



Democratic People's Republic of Korea

Right to life; Prohibition of Torture and Degrading Treatment; Liberty and Security of Person; Treatment of Prisoners and Other Detainees; Freedom of Movement; Right to Fair Trial; Freedom of Religion or Belief; Discrimination (ICCPR arts. 6, 7, 9, 10, 12, 14, 18 and 26)

Stakeholders Report

Submitted to the Human Rights Committee ahead of the consideration of the List of Issues Prior Reporting for the Democratic People's Republic of Korea during the Committee's 131st session in March 2021.

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Submitted by: **The World Evangelical Alliance** (WEA), a network of churches in over 130 nations that have each formed an evangelical alliance and over 100 international organizations joining together to give a world-wide identity, voice, and platform to more than 600 million evangelical Christians worldwide.

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1. Article 68 of the DPRK Constitution states “[c]itizens have freedom of religious beliefs. This right is granted by approving the construction of religious buildings and the holding of religious ceremonies. No one may use religion as a pretext for drawing in foreign forces or for harming the State and social order.”¹ The second part of article 68 is used by the DPRK government to severely restrict freedom of religion or belief in the country. In practice, freedom of religion or belief is non-existent in the DPRK.
2. In the DPRK, Christianity is considered as a serious threat to loyalty to the state, and it is therefore ferociously oppressed. Apart from four state-sponsored churches existing in Pyongyang, any manifestation of religious beliefs is in practice prohibited because considered as a threat to the stability of the nation. Open Doors, the international Christian advocacy organization, estimates that there are between 300,000 and 500,000 Christians in the DPRK. Due to the country’s isolation and lack of access, it is difficult to verify these figures. It is almost impossible for Christians to gather for worship, and if some dare to, it has to be done in utmost secrecy.
3. The DPRK government considers Christianity to be a crime. A recently released investigative report produced by the Korea Future Initiative² documents 149 incidents where persons experienced criminal charges based on their religious practice and that violated their rights to due process, or where the grounds for criminal proceedings were likely unlawful and at odds with fundamental human rights. The report stated that “arrests of victims often intersected with other criminal charges, such as illegal border crossing, attending a place of worship, contact with religious persons, sharing religious beliefs, or possession of religious items.” (page 33)
4. If the DPRK government discovers that someone is a Christian, they may be deported to prison camps (*kwanliso* or penal labour colonies), and there incarcerated, forced to do hard labor, or even be executed. The Korea Future Initiative report documented 20 incidents of execution of persons who had experienced criminal charges based on their religious adherence.³ In certain instances, individuals discovered or even suspected to be Christians have been executed on the spot. Punishments are arbitrary. In the past, the entire family of the accused would be sent to a prison camp by “guilt of association”, and such cases still occur, although they are less frequent. The DPRK Government continues to deny the existence of *kwanliso* prison camps despite the undeniable evidence collected by international stakeholders.
5. The so-called “Songbun” classification system is also at the origin of severe violations against DPRK citizens, including Christians. The Songbun system is not an official system nor a legislation. It was established by authorities in the early years after the institution of the DPRK, the system categorizes all DPRK citizens in three classes – the core, the wavering and the hostile class – under which there are 51 sub-categories. Those labeled

¹ Korea (Democratic People's Republic of)'s Constitution of 1972 with Amendments through 1998, article 68. Available at : https://www.constituteproject.org/constitution/Peoples_Republic_of_Korea_1998.pdf.

² Website of the Korea Future Initiative (KFI): <https://www.koreafuture.org/about>; *Persecuting Faith: Documenting religious freedom violations in North Korea*, Korea Future Initiative, October 2020, https://static1.squarespace.com/static/5dc1aed040fe330ac04da331/t/5fa21696f982403f01aa5f36/1604458198105/Persecuting_Faith_Eng.pdf

³ *Persecuting Faith*, page 62. The report adds: “Public executions were designed to instil fear into crowds who had been summoned to attend through workplaces, schools, and people’s units.”

as “hostile” include Christians, persons believed to have collaborated with the Japanese during the period of colonization, and those with relatives in South Korea.⁴ Individuals whose ancestors were Christian but who do not hold Christian beliefs themselves are also categorized as “hostile”.

6. Article 75 of the DPRK Constitution recognizes the “freedom to reside in and travel to any place”.⁵ However, in practice, DPRK citizens’ freedom of movement and residence is severely limited by government policies and other laws. The DPRK government imposes an absolute ban on travel abroad. Article 233 of DPRK Criminal Law states “[a] person who illegally crosses a border of the Republic shall be punished by short-term labor for less than two years. In cases where the person commits a grave offense, he or she shall be punished by reform through labor for less than five years”.⁶
7. DPRK citizens who take the risk of fleeing the country by crossing the border illegally, and who are forcibly repatriated are considered as traitors and face torture, arbitrary detention, imprisonment and deliberate starvation. Once repatriated, individuals go through a thorough investigation. If the Government finds that they have been in contact with Christian churches and missionaries or they have converted to Christianity, they may be sent to prison camps or imprisoned in ordinary detention centers without due process.⁷
8. For those citizens classified as hostile, restrictions on movement in the DPRK are even more extensive and severe. Open Doors reports that Christians have been forcefully deported and banished to remote regions, with no possibility of leaving, and forced to do hard labor such as mining and lumber cutting. Even DPRK citizens who are descendants from Christian families, but do not hold that faith themselves, may encounter the same fate.⁸ The DPRK has a ration system that has been reported to be discriminatory on the basis of Songbun; individuals segregated to remote areas, for example, receive either smaller rations, or no rations at all in times of food shortage.
9. DPRK women and girls are uniquely vulnerable to sex trafficking and sex trade. Victims are usually trafficked from the DPRK on false offers of employment, and later sold as brides or sex slaves into China and other south east Asian countries. Victims are trafficked to the border and then transported to safe houses, brothels or buyers. Sexual violence and rape are common during these journeys, and if the victims are not sold immediately, they are confined in safe houses and subjected to rape and gangrape.⁹ Women and girls who are caught and forcibly repatriated to the DPRK are initially held in a pre-trial

