neutral, a level of horror unrivalled elsewhere in the world? Is it neutral? Does it have no effect at all on regional and international peace and security? Is that really so? None? It stretches credulity, and it sounds more like cynicism.

Those arguments, some of which we have heard here today, will not go down well in history, particularly when the Democratic People's Republic of Korea opens up. For those who have charged double standards, where in the world are there conditions similar to those behind the lines in the Democratic People's Republic of Korea? Where? This regime has no double. A report of the Human Rights Council's commission of inquiry on human rights in the Democratic People's Republic of Korea itself states that the human rights situation in North Korea "does not have any parallel in the contemporary world" (*A/HRC/25/63, para. 80*). The comprehensive report produced by the commission of inquiry was based on over 200 interviews with victims, eyewitnesses and former Democratic People's Republic of Korea officials, whose testimony was corroborated by other evidence, such as satellite imagery. The commission concluded in February 2014 that "[s]ystematic, widespread and gross human rights violations have been and are being committed by the Democratic People's Republic of North Korea" (*ibid.*). The Commission also found evidence that provided reasonable grounds to determine that in the Democratic People's Republic of Korea "crimes against humanity have been committed ... pursuant to policies established at the highest level of the State" (*ibid., para. 75*).

The Council is meeting again on this issue today, Human Rights Day, for the first time since it was formally added to the agenda last year, because the North Korean people continue to endure a real-life nightmare and because that nightmare is a threat to peace and security. The reporting by the United Nations is explicit. The report of the Secretary-General issued in September found that, from September 2014 to August 2015, there were "no indications of improvements in the exercise of freedom of expression". That is in a country, where, according to the commission of inquiry's report, the State

"operates an all-encompassing indoctrination machine that takes root from childhood to propagate an official personality cult and to manufacture absolute obedience to the Supreme Leader" (*A/HRC/25/63, para. 27*)

and where citizens “are punished for any ‘anti-State’ activities or expressions of dissent” (*ibid.*, para. 28).

The Secretary-General’s report similarly found that there were “no indications of changes in the use of political prison camps” (A/70/393, para. 5) — political prison camps in which, by United Nations estimates, between 80,000 and 120,000 people are currently being held and where, according to the commission of inquiry’s report, tens of thousands of prisoners have for generations been

“gradually eliminated through deliberate starvation, forced labour, executions, torture, rape and the denial of reproductive rights enforced through punishment, forced abortion and infanticide” (*ibid.*, para. 60).

It is not only the blanket denial of enjoyment of freedom of expression and those infernal conditions in the prisoner camps that persist, but all of the grave human rights violations perpetrated by that regime — the summary executions, the use of torture and the decades of enforced disappearances with no accountability, including of citizens from neighbouring countries, whose families continue to suffer from not knowing the fate of their loved ones. The list is long, the abuse is vast and the anguish profound. Also unchanged is the immeasurable suffering experienced by many millions of North Koreans who continue to go hungry as a result of the regime’s actions — causing malnutrition that has repercussions for the rest of victims’ lives and in countless instances leads to death. According to the Secretary-General’s September 2015 report, one third of children in the Democratic People’s Republic of Korea under the age of 5 and almost half of children between 12 and 23 months are anaemic.

The systematic human rights violations persist for a simple reason: the North Korean Government wants them to. They continue because the State still seeks to intentionally dehumanize, terrorize and abuse its own people. The regime depends on that climate of fear and violence to maintain its grip on power. When we speak of the massive scale of the regime’s abuses, it can be easy to lose sight of how they affect real people living in North Korea, so let me briefly share the experiences of just two individuals who are with us here today in the Security Council. I would ask them to please stand while I share just a small part of what they have endured.

Growing up in North Korea, Grace Jo witnessed three generations of her family starve to death. Her

grandmother starved to death after digging for grass for the family to eat. Her father starved to death as he was transferred between prison camps, where he had been sent for leaving the country in search of food for his family. Two of her brothers starved to death, and Grace too nearly starved to death. It was hunger that drove Grace and her surviving family members to try to escape North Korea, but they were returned repeatedly against their will. As punishment, Grace was sent to an orphanage where she said children were forced to work from 6 in the morning to 7 at night. She and her remaining two family members finally managed to escape in 2008, when they came to the United States of America as refugees. I take this occasion to stress how important the United States refugee programme is and how essential it is at times of crisis like this one.

