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Human Rights Council

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Agenda item 4

Human rights situations that require the Council's attention

25/... The situation of human rights in the Democratic People's
Republic of Korea

The Human Rights Council,

1 Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other human rights instruments,(22/13 pp1)

2 *Recalling* all previous resolutions adopted by the Commission on Human Rights, the Human Rights Council and the General Assembly on the situation of human rights in the Democratic People's Republic of Korea, including Council resolution 22/13 of 21 March 2013 and Assembly resolution 68/183 of 18 December 2013, and urging the implementation of those resolutions,(22/13 pp2 updated)

3 *Bearing* in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,(22/13 pp3)

4 *Recalling* Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his/her duties in accordance with those resolutions and the annexes thereto,(22/13 pp4)

5 *Commending* the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea for completing its work in a transparent, impartial and consultative manner, despite the Government of the Democratic People's Republic of Korea's efforts to reduce access to information by refusing to permit the Commission of Inquiry to visit the country;;(22/13 op2 amended)

6 *Acknowledging* the Commission of Inquiry's efforts to ensure the full transparency of the inquiry through providing comprehensive information on its work to the government of the DPRK, as well as through the invitations to the representative of the DPRK to public hearings. (new)

7 *Deeply regretting* the refusal of the Government of the Democratic People's Republic of Korea to extend any cooperation to the Commission of Inquiry and the Special Rapporteur, including access to their country,(22/13 pp11 amended)

8 *Stressing* the significance of first-hand accounts by victims and witnesses who have delivered testimonies at public hearings and confidential interviews held by the Commission; (new)

9 *Recalling* the call by the High Commissioner, in her statement on 18 February 2014, to the international community to use all the mechanisms at its disposal to ensure accountability, including referral to the International Criminal Court;(new)

10 *Deeply concerned* at the systematic, widespread and gross human rights violations in the Democratic People's Republic of Korea that in many instances constitute crime against humanity, as well as at the impunity of perpetrators, as described in the report of the Commission of Inquiry¹; (22/13 pp9 amended)

11 *Expressing its serious concern* at the refusal of the Government of the Democratic People's Republic of Korea to articulate, by the time of the adoption by the Human Rights Council of the outcome report of its universal periodic review in March 2010, which recommendations enjoyed its support, and regretting the lack of action taken by the Democratic People's Republic of Korea to date to implement the recommendations contained in that report;(22/13 pp12)

12 *Concerned* that the precarious humanitarian situation in the country is exacerbated by the failure of the DPRK government to provide humanitarian agencies with free and unimpeded access to all populations in need and by its national policy priorities that, among others, prioritize military spending over citizens' access to food, (COI report 89.L)

13 *Reaffirming* that it is the responsibility of the Government of the Democratic People's Republic of Korea to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population, including by ensuring equal access to adequate food, as well as, among others, freedom of religion or belief, freedom of expression and freedom of association and assembly, (22/13 pp14)

14 *Recognizing* that particular risk factors affect women, children, persons with disabilities and the elderly, and the need to ensure the full enjoyment of all their human rights and fundamental freedoms by them against neglect, abuse, exploitation and violence,(22/13 pp15)

15 *Reaffirming* the importance of States' engaging fully and constructively with the Human Rights Council, including with the universal periodic review process and with other mechanisms of the Human Rights Council for the improvement of their human rights situations,(22/13 pp16)

1. *Welcomes* the report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea and reaffirms that the report should be transmitted to all relevant bodies of the United Nations and Secretary-General for appropriate action; (22/13 pp6 amended)

2. *Condemns* in the strongest terms the long-standing and ongoing systematic, widespread and gross human rights violations and other human rights abuses in the Democratic People's Republic of Korea and expresses its grave concern regarding the detailed findings in the report of the Commission of Inquiry, including the following; (22/13 op1 amended)

¹ A/HRC/25/63, A/HRC/25/CRP.1.

(a) denial of the right of freedoms of thought, conscience and religion, as well as the rights to freedom of opinion, expression and association, which is enforced through an absolute monopoly on information and total control over organized social life, as well as arbitrary and unlawful state surveillance that permeates the private lives of all citizens;

(b) discrimination based on the “songbun” system, which classifies people on the basis of state-assigned social class and birth, and also includes consideration of political opinions and religion; discrimination against women, including unequal access to employment, discriminatory laws and regulations and violence against women;

(c) violation of all aspects of the right to freedom of movement, including the forced assignment to a state-designated places of residence and employment, often based on the “songbun” system, and denial of the right to leave one's own country;

(d) systematic, widespread and grave violations of the right to food and related aspects of the right to life, exacerbated by widespread hunger and malnutrition ;

(e) violation of the right to life, and acts of extermination, murder, enslavement, torture, imprisonment, rape and other grave sexual violence and persecution on political, religious and gender grounds in political prison camps and ordinary prisons and widespread practice of collective punishment with harsh sentences, imposed on innocent individuals;

(f) systematic abduction, denial of repatriation and subsequent enforced disappearance of persons, including those from other countries, on a large scale and as a matter of State policy;

3. *Urges* the Government of the Democratic People's Republic of Korea to acknowledge the human rights violations in the country, and take immediate steps to end all human rights violations and human rights abuses through, among others, implementation of relevant recommendations in the report, including, but not limited to, taking the following steps; (new)

