

Introduction

1. CSW is a human rights organisation specialising in the right to freedom of religion or belief (FoRB). This submission seeks to draw attention to the situation of human rights, and particularly the right to FoRB, in the Democratic People's Republic of Korea (DPRK) ahead of the state's fourth Universal Periodic Review (UPR).
2. Throughout the reporting period, the human rights situation has remained dire, with widespread systematic violations taking place daily, including torture, sexual violence, forced labour, public executions, arbitrary detention and mass arrests.
3. The closed nature of the DPRK presents challenges for documenting the human rights situation. However, significant evidence has been obtained throughout the reporting period from defectors, many of whom are survivors of the state's brutal prison camps (kwan-li-so). Their testimonies confirm the state's continuing failure to uphold human rights, with the situation worsening in many instances.

Legal framework

4. Amendments to the Constitution in 1972 essentially collectivised basic rights for citizens. By the 1990s, the DPRK began using the term 'our own style of human rights' to undermine the universality of human rights.¹
5. The period 2003-2010 saw the inclusion of human rights clauses in the Constitution, along with legislation including the Disabled People Protection Act (2003), the Elderly Care Protection Act (2007), the Social Security Act (2008), the Children's Rights Act (2010) and the Women's Rights Act (2010).² However, since 2010 the DPRK has shown a complete disregard for these provisions, despite accepting several recommendations during the third cycle to ensure domestic legislation aligns with international human rights standards. Changes in criminal law in the DPRK have only served to further exacerbate the country's failure to uphold its commitments and comply with international standards, with regressive policies allowing for a broader application of the death penalty (2007), harsher punishment for defectors (2009) and, increased sentences for possession of foreign or 'decadent' material (2015).³
6. The DPRK repeatedly contravenes international human rights treaties, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights

(ICESCR) to which it is party. Furthermore, the State has not ratified other key treaties, such as the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT) and the Convention for the Protection of All Persons from Enforced Disappearance (CED). The State has yet to ratify the Rome Statute of the International Criminal Court (ICC).

Recommendations:

7. ***The DPRK is urged to abide by all ratified international human rights instruments, and to sign and ratify outstanding international human rights treaties.***
8. ***The DPRK is urged to amend legislation that does not comply with international standards, including repealing amendments to the criminal code that widen the scope of the death penalty, promote harsher punishment of defectors and increase sentences for possession of 'decadent' material, among others.***
9. ***The DPRK should ratify the Rome Statute of the International Criminal Court.***

Co-operation with human rights mechanisms

10. The DPRK has repeatedly failed to fully cooperate with UN mandates aimed at advancing human rights in the country, including successive Special Rapporteurs. Regrettably, the DPRK noted several recommendations relating to cooperation with UN human rights mechanisms and access to the country for human rights monitors. During the reporting period, mandate holders Tomás Ojea Quintana (who served from 2016-2022) and Elizabeth Salmón (2022 – present) have been denied access to the country repeatedly.
11. The Commission of Inquiry (COI) on human rights in the DPRK, established in 2013 by the UN Human Rights Council (HRC),⁴ found that 'the gravity, scale and nature of these violations reveal a State that does not have any parallel in the contemporary world'.⁵ Citing the fact that many of the violations carried out with impunity by the state apparatus reached the threshold for classification as crimes against humanity, the report recommended wide-ranging political and institutional reforms, including the abolition of the death penalty, the release of all political prisoners and a realignment of state spending priorities. The DPRK continues to disregard this report, denying any allegations of rights violations.⁶ A July 2021 report by the United Kingdom of Great Britain and Northern Ireland's (UK's) All-Party Parliamentary Group on North Korea concluded that the human rights situation in the DPRK remains dire.

1 CSW, 'Movies, Markets and Mass Surveillance: human rights in North Korea after a decade of change', 31 January 2018, p. 20. <https://www.csw.org.uk/2018/01/31/report/3832/article.htm>

2 *Ibid*

3 *Ibid*, p. 21

4 OHCHR, 'Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea', 21 March 2013. <https://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>

5 Report of the Commission of Inquiry on human rights in the Democratic People's Republic of Korea – A/HRC/25/63, 7 February 2014, p. 15, paragraph 80. Available at OHCHR: <https://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>

6 DPRK Association for Human Rights Studies, 'Report of the DPRK Association for Human Rights Studies', 13 September 2014. Available at the Korean friendship Association: <https://www.kfausa.org/report-dprk-association-human-rights-studies/>

The report found that DPRK officials continue to engage in murder, torture, slavery, persecution, and sexual and gender-based violence, including rape, sex trafficking, forced abortions and infanticide.

