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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 122 of the Rules of Procedure

on human rights violations in the Democratic People's Republic of Korea

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on behalf of the S&D Group

European Parliament resolution on human rights violations in the Democratic People's Republic of Korea

The European Parliament,

- having regard to its previous resolutions relating to the Korean Peninsula, and in particular to the European Parliament's resolution on the situation in the Korean Peninsula adopted on 17 June 2010;
- having regard to the Charter of the United Nations, the Universal Declarations of Human Rights, the International Covenants on Human Rights and other human rights instruments;
- having regard to the United Nations Human Rights Council Resolution "Situation of human rights in the Democratic People's Republic of Korea" adopted on 25 March 2010 and supported by the EU Member States, that condemned the "systematic, widespread and grave violations of civil, political, economic, social and cultural rights" and "grave, widespread and systematic human rights abuses" by the DPRK,
- having regard to United Nations Security Council resolutions 1718 (2006) and 1874 (2009),
- Having regard to the United Nations General Assembly Third Committee Resolution on "the situation of human rights in the Democratic People's Republic of Korea" in the 64th Session adopted on 19 November 2009,
- having regard to Council Decision 2009/1002/CFSP of 22 December 2009,
- having regard to the Universal Peer Report of the Democratic People's Republic of Korea (DPRK) on 7 November 2009 and to the DPRK agreement to examine 117 recommendations of the Report of the Working Group on Universal Periodic Review, Human Rights Council, adopted on 18 March 2010
- having regard to the resolution of the UN Human Rights Council on 25 March 2010 on the "Situation of human rights in the Democratic People's Republic of Korea"
- having regard the UN Human Rights Council resolution in April 2010
- having regard to 29th round of the EU-China Dialogue on Human Rights from 29 June in Madrid where the issue of North Korean refugees was discussed,

- having regard to numerous calls of international non governmental human rights organisations on the European Union to step up its engagement on North Korea human rights issues,
- having regard to Rule 122(5) of its Rules of Procedure,

- A. whereas the human rights situation in the Democratic People's Republic of Korea remains horrific and the humanitarian situation remains deeply alarming;
- B. whereas the United Nations Human Rights Council Resolution from 25 March 2010 concerning the "Situation of human rights in the Democratic People's Republic of Korea" expressed deep concern about the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in North Korea
- C. whereas the United Nations Special Rapporteur on the Situation of Human Rights in the DPRK Mr Marzuki Darusman described the human rights situation in the DPRK as "abysmal" in his annual report to UN Human Rights Council published on 22 October 2009; the report of the Special Rapporteur from February 2010 stated that "the human rights situation in North Korea can be described as sui generis, given the multiple particularities and anomalies that abound. Simply put, there are many instances of human rights violations which are both harrowing and horrific."
- D. whereas the DPRK refuses to fully cooperate with the UN human rights mechanisms; whereas the North Korean Government, in particular, has refused to recognize the mandate of the Special Rapporteur on the situation of human rights in the DPRK and has not allowed access by the Special Rapporteur to the country
- E. whereas the report of the UN Special Rapporteur on the Situation of Human Rights in the DPRK stated that resumption of Six-party talks to help denuclearise North Korea would be an added opportunity to provide space for an improved environment for human rights in the country;

- F. whereas the UN Special Rapporteur on the Situation of Human Rights in the DPRK has suggested that the Security Council should consider the human rights violations in North Korea and that a Commission of Inquiry to investigate potential crimes against humanity by the government of the DPRK be established
- G. whereas the United Nations Human Rights Council Resolution deplored the grave, widespread and systematic human rights abuses in North Korea, in particular the use of torture and labour camps against political prisoners and repatriated citizens of the DPRK; whereas the state authorities systematically carry out and enable extrajudicial killings, arbitrary detention and enforced disappearances;
- H. whereas the justice system is subservient to the state and the death penalty is applied for a broad range of crimes against the state and is extended periodically by the Criminal Code, and the population, including children, is forced to attend public executions
- I. whereas the Government of the DPRK does not accept organised political opposition, free and fair elections, free media, the civil society, religious freedom and free association
- J. whereas the government subjects the population to forced labour as part of labour mobilisation campaigns, and does not permit free association of labour or collective bargaining
- K. whereas kidnapping and abduction of third country citizens from Japan, the Republic of Korea and other countries, including reported nine citizens the EU, remains unresolved and calls for strong measures from the international community
- L. whereas a significant number of North Koreans flee to the People's Republic of China, where many women are reportedly subjected to human trafficking and forced marriages; whereas the PRC reportedly forcibly returns North Korean refugees to the DPRK in violation of international norms on the prohibition on forced repatriation

and reportedly also prohibits North Koreans citizens from accessing the asylum procedures of the UNHCR, in violations of the 1951 UN Convention on Refugees and its 1967 Protocol, to which the PRC has acceded;

