



**Economic and Social
Council**

Distr.
LIMITED

E/CN.4/2004/L.21
8 April 2004

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sixtieth session
Agenda item 9

**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS IN ANY PART OF THE WORLD**

**Andorra*, Australia, Austria, Belgium*, Bulgaria*, Canada*, Cyprus*,
Czech Republic*, Denmark*, Estonia*, Finland*, France, Germany,
Greece*, Hungary, Iceland*, Ireland, Italy, Japan, Latvia*, Lithuania*,
Luxembourg*, Malta*, Monaco*, Netherlands, Nicaragua*, New Zealand*,
Norway*, Poland*, Portugal*, Romania*, Slovakia*, Slovenia*, Spain*,
Sweden, Switzerland*, United Kingdom of Great Britain and
Northern Ireland, United States of America: draft resolution**

2004/... Situation of human rights in the Democratic People's Republic of Korea

The Commission on Human Rights,

*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,*

*Reaffirming that all States Members of the United Nations have the obligation to promote
and protect human rights and fundamental freedoms and to implement the obligations they have
assumed under international instruments,*

* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Mindful that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights and to the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling its resolution 2003/10 of 16 April 2003,

Noting the submission by the Democratic People's Republic of Korea of its second periodic report concerning the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.35), and its second periodic report on the implementation of the Convention on the Rights of the Child (CRC/C/65/Add.24) as a sign of more active engagement in international cooperative efforts in the field of human rights, and encouraging the Democratic People's Republic of Korea to continue to submit its reports in a timely manner,

Taking note of the concluding observations of the Committee on Economic, Social and Cultural Rights on the reports submitted by the Democratic People's Republic of Korea,

Expressing its deep concern at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition which, despite recent progress, still affects a significant percentage of children and their physical and mental development,

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,

Underlining the importance of the effective continuation of the process of rapprochement between the two Koreas and noting progress in this respect,

Welcoming the fact that the Democratic People's Republic of Korea has held consultations with some countries on human rights issues,

Desiring to promote a constructive approach leading to concrete progress in the field of human rights,

1. *Expresses its deep concern* about continuing reports of systemic, widespread and grave violations of human rights in the Democratic People's Republic of Korea, including:

(a) Torture and other cruel, inhuman or degrading treatment or punishment, public executions, extrajudicial and arbitrary detention, imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour, and lack of respect for the rights of persons deprived of their liberty;

(b) Sanctions on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, such as treating their departure as treason leading to punishments of internment, torture, inhuman or degrading treatment or the death penalty, and infanticide in prison and labour camps;

(c) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association and on access of everyone to information, and limitations imposed on every person who wishes to move freely within the country and travel abroad;

(d) Continued violation of the human rights and fundamental freedoms of women, in particular the trafficking of women for prostitution or forced marriage, ethnically motivated forced abortions and infanticide, including by labour-inducing injection, or natural delivery, by repatriated mothers, including in police detention centres and labour-training camps;

2. *Notes with regret* that the authorities of the Democratic People's Republic of Korea have not created the necessary conditions to permit the international community, including the United Nations system, to examine these reports in an independent manner and calls upon the Government to address these reports and concerns in an open and constructive manner, including:

(a) By providing all pertinent information concerning the above-mentioned issues and removing restrictions on access to the country by the international community;

(b) By ratifying human rights instruments to which the Democratic People's Republic of Korea is not yet a party, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention on the

Elimination of All Forms of Racial Discrimination, and by implementing its obligations under the human rights instruments to which the Democratic People's Republic of Korea is a party, namely the International Covenant on Economic, Social and Cultural Rights, in particular concerning the right of everyone to be free from hunger, the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, ensuring that all necessary measures are undertaken to this end;

(c) By adhering to internationally recognized labour standards and considering as a matter of priority joining the International Labour Organization and becoming party to the Convention concerning Forced or Compulsory Labour, 1930 (Convention No. 29) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization;

(d) By implementing the recommendations of the Committee on the Rights of the Child, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights;

