Universal Periodic Review – 19th Session
CSW – Stakeholder Submission
DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Introduction

1. Christian Solidarity Worldwide (CSW) wishes to draw attention to the Democratic People's Republic of Korea's (DPRK) domestic human rights situation, over the period 2009-2013 with respect to the DPRK's international obligations.

2. The Democratic People's Republic of Korea (DPRK), has undoubtedly one of the worst human rights records in the world. 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.

3. In addition to its total denial of respect for a wide range of other human rights, freedom of religion or belief in the DPRK 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. The citizens 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.

4. CSW believes the situation in the DPRK is so severe that it requires a multi-track approach involving the full and committed engagement of 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.

5. 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", 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.

Scope of international obligations

6. 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). It has not ratified the Rome Statue of the International Criminal Court.

7. **Recommendations: That the DPRK seek to implement all of the recommendations given to it by the various international human rights treaty bodies;**

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8. **That the DPRK ratify the Rome Statute of the International Criminal Court.**

Interaction with international human rights mechanisms

9. The DPRK continues to refuse to cooperate with the DPRK Special Procedures mandate, and specifically with the office of the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

10. 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. 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. The inquiry will report to the Human Rights Council on its findings in March 2014.

11. **Recommendations: That the DPRK extend a Standing Invitation to the Human Rights Council's Special Procedures;**
12. **That the DPRK offers its full cooperation to both the Special Rapporteur on the situation of human rights in the DPRK and to the Commission of Inquiry into the human rights situation in the DPRK;**
13. **That the DPRK implement the recommendations given by the Special Rapporteur and the Commission of Inquiry.**

General human rights situation

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

15. A key aspect of the regime's control of 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 – the DPRK's Social Classification System*, published in 2012.[1]

16. 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.[2]

The prison camps

17. At the heart of the system of repression in the DPRK 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.

18. 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

[1] The Committee for Human Rights in the DPRK, *Marked for Life: Songbun – the DPRK's Social Classification System*, 2012 http://hrnk.org/uploads/pdfs/HRNK_Songbun_Web.pdf
[2] *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

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 the DPRK in 2003, with an updated second edition in 2012.[3] In 2011 Amnesty International released satellite images depicting the scale of the prison camps,[4] and in 2013 Amnesty International published new information suggesting an attempt by the authorities to hide the existence of the camps by merging them with existing villages.[5]

19. In 2011, CSW hosted Kim Hye Seok, who spent 28 years in a DPRK prison camp, in London, where she testified to the UK Parliament.[6] 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.[7] 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.

20. 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.

21. In December 2007 the DPRK 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".

22. **Recommendation: The DPRK must seek to dismantle and end its system of prison camps, ensuring that all of its penal institutions meet international standards, and that access is provided to international organisations such as the International Committee of the Red Cross. It must also end its policy of guilt by association.**

Equality and non discrimination

23. Despite constitutional guarantees, the principle of non-discrimination[8] is not respected. Although it is less explicit than in the past, the *songbun* discriminatory system stands in clear violation. Citizens are placed under one of three classes depending on their loyalty to the regime, with a further 51 sub-classes. Criminal punishment, access to education, employment, health benefits and even such basic necessities as food distribution are all issued on the basis of one's placing. Those in the hostile class account for 27 percent of the population, are generally national enemies, such as religious believers and political opponents, and are treated extremely harshly.

24. **Recommendation: Starting with the abolition of the *songbun* system, the DPRK needs to monitor and strengthen the implementation of existing laws, beginning with a full compliance of the ICCPR and the ICESCR.**

[3] The Committee for Human Rights in the DPRK, *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
[4] 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
[5] Amnesty International, 'the DPRK: 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
[6] CSW, 'the North Korean artist and defector to address parliamentary hearing on the DPRK', 27 June 2011 http://dynamic.csw.org.uk/article.asp?t=press&id=1192
[7] *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
[8] ICCPR, Article 2 (1) and Article 26; and ICESCR Article 2 (2)

Right to life, liberty and security of person

25. General Comment 6[9] of the ICCPR obliges State Parties to "adopt positive measures" to protect the right to life[10]. In contrast, the DPRK's political prison camp policy appears calculated to cause the death of hundreds of thousands[11]. The pitiful food rations combined with the system of forced labour ensures that constant hunger and deprivation pervades the prison system. Authorities have seemingly taken no steps to provide the levels of food required in order to reduce mortality significantly. In the forced labour system, a systematic and long-standing practice, prisoners are forced to complete work such as mining, logging and intensive factory labour on the barest of food rations, leaving them prone to fatigue and sickness, and in many cases, to eventual death. Such a practice also violates the international prohibition on forced labour[12]. It is little wonder that the system has been labelled a *de facto* death penalty.