Jung Gwang Il served for a decade in the army, and another nine years in the Workers’ Party, before going to work for a trading company where he was detained for doing business directly with South Koreans. That was his crime. State security agents beat him viciously with wooden clubs, breaking all of his teeth and leaving scars that he still bears, pressuring him to confess to being a spy. He refused. As punishment, Mr. Gwang later later told the commission of inquiry that he was subjected to what is known in the Democratic People’s Republic of Korea as pigeon torture. As he described it, “Your hands are handcuffed behind your back, then they hang you so you will not be able to stand or sit.” He was left in that position for days at a time. When, after 10 months of this and other forms of torture, he agreed to confess. He was sent to Kwan-li-so No. 15, a labour camp known as Yodok. He spent three harrowing years there, witnessing, by his count, 26 people die, most of them from malnutrition. Since escaping to South Korea he has started a non-governmental organization that recently released a report listing the names of more than 180 fellow prisoners from his time in Yodok and demanding information about their whereabouts.

Those are just two individuals of millions. Yet their experiences are a powerful reminder of the human impact of the regime’s horrors. I thank Grace and Mr. Jung for being with us today and for bravely sharing their stories.

No member of the Council or of the United Nations can afford to ignore this situation. North Korea continues to demonstrate that regimes that flagrantly violate the human rights of their own people almost always show similar disdain for the rules that help ensure

our shared security. We see that in the Democratic People's Republic of Korea's flouting of prohibitions imposed by the Security Council on its nuclear and ballistic missile activities, including by undertaking launches. We see it in the destabilizing rhetoric the Democratic People's Republic of Korea routinely uses to threaten the annihilation of its neighbours. And we see it in the Democratic People's Republic of Korea's aggressive response, as the High Commissioner has mentioned, to the opening of an Office in Seoul by the Office of the United Nations High Commissioner for Human Rights (OHCHR), an Office aimed at gathering ongoing information on human rights conditions in the Democratic People's Republic of Korea.

In March, before the OHCHR Office opened, the Pyongyang Committee for the Peaceful Reunification of Korea, a Democratic People's Republic of Korea-sponsored group like every other group allowed to exist in the country, said that,

“as soon as the nest for an anti-Democratic People's Republic of Korea smear campaign is in place in the South, it will immediately become the first target for our merciless punishment.”

In May, a Democratic People's Republic of Korea-controlled newspaper issued a near-identical threat. And, in June, the regime issued a statement accusing hostile forces of using the United Nations Office to “make confrontation under the pretext of protecting human rights”.

It is hard to imagine another State Member of the United Nations making such threats against a United Nations office or staff, and we as the Council cannot take them lightly. That is part of a well-established pattern of intimidation and escalation by the Democratic People's Republic of Korea in response to criticism of its human rights record. Alarming and unacceptable as that pattern may be, it shows that the regime is deeply nervous about the growing international scrutiny of its abusive practices. That is a good thing. It is another reason we must ensure that the OHCHR Office continues to document such abuses.

If we accept that the human rights situation in the Democratic People's Republic of Korea is as abysmal as ever, as United Nations reporting informs us it is, and if North Korea continues to flout the rules that ensure our shared security, as we have seen that it does, then it is clear that we must continue to shine a light on the human rights situation in North Korea, as we are doing

today. Furthermore, it is incumbent upon the Council to ask what we can do, individually and collectively, to change the situation.

We must continue to take steps that will one day help us to hold accountable the individuals responsible for such horrors as those experienced by our guests today. We cannot let immediate obstacles to accountability undermine our determination to document atrocities and identify those who order and carry them out, so that one day the perpetrators will be brought to justice. That is why the comprehensive report compiled by the commission of inquiry is so essential and why it is so crucial that the new United Nations Office in Seoul provide a place where individuals can continue to recount their experiences and provide key information.

Of course, multilateral and human rights organizations should continue to seek unconditional access to the Democratic People's Republic of Korea. We agree very much with the comments of other Council members. It is access that the regime has too long denied, no doubt because of what it would reveal. But it would be a grave mistake to think that, in order to obtain such access, any country or any body should soften its criticism of what is, by every measure, the most repressive regime on the planet. We must do the exact opposite by speaking with objectivity and firmness about the real conditions on the ground.

For the Security Council, it is critical not just to discuss the situation in the Democratic People's Republic of Korea, but to consider the commission's recommendation that the situation in North Korea be referred to the International Criminal Court and that we consider other appropriate action on accountability, as 112 Member States urged the Council to do, just a few weeks ago.

Our continuing spotlight on the situation sends a clear message that we hope will reach the North Korean people, tight as the regime's control over information may be. We will not turn a blind eye to your suffering. You, like all human beings, deserve to be treated with dignity. We will continue to press for the nightmare that you are living to end. To the regime, our message is just as clear: we are documenting your crimes, and one day you will be judged for them.

