

briefing

North Korea

Country report

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I. Executive summary

“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, QC¹

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,² ruled by a dictatorship that is both dynastic and deified. Violations of human rights, including public executions, widespread and systematic torture, forced labour, sexual violence, deprivation of food, incarceration of an estimated 200,000 people in prison camps known as *kwan-li-so*, and denial of freedom of expression and freedom of thought, conscience, religion or belief, among other severe human rights violations, may amount to crimes against humanity, according to international experts.

In addition to its total denial of respect for a wide range of other human rights, freedom of religion or belief in North Korea is non-existent, and the country is cited as one of the worst in the world for the persecution of Christians. With the exception of four official state-controlled churches in Pyongyang, Christians face the risk of detention in the prison camps, severe torture and, in some cases, execution for practising their religious beliefs. North Koreans suspected of having contact with South Korean or other foreign missionaries in China, and those caught in possession of a Bible, have been known to be executed.

Following the death of Kim Jong Il in December 2011, the leadership of the country was inherited by his son Kim Jong Un. The transition period was marked by a significant crackdown on North Korea’s borders in an attempt to prevent defections. Kim Jong Un, the new leader, expressed his intention to “annihilate” up to three generations of the families of anyone who tried to leave North Korea during the 100-day mourning period. In March 2012, at least 41 North Korean refugees were forcibly repatriated by the People’s Republic of China (PRC) to the DPRK where there are fears they may well face long prison terms, severe torture and possible execution in line with the December decree by Kim Jong Un. In May 2013, nine North Korean refugees, all aged between 15 and 23 years old, were forcibly repatriated by Laos.³ Earlier in May, an American Christian, Kenneth Bae, was sentenced to 15 years’ hard labour, accused of committing “hostile acts” against North Korea.⁴ In July, Kenneth Bae issued an appeal for help from within prison.⁵ In June, the North Korean regime threatened to kill human rights activists who were launching balloons with supplies and information from South Korea into the DPRK.⁶

Christian Solidarity Worldwide (CSW) believes the situation in North Korea is so severe that it requires a multi-track approach involving the full and committed engagement of

¹ *The International Herald Tribune/The New York Times*, ‘Put North Korea on Trial’, 25 April 2012 http://www.nytimes.com/2012/04/26/opinion/put-north-korea-on-trial.html?_r=0

² *The International Herald Tribune/The New York Times*, ‘North Korea in the Dark’, 29 January 2013 http://www.nytimes.com/2013/01/29/opinion/north-korea-in-the-dark.html?_r=0

³ CSW, ‘CSW condemns Laos’ deportation and China’s repatriation of nine North Korean refugees, calls for their freedom’, 30 May 2013 <http://dynamic.csw.org.uk/article.asp?t=press&id=1539>

⁴ *The Guardian*, ‘North Korea sentences Kenneth Bae to 15 years’ hard labour for unspecified crimes’, 2 May 2013 <http://www.guardian.co.uk/world/2013/may/02/kenneth-bae-north-korea-sentences>

⁵ CNN, ‘Bae from North Korean prison: please help me’, 3 July, 2013 <http://us.cnn.com/2013/07/03/world/asia/kenneth-bae-korea-interview/index.html>

⁶ BuzzFeed, ‘North Korea Threatens to Kill Human Rights Group,’ 27 June 2013 <http://www.buzzfeed.com/rosiegray/north-korea-threatens-to-kill-human-rights-group>

international bodies led by the UN, along with regional bodies such as the European Union and the Association of Southeast Asian Nations (ASEAN) and national governments, utilising 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, and Lord Alton and Baroness Cox have held several meetings with the DPRK Ambassador in London.

CSW believes that there is a *prima facie* case of crimes against humanity committed by the DPRK regime. CSW's report, *North Korea: A Case to Answer, A Call to Act*,⁷ written in association with REDRESS and published in 2007, presents a legal analysis and recommends that the UN establish a commission of inquiry to investigate these crimes against humanity - namely murder, extermination, enslavement/forced labour, forcible transfer of population, arbitrary imprisonment, torture, persecution, enforced disappearances of persons, other inhumane acts, and rape and sexual violence. The strict hierarchical nature of the regime in the DPRK, and information available about decision-making in the government, suggests that the senior political leadership, including the new leader Kim Jong Un, has responsibility for perpetrating such crimes. In September 2011 CSW helped establish the International Coalition to Stop Crimes Against Humanity in North Korea (ICNK),⁸ 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.⁹ In 2012 the UN Special Rapporteur on the Situation of Human Rights in the DPRK, Marzuki Darusman, called for the establishment of a commission of inquiry, and in January 2013 the UN High Commissioner for Human Rights, Navi Pillay, added her voice to calls for such an inquiry.¹⁰ The Governments of Japan, Australia, the European Union and the United States subsequently added their support, and in March 2013 the UN Human Rights Council voted by consensus to establish an inquiry.¹¹ The inquiry will report to the Human Rights Council on its findings in March 2014.

