

February 4, 2025

High Representative of the European Union for Foreign Affairs and Security Policy and Vice-President of the European Commission (HR/VP) Kaja Kallas
European Commission
Rue de la Loi/Wetstraat 200
1049 Bruxelles
Belgium

Re: North Korea's military deployment in support of Russia's war of aggression against Ukraine, the forcible repatriation of North Korean refugees by China and Russia, the issues of abductees, detainees and unrepatriated prisoners of war, including missionaries Kim Jung-wook, Kim Kook-kie and Choi Chun-gil, and other concerns in the DPRK resolution to be proposed at the 58th UN Human Rights Council

Dear High Representative/Vice-President Kaja Kallas

We urge the EU to demonstrate the shared values of advancing human rights, democracy, the rule of law and accountability with addition of the following language concerning North Korea's military deployment in support of Russia's war of aggression against Ukraine, the forcible repatriation of North Korean refugees by China and Russia, the issues of abductees, detainees and unrepatriated prisoners of war, including missionaries Kim Jung-wook, Kim Kook-kie and Choi Chun-gil, and other concerns in the preambular and operative paragraphs of the draft DPRK human rights resolution to be proposed at the 58th UN Human Rights Council (24 February to 4 April 2025) (see the attachment "Suggested changes for 2025 HRC58 DPRK resolution").

1. In light of North Korea's export of artillery shells, missiles, anti-tank rockets and other lethal weapons to Russia and recent military deployment, we ask the EU to condemn North Korea for providing lethal assistance and direct military support to the war of aggression by the Russian Federation against Ukraine, resulting in grave human rights violations, and to urge Democratic People's Republic of Korea to immediately end its complicity in the Russian aggression and to stop assisting serious violations of international humanitarian and human rights law in the draft resolution (PP 11bis).

2. With respect to the persecution of North Korean refugees, asylum-seekers and other citizens forcibly repatriated by China and Russia, we call for the condemnation of North Korea's ethnically motivated forced abortions and infanticide against repatriated mothers and their children and invasive body cavity searches (OP 1(f), OP 2(m), OP 6 and OP 7); North Korea's punishment with long imprisonment or execution for illegal border crossing and treason under the Criminal Code (OP 1(c) and OP 2(k)); North Korea's identical and non-substantive replies to the numerous communications transmitted by the UN Working Group on Enforced or Involuntary Disappearances (WGEID) and the Working Group on Arbitrary Detention (WGAD), including the case concerning Kim Cheol-Ok who was forcibly repatriated from China in October 2023 (OP 1(c) and OP 6). We also ask for the recommendation to North Korea to ensure that trafficking in persons constitutes an independent offense under the criminal law (OP 2(b)) and the recommendation to all states to comply with their obligations under the Trafficking Protocol and to terminate or amend bilateral treaties with North Korea on border security, mutual legal assistance, extradition and transfer of prisoners that facilitate the violation of their obligations under international human rights law (OP 6).

3. Concerning the unresolved issues of abductees, detainees, and unrepatriated prisoners of war (POWs), we ask the EU to urge the immediate and unconditional return of all abductees (PP 19), condemnation of North Korea's continued failure in its obligations to repatriate POWs under the Third Geneva Convention (PP 20), the immediate and unconditional return of all abductees, detainees and unrepatriated POWs (OP 1(h) and OP 2(h)) and communication with and visits by the detained foreign nationals' families, counsel or any other person of their choice and specifically the immediate and unconditional release of South Korean missionaries Kim Jung-wook, Kim Kook-kie and Choi Chun-gil (OP 2(l)). We note that North Korea has released detained Korean American and Korean Canadian missionaries on "humanitarian grounds" in the past and that detained Reuters journalists Wa Lone and Kyaw Soe Oo, who were named in EU-sponsored Human Rights Council resolutions 37/32 of 23 March 2018, 39/2 of 27 September 2018 and 40/29 of 22 March 2019 on Myanmar, were released on 7 May 2019 by a presidential amnesty.