12. In an incident clearly illustrating non-cooperation, on 31 January 2023 the DPRK called for the abolition of the Office of the High Commissioner for Human Rights (OHCHR) presence in Seoul established to monitor and document human rights violations in the DPRK.⁷

Recommendations:

13. ***The DPRK is urged to acknowledge and implement the recommendations of the UN COI (A/HRC/25/CRP.1) and other accountability mechanisms.***
14. ***The DPRK is urged to issue a standing invitation to UN Special Procedures, including the Special Rapporteur, and allow full and unhindered access to all parts of the country.***

Equality and discrimination

15. Social classification is a key aspect of the DPRK's control over society. The state's songbun system divides the population into 51 categories of political class, falling under three broad castes: 'core', 'wavering' and 'hostile'.⁸
16. These classes are determined by birth, with factors including the family's background and political record. A person's songbun classification affects nearly every aspect of their life, including access to healthcare, what part of the country they can live in, access to education, food rations and employment opportunities. It even plays a role in how they are criminally punished.
17. Those in the 'hostile' class are subject to intense persecution and discrimination and are prejudged as being disloyal to the state and the socialist revolution, including by holding and practicing values that are considered as dissident by the state. Those in the hostile classes include Christians, other religious communities, and those who share ancestry with people convicted of a political crime. The discriminatory nature of songbun is in clear violation of Article 65 of the Constitution, which states that 'citizens enjoy equal rights in all spheres of State and public activities'.⁹

Recommendations:

18. ***The DPRK is urged to end state-sanctioned discrimination underpinned by the songbun system, including the classification of religious believers as 'hostile' which facilitates persecution, and to guarantee equal rights for all citizens.***
19. ***The DPRK is urged to introduce anti-discrimination legislation to further protect the rights of its citizens.***

Freedom of Expression & Media

20. During the third cycle of the UPR, the DPRK supported several recommendations regarding the expansion of freedom of expression including to ensure freedom of expression and the independence of the media.¹⁰ Despite this, provisions for freedom of opinion and expression in the DPRK remain poor.
21. In December 2020, the DPRK introduced a law 'rejecting reactionary ideology and culture' which prohibits distributing media output from South Korea, the United States of America and Japan, and threatens violators with the death penalty. Watching such media can result in a sentence of 15 years in an ordinary crimes prison camp, kyohwaso.¹¹
22. In the 2023 World Press Freedom Index, the DPRK fell to 180th, owing especially to the prison sentences handed out for viewing a media outlet based outside the country.¹²
23. Communication with persons outside the country is also punished, and the DPRK noted two recommendations calling on it to abstain from any form of interference in the direct and regular communication between its citizens and other persons, including parents and children living in other countries. On 10 October 2023, Radio Free Asia (RFA) reported that the DPRK had sentenced a woman to three years in prison for speaking on the phone to her daughter who had escaped the country and resettled in South Korea.¹³

Political prison camps (kwanliso)

24. The state's ongoing policy of crushing political dissent through the use of large-scale political internment camps, otherwise known as kwanliso, is alarming. With an estimated 120,000-200,000 people currently detained within four large prison camps,¹⁴ kwanliso are at the centre of the systematic repression of citizens. Those

7 NK News, 'North Korea calls for abolishing UN human rights office in Seoul', 1 February 2023 <https://www.nknews.org/2023/02/north-korea-calls-for-abolishing-un-human-rights-office-in-seoul/>

8 CSW, 'Total Denial: North Korea report 2016', 22 September 2016, p. 8 <https://www.csw.org.uk/2016/09/22/report/3263/article.htm>

9 Contravenes ICCPR, Article 3

10 United Nations, Report of the Working Group of the Universal Periodic Review: DPRK, A/HRC/42/16, 25 June 2019, <https://documents.un.org/doc/undoc/gen/g19/184/10/pdf/g1918410.pdf?token=hjKrrV2X8eix9uHlEX&fe=true>; United Nations, Report of the Working Group of the Universal Periodic Review: DPRK Addendum, A/HRC/42/16/Add.1, 28 August 2019, <https://documents.un.org/doc/undoc/gen/g19/254/29/pdf/g1925429.pdf?token=EGFUDJ6kZ9z3yR0uyb&fe=true>