The gravity of the human rights situation in North Korea has for too long been overlooked by the international community.¹² The time to place North Korea's human rights crisis on the international agenda, and to utilise every opportunity to address the issues, through

⁷ CSW, *North Korea: A Case to Answer, A Call to Act*, 2007

<http://dynamic.csw.org.uk/article.asp?t=report&id=35>

⁸ *The Wall Street Journal*, 'Calling for action on North Korean crimes', 9 September 2011

<http://online.wsj.com/article/SB10001424053111903285704576558082763396582.html>

⁹ For more information see www.stopnkcrcimes.org

¹⁰ CSW, 'North Korea: CSW welcomes support of UN High Commissioner for Human Rights for international inquiry', 15 January 2013 <http://dynamic.csw.org.uk/article.asp?t=press&id=1480>

¹¹ CSW, 'North Korea: UN Human Rights Council approves groundbreaking inquiry', 21 March 2013 <http://dynamic.csw.org.uk/article.asp?t=press&id=1511>

¹² *The Huffington Post*, 'North Korea: Do You Hear the People Sing?', 28 January 2013

http://www.huffingtonpost.co.uk/ben/north-korea-do-you-hear-the-people-sing_b_2566300.html

pressure and critical engagement, is long overdue, and the establishment of a Commission of Inquiry is a very welcome step in this direction.

2. Recommendations

CSW believes the situation in North Korea is so critical that a range of measures are required, combining both international pressure and constructive, critical engagement. CSW believes that it is vital that the international community find ways to help North Korea open up, and to address the appalling human rights situation, by taking the following measures:

- Ensure that the UN Commission of Inquiry, established by the UN Human Rights Council in March 2013, is fully resourced and supported, and that the recommendations of the Inquiry are fully considered and implemented;
- Support the adoption of a UN Security Council resolution addressing human rights and impunity, and call for a special session of the UN Human Rights Council on the DPRK;
- 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;
- Seek the appointment of an EU special representative for human rights and security in East Asia (with a focus on China and the DPRK);
- Ensure that human rights concerns are more prominently reflected in the EU Common Position on the DPRK;
- 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 EU and through UN channels;
- Provide EU funds to NGOs working on the China-North Korea border, particularly as the European Instrument for Democracy and Human Rights (EIDHR) would allow funds to be allocated without disclosure of information to the Government of the People's Republic of China;
- Provide funding for increased radio broadcasts into North Korea;
- Develop a clear policy within the EU for the acceptance of North Korean refugees;
- 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 grant UNHCR access to the border area and the right to review cases to establish refugee status;
- 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;
- Encourage the Chinese authorities to desist from deportations, provide asylum and sanctuary for refugees, and recognise those leaving North Korea as *refugees sur place*,

take active steps to prevent North Korean agents from carrying out abductions, and provide assistance to facilitate resettlement of refugees.

3. About Christian Solidarity Worldwide

Christian Solidarity Worldwide (CSW) works for religious freedom through advocacy and human rights, in the pursuit of justice. With advocacy staff based in London, Brussels and Washington, DC, CSW has partners and affiliates around the world, including the UK, USA, Hong Kong, India, Sri Lanka, Nigeria, Norway and Denmark. The Stefanus Alliance in Norway is a member of the CSW International Partnership. CSW has been working on human rights and religious freedom in North Korea for almost 15 years, and has made many fact-finding visits to South Korea, one visit to North Korean refugees on the China-North Korea border, and one visit to North Korea, accompanying Lord Alton of Liverpool and Baroness Cox of Queensbury, Chairman and Vice-Chairman of the All Party Parliamentary Group on North Korea, on an official parliamentary visit.¹³ In 2007, CSW published a major report, *North Korea: A Case to Answer, A Call to Act*,¹⁴ and in 2011 CSW initiated and helped establish the International Coalition to Stop Crimes Against Humanity in North Korea (ICNK),¹⁵ a coalition of over 40 human rights organisations from around the world. CSW has regularly hosted North Korean defectors in London and Brussels, providing a platform for them to testify at hearings in the European Parliament, the UK Parliament, and other public arenas, and to brief government ministers and officials. In 2011, CSW hosted Shin Dong-hyuk, who was born in a North Korean prison camp, and arranged meetings with the Minister of State at the Foreign and Commonwealth Office, the Speaker of the House of Commons and the Archbishop of Canterbury, among others.¹⁶

