

Human Rights Council

Twenty-second session

Agenda Item 4

Human rights situations that require the Council's attention

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

The Human Rights Council,

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,

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 Human Rights Council resolution 19/13 of 22 March 2012 and General Assembly resolution 67/181 of 20 December 2012, and urging the implementation of those resolutions,

Bearing in mind paragraph 3 of General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1 on institution-building of the United Nations Human Rights 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,

Recalling the statement made by the High Commissioner for Human Rights on 14 January 2013 calling for a full-fledged international inquiry into serious crimes in the Democratic People's Republic of Korea,

Welcoming the reports submitted by the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, taking note of the nine patterns of human rights violations identified in his recent report (A/HRC/22/57),

Recalling the view by the Special Rapporteur, expressed in his report, that there is a need for the establishment of an inquiry mechanism with adequate resources to investigate and more fully document the grave, systematic and widespread violations of human rights in the Democratic People's Republic of Korea, and stressing the urgent need for implementation of the recommendations contained in the report,

Also Recalling the fact that on 27 February 2013 a group of special procedures mandate holders jointly expressed their support for an international inquiry into human rights abuses in the Democratic People's Republic of Korea,

Deeply concerned at the persisting deterioration in the human rights situation in the Democratic People's Republic of Korea, at the continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, and at the unresolved questions of international concern relating to abductions of nationals of other states, urging the Government of the Democratic People's Republic of Korea to respect all human rights and fundamental freedoms fully,

Deploring the grave, widespread and systematic human rights abuses in the Democratic People's Republic of Korea, in particular the use of torture and labour camps against political prisoners and repatriated citizens of the Democratic People's Republic of Korea, and urging the Democratic People's Republic of Korea to immediately end those practices and release all political prisoners unconditionally and without delay,

Deeply regretting the refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur or to extend full cooperation to him and allow him access to the country,

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,

Alarmed by the precarious humanitarian situation in the country, exacerbated by its national policy priorities,

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 access to adequate food,

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;

Reaffirming the importance of States' engaging fully and constructively with the universal periodic review process and with other mechanisms of the Human Rights Council for the improvement of their human rights situations,

1. *Strongly condemns* the ongoing grave, widespread and systematic human rights violations in the Democratic People's Republic of Korea;
2. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken to date and his continued efforts in the conduct of the mandate, despite the limited access to information;
3. *Decides* to extend the mandate of the Special Rapporteur, in accordance with Human Rights Council resolution 19/13, for a period of one year;

4. *Decides* to establish, for a period of one year, a Commission of Inquiry comprising three members, one of whom should be the Special Rapporteur, with the other two members appointed by the President of the Human Rights Council;

5. *Decides* that the Commission of Inquiry will investigate the systematic, widespread and grave violations of human rights in the Democratic People's Republic of Korea as outlined in paragraph 31 of the Special Rapporteur's recent report, including the violation of the right to food, the violations associated with prison camps, torture and inhuman treatment, arbitrary detention, discrimination, violations of freedom of expression, violations of the right to life, violations of freedom of movement, and enforced disappearances, including in the form of abductions of nationals of other states, with a view to ensuring full accountability, in particular where these violations may amount to crimes against humanity;

6. *Urges* the Government of the Democratic People's Republic of Korea to cooperate fully with the Special Rapporteur and the Commission of Inquiry and to permit them and their staff unrestricted access to visit the country and to provide them with all information necessary to enable them to fulfil their mandates;

7. *Also urges* the Government of the Democratic People's Republic of Korea to ensure full, rapid and unimpeded access of humanitarian assistance that is delivered on the basis of need, in accordance with humanitarian principles, coupled with adequate monitoring;

8. *Encourages* the United Nations, including its specialized agencies, regional intergovernmental organizations, mandate holders, interested institutions and independent experts and non-governmental organizations, to develop regular dialogue and cooperation with the Special Rapporteur and the Commission of Inquiry in the fulfillment of their mandates;

9. *Requests* the Secretary-General to provide the Special Rapporteur and the Commission of Inquiry with all assistance and adequate staffing necessary to carry out

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their mandates effectively and to ensure that these mechanisms work with the support of the Office of the United Nations High Commissioner for Human Rights;

10. *Invites* the Special Rapporteur to submit regular reports on the implementation of his mandate to the Human Rights Council and the General Assembly;

11. *Requests* the Commission of Inquiry to present an oral update to the Council at its twenty-fourth session and to the General Assembly at its sixty-eighth session, and a written report to the Council at its twenty-fifth session;

12. *Decides* to transmit all reports of the Commission of Inquiry to all relevant bodies of the United Nations and the Secretary-General for appropriate action.