⁴ “The price is rights: The violation of the right to an adequate standard of living in the Democratic People’s Republic of Korea”, *UN Office of the Human Rights Commissioner*, May 2019. Available at: https://www.ohchr.org/Documents/Countries/KP/ThePriceIsRights_EN.pdf.

⁵ Korea (Democratic People's Republic of)'s Constitution of 1972 with Amendments through 1998, article 75, *Ibid*.

⁶ The Criminal Law of the Democratic People's Republic of Korea, with 2009 amendments, article 233. Available at : [https://www.hrnk.org/uploads/pdfs/The%20Criminal%20Law%20of%20the%20Democratic%20Republic%20of%20Korea_2009_%20\(1\).pdf](https://www.hrnk.org/uploads/pdfs/The%20Criminal%20Law%20of%20the%20Democratic%20Republic%20of%20Korea_2009_%20(1).pdf).

⁷ *Ibid*, Para. 42.

⁸ See “White Paper on Human Rights in North Korea”, *Korean Institute for National Unification*, September 2019, pp. 121-137. Information is also based on Open Doors’s research and interviews with North Korean defectors.

⁹ “Sex slaves: the prostitution, cybersex & forced marriage of North Korean women and girls in China”, *North Korea Future Initiative*, 2019, pp. 28-29. Available at: <https://www.koreafuture.org/projects/sexual-violence>.

detention center run by the Ministry of State Security, where their identity is determined before they are searched and interrogated. Searches can be very invasive and humiliating, and interrogations involve beatings.¹⁰ If pregnant, prison officers force victims to get an abortion, or if the pregnancy is too advanced they kill the baby once it's delivered. Some of these trafficked women and girls come into contact with churches and missionaries and convert to Christianity. If the Ministry of State Security finds out that the victims had any contacts with Christians or converted to Christianity while in China, victims are treated as political prisoners and sent to a *kwanliso* prison camps. Christian women and girls or women and girls who have been in contact with Christians during their time away are therefore condemned to an even worse fate.

10. The DPRK Government has detained foreign nationals in under charges of espionage, committing harmful activities against the nation and its leader and illegal religious activities. Sharing one's faith or bringing religious literature in the country, besides one Bible for personal use, may lead to detention and forced labor. Arrests and charges are conducted arbitrarily, therefore foreign citizens entering the country cannot have certainty about what might prompt a reaction from DPRK authorities and be followed by arrest and severe punishment.
11. Kim Jung-Wook (also known as Kim Jong Uk), Christian missionary from South Korea, was arrested in DPRK in October 2013 after entering the country with religious materials, and sentenced to a life of hard labor.¹¹

Suggestions for List of Issues for the Democratic People's Republic of Korea

12. In light of the above, we respectfully call on the Human Rights Committee to submit the following questions to the Democratic People's Republic of Korea:
13. Please comment on the existence of the so-called political prison camps or *kwanliso*, provide information on how many of such camps exist and how many prisoners are currently detained in such camps.
14. Please explain the compatibility of the conditions of detention in prison camps with articles 6, 7 and 10 of the Covenant.
15. Please explain how the criminalization of Christian faith, severe mistreatment of Christians, their internment in prison camps, and sanctions reaching up to the capital punishment are compatible with the Covenant.
16. Please provide information on the Songbun social classification system in place and clarify how the designation of a "hostile" class and related restriction of movement, relocation, and exclusion from humanitarian assistance is compatible with the provisions of the Covenant, in particular articles 12 and 26.

¹⁰ "Human rights violations against women detained in the Democratic People's Republic of Korea", *United Nations' Office of the High Commissioner for Human Rights*, July 2020. Available at: https://www.ohchr.org/Documents/Countries/KP/HR_Violations_against_Women_DPRK_EN.pdf.

¹¹ <https://www.theguardian.com/world/2014/may/31/south-korean-missionary-sentenced-to-life-of-hard-labor-by-north-korea>.

17. Please explain the treatment of citizens of the DPRK who have sought refuge in another country and who are forcibly returned to the country. In particular, please clarify the methods of investigation of returned citizens to establish whether they converted to Christianity during their time away and its compatibility with article 18 of the Covenant.
18. Please explain the protection – or lack thereof – of female citizens of the DPRK who were forcibly involved in illegal sex trafficking and who experienced sexual violence and rape and who are returned to the country. Please also provide information on how they are provided with medical, psychological and social support to overcome their traumatic experience.
19. Please clarify whether survivors of sexual trafficking who are returned to the DPRK and who converted to Christianity or had contacts with churches or members of churches are consequently detained in prison camps.
20. Please clarify what constitutes illegal religious activities from foreign visitors and provide information on the health, place of detention and situation of all foreign individuals who are currently detained in the DPRK.