¹³ Lord Alton and Baroness Cox, *Building Bridges, Not Walls: The Case for Constructive, Critical Engagement with North Korea*, 2010 <http://www.jubileecampaign.org/BuildBridgesNotWalls.pdf>

¹⁴ CSW, *North Korea: A Case to Answer, A Call to Act*, 2007 <http://dynamic.csw.org.uk/article.asp?t=report&id=35>

¹⁵ For more information see www.stopnkcrcimes.org

¹⁶ CSW, 'North Korean defector highlights suffering in prison camps to UK leaders', 28 October 2011 <http://dynamic.csw.org.uk/article.asp?t=press&id=1255>

4. Human rights violations in North Korea

North Korea's human rights record is among the worst in the world. There is no freedom in North Korea, no space for dissent, political opposition, independent media or civil society. North Korea has been described as one large prison without walls.

A key aspect of the regime's control of North Korean society is the *songbun* system of social classification, which divides the population into 51 categories of political class, grouped into three broad castes: 'core', 'wavering' and 'hostile' classes. A person's class is determined by birth, taking into consideration the political record and background of the family, and affects every aspect of life, including access to education, health care, food rations and employment opportunities. The system has been analysed in detail in a major report by the Committee on Human Rights in North Korea, called *Marked for Life: Songbun – North Korea's Social Classification System*, published in 2012.¹⁷

The most egregious violations of human rights are perpetrated in the country's prison camps, where torture is extreme, widespread and systematic. CSW has met many survivors of the prison camps over the past decade or more, and their stories paint a consistently appalling picture.¹⁸

Among the wide range of human rights issues in North Korea, CSW focuses on three principal concerns: the prison camps, violations of freedom of religion or belief, and the treatment of North Korean refugees, both in China and in North Korea if they are forcibly repatriated.

4.1. The prison camps

At the heart of the system of repression in North Korea are the brutal prison camps, known as *kwan-li-so* and sometimes referred to as 'gulags'; where it is estimated that over 200,000 prisoners are held in dire conditions, subjected to systematic and severe torture, deprived of adequate food and subjected to a harsh system of forced labour in violation of international law, including mining, logging and intensive factory labour on minimal rations, causing extreme fatigue and sickness and leading, in many cases, eventually to death.

Access to the camps for international monitors has been impossible, and so information is only available from survivors of the camps and from satellite images and other intelligence. A detailed analysis of the camps was written by David Hawk, in *The Hidden Gulag: The Lives and Voices of 'Those Who are Sent to the Mountains'*, first published by the Committee on Human Rights in North Korea in 2003, with an updated second edition in 2012.¹⁹ In 2011 Amnesty International released satellite images depicting the scale of the prison camps,²⁰ and in 2013

¹⁷ The Committee for Human Rights in North Korea, *Marked for Life: Songbun – North Korea's Social Classification System*, 2012 http://hrnk.org/uploads/pdfs/HRNK_Songbun_Web.pdf

¹⁸ *The Guardian*, 'North Korean defectors tell of torture and beatings', 4 November 2009 <http://www.guardian.co.uk/world/2009/nov/04/north-korea-defectors-torture>

¹⁹ The Committee for Human Rights in North Korea, *The Hidden Gulag: The Lives and Voices of 'Those Who are Sent to the Mountains'*, 2012 http://hrnk.org/uploads/pdfs/HRNK_HiddenGulag2_Web_5-18.pdf

²⁰ Amnesty International, 'Images reveal scale of North Korean political prison camps', 3 May 2011 <http://www.amnesty.org/en/news-and-updates/images-reveal-scale-north-korean-political-prison-camps-2011-05-03>

Amnesty International published new information suggesting an attempt by the authorities to hide the existence of the camps by merging them with existing villages.²¹

In 2011, CSW hosted Kim Hye Seok, who spent 28 years in a North Korean prison camp, in London, where she testified to the UK Parliament.²² She described the conditions of forced labour and torture, provided an account of executions she witnessed, and presented an exhibition of drawings she had produced detailing life in the prison camps.²³ CSW has also hosted other defectors, including Shin Dong-hyuk, who was born in a prison camp and whose story is told in *Escape from Camp 14* by Blaine Harden.