11 Daily NK, 'Exclusive: Daily NK obtains materials explaining specifics of new "anti-reactionary thought" law', <https://www.dailynk.com/english/exclusive-daily-nk-obtains-materials-explaining-specifics-new-anti-reactionary-thought-law/>

12 RSF, '2023 World Press Freedom Index – journalism threatened by fake content industry' <https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry>

13 RFA, 10 October 2023, 'North Korean woman sentenced to 3 years for calling South Korea', <https://www.rfa.org/english/news/korea/phone-10102023094523.html>

14 Human Rights Watch, 'North Korea: Events of 2016', <https://www.hrw.org/world-report/2017/country-chapters/north-korea>

who are deemed to have engaged in major political crimes are regularly 'disappeared', i.e. taken to the prison camps without trial, often overnight.

25. A policy of guilt by association also applies, and in the past authorities have sent entire families to prison camps for crimes committed by a close relative.¹⁵ 'Political crimes' can be as minor as simply voicing discontent in a private setting, or practicing a religion, or having a belief other than the political Juche ideology cultivated by the Kim dynasty.
26. The prison camps are infamous for brutality and extremely harsh conditions. Prisoners are subjected to intense labour on minimal food rations, beatings, torture, executions and rape.¹⁶
27. Children imprisoned with their families in kwanliso only receive minimal education and are drafted into labour, even at the age of six.¹⁷
28. While the DPRK continues to refute the existence of kwanliso, significant evidence through testimonies of former inmates, guards and neighbours, as well as satellite imaging, has confirmed their existence. That the DPRK refuses to acknowledge the existence of kwanliso or to permit access for independent international verification can itself be viewed as an admission of the daily and severe violations perpetrated within its penal system.

Recommendations:

29. ***The DPRK is urged to acknowledge the existence of kwanliso, immediately dismantle political prison camps, and rehabilitate political prisoners, giving them appropriate and immediate psychosocial assistance.***
30. ***The DPRK is urged to prioritise the reform of the penal system to comply with international human rights standards, and consider granting full and unhindered access to independent experts to fully evaluate it.***
31. ***Additionally, the DPRK must protect the rights of incarcerated persons by adopting and implementing the Nelson Mandela Rules, particularly with regard to sanitary conditions, food, drinking water, file management, non-discrimination and contact with the outside world.***

Use of torture and death penalty

32. The use of torture is widespread and systematic across the network of prison camps in the DPRK. The state uses torture during interrogation to extract confessions from prisoners, which regularly results in paralysis, serious injury and death. Forms of torture utilised by authorities include sleep deprivation, severe beatings, rape and sexual violence.¹⁸ This is in clear violation of several international commitments to which the nation is a signatory; however, during the last review, the DPRK noted every recommendation relating to torture and steps towards the abolition of the death penalty.
33. On 30 August 2023, 25,000 people were forced to watch the execution of nine individuals for running a beef smuggling ring.¹⁹
34. On 3 October 2023, Radio Free Asia (RFA) reported that in September 2023 a manager at a pharmaceutical warehouse in the city was executed for allegedly stealing penicillin.²⁰

Recommendation:

35. ***The DPRK must cease using of all forms of torture, and law enforcement officers must be held accountable for mistreating prisoners under their care.***

Freedom of Movement

36. Despite the DPRK supporting two recommendations during in the third UPR cycle regarding freedom of movement, severe restrictions remain in place.
37. The COVID-19 pandemic has been used by the DPRK to maintain restrictions on movement. Closed borders and high security continue to prevent citizens from leaving the country.²¹
38. On 25 October 2023, RFA reported that electric fences were installed on a new bridge to the People's Republic of China to prevent North Koreans using it to leave the country.
39. On 13 October 2023, RFA reported that over 500 North Korean refugees had been forcibly repatriated from China.²² Most were civilians and religious figures who were arrested while attempting to travel to the Republic of Korea from China. Those returned to DPRK typically face torture, imprisonment, and in some cases, public

15 CSW, 'Total Denial: Violations of Freedom of Religion or Belief in North Korea', 22 September 2016, p. 3. <https://www.csw.org.uk/2016/09/22/report/3263/article.htm>

16 Report of the Commission of Inquiry on human rights in the Democratic People's Republic of Korea – A/HRC/25/63, 7 February 2014, p. 14, paragraph 76 <https://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx>

17 Such brutality is not reserved to the kwanliso, with a sprawling network of prison camps spread across the country. Testimony of survivors suggests that arbitrary detention, violence, torture and mass, public executions are the norm across the penal system in the DPRK.