(a) ensure right of freedom of thought, conscience and religion, as well as the rights to freedom of opinion, expression and association, including through permitting the establishment of independent newspapers and other media;

(b) end discrimination against citizens including state sponsored discrimination based on the “songbun” system and take immediate steps to ensure gender equality and protect women from gender based violence;

(c) ensure right to freedom of movement, including the freedom to choose places of residence and employment;

(d) promote equal access to food, including through full transparency regarding the provision of humanitarian assistance, so that such assistance is genuinely provided to vulnerable persons;

(e) immediately halt all human right violations relating to prison camps including the practice of forced labour, dismantle all political prison camps and release all political prisoners and ensure that justice sector reforms provide protections for a fair trial and due process;

(f) allow all persons who have been abducted or otherwise forcibly disappeared as well as their descendants, to return immediately to their countries of origin,

4. *Expresses deep concern* at the Commission's findings concerning the situations of refugees and asylum seekers returned to the DPRK, and other citizens of the DPRK who have been repatriated from abroad and made subject to sanctions including

internment, torture, cruel, inhumane and degrading treatment, sexual violence, enforced disappearances, or the death penalty, and in this regard, strongly urge all states to respect the fundamental principle of non-refoulement to treat humanely those who seek refuge and to ensure unhindered access to the UNHCR and its office with a view to protecting the human rights of those who seek refuge, and once again urge state parties to comply with their obligations under international human rights law as well as the 1951 conventions relating to the status of refugees and the 1967 protocol there in relation to persons from the DPRK who are covered by those instruments; (GA68/183 OP1-(4))

5. *Acknowledges and is deeply troubled* by the commission of inquiry's finding that the body of testimony and information received provides reasonable grounds to believe that crimes against humanity have been committed in the DPRK, pursuant to policies established at the highest level of the State for decades. These crimes against humanity entail extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation.(new, COI report)

6. *Stresses* that the DPRK authorities have failed to prosecute those responsible for crimes against humanity and other human rights violations and encourages the members of the international community to cooperate with accountability efforts and to ensure that these crimes do not remain unpunished;

7. *Recommends* to the General Assembly to submit the report of the Commission of Inquiry to the Security Council for its consideration and appropriate action in order that those responsible for the human rights violations including those which may amount to crimes against humanity are held to account, including through consideration of referral of the situation in the DPRK to the appropriate international criminal justice mechanism, and consideration of the scope for effective targeted sanctions against those who appear to be most responsible for crimes against humanity, taking into account the relevant conclusions and recommendations of the Commission of Inquiry;

8. *Decides* to extend the mandate of the Special Rapporteur in accordance with 22/13 for a period of one year; (22/13 op3 amended)

9. *Calls upon* all concerned parties, including United Nations bodies, to consider implementation of the recommendations in the report in order to address the dire human rights situation; (new)

10. *Requests* the Office of the High Commissioner for Human Rights to urgently follow up on the recommendations in the report of the Commission of Inquiry and provide increased support to the Special Rapporteur, including through the establishment of a field-based structure to strengthen monitoring and documentation of the situation of human rights in the Democratic People's Republic of Korea to ensure accountability, enhance engagement and capacity building with the governments of all States concerned, civil society and other stakeholders, and maintain visibility of the human rights situation of the Democratic People's Republic of Korea including through sustained communications, advocacy and outreach initiatives; (new)

11. *Requests* the Office of the High Commissioner for Human Rights to report its follow up efforts, through the Secretary General's regular annual report to the General Assembly on the human rights situation in the Democratic People's Republic of Korea, effective from the sixty ninth session of the General Assembly; (new)

12. *Requests* the Special Rapporteur to submit regular reports to the Human Rights Council and to the General Assembly on the implementation of his mandate, including on the follow-up efforts of the implementation of the recommendations of the Commission of Inquiry; (22/13 op10 amended)

13. *Urges* the Government of the Democratic People's Republic of Korea to invite and cooperate fully with the Special Rapporteur, and to permit the Special Rapporteur and supporting staff unrestricted access to visit the country and to provide them with all information necessary to enable them to fulfil such mandate; (22/13 op6 amended)

14. *Urges also* the Government of the Democratic People's Republic of Korea to participate in its Universal Periodic Review in 2014 in a constructive manner and to commence an open and inclusive review of the situation of human rights in the country, and provide clear responses to the recommendations presented during the review, without undue delay; (new)

15. *Encourages* the United Nations, including its specialized agencies, States, regional intergovernmental organizations, interested institutions, independent experts and non-governmental organizations, to develop constructive dialogue and cooperation with special procedure mandate holders including the Special Rapporteur, and the field based OHCHR structure; (22/13 op8 amended)

16. *Encourages* all states who have relations with the DPRK to use their influence to encourage the DPRK, to take immediate steps to end all human rights violations, including through closing political prison camps to undertake profound institutional reforms;

17. *Requests* the Secretary-General to provide the Special Rapporteur with all assistance and adequate staffing necessary to carry out his/her mandate effectively and to ensure that this mechanism work with the support of the Office of the United Nations High Commissioner for Human Rights; (19/13 op7)

18. *Decides* to transmit all reports of the Special Rapporteur to all relevant bodies of the United Nations and to the Secretary-General for appropriate action. (22/13 op12 amended)