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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 North Korean refugees
(2012/2655(RSP))

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on behalf of the Verts/ALE Group

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

The European Parliament,

- Having regard to its previous resolutions relating to the Korean Peninsula, and in particular to the European Parliament's resolution on North Korea (Democratic People's Republic of Korea - DPRK) adopted in October 2010;
- Having regard to the Universal Peer Report of the Democratic People's Republic of Korea (DPRK) on 7 November 2009 where in which the DPRK agreed to examine 117 recommendations
- Having regard to Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea presented on 21 February 2011, where he regrets that "the DPRK has so far not shown any commitments to implement the recommendations"
- Having regard to the debate on the repatriation policy of North Korean refugees in the UN Human Rights Council in Geneva in March 2012
- Having regard to the resolution A/HRC/19/L.29 adopted by consensus by the UN Human Rights Council on March 19, 2012, in which the Council expresses its very serious concern at the ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea; and resolution XX of the UN General Assembly adopted in December XX, 2011,
- Having regard to the report by the South Korean National Human Rights Commission on human rights violations in North Korea of May 2012, based on some 800 interviews with refugees, including several hundred defectors who survived the prison camps
- Having regard to Rule 122(5) of its Rules of Procedure,

A. 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;

B. Whereas according to the Unification Ministry in Seoul, last year 2,727 North Koreans reached safety in South Korea, the great majority of whom fled through the People's Republic of China,

C. Whereas China accounts for more than 80% of North Korea's foreign trade

D. Whereas the Peoples Republic of China (PRC) arrests and forcibly returns on estimated 5000 North Korean refugees to the DPRK every year in violation of international law 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;

E. Whereas an estimated 60 to 70% of those North Koreans are women, often victims of human trafficking, sex slavery and forced marriage and whereas children conceived through such violations are considered stateless in China and are being abandoned or exposed to the same fate as their mothers

F. Whereas refugees who are forcibly returned to North Korea reportedly systematically suffer torture, imprisonment in concentration camps and might even be executed upon their return, pregnant women are being forced to abort and babies of Chinese fathers are allegedly killed

G. Whereas according to rumours, Kim Jong Un, North Korea's new leader, issued a shoot-to-kill order to North Korean guards patrolling the border, increased the amount of land mines being placed along the country's borders to prevent people from fleeing

H. Whereas on 29 March 2012 Kim Young-hwan and three other activists of the Seoul based Network for North Korean Democracy and Human Rights in Dalian, Liaoning Province have been arrested on allegations of being " a threat to China's national security" while reportedly trying to help North Korean defectors

I. 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;

J. Whereas satellite images and various accounts by North Korean defectors substantiate the operating of at least 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;

K. 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

1. Appeals to the Chinese authorities to treat North Korean citizens who flee to China, as refugees not economic migrants and to decriminalise those who try to help them on humanitarian grounds, to allow the UNCHR unfettered access to those who flee from the DPRK, and to grant North Korean women married to Chinese citizens legal resident status

2. Strongly urges the PRC to stop deporting North Korean citizens back the DPRK and welcomes recent reports that China intends a policy shift in this direction; Recalls that North Korean citizens are considered full citizens of the Republic of Korea and therefore calls on the PRC to support a humanitarian resettlement solution in third countries
3. Calls as well on the governments of Thailand, Lao PDR, Vietnam, Cambodia and Burma to permit North Korean refugees and asylum seekers to transit their countries without interference to access third-country resettlement
4. Equally calls on China to stop cooperating with North Korean security agents to trace North Korean refugees in order to be able to arrest them, instead the People's Republic of China should permit humanitarian access by NGOs and community service providers to North Korean refugees and asylum seekers in China, including provision of food, medical, education, legal and other services;
5. calls on the PRC 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;
6. Severely regrets that in the case of Kim Young-hwan and his fellow activists, the Chinese authorities reportedly for the first time applied the charge of 'threat to national security' which can carry the death penalty; calls on the authorities to grant full consular access by the South Korean authorities and legal representation to the four detained activists and to swiftly release them
7. Calls on the European Commission 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;
8. Re-iterates its calls on the EU to support the establishment of 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 to that aim;
9. In view of the gravity of the situation, calls on the EU to appoint an EU special representative for North Korea to ensure continued coordination both within the European Union and with key partners such as the United States and South 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 Korean Human Rights Issues by the U.S. Department of State;
10. Calls on the government of the DPRK to put an end to the ongoing grave, widespread and systematic human rights violations in the country, notably to halt 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;
11. Calls on the DPRK authorities to follow the recommendations of the Report of the Working Group on the Universal Periodic Review by the Human Rights Council, and as a

first step to allow inspection of all types of detention facilities by independent international experts;

12. urges the EU Member States to adopt a more systematic approach to organising European and international protection for North Koreans fleeing the desperate situation at home;

13. Calls on the government of the DPRK to cooperate with the UN Special Rapporteur on human rights in North Korea, and to also allow other UN Special Rapporteurs to visit the country;

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; calls on the authorities of the North Korea to ensure access to the delivered humanitarian assistance;

16. 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 Commission, the governments of the Republic of Korea, the Democratic People's Republic of Korea, the People's Republic of China and the United Nations Secretary-General.