The total number of victims of these political prison camps, according to various assessments, may be as high as one million, and death rates are reported to be very high. Some political prisoners are detained without trial, simply if the authorities perceive them as hostile to the government. Guilt by association is applied to detainees' families, so that up to three generations can be punished. In such cases, the prisoner is removed, investigated, declared guilty by the State Security Protection Agency, and transferred to a political prison camp.

In December 2007 North Korea added new clauses to the Criminal Code, expanding the range of charges punishable by death from five to 21. These were enacted in March 2008, and cover fifteen different types of offence, ranging from robbery, illegal business operations, economic crimes such as cutting and smuggling power cables, to prostitution, mass copying and distribution of foreign audio-visual materials, to espionage and "extremely serious cases of concurrent offenses". A full translation is available from CSW.

4.2. Violations of freedom of religion or belief

There is no religious freedom in the DPRK, and religious believers face severe persecution. The veneration of the Kim dynasty and the religious nature of their personality cult have led to intolerance of religious belief. Persecution of Christians has been particularly harsh, with the authorities distributing virulent anti-Christian propaganda through the workplace, schools and worker associations, creating a culture of extreme hatred and mistrust of Christians. By the mid-1950s there were no churches left functioning, and all Buddhist temples and Cheondokyo²⁴ places of worship were similarly eliminated. It would appear that the current situation is more complicated, as there are at least four state-sanctioned churches in Pyongyang, the capital, and a new Protestant seminary, but it is widely believed that these exist primarily for the benefit of foreigners and to present a false image of the situation. Most North Koreans consistently report that they have never met a religious practitioner or seen a Bible or a church.

In recent years, there have been several reported executions and disappearances of Christians in North Korea. It has been reported that prior to 2007, on average between one and three public executions took place each year. In 2008, however, it was reported that sixteen people were executed. Christians are among the most likely targets for execution.

²¹ Amnesty International, 'North Korea: New images show blurring of prison camps and villages', 7 March 2013 <http://www.amnesty.org/en/news/north-korea-new-images-show-blurring-prison-camps-and-villages-2013-03-07>

²² CSW, 'North Korean artist and defector to address parliamentary hearing on North Korea', 27 June 2011 <http://dynamic.csw.org.uk/article.asp?t=press&id=1192>

²³ *The Independent*, 'Kim Hye Seok: 'I saw prisoners turned to honeycomb by the bullets'', 13 July 2011 <http://www.independent.co.uk/news/people/profiles/kim-hyesook-i-saw-prisoners-turned-to-honeycomb-by-the-bullets-2312507.html>

²⁴ Cheondokyo or Cheondoism is a twentieth century Korean religious movement, based in Confucianism

Some executions are public, while others take place in prison. In August 2010 it was reported that 23 Christians had been arrested, and three were executed.

On 16 June 2009 Ms Ryi Hyuk Ok,²⁵ aged 33 from Ryongcheon-si Pyonganbuk-do, was executed, reportedly for distributing Bibles. She was also accused of organising opponents of the regime, spying, and being a Catholic with connections to the United States and South Korea. Her husband, three children and parents were sent from Pyungbuk Provincial Security Division to the National Security Division on 17 June 2009, and sent to the 22nd asylum of the National Security Division, a prison for political offenders located in Hweryung, Hambuk.

On 10 March 2009 Ms Seo Keum Ok, aged 30 from Sineuiju-si Pyonganbuk-do, was arrested for distributing Bibles and CDs, and accused of spying, and being a Catholic with connections with the United States and South Korea. Furthermore, she was accused of espionage regarding the nuclear facilities in Keumchang-ri and Pyonganbuk-do. According to the report, she suffered “indescribable torture” and it is unknown whether or not she is alive. Her husband, Kim Pyung Cheol, was also arrested and imprisoned, and her two children are missing.

