



Transitional Justice Working Group (TJWG)

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Josep Borrell Fontelles

High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the European Commission

European External Action Service

1046 Brussels, Belgium

Re: Joint open letter concerning the UN Human Rights Council's 2020 resolution on North Korean Human Rights

Your Excellency,

We are writing on behalf of 35 non-governmental organizations, coalitions, and concerned individuals from 10 different countries worldwide to urge the European Union to make every effort to highlight the on-going systematic, widespread and gross human rights violations, including those that amount to crimes against humanity, and appropriate actions to be taken by the stakeholders in the annual resolution on the situation of human rights in the Democratic People's Republic of Korea that is expected to be adopted by the 43rd UN Human Rights Council in March.

At the outset, we recognize the critical role played by the European Union and its Member States as the consistent champions of North Korean human rights at the UN, sponsoring the first resolutions adopted by the then-Commission on Human Rights in 2003 and by the General Assembly in 2005 as well as the subsequent resolutions that established the landmark UN Commission of Inquiry (COI) on the situation of human rights in North Korea in 2013 and endorsed its findings and recommendations.

The COI concluded that the DPRK committed crimes against humanity—entailing summary executions, torture, systematic rape, forced abortions, infanticides, persecution, abductions and forced disappearances—against inmates of political prison camps (*kwanliso*); repatriated refugees and migrants; Christians; starving populations; and foreigners, namely Japanese and South Korean citizens and ethnic Korean from Japan as well as unknown number of women abducted from Europe, the Middle East and Asia subjected to forced marriage.

The unwavering support from the EU and its Member States for the Security Council to refer the situation in North Korea to the International Criminal Court (ICC) was also critical in the Security Council's annual discussion of the situation of human rights in North Korea in 2014-2017, as well as the recent attempt to renew the discussion that was unfortunately called off by the United States at the last moment in December 2019.

We believe it is now imperative for the EU, as the penholder of this year's resolution in, to send a clear message that the systematic, widespread and gross violations, as identified by the COI, cannot continue.

In this context, we urge you to include the following recommendations to North Korea in the draft resolution to be tabled by the EU and its Member States during the 43rd session of the Human Rights Council:

1. Political prisoners and the death penalty: Close all political prison camps (*kwanliso*) and release all political prisoners; respect the safeguards guaranteeing protection of the rights of those facing the death penalty, reduce the offenses punishable by the death penalty, publish detailed statistics and procedure regarding death sentence and executions, introduce a moratorium on executions with a view to abolition;
2. Sexual violence: End the widespread prevalence of forced abortion upon pregnant mothers repatriated from China and infanticide of their children to preserve a "pure Korean race"; cease rape and denial of reproductive rights enforced through punishment, forced abortion and infanticide in political prison camps (*kwanliso*);
3. Right to food: Promote equal access to and distribution of food without discrimination based on *songbun*, North Korea's sociopolitical classification of its citizens, or privileging of Pyongyang residents, including through full transparency and independent needs assessment by international aid organizations, in particular for vulnerable persons, including women, children, persons with disabilities, older persons and individuals in detention;
4. Liberty of movement: Ensure the freedom to leave one's own country, including for the purpose of seeking asylum by ending the practice of shooting those who try to cross the border and sending agents to abduct the escapees and the foreign nationals who help them, and, urge states to comply with their obligations to observe the principle of *non-refoulement* under the Refugee Convention and Torture Convention;
5. International abductions: Return the foreign abductees, namely the nationals of Japan and South Korea and ethnic Koreans from Japan since the Korean War, including the at least six South Korean citizens that continue to be detained and the eleven hostages of the Korean Air YS-11 hijacking terror, as well as unknown number of women abducted from Europe, the Middle East and Asia for forced marriage;

We further request the draft resolution to call upon states, where possible, to investigate and prosecute persons suspected of committing international crimes in North Korea under the principle of *aut dedere aut judicare*; to request the High Commissioner to increase the visibility of the work and findings by the OHCHR, including its field-based structure in Seoul; and to encourage the United Nations to facilitate standardization in documentation and access to open sources.

In the upcoming resolution of the Human Rights Council, the EU has an historic opportunity and responsibility to uphold the human rights of the North Korean people. We need not reiterate that the North Korean people are entitled to the indivisible, universal values of human dignity, freedom, equality and solidarity, upon which the EU is founded, according to its Charter of Fundamental Right.

Thank you for your consideration. We would be pleased to discuss these matters further with your staff.

Sincerely,

Groups

1969 KAL Abductees' Families Association	South Korea
Arakan Rohingya National Organisation	UK
BALAOOD Mindanaw	Philippines
Christian Solidarity Worldwide	UK
Citizens' Alliance for North Korean Human Rights (NKHR)	South Korea
Committee for Human Rights in North Korea (HRNK)	USA
Geoffrey Nice Foundation	Netherlands
Human Rights Data Analysis Group (HRDAG)	USA
Human Rights Watch	
Human Rights Without Frontiers International	Belgium
International Child Rights Center (InCRC)	South Korea
Justice for Iran (JFI)	United Kingdom
Justice For North Korea	South Korea
Korean War Abductees Family Union (KWAFU)	South Korea
Korean War POW Family Association	South Korea
Lawyers for human rights and unification of Korea	South Korea
LUMEN	USA
Network for North Korean Democracy and Human Rights	South Korea
NK Watch	South Korea
No Chain	South Korea
North Korea Strategy Center	South Korea
Now Action & Unity for Human rights	South Korea
Open North Korea	South Korea
People for Successful Corean Reunification	South Korea
Rohingya Human Rights Network	Canada
Stepping Stones	UK
The 88 Project	Vietnam
Transitional Justice Working Group	South Korea
Unification Academy	South Korea
Unification Media Group	South Korea
Unification Strategy Institution	South Korea

Individuals

David Alton, Lord	Independent Crossbench Member of the House of Lords & Co-chair of the All Party Parliamentary Group on North Korea
Sonja Biserko	Former Commission of Inquiry (COI) member on the situation of human rights in the DPRK & current chair at the Helsinki Human Rights Committee in Serbia
Yanghee Lee, Ph.D.	UN Special Rapporteur on the situation of human rights in Myanmar / Former Chairperson of UN Committee on the Rights of the Child
Vitit Muntarbhorn	Former UN Special Rapporteur on the situation of human rights in the DPRK