

Österreichisches Parlament
Dr. Karl Renner-Ring 3
1017 Wien



Abgeordnete
zum Nationalrat der
Republik Österreich

Abs.: NAbg. MMAg. Dr. Gudrun Kugler

Botschafter Li Xiaosi
Neulinggasse 29,
1030 Wien

Wien, im Juli 2018

Exzellenz!

Sehr geehrter Herr Botschafter!

Eingangs möchte ich mich herzlich für Ihr Angebot bedanken, mich mit menschenrechtlichen Fragen und Anliegen in Bezug auf China an Sie zu wenden. Der Grund meines Schreibens ist eine Thematik, die bei dem Besuch der China Society for Human Rights Studies im Parlament behandelt wurde. Die chinesische Regierung schickt nordkoreanische Flüchtlinge in ihr Heimatland zurück mit der Begründung, es handle sich um Wirtschaftsflüchtlinge. Wie die China Society for Human Rights Studies diese Praxis und Begründung verteidigen kann, ist für in Anbetracht vorliegender Berichte von den Vereinten Nationen, Menschenrechtsorganisation und Medien nicht nachvollziehbar. Aus all diesen Berichten und Nachforschungen geht hervor, dass nordkoreanischen Flüchtlingen, die von China rückgeführt werden, in ihrem Heimatland Arbeitslager, Folter und sogar Hinrichtung drohen, da die Flucht als Staatsverrat eingestuft wird.

Im Bericht der Vereinten Nationen zur Menschenrechtssituation in Nord Korea (A/HRC/25/63) heißt es dazu wörtlich in Absatz 446: *“In practice, those who illegally cross the border are regularly considered to have committed ‘treason against the Fatherland by defection’ under article 62 of the Criminal Code. This crime is punishable by a minimum of five years of ‘reform through labour’. Illegal border crossers are alternatively charged under another of the vaguely defined and political ‘anti-state or anti-people crimes’.”*

Diese Praxis ist umso verwunderlicher für mich angesichts des Angebots Südkoreas alle nordkoreanischen Flüchtlinge aufzunehmen.

Erlauben Sie mir aus diesem Grund, um Ihre Stellungnahme zur Abschiebung nordkoreanischer Flüchtlinge durch die Volksrepublik China zu bitten. Im Anhang übermittle ich Ihnen außerdem einige Absätze aus dem Bericht der Vereinten Nationen zur Menschenrechtssituation in Nord Korea.

Ich bedanke mich im Voraus für Ihre Antwort und verbleibe mit freundlichen Grüßen,



Abg. z. NR MMag Dr. Gudrun Kugler, Mts

Bereichssprecherin Menschenrechte
ÖVP-Parlamentsklub



1017 Wien, Österreich

www.gudrunkugler.at

info@gudrunkugler.at

<https://www.facebook.com/drgudrunkugler>

<https://www.youtube.com/gudrunkugler>

<https://twitter.com/gudrunkugler>

<http://www.instagram.com/gudrunkugler>

ANLAGE

Report of the detailed findings of the commission of inquiry on human rights in the Democratic People's Republic of Korea* (A/HRC/25/63)

Punishment for defection:

In practice, those who illegally cross the border are regularly considered to have committed “treason against the Fatherland by defection” under article 62 of the Criminal Code. This crime is punishable by a minimum of five years of “reform through labour”. Illegal border crossers are alternatively charged under another of the vaguely defined and political “anti-state or anti-people crimes”. (para. 446)

The commission of inquiry recommends that China and other States:

(a) Respect the principle of *non-refoulement*. Accordingly, abstain from forcibly repatriating any persons to the Democratic People's Republic of Korea, unless the treatment there, as verified by international human rights monitors, markedly improves. Extend asylum and other means of durable protection to persons fleeing the Democratic People's Republic of Korea who need international protection. Ensure that such persons are fully integrated and duly protected from discrimination. Stop providing information on activities and contacts of persons from the Democratic People's Republic of Korea living in China to the State Security Department and other security agencies in the Democratic People's Republic of Korea. Allow persons from the Democratic People's Republic of Korea free access to diplomatic and consular representations of any state that may be willing to extend nationality or other forms of protection to them.

(b) Provide the United Nations High Commissioner for Refugees, and relevant humanitarian organizations, full and unimpeded access to all persons from the Democratic People's Republic of Korea seeking such contact.

(c) Request technical assistance from the United Nations to help meet the obligations imposed under international refugee law and ensure the effective protection of persons from trafficking.

(d) Adopt a victim-centric and human rights-based approach to trafficking in persons, including by providing victims with the right to stay in the country and access to legal protection and basic services, such as medical treatment, education and employment opportunities equivalent to those afforded to their own citizens.

(e) Regularize the status of women and men from the Democratic People's Republic of Korea who marry or have a child with a Chinese citizen. Ensure that all such children can realize their rights to birth registration and Chinese nationality where applicable and access to education and healthcare without discrimination.

(f) Take immediate measures to prevent agents of the Democratic People's Republic of Korea from carrying out further abductions from Chinese territory. Prosecute and adequately punish apprehended perpetrators of abduction and demand the extradition of those giving such orders so that they may be tried in accordance with law. China should raise with the Supreme Leader of the Democratic People's Republic of Korea and other high-level authorities the issues of abductions, the infanticide of children entitled to Chinese nationality, forced abortions imposed on repatriated women and other human rights violations that target persons repatriated from China.

(para. 1221)