On 4 October 2008 Mr Kim Kwang Myung, aged 45, a Catholic from Wonsan-si Gangwon-do was arrested, charged with distributing short-wave radios. According to the report, “it is unknown if he is alive or not.”

4.3. Food shortages

In addition to gross violations of human rights, the humanitarian crisis in the DPRK requires urgent attention. Mass food shortages and famine are of serious concern, and have significant implications for a wide spectrum of human rights. Severe poverty and food shortages provide the context for much of the suffering of the people in the DPRK and many of the abuses perpetrated against them by the authorities. Food shortages exacerbate the dire conditions in which those imprisoned are detained. The large-scale famine has been aggravated by the policies of the Government of the DPRK.

4.4. Access to mobile phones, DVDs, VCRs and computers

North Korean people are able to access information from the rest of the world more easily than in the past. According to Andrei Lankov in his new book *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*, since 2000 VCRs and then DVD players have become increasingly available, as have South Korean films. According to Chinese customs officials, 350,000 DVD players were brought into North Korea in 2006 alone, and a study by InterMedia concluded that in 2009 the penetration rate was 21% for VCD players and 5% for DVD players. “From my own research, it seems that in the borderland areas of the country, some 70 to 80 percent of all households were in possession of DVD players by early 2012,” writes Lankov. Computers are also becoming more available among the more affluent parts of society. “Estimates vary, but one can surmise that the number of privately owned computers, or computers that can be accessed with relative ease, now definitely exceeds 10,000 and is likely to reach a few hundred thousand,” Lankov claims. With the availability of computers comes the use of USB memory sticks. While North Korean computers are not connected to the Internet, and only the elite can access North Korea’s intranet, known as *Kwangmyong*, USBs are increasingly used to transfer and share

²⁵ CSW, ‘North Korea – CSW condemns reported execution of Christian woman’, 30 July 2009 <http://dynamic.csw.org.uk/article.asp?t=press&id=889>

information.²⁶ Mobile telephones are also becoming more widely available, and North Koreans living near the China border can receive a Chinese telephone signal. Increasingly, North Korean refugees who have escaped from the country keep in contact with their families by telephone.

This increase in the availability of technology, although limited, presents an increasing opportunity to break the regime's information blockade and open up a two-way flow of information, enabling the rest of the world to gain a better understanding of the current situation inside the country, and countering the regime's propaganda and control by giving North Koreans a better understanding of the situation outside the country.

5. North Korean refugees in China

Severe economic hardship, food shortages, class-based discrimination and harsh repression have caused a significant number of North Koreans to flee or attempt to flee from the country, across the border into China. The numbers fluctuate and have been estimated to be as high as 300,000, with a figure of 30-50,000 in China at present. Those who attempt to escape do so at grave risk, because under North Korean law,²⁷ leaving the country is a criminal offence.

The DPRK dispatches teams to locate, arrest and forcibly repatriate those who have left the country. China also forcibly returns North Korean refugees, violating the prohibition on *refoulement* recognised in international law.²⁸ China is a state party to the UN Refugee Convention, and its policies not only breach their treaty obligations on *non-refoulement*, but also prevent North Koreans from accessing asylum procedures or the United Nations High Commissioner for Refugees (UNHCR). UN bodies have expressed concern at the practice of returning refugees to North Korea because of the evident risk of persecution, torture and punishment.²⁹

North Koreans in China face many hardships and dangers, including bride-selling, sexual exploitation and labour exploitation. On 8 February 2012, the Chinese police arrested a group of 30 North Korean refugees in separate locations in Shenyang, after they had crossed the border from China en route to South Korea.³⁰ Others were subsequently arrested and in March 2012, it was reported that at least 41 had been forcibly repatriated to North Korea, drawing international condemnation.³¹

In addition to its obligations under the Refugee Convention, China ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1988, and is therefore obliged to follow the Convention's prohibition on forcible repatriation of people to countries where they face a substantial risk of being tortured.

²⁶ Andrei Lankov, *The Real North Korea: Life and Politics in the Failed Stalinist Utopia*, Oxford University Press, 2013, p.103-104

²⁷ Penal Code Article 233

²⁸ See Article 33 of the 1951 Convention relating to the Status of Refugees, and Article 3 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

²⁹ See Report of the Special Rapporteur on the Situation of Human Rights in the Democratic People's Republic of Korea, UN Doc. A/61/349, 15 September 2006, paras 20 et seq.

