

Democratic People's Republic of North Korea

Submission by CSW to the Universal Periodic Review

33rd session

Introduction

- 1 CSW is a human rights organisation specialising in the right to freedom of religion or belief (FoRB). This submission seeks to draw the Council's attention to the ongoing grave human rights violations in the Democratic People's Republic of Korea (DPRK), between the period of 2014 and 2018.
- 2 Throughout the reporting period, the human rights situation has remained dire, with widespread systematic violations taking place on a daily basis. The breadth of which encompass torture, sexual violence, forced labour, public executions, arbitrary detention and mass arrests.
- 3 Despite the recent thaw in relations between the DPRK and the United States, human rights have been consistently side-lined throughout peace talks, to the detriment of the DPRK's citizens. It is essential that severe human rights violations, including violations of the right to FoRB, are addressed as the DPRK continues to show a desire to engage with international bodies, as part of the denuclearisation and re-unification process of the Korean peninsula.
- 4 The closed nature of the DPRK has limited the ability of researchers to conduct detailed analysis of 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). These testimonies emphasise that the state's failure to protect human rights has continued, and, in many cases, worsened.
- 5 Following the release of its ground-breaking report, 'A case to answer, a Call to Act', published in 2007, which was one of the first to call for a commission of

inquiry into the human rights situation in the DPRK, CSW has continued to monitor the situation in DPRK and has subsequently published two reports, entitled 'Total Denial'¹ and 'Movies, Markets and Mass Surveillance'², in 2016 and 2018 respectively.

- 6 The reports found that state governance under Kim Jong-un continues to reject the DPRK's international obligations to its citizens. These reports, formulated by direct consultation with defectors from the DPRK, further emphasise the total control that the state has over the everyday lives of its citizens.

Scope of international obligations

- 7 The DPRK is party to a number of 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), but has not ratified the Rome Statute of the International Criminal Court.

Recommendations:

- 8 **The DPRK should uphold its international obligations through the implementation of recommendations given to it by various human rights treaty bodies;**
- 9 **The DPRK is urged to ratify the Rome Statute of the International Criminal Court.**

DPRK human rights legislation

- 10 Amendments to the constitution in 1972 essentially collectivised basic rights for citizens. By the 1990s, the DPRK had begun using the term 'our own style of human rights' to undermine the universality of human rights.³ Human rights are contextualised as

¹ CSW, 'Total Denial: Violations of Freedom of Religion or Belief in North Korea', 22 September 2016. Available at: <https://www.csw.org.uk/2016/09/22/report/3263/article.htm>

² CSW, 'Movies, Markets and Mass Surveillance: Human Rights in North Korea after a Decade of Change', 31 January 2018.

Available at:

<https://www.csw.org.uk/2018/01/31/report/3832/article.htm>

³ CSW, 'Movies, Markets and Mass Surveillance: human rights in North Korea after a decade of change', 31 January 2018, p. 20.

being ‘collective’ and ‘North Korean’ to justify protecting the state’s way of life from perceived threats within and without; even though in the process the rights of political prisoners, for example, are systematically violated.

- 11 The period 2003-2010 saw the inclusion of human rights clauses in the constitution of the DPRK, and 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).⁴
- 12 Despite these previous developments, since 2010 the DPRK has shown a complete disregard for the aforementioned legislative changes. Changes in criminal law in the DPRK have only served to further exacerbate the DPRK’s failure to uphold its commitments and comply with international standards, with new regressive policies allowing for a broader application of the death penalty (2007), harsher punishment for defectors (2009) and, most recently, increased sentences for possession of foreign or ‘decadent’ material (2015).⁵

Recommendations:

- 13 **Where it conforms to the standard of core international treaties, the DPRK should fully implement domestic rights legislation introduced between 2003 and 2010.**
- 14 **The DPRK is urged to amend legislation that does not comply with international standards, to allow for the passage into law of effective rights based legislation geared towards the protection of citizens.**
- 15 **The DPRK must repeal recent 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.

Co-operation with human rights mechanisms

- 16 The DPRK has continued to refuse to cooperate with the DPRK Special Procedures mandate. Tomas Ojea Quintana, Special Rapporteur on the Situation of Human Rights in the DPRK, has been repeatedly denied access to the country; the authorities remain closed to any form of cooperation or engagement.
- 17 In 2012 the then-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 March 2013 the UN Human Rights Council voted by consensus to establish a Commission of Inquiry (COI) on human rights in the DPRK.⁶
- 18 The COI published its findings in February 2014, and found that ‘the gravity, scale and nature of these violations reveal a State that does not have any parallel in the contemporary world’.⁷ 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.
- 19 The state failed to show any regard for the report, producing in response a questionable analysis by the “DPRK Association for Human Rights Studies” which denied any allegations of rights violations.⁸ Notably, the report stated that citizens in the country were entitled to FoRB, although claimed that ‘every citizen has chosen to follow the Juche idea’, making reference to foreign religions

Available at:

<https://www.csw.org.uk/2018/01/31/report/3832/article.htm>

⁴ *Ibid*

⁵ *Ibid*, p. 21

⁶ OHCHR, ‘Commission of Inquiry on Human Rights in the Democratic People’s Republic of Korea’, 21 March 2013.