18 CSW, 'Total Denial: Violations of Freedom of Religion or Belief in North Korea', 22 September 2016, p. 3. <https://www.csw.org.uk/2016/09/22/report/3263/article.htm>

19 RFA, 'North Korea publicly executes 9 people for running beef smuggling ring' 5 September 2023 <https://www.rfa.org/english/news/korea/beef-09052023141651.html>

20 RFA, 'North Korea executes warehouse manager for stealing penicillin' 3 October 2023

21 RFA, 'North Korea installs electric fences around new bridge to China', 25 October 2023 <https://www.rfa.org/english/news/korea/fence-10252023161618.html>

22 Radio Free Asia, 'China repatriates N Korean escapees after Asian Games: Source' 12 October 2023 <https://www.rfa.org/english/news/korea/china-repatriates-north-korean-defectors-10122023004404.html>

execution. Any found to have had contact with Christians are known to face particularly harsh punishment.

Recommendations:

40. The DPRK should guarantee citizens the right stipulated in the ICCPR of citizens to leave and return to their country, both in law and in practice.

41. The DPRK should ensure that those who are repatriated are not subjected to any punishment, including torture, enforced disappearance and arbitrary detention.

Freedom of religion or belief

42. Despite supporting two recommendations during the last UPR cycle regarding the protection of FoRB²³, recommendations calling for an end to discrimination, including on the basis of FoRB were rejected by the DPRK.

43. The right to FoRB does not exist. All forms of independent religious activity, and particularly communal activities, are restricted. Any citizen who expresses an opinion or belief outside the state ideology faces severe punishment. However, Christians are the victims of particularly extreme persecution, with public executions, arrests, forced labour, imprisonment in kwanliso and torture being a daily threat.

44. While Article 68 of the Constitution legislates FoRB,²⁴ it is important to note that the Constitution carries less weight than the Supreme Leader's words, instructions and Party policies. Therefore, constitutional protections for FoRB cannot be guaranteed. The prevalence of the songbun system continues to override constitutional protections in this regard, institutionalising discrimination and persecution, and allowing authorities to act with impunity against 'hostile' faith-based groups.

45. Article 68 of the Constitution²⁵ states that 'Religion must not be used as a pretext for drawing in foreign forces or for harming the State or social order'. This article has been used to stifle religious activity on the pretext of defending 'the State or social order,' and contravenes the DPRK's international law obligations.

Recommendations:

46. The DPRK is urged to amend Article 68 of the Constitution in line with international standards, and

uphold, in law and practice, freedom of religion or belief as stipulated in Article 18 of the ICCPR.

47. The DPRK is urged to end the practice of penalising individuals for peaceably expressed beliefs, and to release all prisoners of conscience immediately and unconditionally, including those detained on account of their religion or belief.

23 United Nations, Report of the Working Group of the Universal Periodic Review: DPRK, A/HRC/42/16, 25 June 2019, <https://documents.un.org/doc/undoc/gen/g19/184/10/pdf/g1918410.pdf?token=hjKrrV2X8eix9uHlEX&fe=true>; United Nations, Report of the Working Group of the Universal Periodic Review: DPRK Addendum, A/HRC/42/16/Add.1, 28 August 2019, <https://documents.un.org/doc/undoc/gen/g19/254/29/pdf/g1925429.pdf?token=EGFUDJ6kZ9z3yR0uyb&fe=true>, 126.136 (Greece); 126.137 (Ireland)

24 Citizens have freedom of religious belief. This right is granted through the approval of the construction of religious buildings and the holding of religious ceremonies. 2) Religion must not be used as a pretext for drawing in foreign forces or for harming the State or social order.'

**CSW everyone
free to believe**

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