³⁰ CSW, 'CSW urges China to deal with North Korean refugees according to international law', 23 February 2012 <http://dynamic.csw.org.uk/article.asp?t=press&id=1313>

³¹ CSW, 'North Korea: CSW condemns the repatriation of North Korean refugees by China', 12 March 2012 <http://dynamic.csw.org.uk/article.asp?t=press&id=1325>

Those returned to North Korea face interrogation, mistreatment, torture and, in the worst cases, long-term imprisonment or execution. Torture is commonly reported and there is significant testimonial evidence that pregnant women repatriated from China face forced abortion and infanticide, in particular if the father is Chinese.

China also has a policy of arresting and imprisoning foreigners assisting North Korean refugees. On 29 March 2012, Kim Young Hwan, a South Korean activist for democracy and human rights in North Korea, and three of his colleagues, were arrested in Liaoning Province and charged with “crimes of endangering national security”. He was subsequently released.

On 31 July 2009 Ms Li Mingshun and Mr Zhang Yonghu were indicted by the Erlianhaote City People’s Procuratorate for aiding North Korean refugees fleeing to South Korea through China. Ms Li and Mr Zhang were among several Christians providing food, shelter and transport for 61 refugees crossing through China into Mongolia. Li Mingshun was arrested on 29 April, and the two were put on trial on 17 August. On 30 August Ms Li was found guilty, charged with “human smuggling across the border”, and sentenced to ten years in prison. Mr Zhang received a seven-year sentence for organising transport for the refugees to Inner Mongolia.

In March 2012, an Early Day Motion was tabled in the House of Commons, urging China to desist from further repatriations and to allow safe passage for North Korean refugees to third countries.³² The European Parliament passed a resolution on the same issue in May 2013.³³

China denies that the North Koreans who have escaped from their country are refugees, referring to them as economic migrants. It may be the case that some have fled for economic reasons rather than, necessarily, political reasons, but due to the political situation in North Korea, under international law they become immediately *refugees sur place*,³⁴ due to the consequences they would face if forcibly returned to the DPRK. China should be urged to recognise them as *refugees sur place*.³⁵

³² CSW, ‘Parliamentary resolution protests China’s forcible repatriation of North Korean refugees’, 16 March 2012 <http://dynamic.csw.org.uk/article.asp?t=press&id=1330>

³³ CSW, ‘European Parliament condemns repatriation of North Korean refugees’, 24 May 2012 <http://dynamic.csw.org.uk/article.asp?t=press&id=1365>

³⁴ Brookings Institution, ‘China’s Repatriation of North Korean Refugees’, 5 March 2012 <http://www.brookings.edu/research/testimony/2012/03/05-china-repatriation-cohen>

³⁵ The Huffington Post, ‘Hu and Wen, Why?’, 12 March 2012 http://www.huffingtonpost.co.uk/ben/north-korean-refugees-hu-and-wen-why_b_1338491.html

6. The international response

While North Korea's dire human rights situation has not received the level of attention it deserves, a growing number of prominent international experts have spoken out; in particular, the current and previous United Nations Special Rapporteurs on the Situation of Human Rights in the DPRK, a post which reports annually to both the UN Human Rights Council and the UN General Assembly.

The current Special Rapporteur, Mr Marzuki Darusman, has noted "a significant deterioration in the human rights situation in the country". In his report to the UN General Assembly in February 2012, he stressed that "for decades egregious human rights abuses in the [DPRK] have been extensively documented by various actors, including organisations of the United Nations system".³⁶ In his report in February 2013, he presented an analysis of UN documentation and resolutions on the situation of human rights in the DPRK since 2004, and noted that in addition to a total of 22 reports by the Secretary-General and the Special Rapporteur, and 16 resolutions adopted by the General Assembly and its subsidiary organs, the DPRK has also been the subject of a Universal Periodic Review, and concluding observations by a number of treaty bodies and opinions adopted by the Working Group on Arbitrary Detention and the Working Group on Enforced and Involuntary Disappearances.³⁷

The Special Rapporteur recommended the establishment of "a more detailed mechanism of inquiry",³⁸ a recommendation that paved the way for the Human Rights Council's adoption of a resolution in March 2013 establishing a Commission of Inquiry.