Available at OHCHR:

<https://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/CommissionInquiryonHRinDPRK.aspx>

⁷ 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>

⁸ 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/>

representing ‘reactionary and degenerated ideals... of U.S. and Western countries’.

- 20** At the second UPR review in 2014, the DPRK accepted 114 recommendations and noted 155.⁹ The DPRK accepted and fulfilled its commitment to becoming a signatory to the Convention on the Rights of Persons with Disabilities (CRPD). Broadly, the DPRK accepted recommendations that were vague in terminology or open to interpretation, noting and not accepting recommendations that made direct references to kwanliso, political prisoners, torture and various specific human rights abuses. The DPRK also continued in its refusal to ratify the Rome Statute, along with various other human rights treaties including the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention against Torture (CAT) and the International Convention for the Protection of All Persons from Enforced Disappearance (CPED).

Recommendations:

- 21 The DPRK is urged to grant the UN Special Procedures, including the Special Rapporteur on the human rights situation in the DPRK unrestricted access to the country.**
- 22 The DPRK is urged to immediately implement the recommendations suggested by the Commission of Inquiry into the Human Rights Situation in the DPRK.**

Panmunjom Declaration

- 23** While CSW welcomes the willingness of the DPRK to engage in international dialogue regarding denuclearisation and peace on the Korean peninsula, it is worryingly apparent that the issue of human rights is not being raised, or even suggested, at this level.

- 24** The third inter-Korean Summit saw the adoption of the Panmunjom Declaration between the DPRK and the Republic of Korea.¹⁰ Although the document made reference to promoting ‘common prosperity and reunification of Korea’ and promised for an end to war on the peninsula, the Panmunjom Declaration makes no reference to securing human rights for the citizens of the DPRK.
- 25** This was also apparent in the recent meeting of Kim Jong-un and Donald Trump in Singapore, the first ever meeting between the leaders of the DPRK and the United States of America; while denuclearisation has remained the focus, it is notable that substantive discussions of human rights have been absent from these engagements.

Recommendations:

- 26 The DPRK should seek to work fully with the Republic of Korea counterparts in realising the vision for peace outlined in the Panmunjom Declaration.**

Equality and discrimination

- 27** A key aspect of the DPRK’s control over society is the songbun system of social classification, which divides the population into 51 categories of political class.¹¹ These are grouped into three broad castes: ‘core’, ‘wavering’ and ‘hostile’.
- 28** These classes are determined by birth, with factors including the political record and background of the family. A person’s songbun classification affects nearly every aspect of their life, including access to healthcare, education, food rations and employment opportunities. It even plays a role in how they are criminally punished.
- 29** 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. This includes holding and practicing

⁹ UPR Info, ‘2RP: Responses to Recommendations & Voluntary Pledges: Democratic People’s Republic of Korea’, May 2014. https://www.upr-info.org/sites/default/files/document/korea_dpr/session_19_-_april_2014/recommendations_and_pledges_dprk_2014.pdf

¹⁰ The Independent, ‘Korea Summit: Read the Panmunjom Declaration in full’, 27 April 2018. <https://www.independent.co.uk/news/world/asia/korea->

[summit-panmunjom-declaration-full-read-kim-jong-un-north-south-moon-jae-in-a8325181.html](https://www.independent.co.uk/news/world/asia/korea-summit-panmunjom-declaration-full-read-kim-jong-un-north-south-moon-jae-in-a8325181.html)

¹¹ CSW, ‘Total Denial: North Korea report 2016’, 22 September 2016, p. 8 <https://www.csw.org.uk/2016/09/22/report/3263/article.htm>

values that are seen as anti-Party and anti-regime. Those in the hostile classes include Christians and other religious believers, and those who share ancestry with those convicted of a political crime.

- 30** A rigid and unforgiving class system, many people find themselves discriminated against from birth for their hereditary caste classification, a clear rebuttal of Article 65 of the Constitution which states that 'citizens enjoy equal rights in all spheres of State and public activities'.¹²

Recommendations:

- 31 The DPRK must end state-sponsored discrimination underpinned by the songbun system, so as to allow for equality of opportunity for all citizens.**
- 32 The DPRK must introduce anti-discrimination legislation to further strengthen and protect the rights of its citizens.**

Political prison camps (kwanliso)

- 33** Perhaps the most brutal aspect of the state's control is its policy of crushing political dissent through the use of large scale political internment camps, otherwise known as kwanliso. With an estimated 80,000-120,000 people currently detained within four large prison camps,¹³ kwanliso sits at the centre of the systematic repression of citizens in the DPRK. Those who are seen to have engaged in major political crimes are regularly 'disappeared', i.e.

taken away to the prison camps without trial, often overnight.

