

**United Nations Human Rights Council
Universal Periodic Review
Democratic People's Republic of Korea**

Submission of Jubilee Campaign USA, Inc.

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Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates the release of prisoners of conscience; and protects and promotes the freedom and safety of children from bodily harm and sexual exploitation.

United Nations Human Rights Council
Universal Periodic Review of Member-State DPRK

1. Jubilee Campaign USA, Inc., 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 Period Review of UNHRC member-state DPRK.

Free Expression

2. Human rights in the DPRK are severely lacking without much hope for change under the leadership of Dictator Kim Jong-II. 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.

3. 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."¹ Instead, the government imprisoned innocent civilians with impunity.

4. Numerous reports verify that two American journalists, Laura Ling and Euna Lee, were arrested by North Korean border guards, charged with espionage, and taken to Pyongyang for questioning. The journalists were in China preparing a report on North Korean refugees when they accidentally crossed the poorly marked border and were arrested. The negative backlash to any attempts by aid workers or NGOs to help NK refugees in China has become more severe from both North Korea and China.

5. The government has no restrictions on its ability to detain, imprison, or hold its citizens incommunicado in practice. Under the penal code, a prosecutor's approval is required, but people are often sent to political camps without fair trial or proper discourse. Those imprisoned or sent to the camps face unspeakable torture including severe beatings; electric shock; prolonged periods of exposure to the elements; humiliations such as public nakedness; confinement for up to several weeks in small "punishment cells" in which prisoners were unable to stand upright or lie down; being forced to kneel or sit immobilized for long periods; being hung by the wrists; being forced to stand up and sit down to the point of collapse; and forcing mothers recently repatriated from China to watch the infanticide of their newborn infants¹.

Right to Food

6. Last year, the DPRK allowed more registered groups in to bring food aid, but not under the condition that the groups can be assured of where the food is going. Food shortage persists throughout the country and a biased rationing system does not give the lower class enough food. Only the mostly high-ranking members of the Workers' Party

¹ 2008 Human Rights Report: DPRK. Bureau of Democracy, Human Rights, and Labor. U.S. Department of State 25 February 2009 <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119043.htm>.

and the security and intelligence forces, still receive regular rations³.

Refugees

7. Jubilee Campaign partners with the North Korea Freedom Coalition to provide a voice for North Korean refugees (NKRrs) 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, 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.

8. 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 over 2 million have perished at the hand of their oppressive regime from starvation and dying in labor camps.

9. The 2008 State Department Report on the DPRK indicated that the “shoot on sight” policy of the border guards was potentially not enforced in the last year, but our inside sources have testified that as recently as July 2008, credible reports revealed that the North Korean border patrol has a "shoot-on-sight order for NK refugees trying to cross the border illegally. One aid worker reported that snipers are now being 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.

10. This same aid worker reported finding several NK refugees floating in the Tumen River with telltale small bullet holes in one side of the body at the entry point, and a much larger hole at the bullet's exit.

11. Defectors also have to deal with repatriation by the Chinese government, who refuses to unimpeded access by the UN High Commission for Refugees to the border crossers. Defectors have no rights because they also lose their citizenship if they are caught. Their children cannot go to school or get medicine. They are often forced into domestic labor or sex slavery. Widespread house-to-house checks by Chinese police in border areas were administered to ferret out NK refugees in Chinese households in 2008 and likely continue today. Internet café access may only be gained by showing a Chinese national ID card. Bribes are also offered in larger sums to inform on any local resident or foreigner who might be helping the NK refugees in China.

12. 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.² The government was uncooperative with the Office of the UN High Commissioner for Refugees and other humanitarian organizations assisting asylum seekers.

13. Lord David Alton and Baroness Caroline Cox of the United Kingdom visited North Korea in February, 2009. They discussed the economic and social goals of the DPRK and highlighted some of their key recommendations for the government to achieve better living standards for all North Koreans. They also called for a greater focus on the human rights abuses, drawing on stories from defectors like Jeon Young-Ok. Jeon was a little girl when her family attempted to cross the Tumen River to flee to China. They were caught. Her father and brother were imprisoned and her mother died of a heart disease, leaving Jeon and her two siblings alone. Since having three children of her own, Jeon managed to cross into China to secure money and food for her children. She was caught twice and put into jail. She testifies:

14. *“I was put in a camp where I saw and experienced unimaginable things. We were made to pull the beards from the faces of elderly people. Prison guards treated them like animals. The women were forced to strip. A group of us were thrown just one blanket and we were forced to pull it from one another as we tried to hide our shame. I felt like an animal, no better than a pig. I didn’t want to live.”*

15. 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

16. The DPRK is a source for labor and commercial sexual exploitation of men, women, and children. The 2008 Trafficking in Persons Report discusses the tier 3, or complete failure of a state to comply with trafficking standards, given to North 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.

17. Because China refuses to grant North Koreans legal civilian status, these victims are more vulnerable to suffering from trafficking or forced repatriation to the DPRK. Those repatriated are often placed in prison camps, where an estimated 150,000 to 200,000 people are subjected to reeducation through labor, by logging, mining, and crop tending.³ The conditions of the camps are extremely harsh for prisoners and many suffer death

² 2008 Human Rights Report: DPRK. Bureau of Democracy, Human Rights, and Labor. U.S. Department of State 25 February 2009 <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119043.htm>.

³ Trafficking in Persons Report 2008: North Korea. <http://www.state.gov/documents/organization/105658.pdf>

before they are released.

18. 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. The lack of value given to human rights and dignity should astound the masses and the government appears to make no effort to implement laws that would protect sex and labor trafficking victims.

Religious Freedom

19. 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 eight most repressive societies in 2009, labeling it a "one-party Marxist-Leninist regime."⁴

20. 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.

21. The State Department 2008 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.⁵

22. 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.

23. There are 3-year colleges for training Protestant and Buddhist clergy and a religious studies program was established at Kim Il-sung University in 1989, though the impact of these institutions is unclear. Graduates of these programs usually worked in the foreign trade sector.

⁴ "Worst of the Worst: The World's Most Repressive Societies 2009." *Freedom House*.
<http://www.freedomhouse.org/uploads/WoW09/WOW%202009.pdf>.

⁵ Korea, Democratic People's Republic of International Religious Freedom Report 2008
<http://www.state.gov/g/drl/rls/irf/2008/108410.htm>

24. 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.

Recommendations

25. Jubilee Campaign recognizes the value of life in every person. We encourage the United States and other international States to vie for democracy, freedom, and protective measures for its citizens. We strongly urge the DPRK to lift the prohibition on visits of the UN Special Rapporteur on Human Rights, Professor Vitit Muntarbhorn, and give international NGOs and foreign government representatives the freedom of movement guaranteed by the constitution throughout the country to accurately assess the human rights conditions.

26. 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.

27. Jubilee Campaign agrees that the U.S. Government should continue to designate the DPRK a "Country of Particular Concern" (CPC) under the International Religious Freedom Act for particularly severe violations of religious freedom. While North Korea recently announced in a CNN news article that any sanctions would be considered a "declaration of war," we cannot simply ignore the human rights violations in this nation and turn our heads the other way. The government must be pushed to implement more Constitutional protections for its people.

28. If future leadership has more concern for human rights and dignity, improvement could come for the people of the DPRK.