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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 the situation of human rights in North Korea

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on behalf of the EFD Group

European Parliament resolution on the situation of human rights in North 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;
- 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) of 7 November 2009;
- having regard to the Report of the Working Group on Universal Periodic Review, Human Rights Council adopted on 18 March 2010;
- 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 DPRK human rights issues;
- having regard to Rule 122(5) of its Rules of Procedure;

- A. whereas the human rights situation in DPRK remains horrific and the humanitarian situation remains deeply alarming;
- B. whereas the United Nations Human Rights Council Resolution of 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 violation of civil, political, economic, social and cultural rights in DPRK;
- C. whereas the United Nations Special Rapporteur on the Situation of Human Rights in DPRK described the human rights situation in DPRK as "abysmal" in his annual report to UN Human Rights Council, published on 22 October 2009; and whereas the report of 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 DPRK refuses to cooperate fully with the UN human rights mechanisms; whereas the DPRK Government, in particular, has refused to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea 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 DPRK stated that resumption of Six Party Talks to help denuclearise DPRK would be an added opportunity to provide space for an improved environment on human rights in the country;
- F. whereas the UN Special Rapporteur on the Situation of Human Rights in DPRK suggested that the Security Council should consider the human rights violations in DPRK 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 DPRK, in particular the use of torture and labour camps against political prisoners and repatriated citizens of 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 utilised for a broad range of crimes against the State and is extended periodically by the Criminal Code, and the civil population, including children, are forced to attend public executions;
- I. whereas the Government of 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 or collective bargaining;
- K. whereas kidnapping and abduction of third country citizens from Japan, South Korea and other countries, including a reported 9 citizens from the EU, remains unresolved and requires strong measures from the international community;
- L. 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 prohibition on forced returns and reportedly also prohibits North Korean citizens from accessing the asylum procedures of the UNHCR, in violations of the 1951 UN Convention on Refugees and its 1967 Protocol, to which China has acceded to;
- M. whereas the state practice of guilt by association results in entire families including children and grandparents disappearing through the actions of official state forces,

and whereas these prisoners are exposed to 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 that DPRK operates six political concentration camps, with over 150,000 political prisoners, and that when adding the numbers of all other categories of prisoners, such as those forcibly repatriated from China, an estimated number of more than 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 and whereas the World Food Program reported in September 2009 that a third of North Korean women and children are malnourished; and whereas the government of DPRK has rejected the recommendation of the UN Human Rights Council Universal Periodic Review to end discrimination in the distribution of food; and whereas mass food shortages and famine are of serious concern, and have significant implications for a wide spectrum of human rights;
- P. whereas the 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 November 30, 2009 resulted in severe damage to the already ailing economy and led to impoverishment of non privileged parts of society;
- R. whereas according to credible defector reports, the non-elite population is subject to discrimination and persecution as well as access to education and employment opportunities based on their “songbun” - 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 DPRK to determine to which extent such violations and impunity associated with the 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 a UN Commission of Inquiry to assess grave human rights violations in DPRK;
2. Calls on the North Korean Government to follow up on the recommendations of the Report of the UN Human Rights Council Working Group on Universal Periodic Review which include the setting up a national human rights organisation and cooperation with UN High Commissioner for Human Rights.
3. Calls for EU to maintain bilateral and multilateral targeted sanctions that will focus on the regime elite in DPRK but which will not make life more difficult for average North Korean citizens;
4. 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;
5. Calls on the government of the DPRK to ensure access of all its citizens to food and other basic necessities;
6. Calls for the government of the DPRK to immediately and permanently stop public executions;
7. 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 the political prisoners and allow its citizens to travel freely in and out of the country;
8. Calls on the government of the DPRK to cooperate fully with the new UN Special Rapporteur on human rights in DPRK, Mr Marzuki Darusman, and also to allow other UN Special Rapporteurs to visit the country;

9. Calls to DPRK Government to follow up 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.
10. Calls on the Commission to raise the human rights situation in DPRK and the issue of North Korean refugees in China at all EU China high levels talks and at the EU China Dialogue on Human Rights; calls on China to stop arresting and returning North Korean refugees to 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;
11. Calls on the European Commission to continue to support civil society organisations helping North Korean refugees and spreading free information to DPRK;
12. 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 DPRK; calls on the European Commission to rigorously monitor the distribution of food aid and humanitarian assistance in DPRK to meet international standards of transparency and accountability; calls on the authorities of the DPRK to ensure access to the delivered humanitarian assistance;
13. Calls on the Commission to include to the EU South Korea Free Trade Agreement clause to monitor the rights of workers from DPRK working in the Kaesong Industrial Complex in DPRK
14. 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 Republic of

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