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Plenary sitting

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MOTION FOR A RESOLUTION

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

pursuant to Rule 122 of the Rules of Procedure

on the situation of North Korean refugees
(2012/2655(RSP))

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on behalf of the ALDE Group

**European Parliament resolution on the situation of North Korean refugees
(2012/2655(RSP))**

The European Parliament,

- having regard to its previous resolutions on the Korean Peninsula;
- having regard to its previous resolutions on the People's Republic of China;
- 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 1951 Convention relating to the Status of Refugees, and the status of the principle of non-refoulement as a rule of customary international law;
- having regard to the 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which requires countries to refrain from repatriating people to countries where they face a substantial risk of being tortured
- having regard to United Nations Security Council resolutions 1718 (2006), 1874 (2009), 1887 (2009), 1928 (2010) and 1985 (2011)
- 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 the EU-China human rights dialogues including the 29th round 29 June 2010 in Madrid where the issue of North Korean refugees was discussed;
- having regard to the 2010 DPRK Ministry of Public Security decree making defection a crime of "treachery against the nation"
- having regard to Council Decision 2011/860/CFSP of 19 December 2011,
- having regard to the Universal Peer Report of the Democratic People's Republic of Korea (DPRK) on 7 November 2009 and to the DPRK agreed 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 8 April 2011 on the "Situation of human rights in the Democratic People's Republic of Korea";
- having regard to the statement by the authorities of the DPRK, in December 2011, of its intention to "annihilate" up to three generations of a family if a family member fled the country during the 100-day period of mourning for the death of Kim Jong Il

- having regard to the EU-China summit of 14 February 2012
 - having regard to calls by 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(2) of its Rules of Procedure,
- A. whereas the human rights situation in DPRK remains deeply preoccupying while the humanitarian situation is deeply alarming;
 - B. 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, while citizens, including children, are forced to attend public executions;
 - C. whereas the DPRK government does not allow organized political opposition, free and fair elections, free media, religious freedom and freedom of association;
 - D. whereas large parts of the population suffer from 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;
 - E. whereas a significant number of North Koreans flee to China, where many women are reportedly subjected to human trafficking and forced marriages; whereas China reportedly forcibly returns North Korean refugees to DPRK in violation of international norms on the prohibition on *refoulement* and allegedly, also prohibits North Koreans citizens from accessing UNHCR asylum procedures, in violation of the 1951 UN Convention on Refugees and its 1967 Protocol, to which China has acceded;
 - F. whereas according to credible reports by defectors, the population is subjected to discrimination and persecution while their access to education and employment opportunities are based on their *songbun* (social class status) which is determined by their or their family's loyalty to the regime;
 - G. whereas the state practice of guilt by association results in entire families disappearing by the official state forces, including children and grandparents; whereas these prisoners are exposed to gross human rights violations, torture, starvation, hard labour and according to eye witnesses, an estimated 100 000 may have already have perished, often of exhaustion or untreated diseases;
 - H. whereas satellite images and various accounts by North Korean defectors substantiate allegations that DPRK operates six concentration camps, with over 150,000 political prisoners, and that when adding figures of all the other categories of prisoners, such as those forcibly repatriated from China, an estimated 200 000 people are incarcerated in detention centres;
 - I. whereas in March 2012 the Chinese government forcibly repatriated at least 41 North Korean refugees to the DPRK ;

- J. whereas China's 1986 repatriation agreement with North Korea stands in direct contravention of their obligations under international law;
- K.
- L. whereas those fleeing the DPRK as "economic migrants" are doing so as a direct result of the policies of the North Korean government which discriminate against ordinary people and benefit the elite who are loyal to the regime;
- M. whereas most refugees from DPRK have no intention of staying in China but must pass through the country in order to make their way to South Korea or Europe;
- N. whereas the North Korean refugees would be classified as *refugees sur place* as defined by UN High Commissioner for Refugees, on account of the persecution and punishment they are likely to face on their return to the DPRK ;
- O. whereas the EU-China human rights dialogue established in 1995 has achieved few results so far and whereas human rights considerations have played no more than a background role in the EU-China summits;
1. Calls on the DPRK to put an immediate end to the ongoing grave, widespread and systematic human rights violations;
 2. Urges the EU to support international efforts to grant North Korean refugees asylum in EU member States;
 3. Calls for the EU to maintain bilateral and multilateral targeted sanctions that focus on the DPRK regime but which will not affect North Korean citizens;
 4. Calls on the DPRK to immediately and permanently stop public executions and abolish the death penalty in DPRK;
 5. Calls on 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;
 6. Calls on China to end their 1986 agreement with the DPRK on the repatriation of refugees and to release North Korean refugees currently in detention;
 7. Calls on China to stop arresting and returning North Korean refugees to the DPRK, to fulfill its obligations under the 1951 Refugee Convention and its 1967 Protocol;
 8. Calls on China to allow the UNHCR access to North Korean refugees to determine their status and assist their safe resettlement;
 9. Urges China to allow safe passage for North Korean refugees to South Korea or other third countries;
 10. Calls on China to recognise that "economic migrants" from the DPRK are fleeing as a direct result of the DPRK government's discriminatory policies against ordinary

citizens and to recognise all North Korean people escaping from DPRK as *refugees sur place*;

11. Calls on China to grant North Korean women married to Chinese men legal resident status;
12. Urges the VP/HR to raise the issue of North Korean refugees in China as a matter of urgency with the Government of the People's Republic of China;
13. Calls on the European Commission to raise the human rights situation in DPRK and the issue of North Korean refugees in China in all EU-China high levels talks and in the EU China Dialogue on Human Rights;
14. Calls on the European Commission to continue to support civil society organisations helping North Korean refugees and spreading free information to the DPRK;
15. Calls on the European Commission to maintain existing humanitarian aid programmes and channels of communication with the DPRK; 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; calls on the DPRK authorities to ensure access to humanitarian assistance;
16. Instructs its President to forward this resolution to the Member States, the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the Council, the Commission, the governments of the Democratic People's Republic of Korea, the Republic of Korea and the People's Republic of China, and the United Nations Secretary-General.