

**United States Human Rights Council
Universal Periodic Review of Member State- the Democratic People’s Republic of
Korea**

Jubilee Campaign in special consultative status with ECOSOC submits this analysis of religious freedom and human rights in the Democratic People’s Republic of Korea (DPRK) as a contribution to the Universal Periodic Review of UNHRC member state DPRK.

Introduction

Human Rights conditions in the DPRK continue to be dire. There is no regard for religious freedom, the freedom of expression, human life or dignity. Arbitrary arrests and detentions, lack of due process, torture, summary executions, and other mistreatment continue to be top concerns. The large prison camps run by the DPRK enslave hundreds of thousands of citizens in deplorable conditions. Individuals found guilty of anti-socialist crimes such as hoarding food and stealing state-property are periodically made examples of through public execution. Citizens of the DPRK receive basic services, such as health care and education, based on social classifications given by the government’s assessment of an individual’s political loyalty. In most cases these services are limited or denied.

The DPRK has largely avoided dialogue with U.N. experts on Human Rights, including Vitit Muntarbhorn and his successor, Marzuki Darusman, both appointed special rapporteurs on human rights in the DPRK. The DPRK has denied visit requests by both of them.

The Freedom of Expression

1. Human rights in the DPRK are severely lacking without much hope for change under the regime of Dictator Kim Jong-Un. Individual freedoms guaranteed in the Constitution were often violated or not enforced. Government-led disappearances, killings, and punishment of refugees top the list of human rights violations.
2. No freedoms of press, assembly, petition, or association were respected in practice even though guaranteed by the Constitution. According to article 69 of the constitution, "Citizens are entitled to submit complaints and petitions. The state shall fairly investigate and deal with complaints and petitions as fixed by law." Instead, the government imprisoned innocent civilians with impunity on the mere suspicion of descent of any kind.

Right to Food

3. The DPRK annually faces food shortages which mainly effect but are not limited to vulnerable members of society not of the elite classes such as: pregnant and nursing women, young children, the disabled and the elderly.
4. Since the mid 1990s, the DPRK has allowed more registered groups in to bring food aid, but have limited the access of international humanitarian aid workers from monitoring aid distribution inside the DPRK. The groups have been given no assurance of where the food has gone.
5. Food shortage persists throughout the country and a biased rationing system does not give the lower class enough food. Many defectors have reported they do not see the efforts of NGO aid. Most if not all aid is given to high officials with out reaching the people.

Treatment Experienced by Refugees from North Korea

6. Jubilee Campaign partners with the North Korea Freedom Coalition to provide a voice for North Korean refugees (NKR) considered “defectors” or “traitors” for attempting to escape the country in hope of a better life and more freedom. Defectors continued to report that many prisoners died from torture, disease, starvation, and exposure to the elements, or a combination of these causes. Any anti-state sentiment or crime seems to be fair game for the death penalty as arbitrary killings are frequently committed by the prison guards without due process.
7. North Koreans often attempt to cross the border into China to obtain food and medicine for their families or to seek political asylum. The law criminalizes defection and attempted defection. The punishment for seeking political asylum in a third country can be a minimum of five years of "labor correction" or an indefinite term of imprisonment and forced labor, confiscation of property, or death. For those who crossed the border in search of food, they might receive a few months in prison, a warning, or up to two years of "labor correction" for the crime of illegally crossing the border. Famine plagues the masses, especially the poor, and well over 2 million have perished during the late 1990s at the hand of their oppressive regime from starvation and dying in labor camps.
8. The DPRK border patrol has a "shoot-on-sight order for NK refugees trying to cross the border illegally. Snipers have even been posted at elevated positions above the Tumen River, giving them a wider view and a longer time to train their scopes on fleeing NK Refugees.

9. Defectors also have to deal with repatriation by the Chinese government, who refuses to provide unimpeded access by the UN High Commission for Refugees to the border crossers. Captured defectors have no rights. Their children cannot go to school or get medicine. They are often forced into domestic labor or sex slavery. Bounties are reportedly offered in large sums to inform on any local resident or foreigner who might be helping the NK refugees in China. Those repatriated are often placed in prison camps, where an estimated 100,000 to 200,000 people are subjected to reeducation through labor, by logging, mining, and crop tending.¹ The conditions of the camps are extremely harsh for prisoners and many suffer death before they are released.
10. The law of the DPRK provides for the "freedom to reside in or travel to any place", although it does not have a system of protection for refugees or adhere to the standards for asylum and refugee status according to the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol. The government has been uncooperative with the Office of the UN High Commissioner for Refugees and other humanitarian organizations assisting asylum seekers.
11. Laos and China forcibly repatriated nine North Korean orphan defectors in May 2013. In April, the children and two caretakers entered Laos via China. They were detained in Laos early May and at the DPRK's request they were sent back to China, later to be repatriated. Under applicable law for attempting to escape they will face a minimum of five years in a labor camp, up to a life sentence in prison. This is thought to be the first time Laos has repatriated people fleeing the DPRK.
12. Only a small number of defectors manage to reach South Korea, Japan, or the United States through other countries. South Korea accepts all North Koreans as citizens under its constitution. Canada, Japan, Germany, the United States, the United Kingdom, and a few other European countries have granted refugee status protection to several hundred North Koreans in recent years.

