NORTH KOREA

FREEDOM OF RELIGION OR BELIEF

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INTRODUCTION

"There can be few places in the world where the human rights situation is more egregious and yet more overlooked than North Korea."

Professor William Schabas and Sir Geoffrey Nice, QC[1]

The Democratic People's Republic of Korea (DPRK), otherwise known as North Korea, has undoubtedly one of the worst human rights records in the world. North Korea is regarded as the world's most closed nation, ruled by a dictatorship that is a dynasty that portrays itself as a deity. A UN Commission of Inquiry into North Korea's human rights situation, established in 2013 by the UN Human Rights Council, concluded in its report published on 17 February 2014 that "the gravity, scale and nature" of the violations of human rights in North Korea "reveal a State that does not have any parallel in the contemporary world". The 400-page report by the Commission of Inquiry details crimes against humanity including "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". It concludes that such crimes against humanity are continuing "because the policies, institutions and patterns of impunity that lie at their heart remain in place".

The Commission of Inquiry also notes that "there is an almost complete denial of the right to freedom of thought, conscience and religion, as well as the rights to freedom of opinion, expression, information and association". It concludes that the regime "considers the spread of Christianity a particularly severe threat" and as a result, "Christians are prohibited from practising their religion and are persecuted". Severe punishments are inflicted on "people caught practising Christianity".

The report estimates that between 80,000 and 120,000 political prisoners are currently detained in four political prison camps, "where deliberate starvation has been used as a means of control and punishment".

The Commission of Inquiry recommends that a case be referred to the International Criminal Court. It also proposes targeted sanctions against the perpetrators of crimes against humanity, an extension of the mandate of the UN Special Rapporteur for Human Rights in North Korea, and the establishment of a UN-mandated structure and database "to help to ensure accountability for human rights violations" building on "the collection of evidence and documentation work of the commission". It calls on China to respect the principle of non-refoulement and end its practice of forcibly repatriating North Korean refugees.

In March 2014 the UN Human Rights Council adopted a resolution endorsing the Commission of Inquiry's findings and recommendations, and requesting the UN Security Council to take action, including giving consideration to the proposal to refer North Korea to "an appropriate international criminal justice mechanism". This was followed in November 2014 by a resolution at the UN General Assembly recommending a referral to the International Criminal Court, and in December 2014 the UN Security Council discussed human rights in North Korea formally for the first time. An informal Security Council discussion took place in April 2014.

1 *New York Times*, 'Put North Korea on Trial', 25 April 2012 www.nytimes.com/2012/04/26/opinion/put-north-korea-on-trial.html?_r=0

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In June 2015 the UN opened a new Human Rights Office in Seoul, as recommended by the Commission of Inquiry, to strengthen ongoing monitoring and documentation of human rights violations in North Korea.

The UN Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, Mr Marzuki Darusman, has noted "a significant deterioration in the human rights situation in the country" in recent years, and in his most recent report to the General Assembly in October 2014, he said that he "strongly urges that those responsible for crimes against humanity be prosecuted before a competent organ of justice with a mandate provided by the international community". He also noted that "the principle of command and superior responsibility under international criminal law" mean that "military commanders and civilian superiors can incur personal criminal responsibility for failing to prevent and repress crimes against humanity". This means that "Supreme Leader Kim Jong-un and many of his aides may therefore be held accountable for crimes against humanity".

Mr Darusman calls on the UN General Assembly to "send an unequivocal signal that the international community is determined to follow up on the findings and recommendations of the commission", by referring the report of the Commission of Inquiry to the Security Council for consideration and action, "including a referral of the situation to the International Criminal Court". He also recommends that the issue of human rights in North Korea be added to the Security Council's agenda for regular briefings and discussion.

In addition, Mr Darusman's report calls on the international community to invoke the principle of Responsibility to Protect, adopted by the 2005 World Summit of Heads of States and Governments: "The international community, through the United Nations, bears the responsibility to protect the population of the Democratic People's Republic of Korea from such crimes."

