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Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Situation of Freedom of Religion or Belief and Other Human Rights in the Democratic Peoples Republic of Korea

Jubilee Campaign¹, together with Christian Solidarity Worldwide (CSW), both members of the International Coalition to Stop Crimes against Humanity in North Korea (ICNK), seek to draw the Council's attention to the situation of freedom of religion or belief and other human rights in the Democratic People's Republic of Korea (DPRK).

Jubilee Campaign and CSW welcome the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea's continued efforts to ensure accountability for the gross human rights violations in the country. We further welcome the establishment of the UN Human Rights Office in Seoul that is mandated to strengthen, enhance and maintain DPRK human rights accountability and engagement. Its independence should be maintained, and it should be given adequate resources to carry out its mandate.

Systematic and widespread human rights violations

The COI report published in 2014 provides an authoritative and ground breaking account of the widespread, systematic and gross violations of the human rights in the country, characterising many of these violations as crimes against humanity. It affirms that these violations are not merely excesses of the state, but are essential components of the political system, a totalitarian state where absolute power and control is centralised. Violations that have reportedly occurred and continue to occur include the right to life, right to food, freedom of religion or belief (FoRB), freedom of movement, enforced disappearances and abductions from other States, arbitrary detention, torture and other inhuman treatment. In many cases these violations are interconnected.

Freedom of Religion or Belief in the DPRK

DPRK acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1981. Although the country sought to withdraw from the ICCPR in 1997, the treaty does not contain a withdrawal provision, and so DPRK remains party to the ICCPR and is responsible for protecting the human rights outlined within, including the right to freedom of religion or belief. Moreover, DPRK's formal policy, as presented to the international community, is that FoRB is protected.

However, numerous witness testimonies² show that in reality, the right to (FoRB) is almost non-existent in DPRK; religious beliefs are seen as a threat to the loyalty demanded by the Supreme Leader.

Christians are classified as a hostile class under the socio-political classification system of *songbun* and any DPRK national found to believe and practise Christianity or to have witnessed Christian activities is persecuted severely. If detained, Christians are sent to political prison camps (kwanliso) where murder, extermination, enslavement, forcible transfer, arbitrary imprisonment, torture, rape and sexual violence, enforced disappearance remain prevalent. Buddhism and Shamanism are also practiced in DPRK, and suppressed to varying degrees. Testimonies of escapees show that Shamanism is tolerated to a degree, and even party officials are known to have met with fortune tellers.³

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² United Nations Office of the High Commissioner for Human Rights, 2014; Database Centre for North Korean Human Rights, 2015; Korean Institute for National Unification, 2015; International Bar Association, 2015; United States State Department, 2015; Christian Solidarity Worldwide, 2007.

³ United States Commission on International Religious Freedom (2008), A Prison Without Bars, pp38-41

While religious organisations exist - Catholicism, Protestantism, Cheondoism, Buddhist, the Korean Orthodox Church (Russian Orthodox Church) and Shamanism - testimonies maintain that they are sites established and maintained for the purpose of tourism and official foreign exchanges.⁴

CSW's 2007 report, *North Korea: A Case to Answer, A Call to Act*⁵ documented the brutal and gross human rights violations in the political prison camps. The COI report reiterates these violations and the need for the international community to act, engage the DPRK, and seek a dual resolution of reform and justice. CSW's 2016 report, *Total Denial: Violations of Freedom of Religion or Belief in North Korea*⁶ emphasises that these violations are ongoing and encourages continuing advocacy by the United Nations and the international community.

Repatriation from China to DPRK

The human rights situation extends from being a domestic to a regional and global issue. The repatriation of North Koreans is a grave issue because of the serious reprisals by the government of DPRK against those it classifies as 'defectors'. North Koreans who cross the border into China, or to a lesser extent the Russian Federation, are largely fleeing persecution or life threatening situations such as starvation. The COI report states that thousands of repatriated North Koreans over the decades have been subjected to torture, arbitrary detention, summary execution, forced abductions and sexual violence. Christian North Koreans who are repatriated face severe punishment and immediate detention in political prison camps. Countries that receive North Koreans fleeing the DPRK due to genuine human rights concerns, should respect the principle of non-refoulement, to afford these North Koreans refugee status and immediately cease any policy of forcible repatriation. The UN General Assembly has expressed 'serious concern' since 2006 about the punishment of repatriated North Koreans, and has urged all states to respect the principle of non-refoulement.⁷

International Accountability

The pursuit of accountability should continue in parallel with the sustained efforts to seek engagement with the DPRK. Additionally, the global concern over the security situation on the Korean Peninsula is linked to the human rights situation in the DPRK and should not overshadow it.

