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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 North Korea

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on behalf of the ALDE Group

European Parliament resolution on North Korea

The European Parliament,

- having regard to its previous resolutions on the Korean Peninsula,;
- 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 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 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 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 United Nations Human Rights Council Resolution from 25 March 2010 entitled 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; whereas the United Nations Special Rapporteur on the Situation of Human Rights in DPRK described the human rights situation as "abysmal" in his annual report to the UN Human Rights Council,
- C. whereas North Korea refuses to fully cooperate with the UN human rights mechanisms; whereas the North Korean Government, has refused to recognize the mandate of the Special Rapporteur on the situation of human rights in DPRK and has not allowed him access to the country
- D. whereas the report of the UN Special Rapporteur stated that the resumption of Six Party Talks on denuclearization would also be an opportunity to provide space for an improved human rights environment; whereas the UN Special Rapporteur suggested that the Security Council should consider the human rights violations in DPRK and that a Commission of Inquiry should be established to investigate alleged crimes against humanity by the DPRK government
- E. whereas the United Nations Human Rights Council Resolution deplores 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 North Korea; whereas the DPRK state authorities systematically carry out and enable extrajudicial killings, arbitrary detentions and disappearances;
- F. 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;
- G. whereas the DPRK government does not allow organized political opposition, free and fair elections, free media, religious freedom and freedom of association
- H. whereas the kidnapping and abduction of third country citizens from Japan, South Korea and other countries, including, allegedly, 9 EU citizens, remains unresolved and requires decisive action by the international community
- I. 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;

- J. 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;
- K. 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;
- L. 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;
- M. whereas the society is governed by a “military first” policy and the *juche* ideology which requires veneration of the country’s leader;
- N. 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;
- O. Whereas North Korea has a very poor record in respecting freedom of expression and freedom of the press
- P. Whereas no international journalists are allowed access to North Korea without restrictions
- Q. Whereas the Korean Central News Agency provides the only source of information for all media outlets in North Korea
- R. Whereas radio- and TVstations are only tuned to government stations and those tuned to other stations are prohibited
- S. Whereas the general population of North Korea has no access to the internet and the limited points of internet access are censored and restricted
1. Calls on the DPRK to put an immediate end to the ongoing grave, widespread and systematic human rights violations;
 2. Calls on the Members of the Security Council to establish a UN Commission of Inquiry to assess past and current human rights violations in DPRK in order to determine to which extent such violations and impunity associated with the abuses may constitute crimes against humanity and thus be subject to international criminal jurisdiction; Calls on EU Member States to sponsor a UN resolution at the General

Assembly establishing a UN Commission of Inquiry to investigate grave human rights violations in North Korea;

3. Calls on the EU to appoint an EU special representative on North Korea to ensure persistent attention and coordination both within the European Union and with key partners such as the United States and South Korea;
4. Urges the EU to support international efforts to grant North Korean refugees asylum in EU member States;
5. 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;
6. Calls on the DPRK to fully cooperate with the new UN Special Rapporteur on human rights in DPRK, Mr Marzuki Darusman, and to also allow other UN Special Rapporteurs to visit the country;
7. Calls on the DPRK to follow the recommendations of the Report of the Working Group on Universal Periodic Review, Human Rights Council in particular those that call for the creation of a national human rights organisation and cooperation with the UN High Commissioner for Human Rights;
8. Calls on the DPRK to immediately and permanently stop public executions and abolish the death penalty in DPRK.
9. 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;
10. Calls on the DPRK to allow for free expression and press freedom, as well as uncensored access to the internet to its citizens
11. Calls on China to stop arresting and returning North Korean refugees to DPRK, to fulfill 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; Calls on China to grant North Korean women married to Chinese men legal resident status;
12. 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;
13. Calls on the European Commission to continue to support civil society organisations helping North Korean refugees and spreading free information to North Korea;
14. 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;

15. Calls on the Commission to include a clause to monitor the rights of workers working in the Kaesong Industrial Complex in North Korea in the EU[-South Korea Free Trade Agreement
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 Republic of Korea and the Democratic People's Republic of Korea, and the United Nations Secretary-General.