The previous Special Rapporteur, Mr Vitit Muntarbhorn, who completed his mandate in 2010, repeatedly described the situation as "extremely grave" and "harrowing and horrific". Presenting his final report to the UN Human Rights Council on 15 March 2010 the outgoing Special Rapporteur said that "from witnessing the human rights situation in the country for the past six years, one finding is glaring: the abuses against the general population, for which authorities should be responsible, are both egregious and endemic." In 2008 the Rapporteur stated in his report to the UN Human Rights Council that the situation "remains grave", adding that "It is incumbent upon the national authorities and the international community to address the impunity factor which has enabled such violations to exist and/or persist for a long time." He urged the UN to consider "whether the issue of violations in [the DPRK] will be taken up at some stage at the pinnacle of the system, within the totality of the United Nations framework", and has recommended that the international community must "mobilise the totality of the United Nations to promote and protect human rights in the country; support processes which concretise responsibility and accountability for human rights violations, and an end to impunity".

In 2007 Christian Solidarity Worldwide (CSW) published a major report, *North Korea: A Case to Answer, A Call to Act*,[2] written in association with REDRESS, which was one of the first human rights reports to recommend the establishment of a UN Commission of Inquiry. In September 2011 CSW helped establish the International Coalition to Stop Crimes Against Humanity in North Korea (ICNK), drawing together over 40 human rights organisations from around the world, including Amnesty International, Human Rights Watch (HRW) and the International Federation for Human Rights (FIDH) specifically to campaign for the establishment of a UN commission of inquiry. CSW therefore welcomes the UN Commission of Inquiry's report, the subsequent resolutions at the Human Rights Council and the General Assembly, and the discussion at the Security Council, and urges the international community to pursue the process further to ensure that impunity is addressed and the perpetrators of crimes against humanity are held accountable.

2 CSW, *North Korea: A Case to Answer, A Call to Act*, 20 June 2007 http://dynamic.csw.org.uk/article.asp?t=report&id=35

CONCLUSION

CSW believes the situation in North Korea is so severe that it requires a multi-track approach involving the full and committed engagement of international bodies led by the UN, and national governments, using every tool available to address the grave violations of human rights in the country. CSW therefore advocates a combination of international pressure; measures to promote accountability and an end to impunity; initiatives to break the regime's information blockade and encourage a flow of information into the country, through radio broadcasts and educational and cultural exchanges; and an increased effort to pursue critical engagement with the regime, placing human rights concerns on the agenda alongside security issues.

In 2010 CSW accompanied the Chairman and Vice-Chairman of the UK All Party Parliamentary Group (APPG) on North Korea, Lord Alton of Liverpool and Baroness Cox of Queensbury, to North Korea to engage with senior leaders in the regime on human rights. In 2011 the Speaker of the Supreme People's Assembly in the DPRK, Choe Tae Bok, visited London at the invitation of Lord Alton and the APPG. CSW helped to brief parliamentarians in preparation for his visit. Since then, the APPG has held a number of public meetings assisted by CSW.

RECOMMENDATIONS

To the international community:

- Ensure that the recommendations of the UN Commission of Inquiry are fully considered and implemented;
- Support the adoption of a UN Security Council resolution addressing human rights and impunity in North Korea;
- Ensure that human rights are central in any negotiations and discussions with the government of the DPRK by the United Kingdom, Sweden, and other nations with diplomatic and/or trade ties;
- Urge Kim Jong Un and the government of the DPRK to take this opportunity to open up the country to international human rights monitors including the UN Special Rapporteur, and end North Korea's isolation;
- Demand transparency and accountability from the DPRK in relation to food aid and medicine donated by the international community;
- Provide funding to NGOs working on the China-North Korea border;
- Provide funding for increased radio broadcasts into North Korea;
- Provide education and training for North Korean refugees living outside the DPRK, to develop skills which they can contribute to the country when they are able to return;
- Engage with North Korean refugees living outside the DPRK, to learn from their information, knowledge and experience about the situation in the country;
- Strongly urge the Chinese authorities to desist from its policy of forcible deportations of North Koreans and recognise those leaving North Korea as refugees sur place; take active steps to prevent North Korean agents from carrying out abductions in China, and provide assistance to facilitate resettlement of refugees; grant UNHCR access to the border area and the right to review cases to establish refugee status; and consider creative ways to address the problem of North Korean refugees in China, perhaps by creating a 'corridor of peace' in co-operation with UNICEF, for North Korean children to reach a safe haven.

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CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

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