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COMMISSION ON HUMAN RIGHTS  
Sixty-first session  
Agenda item 9

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

**Albania\*, Australia, Austria\*, Belgium\*, Bulgaria\*, Canada, Croatia\*,  
Cyprus\*, Czech Republic\*, Denmark\*, Estonia\*, Finland, France,  
Germany, Greece\*, Honduras, Hungary, Ireland, Israel\*, Italy, Japan,  
Latvia\*, Liechtenstein\*, Lithuania\*, Luxembourg\*, Malta\*, Monaco\*,  
Morocco\*, Netherlands, New Zealand\*, Norway\*, Paraguay, Poland\*,  
Portugal\*, Romania, Serbia and Montenegro\*, Slovakia\*, Slovenia\*,  
Spain\*, Sweden\*, Switzerland\*, The former Yugoslav Republic of  
Macedonia\*, Turkey\*, United Kingdom of Great Britain and  
Northern Ireland, United States of America: draft resolution**

**2005/... 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,*

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

*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,

*Recalling* its resolutions 2003/10 of 16 April 2003 and 2004/13 of 15 April 2004,

*Mindful* that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights, 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,

*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, including suggested measures to guarantee the right to be free from hunger,

*Welcoming* the invitation by the Democratic People's Republic of Korea to members of the Committee on the Rights of the Child and to the Special Rapporteur on violence against women, its causes and consequences, to visit the country,

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

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

*Welcoming* the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (E/CN.4/2005/34),

*Desiring* to promote an open and 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, the absence of due process and the rule of law, imposition of the death penalty for political reasons, the existence of a large number of prison camps and the extensive use of forced labour;

(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;

(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, including by labour-inducing injection or natural delivery, as well as infanticide of children of repatriated mothers, including in police detention centres and labour-training camps;

2. *Expresses its grave concern* that the Government of the Democratic People's Republic of Korea has not accepted the mandate of the Special Rapporteur, as contained in Commission resolution 2004/13 of 15 April 2004, and has not extended any cooperation to the Special Rapporteur;

3. *Also expresses its concern* that the Government of the Democratic People's Republic of Korea has not engaged in technical cooperation activities with the United Nations

High Commissioner for Human Rights and her Office, despite efforts by the High Commissioner to engage in a dialogue with the authorities of the Democratic People's Republic of Korea in this regard;

4. *Further expresses its deep concern* at the precarious humanitarian situation in the country, in particular the prevalence of infant malnutrition which, despite recent progress, still affects the physical and mental development of a significant percentage of children;

5. *Strongly urges* the Government of the Democratic People's Republic of Korea to address these concerns in an open and constructive manner, including:

(a) By immediately putting an end to the systemic, widespread and grave violations of human rights mentioned above;

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

(c) By accepting the mandate of the Special Rapporteur, extending its full and unreserved cooperation and assistance to the Special Rapporteur in the discharge of his mandate and, to this end, taking 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 might wish to meet;

(d) 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, ensuring that all necessary measures are undertaken to this end;

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

- (f) 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;
- (g) 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 torture and other cruel, inhuman or degrading treatment or punishment, 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, its causes and consequences, 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;
- (h) By developing a constructive dialogue with the United Nations High Commissioner for Human Rights and her Office with a view to establishing technical cooperation programmes in the field of human rights, as well as consultations on human rights with other countries;
- (i) By ensuring 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;
- (j) By upholding international human rights standards together with democratic pluralism and the rule of law, with greater space for civil society participation at all levels of decision-making and implementation, and establishing a national human rights commission or equivalent;
- (k) By resolving, clearly and transparently and urgently, all the unresolved questions relating to the abduction of foreigners in the form of an enforced disappearance, which remains a grave violation of human rights, including by ensuring the immediate return of abductees;

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

6. *Requests* the international community:

(a) To urge the Government of the Democratic People's Republic of Korea to extend full and unreserved cooperation to the Special Rapporteur;

(b) 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;

(c) To urge States to ensure respect for the fundamental principles of asylum;

7. *Requests* the Special Rapporteur to continue his efforts to establish direct contact with the Government and with the people of the Democratic People's Republic of Korea, to 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, including through visits to the country and information received from all relevant actors, such as Governments, non-governmental organizations and any other parties who have knowledge of these matters;

8. *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-second 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;

9. *Requests* the High Commissioner to continue her efforts 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-second session;

10. *Decides* to extend the mandate of the Special Rapporteur, as contained in Commission resolution 2004/13 of 15 April 2004, for a further year;
11. *Requests* the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate;
12. *Requests* the Special Rapporteur to report his findings and recommendations to the General Assembly at its sixtieth session and to the Commission at its sixty-second session;
13. *Urges* other United Nations bodies, in particular the General Assembly, to take up the question of the situation of human rights in the Democratic People's Republic of Korea if the Government does not extend cooperation to the Special Rapporteur and if improvement of the situation of human rights in the country is not observed;
14. *Decides* to continue its consideration of this question at its sixty-second session under the same agenda item, as a matter of high priority;
15. *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 2005/... of ... April 2005, endorses the Commission's decision to extend the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, as contained in Commission resolution 2004/13 of 15 April 2004, for a further year. The Council further approves the request to the Special Rapporteur to report his findings and recommendations to the General Assembly at its sixtieth session and to the Commission on Human Rights at its sixty-second session and the request to the Secretary-General to give the Special Rapporteur all necessary assistance in the discharge of his mandate.”

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