- M. whereas the state practice of guilt-by-association results in entire families disappearing through acts of official state forces, including children and grand parents, and whereas these prisoners are subjected to the most gross human rights violations, torture, starvation, hard labour and, according to eye-witnesses, an estimated 100 000 might already have perished, often of exhaustion or untreated diseases;
- N. whereas satellite images and various accounts by North Korean defectors substantiate the operating of six political concentration camps with over 150,000 political prisoners by the DPRK, and that when adding figures of all other categories of prisoners, like those forcibly repatriated from the PRC, an estimated number of over 200 000 people are incarcerated in detention centres;
- O. whereas large parts of the population suffer from systematic starvation and are to a large extent dependent on international food aid, whereas the World Food Program reported in September 2009 that a third of North Korean women and children are malnourished, and whereas mass food shortages and famine are of serious concern and have significant implications for the full of spectrum of human rights
- P. whereas North Korean society is governed by a “military first” policy and the juche ideology which requires veneration of the country’s leader
- Q. whereas the "currency reform" of 30 November 2009 has resulted in severe damage to the already ailing economy and has led to the impoverishment of non-privileged sections of society
- R. whereas, according to credible defector reports, the non-privileged sections of society are subject to discrimination, persecution as well as limited access to education and

employment opportunities based on their social class status as determined by their or their family's loyalty to the regime

1. Calls on the Members of the Security Council to work to establish a UN Commission of Inquiry to assess past and present human rights violations in North Korea in order to determine to which extent such violations and the impunity associated with these abuses may constitute crimes against humanity, and be subject to international criminal jurisdiction; calls on EU Member States to sponsor a resolution at the UN General Assembly establishing the said Commission of Inquiry;
2. Calls on the EU to appoint an EU special representative on North Korea to ensure continued coordination both within the European Union and with key partners such as the United States and the Republic of Korea, following the example of appointing a Special Rapporteur on the situation of human rights in the DPRK by the UN and a Special Envoy for North Korea Human Rights Issues by the U.S. Department of State
3. Calls on the government of the DPRK to follow the recommendations of the Report of the Working Group on Universal Periodic Review, Human Rights Council, adopted on 18 March 2010, which include setting up a national human rights organisation and cooperation with UN High Commissioner for Human Rights.
4. urges the EU to support international efforts to grant North Korean refugees asylum in EU member States;
5. Calls on the EU to maintain bilateral and multilateral targeted sanctions that will focus on the elite of the DPRK regime, but which will not make life more difficult for average North Korean citizens;
6. Calls on the government of the DPRK to put an immediate end to the ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;

7. Calls on the government of the DPRK to ensure access to food and other basic necessities for all citizens in need;
8. Calls for the government of the DPRK to immediately and permanently stop the practice of public executions, and to abolish the death penalty
9. Calls on the government of the DPRK to put an end to extrajudicial killings and enforced disappearances, to stop the use of torture and forced labour, to release political prisoners and allow its citizens to travel freely in and out of the country;
10. Calls on the government of the DPRK to fully cooperate with the new UN Special Rapporteur on human rights in North Korea, and to also allow other UN Special Rapporteurs to visit the country;
11. Calls on the government of the DPRK to follow the recommendations of the Report of the Working Group on Universal Periodic Review, Human Rights Council, adopted on 18 March 2010. These recommendations include setting up a national human rights organisation and cooperation with UN High Commissioner for Human Rights.
12. Calls on the government of the PRC to stop all forcible repatriation of North Korean refugees back to the DPRK, to allow the UNCHR unfettered access to those who flee from the DPRK, to facilitate resettlement in third countries and to grant North Korean women married to Chinese citizens legal resident status;
13. Calls on the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy to raise the human rights situation in the DPRK and the issue of North Korean refugees in the PRC at all EU China high-level talks and at the EU-China Dialogue on Human Rights; calls on the PRC to stop arresting and returning North Korean refugees to the DPRK, to fulfil its obligations under the 1951 Refugee Convention and its 1967 Protocol, and to allow the UNHCR access to North Korean refugees to determine their status and assist their safe resettlement;

14. Calls on the European Commission to continue its support for civil society organisations helping North Korean refugees and spreading free information in the DPRK;
15. Calls on the European Commission to maintain existing humanitarian aid programmes and channels of communication with the Democratic People's Republic of Korea as these aid programmes are directly linked to the living conditions of the people in the North Korea, calls on the European Commission to rigorously monitor the distribution of food aid and humanitarian assistance in North Korea to meet international standards of transparency and accountability, and calls on the authorities of the North Korea to ensure access to the humanitarian assistance delivered;
16. Calls on the European Commission and the EU Member States to monitor the compatibility of working conditions of North Korean citizens working in EU Member States with the related standards of these states; calls on competent authorities in the EU to conduct thorough on-site inspections of all sites where North Korean workers are employed; calls for the European Commission and EU Member States to put in place extra safeguards to ensure that North Korean workers directly receive net wages that are commensurate with minimal wage standards in these states;
17. Calls on the Commission to append a clause to monitor the rights of workers from North Korea working in the Kaesong Industrial Complex in North Korea to the EU-South Korea Free Trade Agreement
18. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the EU Member States, the Council, the governments of the Republic of Korea and the Democratic People's Republic of Korea, and the United Nations Secretary-General.