The previous Special Rapporteur, Mr Vitit Muntarbhorn, who completed his mandate in 2010, reached similar conclusions in his reports. He 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."³⁹

This echoes previous reports by the UN. In 2007, the Special Rapporteur described the violations as "both systematic and pervasive",⁴⁰ and in 2008 the UN General Assembly resolution expressed "very serious concern" at "the persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights".⁴¹ On 15 February 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

³⁶ UN General Assembly, *Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea*, 13 February 2012 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G12/103/90/PDF/G1210390.pdf?OpenElement>

³⁷ UN General Assembly, *Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea*, 1 February 2013 http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.57_English.pdf

³⁸ *ibid.*

³⁹ UN News Centre, 'Human rights situation in DPR Korea is bleak, independent UN expert says', 15 March 2010, <http://www.un.org/apps/news/story.asp?NewsID=34087&Cr=dprk&Cr1>

⁴⁰ UN General Assembly, *Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea*, submitted to the UN Human Rights Council, UN Doc. A/HRC/14/15, 7 February 2007, para. 70

⁴¹ *Situation of human rights in the Democratic People's Republic of Korea*, resolution adopted by the General Assembly, United Nations, UN Doc. 62/167, 28 February 2008

enabled such violations to exist and/or persist for a long time.”⁴² In October 2009 he described the human rights situation in North Korea as “abysmal”, due to “the repressive nature of the power base: at once cloistered, controlled and callous”. The exploitation of ordinary people, he said, “has become the pernicious prerogative of the ruling elite”.⁴³

The former Special Rapporteur asked 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 “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”.

Similar conclusions were made by speakers at a hearing on North Korea held by the European Parliament’s Subcommittee on Human Rights in April 2010. The European Parliament heard evidence from a survivor of the gulag of the gross violations perpetrated in the prison camps,⁴⁴ and passed a resolution calling for the establishment of a UN Commission of Inquiry into crimes against humanity.⁴⁵

On 11 January 2012, members of the House of Commons in the UK Parliament held a debate on North Korea.⁴⁶ On 21 January 2013, members of the House of Lords held a debate on North Korea’s security, humanitarian and human rights situation, and several members called for the establishment of an international inquiry.⁴⁷ The systematic persecution of Christians, executions, torture and forced abortions were among the human rights violations highlighted.

In his speech at this debate, Lord Alton highlighted the hearings held by the All Party Parliamentary Group on North Korea, and said, “The evidence given to our committee...include[s] accounts of executions, torture, detention, forced labour, trafficking, religious persecution and the “guilt by association” policy, which leads to the arrest, imprisonment and punishment of detainees’ families for up to three generations. We have also heard of women impregnated by Chinese men facing forced abortions or infanticide following deportation by China...North Korea has never allowed United Nations special rapporteurs on human rights to enter the country, but with 25,000 North Koreans living in the south and an estimated 100,000 living illegally in China, there would be no shortage of evidence for such an inquiry to assess.”

Baroness Cox of Queensbury, Vice-Chairman of the APPG on North Korea, who has travelled to Pyongyang with Lord Alton on three occasions to raise human rights concerns with the regime, described the stories of five North Koreans who have given evidence in Parliament in previous years. Her call for a UN Commission of Inquiry was echoed by

⁴² UN General Assembly, *Report of the Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea*, 15 February 2008 <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G08/106/15/PDF/G0810615.pdf?OpenElement>

⁴³ BBC, ‘North Korea human rights ‘abysmal’’, 23 October 2009 <http://news.bbc.co.uk/1/hi/world/asia-pacific/8321670.stm>

⁴⁴ The audio and video recording of the hearing can be retrieved at <http://www.europarl.europa.eu/ep-live/en/committees/video?event=20100407-0900-COMMITTEE-DROI&category=COMMITTEE&format=wmv> (North Korea exchange of views starts at 10:40.)

