

Written opinion: we demand abolishment of the sanctions infringing upon the human rights of Korean residents in Japan (Summary)

Human Rights Association for Korean Residents in Japan (HURAK)
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A. Purpose of opinion

1. The economic sanctions imposed on the Democratic People's Republic of Korea (DPRK) by the Japanese government should be abolished immediately as they violate the restrictions under the international laws and humanitarian laws. The sanctions violate the human rights of Korean residents in Japan.
2. Human rights infringements by the Japanese central and local governments targeting the Korean residents in Japan, such as exclusion of Korean school students from the Tuition Waiver and Tuition Support Fund Program and suspension of the provision of subsidies to Korean schools, should be ended immediately as they violate the human rights of permanent residents of Japan for the purpose of imposing political and diplomatic pressure on DPRK and therefore are illegal and unjust.

B. Reason for opinion

- 1 "Japan's original sanctions" widely infringe upon the rights of Korean residents in Japan

Since July 2006, the Japanese government invoked economic sanctions against DPRK. Known as "Japan's original sanctions," they are based on two economic sanctions acts (revised Foreign Exchange and Foreign Trade Act and Special Measures Act on the Prohibition of the Entry in Port of the Specific Ship). With these measures, the erstwhile flows of people, goods and money between Japan and the DPRK have been completely blocked as described below.

(1) Travel restrictions

Currently, the Japanese Government targets the categories of the Korean residents in Japan listed below as objects of regulatory measures on travel to DPRK. Those who are prohibited from travelling to DPRK are:

- (a) Those who are "North Korean officials" and these "in a position to assist activities of such officials as North Korean officials",
- (b) Those who are nuclear and missile engineers,
- (c) Those who are convicted of violating the Foreign Exchange and Trading Act in relation to the economic sanctions.

The requirements of these traveling ban measures are unclear and there is a risk that their targets will expand without limitation. In addition, it has been reported since February 2016 that a signature on a "pledge" stating that "I will not travel to North Korea" is actually forced to Korean residents in Japan.

(2) Restrictions on the flows of goods

Based on the revised Foreign Exchange and Foreign Trade Act, imports and exports between Japan and DPRK are completely prohibited today. Even daily supplies to family members living in DPRK and humanitarian goods such as food and medicines are subject to the embargo. Many cases of attempted shipping to DPRK have been criminalized as contravening the embargo measures.

(3) Restrictions on the flows of money

Since February 2016, payments to DPRK have been basically prohibited. Currently, except for public payment such as international postage, it is only pensions, staying expenses during stay in DPRK and payments for "humanitarian purpose and less than 100,000 yen (approximately 918 dollars)" that are exceptionally allowed.

The above sanctions by the Japanese government violate the freedom of travel to the homeland by the Korean residents in Japan that should be protected under the constitution and international human rights law.

2 Attacks on Korean residents in Japan as de facto "sanctions"

Since the middle of the 2000s, the Japanese central and local governments have intermittently implemented measures that violate the rights of Korean residents in Japan as a method of applying pressure to the DPRK government in order to realize their political and diplomatic purposes such as "resolution of the abduction issue". These measures by the Japanese governments are de facto "sanctions".

Since 2005, the Japanese police authorities have frequently conducted forced investigations on facilities related to the Korean residents in Japan such as organizations related to the General Association of Korean Residents in Japan (Chongryon) and Korean schools (according to the survey of HURAK, at least 29 times at more than 100 locations). Also, the Japanese central and some local governments have adopted discriminatory measures against Korean schools such as excluding the schools from the Tuition Waiver and Tuition Support Fund Program and halting subsidies to the schools in order to realize their political and diplomatic purposes such as "resolution and progress of the abduction issue".

These discriminatory measures also constitute a part of the "sanctions" to achieve the political and diplomatic purposes.

3 Limitations on sanctions by the international law and humanitarian law

When implementing economic sanctions, the international law and humanitarian law impose certain limitations such as the principle of necessity, equilibrium and the obligation to protect fundamental human rights. Moreover, the State must make efforts to minimize the adversarial impact of economic sanctions on civilian life. In the recent UN Security Council resolutions against DPRK, full embargo measures have not been adopted and it is emphasized every time that "the measures imposed by this resolution are not intended to bring negative humanitarian effects to North Korean civilians".

In comparison with such general postulates of recent international law, humanitarian law and the current list of sanctions by the UN, Japan's original sanctions are extraordinary and deviate from the restrictions of international law and humanitarian law in the following ways:

(a) the sanctions are full embargo and payment prohibitions ignore the adversarial impact on civilian life

(b) the sanctions have no reasonable relevance to the purpose of sanctions

(c) the sanctions disadvantage the Korean residents in Japan who are Japan's permanent dwellers from its former colony

(d) the sanctions are continuing for a long period without their purposes being achieved.

4 "Japan's original sanctions" should be abolished immediately

"Japan's original sanctions" and de facto "sanctions" are widely infringing upon the human rights of Korean residents in Japan. The Japanese central and local governments are obliged to protect the rights of Korean residents in Japan under the Constitution, the international human rights law and other laws. Therefore, it is impermissible to infringe upon such rights in order to

achieve political and diplomatic purposes.

Economic sanctions “harm” the target country by the means of economic “power” for the realization of specific political purposes. As such, they are homogeneous with war that is exercise of military power. In fact, Japan’s original sanctions and de facto “sanctions” suspend and limit the rights of Korean residents in Japan, regarding them as “enemy citizens”. We are compelled to feel a serious sense of danger as Japan’s original sanctions are continuing without any criticism and are escalating day by day, which indicates that Japan is entering wartime regime.

As a group of Korean residents in Japan who are human rights advocates and experts, we protest against Japan’s original sanctions and human rights violations frequently occurring in parallel with them.