4. With respect to North Korea's totalitarian control over social and private lives, we ask the EU to add the reference to the long-standing and ongoing Ten Principles for the Establishment of a Monolithic Guidance System and the vaguely worded "anti-state" and "anti-nation" crimes in the Criminal Code and the more recent the Law on Rejecting Reactionary Thought and Culture, the Youth Education Guarantee Law, the Law on Protecting the Pyongyang Cultural Language, the Enemy Area Material Disposal Law, the Inminban Organization and Operation Law, the Mass Reporting Law and the State Security Protection Law (OP 1(a) and OP 2(a)) and to urge North Korea to end punishment for possession and distribution of religious texts and religious prayer in public or private (OP 2(a)).
5. We also ask the EU to urge North Korea to ensure in law and practice the independence of the judiciary from other branches of government and the Korean Workers' Party and to repeal or reform the provisions of the Criminal Procedure Code which provide that prosecutors issue arrest warrants upon application by preliminary examiners and grant jurisdiction over investigation and preliminary examination of the vaguely worded "anti-state" and "anti-nation" crimes to the Ministry of State Security (OP 1(e) and OP 2(g)).
6. We further ask the EU to note that 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 has been secretly created and maintained by the Ministry of Social Security (OP 1(b) and OP 2(b)).
7. With respect to the widespread and systematic violation of labour and human rights, including forced labour and child labour, we ask the EU to strongly urge North Korea to become a member of the International Labour Organization (ILO), to enact legislation and adopt practices to comply with international labour standards and to consider ratifying all the relevant conventions, in particular the ILO core conventions, and also to underline the obligations of States to comply with their obligations under international human rights and labour law in relation to North Korea's overseas workers in those States (OP 3).
8. We also believe it is important to note the victims' right to adequate, effective, prompt and appropriate remedies, including reparation, such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence, with a view to ending impunity and ensuring accountability (PP 4bis).
9. Regarding North Korea's announcement in January 2024 that it would no longer pursue reunification with South Korea, we ask that a new preambular paragraph, based on the newly added PP 26 in General Assembly resolution 79/181 of 17 December 2024, point out that this announcement will exacerbate denial of the right to self-determination of the Korean people and the forced separation of families and will be in breach of the 1991 Inter-Korean Basic Agreement (PP 22bis) and that North Korea is urged to end the forced or involuntary separation of families (OP 2(i)).
10. Lastly, North Korea's lethal assistance and direct military support for serious violations of international humanitarian and human rights law in the Russian war of aggression against Ukraine shows the risk of inaction on North Korea's long-standing and ongoing international crimes and grave human rights violations. In this regard, it is important for the Office of the United Nations High Commissioner for Human Rights (OHCHR) DPRK Accountability Project to facilitate cooperation with the stakeholders by adopting terms of reference (TOR) and by concluding memorandums of understanding (MOUs) with individual stakeholders that set forth the procedure for the provision of information and evidence to the OHCHR by the stakeholders, such as OHCHR's handling of the information and evidence provided and the guarantee of confidentiality like other UN accountability mechanisms and projects (OP 8 and OP 13). NGOs cannot share sensitive information such as victims and survivors' statements with OHCHR in the absence of a formal legal arrangement specifying the intention of the parties, confidentiality and conditions for information sharing, including the respect for conditional consent from the NGO and the escapees who provided statements for their usage. Moreover, to contribute substantially to the judicial process for the punishment of the offenders and remedies for the victims, the mandate of the OHCHR DPRK Accountability Project should be strengthened to collect, consolidate, analyse and preserve information and evidence for international crimes and other grave human rights violations; advocate for victims and survivors; and support relevant judicial and other proceedings (OP 15). Simply documenting and compiling a central information and evidence repository and developing future accountability strategies as the current mandate allows will do little to further justice and accountability.

We note that Mr. Lee Il-kyu, formerly political counsellor at the North Korean embassy in Havana until his defection to South Korea in or around November 2023, made public the full text of 12 North Korean diplomatic cables concerning human rights issues that he brought with him on November 15, 2024. The disclosure, dubbed ‘the North Korean Wikileaks,’ confirmed that the North Korean human rights discussion at the UN is reported to Kim Jong Un and he gives guidance about the North Korean response to his diplomats.

Counsellor Lee’s diplomatic cables also showed that North Korea stopped calling votes on North Korean human rights resolutions at the UN Human Rights Council and General Assembly from 2016, because many countries were shunning bilateral contacts with North Korea altogether to avoid discussing the vote. Therefore, there is no reason for the EU or the like-minded states to fear that North Korea or its allies will end the adoption by consensus of the draft resolution by insisting upon a vote.

Thank you.

Sincerely,

Signature organizations and individuals (as of February 4, 2025)

Kim Kyu Li and Kim Hyuk (elder sister and cousin of Kim Cheol-ok who was repatriated by China to North Korea on October 9, 2023)

Kim Jeong-sam (elder brother of missionary Kim Jeong-wook who has been held in detention in North Korea since 2013)

Committee for Human Rights in North Korea (HRNK)

Justice For North Korea

Korean War POW Family Association

Mulmangcho

No Chain

Stepping Stones

THINK

Transitional Justice Working Group (TJWG)