⁴⁵ CSW, ‘European Parliament calls on EU to support establishment of UN Commission of Inquiry on North Korea’, 12 July 2010 <http://dynamic.csw.org.uk/article.asp?t=press&id=1011>

⁴⁶ CSW, ‘MPs urge UK Government to take the lead on North Korea’, 11 January 2012 <http://dynamic.csw.org.uk/article.asp?t=press&id=1300>

⁴⁷ Hansard HL Deb 21 January 2013, vol 742, cols 972-992 <http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/130121-0001.htm#13012110000608>

several other peers, including Baroness Berridge, who referred to “a letter which 179 former North Korean political prisoners and defectors recently wrote to the foreign ministers of a number of UN countries appealing for their Governments to support an international inquiry into crimes against humanity in the DPRK.”⁴⁸

Leading international experts have also begun to speak out. Professor William Schabas, one of the world’s leading specialists in international human rights law, and Sir Geoffrey Nice QC, the former chief prosecutor in the trial of Slobodan Milosevic, wrote in the *International Herald Tribune* on 25 April 2012: “The situation in North Korea is a clarion call for the Security Council and other UN members to show courage in a case of political complexity. There can be few places in the world where the human rights situation is more egregious and yet more overlooked than North Korea.”⁴⁹

On 14 January 2013 the UN High Commissioner for Human Rights, Navanethem Pillay, added her support for the establishment of an inquiry, emphasising that concerns about North Korea’s nuclear programme must not be allowed to overshadow the “deplorable” human rights situation of its people. She said, “For years now, the Government of the DPRK has persistently refused to cooperate with successive Special Rapporteurs on the situation of human rights in the DPRK appointed by the Human Rights Council, or with my Office. For this reason, and because of the gravity of the situation, I believe an in-depth inquiry into one of the worst – but least understood and reported – human rights situations in the world is not only fully justified, but long overdue.”⁵⁰

On 28 February, 2013 a group of special procedures mandate holders jointly expressed support for an inquiry.

The UN Commission of Inquiry will consist of a three-person panel of experts, chaired by Judge Michael Kirby from Australia and including Sonja Biserko, a founder of the Helsinki Committee for Human Rights in Serbia, and the UN Special Rapporteur, Marzuki Darusman. The inquiry will focus on prison camps, torture and food deprivation.⁵¹ The inquiry, established by resolution 22/13 of the Human Rights Council, will report back in March 2014.⁵² The resolution expressed deep concern “at the persisting deterioration in the human rights situation” in North Korea, at the “continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights”, alarm at the “precarious humanitarian situation” and called on the regime to release all political prisoners “unconditionally and without delay”.⁵³

⁴⁸ CSW, ‘UK Parliamentarians call for UN Commission of Inquiry into Crimes against Humanity in North Korea’, 22 January 2013 <http://dynamic.csw.org.uk/article.asp?t=press&id=1485>

⁴⁹ *The International Herald Tribune/New York Times*, ‘Put North Korea on Trial’, 25 April 2012 http://www.nytimes.com/2012/04/26/opinion/put-north-korea-on-trial.html?_r=0

⁵⁰ UN OHCHR, ‘Pillay urges more attention to human rights abuses in North Korea, calls for international inquiry’, 14 January 2013 <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12923&LangID=E>

⁵¹ UN OHCHR, ‘Council President appoints Members of Commission of Inquiry on the Democratic People’s Republic in Korea’, 7 May 2013 <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13301&LangID=E>

⁵² *Situation of human rights in the Democratic People’s Republic of Korea*, resolution adopted by the General Assembly, United Nations, 28 February 2008 <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G13/128/65/PDF/G1312865.pdf?OpenElement>

⁵³ *Situation of human rights in the Democratic People’s Republic of Korea*, resolution adopted by the General Assembly, United Nations, 9 April 2013 <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G13/128/65/PDF/G1312865.pdf?OpenElement>

7. Conclusions

The establishment of a UN Commission of Inquiry into crimes against humanity in North Korea is a significant step forward in bringing the grave human rights situation in the country further up the international agenda. CSW has advocated such an inquiry for over five years, and believes that it is a key initiative to increasing attention on the situation.

Nevertheless, an inquiry by itself, while shining a spotlight on the human rights situation in North Korea, and working with the full independence, credibility and authority of the UN, will only be effective if it is properly resourced, fully supported and its conclusions and recommendations actively implemented. The international community must therefore work together to ensure that the inquiry is not impeded by lack of resources or support, and that its recommendations are adopted and implemented.

In addition, CSW believes the international community should increase efforts to address human rights concerns in North Korea through other mechanisms as well, including by placing human rights on the agenda for discussion with North Korea at every opportunity, and increasing funding and support for information through radio broadcasts, and cultural or educational exchanges. The plight of refugees in China, and their vulnerability due to China's policy of forced repatriation, also requires urgent attention and a durable solution.