

Forum: Disarmament Committee

Question of: The Protection of North Korean Defectors: Exploitation, Trafficking and Refoulement

Main submitter: United Kingdom

Co-Submitter: Australia, Japan, Republic of Korea

Signatory: Australia, Japan, Republic of Korea, United Kingdom

THE DISARMAMENT AND INTERNATIONAL SECURITY COMMITTEE,

Considering that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without political persecution,

Regarding all North Korean defectors as ‘Refugees’ under the 1951 Convention relating to the Status of Refugees that claims ‘a person is deemed a refugee when he or she is outside her country of origin because of a well-founded fear of being persecuted in that country for reasons of race, religion, nationality, membership of a particular social group or political opinion and therefore is unable or unwilling to avail himself of the protection of that country’,

Deeply concerned that an estimated 60 percent of female North Korean refugees in China are trafficked into the sex trade, and increasingly coerced into cybersex,

Having estimated the number of North Korean defectors as between 30,000 to 50,000 even though it is unclear how many North Korea defectors are hiding in China since the Chinese census does not recognize them,

Noting with approval that the international peremptory norm(*jus cogens*) apparently prohibits any sort of traffickings, including those related to North Korean defectors,

Alarmed by that the People’s Republic of China (PRC) arrests and forcibly returns an estimated of 5,000 North Korean defectors to the Democratic People’s Republic of Korea every year in violation of International Law and reportedly also prohibits North Koreans citizens from accessing the asylum procedures of the United Nation High Commissioner for Refugee (UNHCR), in violations of the 1951 UN Convention on Refugees and its 1967 Protocol, to which the People’s Republic of China (PRC) has acceded,

Deeply concerned that North Korean defectors were arrested and sent back to North Korea by some Southeast Asian countries, particularly, Laos People’s Democratic Republic,

Reminding that since 1960~1980 thousands of foreign nationals were abducted, repatriated with false propaganda to North Korea with no further information being provided by North Korean till present time,

1. Further requests China and Southeast Asian countries such as Vietnam, Thailand, Lao PDR, Cambodia and Burma to permit North Korean refugees and asylum seekers to transit and enter their countries without interference with the third-party’s intervention in

such ways but not limited to:

- a. Collecting data and sending them to the United Nation Human Rights Council, The Office of the High Commissioner for Human Rights for such purpose but not limited to:
 - i. Collecting data on defection from North Korea,
 - ii. Interviewing such defectors for details regarding their reason of defection,
 - iii. Investigating on accusations and on such violations,
 - iv. Finding routes where defectors travel through,
 - b. Non-government organization providing basic humanitarian aid for defectors in such ways but not limited to:
 - i. Access to fresh water,
 - ii. Access to food,
 - iii. Access to medical care,
 - iv. Hospitality,
 - c. Also consider providing asylum or grant nationality and to treat such defectors not as a economic migrant and to decriminalise those who try to help them on humanitarian grounds;
2. Strongly recommends DPRK to stop sending those who have attempted an escape into political prison camps or imposing severe punishments on them, bearing in mind that it severely violates DPRK's past obligations and ratifications on international agreements such as:
- a. The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW),
 - b. Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment,
 - c. The International Covenant on Civil and Political Rights (ICCPR),
 - d. United Nations Convention against Torture (UNCAT),
 - e. The International Covenant on Economic, Social and Cultural Rights (ICESCR),
 - f. And other related conventions, hence requests to fully adhere to and abide by these agreements;
3. Urges all countries to offer government subsidies and national education programs to the North Korean defectors who are living under poor condition, to the extent that is compatible with the current welfare system of each state, in ways such as:
- a. Providing daily necessities to them; foods, clothing and decent residence,
 - b. Offering them a language learning program so as to help them survive in the foreign culture, mainly considering the fact that one of the barriers they confront is language, which often is the reason why the defectors cannot get employed,
 - c. Granting them many opportunities to job employment, by introducing them to job training programs and places where they can train any job skills they prefer to learn;
4. Draws attention of the international community on exploitation cases of the defectors in China, Mongolia and DPRK and other Southeast Asian states in such matters but not limited to:

- a. Condemning any acts sexual harassment, exploitation towards such defectors as it is a violation of resolutions submitted by the United Nations Human Rights Council;
 - i. Governments with gendered analysis of defectors should keep this in mind and actively help such people from being exploited and harassed,
 - ii. Childrens are to be in need of special care of the government with basic access to vaccine if needed and basic education;
 - b. Member states with North Korean defectors are subject to the regulations of the International Labor Organization (ILO) especially regarding the principle of the elimination of forced or compulsory labour, (major contributor to International Labour Law);
 - c. With the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (COI DPRK) providing evidence of but not limited to: extermination, murder, enslavement, torture, imprisonment, rape, forced abortions and other sexual violence, persecution on political, religious, racial and gender grounds, the forcible transfer of populations, the enforced disappearance of persons and the inhumane act of knowingly causing prolonged starvation
 - i. People in charge of such acts against humanity according to the past ratifications of previous international agreements must be put responsible for these actions and stand in front of the International Court of Justice or request for an Independent Tribunal;
5. Calls for DPRK and China to actively tackle the issue of trafficking of North Korean defectors that are shaped in such ways but not limited to:
- a. Enforced disappearance, in the form of abductions
 - b. Arbitrary Detention of defectors, specially women
 - c. Violations of Right to Life
 - d. Violations of Freedom of Movement
6. Proposes to strengthen the Special Rapporteur under United Nations Commission of Inquiry whereby;
- a. The Special Rapporteur should be permitted for monitoring and inspection annually in the Democratic People's Republic of Korea,
 - b. The Special Rapporteur must be provided with security from the time of entry till the time of exit from DPRK,
7. Urges DPRK to reinvestigate and provide information related to abductions of foreign nationals residing in DPRK with such information but not limited to:
- a. Entry date, departure date (if there is),
 - b. Full medical record,
 - c. Current status of residence, family members, welfare;
8. Encourages DPRK to increase awareness of the frequency of special hotlines for such foreign nationals to communicate with families and relatives in foreign land and as well as reestablishing trips for such people to visit their families through such ways but not limited to:

- a. Governments of both sides will support the communication lines,
- b. When communicating, both sides are to not discuss sensitive matters such as but not limited to:
 - i. Politics,
 - ii. Government related issues,
 - iii. Information related to other people's privacy,
- c. Time will be determined by the decisions of both governments regarding the situation, however it must be at least more than 5 minutes.