26. Article 6 further necessitates States Parties to adopt measures which seek to reduce infant mortality and to increase life expectancy[13]. The practice within the detention and imprisonment system substantially conflicts with this. Pregnancies are generally disallowed within the prisons, and thus if efforts by the state authorities to induce an abortion have not been successful, testimonies suggest babies alive at birth are killed, usually by being smothered or left face down to die unattended[14]. Women detained for having crossed the border into China have suffered similar treatment. Some accounts even describe prisoners being forced to kill their own newly born child. The reason given was the child's part-Chinese descent.

27. Under Article 6 of the ICCPR, States Parties must restrict the application of the death penalty to the "most serious crimes". DPRK defectors give testimonies of executions liberally taking place both inside and outside the detention and imprisonment system. Within, the penalty has reportedly been given for acts such as foraging for or stealing food, attempting to escape, rioting, assaulting guards, refusing to abandon religious beliefs, and criticizing the North Korean regime. It has also been used as the punishment for those North Koreans repatriated from China who have had contact with South Koreans or Christians. Outside the system, the acts subject to execution are often similarly simple efforts such as those to secure food, which evidently fails to correlate with the "most serious crimes" stipulation.

28. The death penalty must only be "carried out pursuant to a final judgment rendered by a competent court"[15]. However, the competency of the court is highly questionable and the trial standards which they purport are barely comparable to international standards.

29. **Recommendations: The DPRK must ensure that it meets its international obligations with respect of the right to life, liberty and security, including within its detention system. It must immediately desist from any policy that encourages forced abortions or the murder of newborn babies;**
30. **The DPRK must do substantially better in ensuring the food security of all of its citizens;**
31. **The DPRK should impose an immediate moratorium on the use of the death penalty, pending its repeal.**

Use of torture

32. Within the detention and imprisonment system, torture is a widespread and systematic practice, taking on a variety of forms and often resulting in death[16]. Torture is regularly used in interrogation

[9] ICCPR, General Comment 6
[10] ICCPR, Article 6
[11] While it is impossible to give a precise figure for the number of detainees in the political prison camps, it is believed to be around 200,000.
[12] ICCPR, Article 8 (3b); Forced Labour Convention (1930), Article 2
[13] ICCPR, Article 6; CRC, Article 24 (2a)
[14] Also violates CRC, Article 6
[15] ICCPR, Article 6 (2)

facilities, sometimes to the point of disability, paralysis or death. Prisoners have also reportedly been used for medical, chemical and biological experiments[17]. Additionally, prisoners should not be "subjected to any hardship or constraint other than that resulting from the deprivation of liberty"[18]. The system of forced labour prisons stands in stark contrast to such a requirement.

33. **Recommendation: Clearer instructions need to be given to law enforcers to respect human rights, and a monitoring of their work is a prerequisite to ensure accountability. The DPRK must put an end to executions and abuses against the liberty and security of the person. The detention system should strictly mirror international standards, and all those presently detained arbitrarily should be released.**

Freedom of religion or belief

34. There is no freedom of thought, conscience, religion or belief 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 Cheondokyo 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.

35. In recent years, there have been several reported executions and disappearances of Christians in the DPRK. 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. 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.

36. **Recommendation: The DPRK must respect the right to freedom of thought, conscience and religion or belief as enshrined in international law, and this should be reflected in policy and practice. Suitable measures must be in place to prevent and eliminate all forms of discrimination on grounds set out in Article 18 of the ICCPR.**

Food shortages

37. 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.

38. **Recommendation: That the DPRK ensure transparency and accountability in relation to food aid and medicine donated by the EU and through UN channels.**

[16] Contravenes ICCPR, Article 10
[17] Contravenes ICCPR, Article 7
[18] ICCPR, General Comment 21

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