United Nations States Members, particularly members of the Council, must stop sending people who try to flee from the Democratic People's Republic of Korea back to that country. We know the gruesome



punishments that await North Korean escapees who are sent back against their will. Yet the practice continues. A report published in September by the Committee for Human Rights in North Korea reported that, according to multiple interviews with former prisoners who had escaped the country, approximately 800 of the 1,000 women held in one prison labour camp, known as Kyo-hwa-so No. 12, were people who had been forcibly returned to the country. They had made it out. Instead of returning people fleeing the Democratic People's Republic of Korea to gulags, countries should welcome the North Korean refugees and asylum seekers who reach their territory. The rest of us must do our part, in terms of resettlements.

Let me conclude. In April, the United States co-hosted an event here at the United Nations in which three people who had escaped from the Democratic People's Republic of Korea shared their experiences. One of them was a young man named Joseph, who told how he had been orphaned when he was 12 years old, after his father starved to death and his mother was sent to a prison camp for trying to cross the border. Joseph said that he spent his days begging in the streets and his nights sleeping beneath bridges, a life he described as marked by loneliness and hunger. After three years, Joseph managed to escape and eventually made his way to the United States, where he now lives. Joseph told the people at that meeting that while he was grateful to have escaped, he felt an unshakeable burden, knowing that millions of his fellow North Koreans were still trapped in the conditions that he had managed to escape.

That is a burden that Joseph should not bear alone. We in the Security Council, the United Nations and the international community must all bear that burden with him. That is why the Council must meet regularly to discuss the human rights crisis in North Korea. It is the reason that we must all bring greater urgency to not only witnessing and documenting those horrors, but to taking steps that will help to stop them and one day bring to justice the perpetrators of those crimes.

I now resume my functions as President of the Council.

I give the floor to the representative of Japan.

**Mr. Yoshikawa (Japan):** I would like to begin by expressing my sincere appreciation for your leadership, Madam, in convening the meeting on this year's Human Rights Day. I also thank the Security

Council for its decision to take up the situation in the Democratic People's Republic of Korea for the second time. The decision reflects the wish of the vast majority of Member States who voted in favour of General Assembly resolution 69/188, on the situation of human rights in the Democratic People's Republic of Korea. My gratitude also goes to the Under-Secretary-General for Political Affairs and the High Commissioner for Human Rights for their sobering briefings.

Japan has requested to participate in today's meeting out of concern for the persistent human rights violations by the Democratic People's Republic of Korea, not only upon its own citizens but also on foreign nationals, including many Japanese.

The ground-breaking report of the commission of inquiry on human rights in the Democratic People's Republic of Korea (A/HRC/25/63), made public in February 2014, shed light on the reality of the situation on the ground from the perspective of the mistreated, the powerless and the voiceless in the Democratic People's Republic of Korea. Based on the report, the Security Council discussed the situation of human rights in the Democratic People's Republic of Korea for the first time in December last year (see S/PV.7353). It was a historic step forward.

The international community has continued to make the utmost efforts to improve the situation. The Office of the High Commissioner opened a field Office in Seoul, in June. I am very encouraged by the statement by the High Commissioner for Human Rights that the Seoul Office has begun collecting testimonies and documenting developments in the human rights situation. In November, the Third Committee adopted yet another draft resolution calling for the improvement of the human rights situation in the Democratic People's Republic of Korea, with 112 Member States voting in favour. The draft resolution will be adopted in the plenary of the General Assembly next week. Unfortunately, as the High Commissioner for Human Rights mentioned in his briefing today, the human rights situation in the Democratic People's Republic of Korea remains unchanged. We are deeply concerned about that predicament.

Some delegations have argued that this issue has no relevance to international peace and security. And, on that point, the statement just made by the President was very powerful and persuasive. Because we strongly disagree with that argument, let me add some elements.



As Under-Secretary-General Feltman pointed out, serious human rights violations serve as a warning sign of instability and conflict. According to the commission of inquiry report quoted by many previous speakers, the Democratic People's Republic of Korea "seeks to dominate every aspect of its citizens' lives and terrorizes them from within." (*A/HRC/25/63, para. 80*) The authorities of that country force ordinary citizens to suffer from fear and want, while diverting resources to nuclear and missile programmes, in violation of Security Council resolutions. The failure of any State to abide by Security Council resolutions and the universal principles of respect for human rights and fundamental freedoms should raise legitimate concerns on the part of the Security Council. High Commissioner Zeid Al Hussein clearly stated today that the human rights situation in the Democratic People's Republic of Korea poses a threat to international peace and security.