In January 2016 the former Special Rapporteur on human rights in North Korea, Marzuki Darusman, stated in the wake of DPRK nuclear test that "any act that can be construed as violence against the international community has negative implications on the human rights situation in the DPRK...Such an act immediately overshadows the continuous efforts by the international community to improve the human rights situation in the DPRK."⁸ In October 2016, the new Special Rapporteur on human rights in North Korea, Tomás Ojea Quintana emphasised the importance of this when he said 'We need to keep in mind that it is the livelihoods and dignity of people in the DPRK that are at stake'.⁹

The COI recommended that the human rights situation in the DPRK be referred to the International Criminal Court. This has also been encouraged by the General Assembly and General Assembly Resolution 69/188, para 8 illustrates the international community's effort to refer the DPRK human rights situation to the Security Council. The subsequent

⁴ United Nations High Commissioner for Human Rights, 2014:71

⁵ Christian Solidarity Worldwide (2007), *North Korea: A Case to Answer - A Call to Act*
www.csw.org.uk/2007/06/20/report/35/article.htm

⁶ Christian Solidarity Worldwide (2016), *Total Denial: Violations of Freedom of Religion or Belief in North Korea*
www.csw.org.uk/2016/09/22/report/3263/article.htm

⁷ Chen, Roberta (2014, 'China's Forced Repatriation of North Korean Refugees Incurs United Nations Censure'
International Journal of Korean Studies, Summer/Fall 2014, p.3.

⁸ United Nations Office of the High Commissioner on Human Rights, 2016
<http://ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16982&LangID=E>

⁹ United Nations Office of the High Commissioner on Human Rights, 2016
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20780&LangID=E>

consideration of the human rights situation in the DPRK by the Security Council on 22 December 2014 and 10 December 2015 are constructive and progressive; however, obstacles remain.

Recommendations:

1. Ensure that the recommendations from the Commission of Inquiry (A/HRC/25/CRP.1) and Special Rapporteur (A/HRC/31/38) are implemented.
2. Continue to ensure that the Security Council and General Assembly hold regular briefings on the human rights situation in the DPRK with the participation of the UN High Commissioner for Human Rights and other relevant experts, including the Special Rapporteur.
3. Ensure that human rights are central in any negotiations, whether bilateral or multilateral, between the DPRK and any UN Member State
4. Call for the adoption of a UN Security Council resolution addressing human rights and impunity in DPRK.
5. Support the referral of the human rights situation in the DPRK to the International Criminal Court, based on the Commission of Inquiry's findings that crimes against humanity have occurred.
6. Support the OHCHR in their mandate; facilitate their work; look to expand its capacity and support any relevant OHCHR initiatives such as the new OHCHR field office in Seoul ; ensure its continued independence, sufficient resources, and security are maintained.
7. Establish a human rights contact group on North Korea, as per recommendation 1225(h) of the COI report.
8. Urge the DPRK to invite the UN Special Rapporteur on situation of human rights in the DPRK, UN Special Rapporteur for Freedom of Religion or Belief and other UN Special Procedures to visit the country with unhindered access.
9. Urge the government of the DPRK to abide by all the international human rights instruments it has ratified.
10. Urge the government of the DPRK to cease the discriminatory *songbun* caste system, including the discriminatory hostile classification of religious believers that enables persecution; and urge the government to uphold, in law and practice, freedom of religion and belief as stipulated in Article 18 of the International Covenant on Civil and Political Rights
11. Urge the government of the DPRK to immediately cease the operation of political prison camps, dismantle them, rehabilitate political prisoners and give them appropriate and immediate assistance.