Sex Trafficking

13. The DPRK is a source for labor and commercial sexual exploitation of men, women, and children. The 2013 Trafficking in Persons Report discusses the tier 3, or complete failure of a state to comply with trafficking standards, given to North

¹ Trafficking in Persons Report 2013: <http://www.state.gov/documents/organization/210740.pdf>

Korea. The NK women and girls who cross into China are trafficked most often because they willingly go where they think there is opportunity for better social and economic conditions.

14. The government does not acknowledge the issue of trafficking in general, and it also does not differentiate between trafficking and illegal border crossings for economic or political reasons. There is a lack of value given to human rights and dignity. The government appears to make no effort to implement laws that would protect sex and labor trafficking victims.

Religious Freedom

15. The Constitution protects "freedom of religious belief," but this right is severely restricted in practice against any religious activity unless it is a recognized governmental group. Even these groups do not have true religious freedom because all of their practices are closely monitored with worship of the "Dear Leader" as the priority religious faith. Those who challenge or do not comply experience extreme repression. Freedom House ranked North Korea as one of most repressive societies in 2012.²
16. While the Constitution says religion "should not be used for purposes of dragging in foreign powers or endangering public security," simple facets of religious faith such as ownership of Bibles or other religious materials is reportedly illegal and may be punished by imprisonment or execution.
17. The U.S. State Department 2012 International Religious Freedom Report notes that those who have connections or contact with foreigners or missionaries receive harsher punishments, especially if tied to foreign evangelical Christian groups operating in China. The Christian church is targeted for arrests and executions according to refugee and defector testimonies, but the information to verify these accounts is nearly impossible to attain in a timely manner. In fact, no foreign governments, journalists, or other invited guests are given free movement to give a fully accurate assessment of the human rights situation.³

² "Worst of the Worst: The World's Most Repressive Societies 2012." *Freedom House*.
<http://www.freedomhouse.org/sites/default/files/Worst%20of%20the%20Worst%202012%20final%20report.pdf>

³ Korea, Democratic People's Republic of International Religious Freedom Report 2012
<http://www.state.gov/documents/organization/208450.pdf>

18. Four Christian churches in the capitol, Pyongyang, are controlled by the state. Some NGOs and academics estimate there may be up to several hundred thousand underground Christians in the country, but no one is allowed to research within the country to confirm this speculation. Some Buddhist temples still exist, as do schools for religious education.
19. Human rights groups and religious groups continually report on members of underground churches that had been beaten, arrested, tortured, or killed because of their religious beliefs. Again, no observers may enter the country to confirm or deny these allegations.

Children's Rights

20. The DPRK's classification based on political loyalty restricts children's access to education. Although all children are required to attend 11 years of schooling, the children of the politically elite are allowed to attend college and hold prominent occupations. The lower classes have limited access to education and work opportunities. At school children are required to do several hours of military training and political indoctrination. Establishing a military first mentality takes precedence over academic study.
21. Children face discrimination and punishment based on their parents or other family member's status, activities, expression of opinion, and belief. The DPRK commonly uses collective punishment for political offenses. The entire family, including the children of the accused are imprisoned, sent to forced labor camps, or internally exiled to remote mountain areas of the country. Even if the children are excused from the collective punishment, they are often still punished by not being allowed to access to higher education or hold good jobs.

Recommendations

22. We strongly urge the DPRK to invite visits of the UN Special Rapporteur, Marzuki Darusman, and give international NGOs and foreign government representatives the freedom of movement. The DPRK should also allow humanitarian agencies to properly track monitor aid according to international protocols for transparency and accountability. These international standards
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- include allowed access to the entire country, ability to make unannounced visits, and the ability to select interviews at random.
23. The DPRK needs to ensure that aid is sent to all its people, especially those in most need. They should end discrimination in the government's distribution of food in favor of high-ranking Workers' Party officials, military, intelligence, and police officers.
 24. We further urge the DPRK to assist those most vulnerable, giving them priority food aid. Those most vulnerable would include pregnant and nursing women, young children, the disabled and elderly.
 25. The government of the DPRK should implement a system of identification to protect victims of trafficking and permit NGOs to be in the country to run these projects.
 26. We urge the DPRK to allow all of its citizens to travel in and out of the country. They should not punish those who leave and those who are repatriated.
 27. The DPRK should learn to value human life and dignity. All migrant and trafficked people who return to the DPRK, especially children, should be treated as victims and not as criminals. The government should provide these individuals with adequate support and counseling for reintegration.
 28. The government of the DPRK needs to end the collective punishment of families policy, especially when issued against children.
 29. The DPRK should stop the process of early militarization of Children in the school system.