Human rights violations not only affect citizens of the Democratic People's Republic of Korea. The commission of inquiry report states that hundreds of nationals from the Republic of Korea, Japan and other States have been abducted by the Democratic People's Republic of Korea and denied the right to leave the country.

I thank those speakers who expressed solidarity with the families of the abductees. Japan had high hopes last year when the Democratic People's Republic of Korea promised to commence investigations into all Japanese nationals in the Democratic People's Republic of Korea, including abductees. However, almost 18 months have passed since then. This issue must be resolved without delay. Japan emphatically demands that the Democratic People's Republic of Korea return all abductees as soon as possible through an expeditious investigation. It is essential that the Security Council remain seized of the situation in the Democratic People's Republic of Korea. We strongly urge the Democratic People's Republic of Korea to respond in good faith to the concerns raised by the Council and to improve its human rights situation, which, we believe, will lead to stability in the region.

**The President:** I now give the floor to the representative of the Republic of Korea.

**Mr. Oh Joon** (Republic of Korea): I would first like to express appreciation to the presidency of the United States for convening today's meeting and to the Member States of the Council for inviting the Republic of Korea to participate. I would also like to thank Mr. Feltman and Mr. Al Hussein for their briefings.

Last year, the commission of inquiry issued its landmark report (*A/HRC/25/63*), which shed light on the nature, gravity and scale of human rights violations in the Democratic People's Republic of Korea. The report raised critical awareness of the need to strengthen our collective efforts to improve the human rights situation in the Democratic People's Republic of Korea. Given the growing concern of the international community, the Security Council formally added the situation in the Democratic People's Republic of Korea to its agenda and held its first discussion on the issue in this very Chamber on 22 December 2014 (see *S/PV.7353*). I was here and spoke, as my country had a seat on the Council at that time. I explained why North Korea's human rights issues were taken to heart in South Korea. One year later, what has changed?

At the United Nations, we adopted more resolutions in the Human Rights Council and the General Assembly. The Office of the United Nations High Commissioner for Human Rights opened a field-based structure in Seoul. There have been meetings, seminars and panel discussions on the issue in different parts of the world. On the Korean peninsula, a new round of reunions for separated families living in the two Koreas took place last October. However, we have not seen a meaningful change in the human rights situation in the Democratic People's Republic of Korea. As we heard in today's briefing, dire human rights violations persist and, in some cases, are becoming worse. We still have a long way to go.

My Government believes that addressing the North Korean human rights issue is critical not only to promoting human rights as a universal value, but also to maintaining peace in the Korean peninsula. We therefore urge the Security Council to keep playing an active role in improving the situation. We also ask the High Commissioner for Human Rights to pursue his efforts to improve the human rights situation in the Democratic People's Republic of Korea. The Republic of Korea will continue to engage with other Member States to address and resolve this matter, while providing humanitarian assistance to the North Korean people in order to alleviate their plight. We hope that, with a view to addressing the concerns of the international community, the Democratic People's Republic of Korea will work with us to implement the relevant United Nations resolutions. The Democratic People's Republic of Korea needs to engage and cooperate with United Nations human rights mechanisms. We believe that

to do so will ultimately be in the best interests of the Democratic People's Republic of Korea.

This year marks 70 years of division of the Korean nation. The issue of separated family members, whose average age is around 80, remains the most urgent humanitarian concern for the entire Korean people. We expect the Democratic People's Republic of Korea to share with us a sense of urgency and join us in seeking a fundamental and comprehensive resolution to the issue, including by holding family reunions on a larger scale and on a regular basis.

I would like to end my statement by quoting Ms. Hyeon-seo Lee, a young North Korean woman who escaped from North Korea as a teenager and devoted the following 12 years of her life to rescuing her mother and brother. In her book entitled *The Girl with Seven Names*, she said,

“Leaving North Korea is not like leaving any other country. It is more like leaving another universe. I will never truly be free of its gravity, no matter how far I journey.”

What does she mean? Why was it so difficult for her to leave a place others call a gulag? Why does she feel the pull of its gravity even when she is physically so far away from North Korea?

I can only imagine that perhaps she meant that she could never escape the gravity of the pain and suffering that her people were enduring. Maybe neither you nor I, Madam President, nor anyone else in the Chamber will ever understand her. We may never fully grasp the onerousness of her burden, because we were not there with her when she spent every day for 12 years, praying for the safety and survival of her family and doing all in her power to get them out before it was too late. Now we have heard from her and many other defectors from the Democratic People's Republic of Korea. While we continue to embrace North Koreans who leave their home, the best thing we can do, Madam President, may well be to help North Koreans realize their future in safety and with dignity in their own country.

*The meeting rose at 4.35 p.m.*