(e) By refraining from sanctioning citizens of the Democratic People's Republic of Korea who have moved to other countries and refraining from treating their departure as treason leading to punishments of internment, inhuman or degrading treatment or the death penalty, and put an immediate end to maltreatment and infanticide in prison and labour camps;

(f) By cooperating with the United Nations system in the field of human rights and cooperating without restriction with the thematic procedures of the Commission on Human Rights relevant to the situation of the Democratic People's Republic of Korea, in particular with the Special Rapporteur on the right to food, the Special Rapporteur on the question of torture, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the right to freedom of opinion and expression, the Special Rapporteur on violence against women, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, as well as with international human rights organizations, including human rights defenders;

(g) By developing a constructive dialogue with the United Nations High Commissioner for Human Rights and her Office;

(h) By resolving, clearly and transparently and urgently, all the unresolved questions relating to the abduction of foreigners;

(i) By cooperating with its neighbouring Governments to bring an end to the trafficking of women;

3. *Urges* the authorities of the Democratic People's Republic of Korea to ensure that humanitarian organizations, including non-governmental organizations and United Nations agencies, in particular the World Food Programme, have full, free, safe and unimpeded access to all parts of the Democratic People's Republic of Korea in order for them to ensure that humanitarian assistance is delivered impartially on the basis of need, in accordance with humanitarian principles;

4. *Requests* the international community to continue to urge the Government of the Democratic People's Republic of Korea to ensure that humanitarian assistance, especially food aid, destined for the people of the Democratic People's Republic of Korea is distributed in accordance with humanitarian principles and that representatives of international humanitarian actors are allowed to travel throughout the country to monitor this distribution, and to ensure the respect for the fundamental principles of asylum;

5. *Requests* the Chairperson of the Commission, after consultations within the Bureau, to appoint an individual of recognized international standing and expertise in human rights as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea;

6. *Requests* the Special Rapporteur to establish direct contact with the Government and with the people of the Democratic People's Republic of Korea, including through visits to the country, and to investigate and report on the situation of human rights in the Democratic People's Republic of Korea and on the Government's compliance with its obligations under international human rights instruments;

7. *Also requests* the Special Rapporteur, in carrying out this mandate, to seek and receive credible and reliable information, including through visits to the country, from all relevant actors, including Governments, non-governmental organizations and any other parties who have knowledge of these matters;

8. *Calls upon* the Government of the Democratic People's Republic of Korea to extend its full and unreserved cooperation to, and to assist the Special Rapporteur in the discharge of his/her mandate and, to this end, to take all necessary steps to ensure that the Special Rapporteur has free and unlimited access to any person in the Democratic People's Republic of Korea whom he/she might wish to meet;

9. *Requests* the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his/her mandate;

10. *Requests* the Special Rapporteur to report his/her findings and recommendations to the General Assembly at its fifty-ninth session and to the Commission on Human Rights at its sixty-first session;

11. *Requests* all relevant special rapporteurs and special representatives to examine alleged human rights violations in the Democratic People's Republic of Korea and to report thereon to the Commission at its sixty-first session, and requests the Secretary-General to give all necessary assistance to enable the special rapporteurs and special representatives to discharge their mandates fully, including through visits to the country;

12. *Requests* the United Nations High Commissioner for Human Rights to engage in a comprehensive dialogue with the authorities of the Democratic People's Republic of Korea with a view to establishing technical cooperation programmes in the field of human rights and to submit her findings and recommendations to the Commission at its sixty-first session;

13. *Decides* to continue its consideration of this question at its sixty-first session under the same agenda item as a matter of high priority;

14. *Recommends* the following draft decision to the Economic and Social Council for adoption:

“The Economic and Social Council, taking note of Commission on Human Rights resolution 2004/... of ... April 2004, approves the request to the Chairperson of the Commission to appoint, after consultation with the Bureau, an individual of recognized international standing and expertise in human rights as Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea to establish direct contact with the Government and with the people of the Democratic People’s Republic, including through visits to the country, and to investigate and report on the situation of human rights in the Democratic People’s Republic of Korea, including compliance with its obligations under international human rights instruments and to seek and receive credible and reliable information from all relevant actors. The Council further approves the request to the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his/her mandate.”