- 34** A policy of guilt by association also applies, meaning that in the past authorities have sent entire families to prison camps for crimes committed by a close relative.¹⁴ 'Political crimes' have been known to 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.
- 35** The brutality of these prison camps are typified by the extremely harsh conditions under which they are run. Prisoners are subjected to intense labour on minimal food rations; beatings; torture; executions and rape.¹⁵ Children imprisoned with their families in kwanliso are only given minimal education, being drafted into labour at ages as young as six.¹⁶
- 36** In 2017 the International Bar Association released the findings of a report investigating the extent of brutality in the state-run kwanliso. It accused the state of committing ten of the eleven crimes against humanity¹⁷ enumerated in the Rome Statute,¹⁸ including enslavement, rape, murder, extermination and torture.¹⁹
- 37** While the DPRK continues to refute the existence of kwanliso, significant evidence through testimony of former inmates, guards and neighbours, as well as satellite imaging, has confirmed their existence. That the DPRK openly refuses to recognise the existence of kwanliso or permit access for independent international human rights monitors is

¹² Contravenes ICCPR, Article 3

¹³ Human Rights Watch, 'North Korea: Events of 2016', <https://www.hrw.org/world-report/2017/country-chapters/north-korea>

¹⁴ CSW, 'Total Denial: Violations of Freedom of Religion or Belief in North Korea', 22 September 2016, p. 3. Available at: <https://www.csw.org.uk/2016/09/22/report/3263/article.htm>

¹⁵ 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>

¹⁶ 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.

¹⁷ These crimes against humanity are a) murder; b) extermination; c) enslavement; d) deportation or forcible

transfer of population; e) imprisonment or other severe deprivation of physical liberty; f) torture; g) rape, sexual slavery, enforced prostitution, enforced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity; h) persecution against any identifiable group; i) enforced disappearance of persons and j) other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health. Only the crime of apartheid was considered inapplicable in this analysis.

¹⁸ Article 7 of the Rome Statute, p.3-4 https://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf

¹⁹ War Crimes Committee of the International Bar Association, 'Inquiry on Crimes Against Humanity in North Korean Political Prisons', December 2017 p. 2

in itself an admission of guilt to the shocking conditions and rights violations perpetrated on a daily basis across its penal system.

Recommendations:

- 38** The DPRK must acknowledge the existence of kwanliso within its detention system, and seek to dismantle the state security apparatus that serves to brutally repress its citizens.
- 39** The DPRK must prioritise the reform of the penal system to comply with its international commitments, including its obligations to the ICCPR and the ICESCR.
- 40** The DPRK should grant full, unencumbered access to external investigators to fully evaluate its penal system, so as to open up opportunities for the reform of its criminal code.

Use of torture

- 41** The use of torture is widespread and systematic across the network of prison camps in the DPRK. The state fully endorses the use of torture to extract confessions from prisoners under interrogation, routinely leading to paralysis, serious injury and death. Various forms of torture utilised by authorities include sleep deprivation, severe beatings, rape and sexual violence.²⁰ This is in clear violation of a number of international commitments to which the DPRK is a signatory.

Recommendations:

- 42** Law enforcers in the DPRK must be monitored and held to strict accountability for their actions with regard to the treatment of prisoners under their care.
- 43** The DPRK must ban all forms of torture as acceptable practice in the interrogation or treatment of prisoners.
- 44** The detention system in the DPRK must be restructured to mirror international standards.

²⁰ CSW, 'Total Denial: Violations of Freedom of Religion or Belief in North Korea', 22 September 2016, p. 3. Available at: <https://www.csw.org.uk/2016/09/22/report/3263/article.htm>

²¹ '1) Citizens have freedom of religious belief. This right is granted through the approval of the construction of religious

Freedom of religion and belief

- 45** Freedom of religion or belief (FoRB) does not exist in the DPRK. "Extreme persecution is waged against Christians, with public executions, arrest, forced labour, imprisonment in kwanliso and torture being a daily threat for religious believers. Shaman, Buddhist and other religious practices are generally not persecuted to the same degree as Christianity but overall independent religious activities, and particularly communal activities, are severely punished."
- 46** The songbun system has institutionalised discrimination and persecution, allowing authorities to act with impunity against 'hostile' faith-based groups.
- 47** While Article 68 of the constitution legislates FoRB,²¹ it is important to note that the constitution in the DPRK is it ranks lower than the Supreme Leader's words, instructions and Party policies. Therefore the protection of FoRB cannot be guaranteed for citizens. The prevalence of the songbun system continues to override constitutional protections in this regard.
- 48** Article 68 of the constitution does not comply with international standards.²² Stating that 'Religion must not be used as a pretext for drawing in foreign forces or for harming the State or social order', Article 68 has been used to stifle religious activity across the DPRK on the pretext of defending 'the State or social order'.

Recommendations:

- 49** Article 68 of the constitution must be amended to be in line with international standards, ensuring suitable measures are in place to prevent and eliminate all forms of discrimination on grounds set out in Article 18 of the ICCPR;
- 50** The DPRK must respect the right to freedom of thought, conscience and religion or belief as enshrined in international law;

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.'

²² See ICCPR, Article 18 paragraphs 1 and 3

- 51 The DPRK must introduce legislation at the highest levels of its governance to reflect constitutional commitments to the protection of religious freedom for its citizens, as part of its increasingly outward look globally and towards peace in the Korean peninsula.**

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As Christians, we stand with everyone facing injustice because of their religion or belief.

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