



USCIRF Annual Report 2013 - Countries of Particular Concern: North Korea

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USCIRF STATUS: Tier 1 Country of Particular Concern

BOTTOM LINE: The government tightly controls all religious activity and perpetuates an extreme cult of personality venerating the Kim family as a pseudo-religion. Individuals engaged in clandestine Protestant activity or "fortune telling" are arrested, tortured, and even executed, and thousands of religious believers remain imprisoned in North Korea's notorious penal labor camps, including refugees repatriated from China.

EXECUTIVE SUMMARY

FINDINGS: The recent leadership transition in the Democratic People's Republic of North Korea (DPRK or North Korea) has not improved human rights or religious freedom conditions. North Korea remains one of the world's most repressive regimes, where severe religious freedom abuses continue. In the past year, refugees and defectors reported discrimination and harassment of both authorized and unauthorized religious activity; the arrest, torture, and possible execution of those conducting clandestine religious activity or engaging in "fortune-telling;" and the mistreatment and imprisonment of asylum-seekers repatriated from China, particularly those suspected of engaging in religious activities, having religious affiliations, or possessing religious literature. In addition, North Korea continues to operate one of the world's most expansive systems of political prison camps, which include a sizable number of individuals arrested for "illegal" religious activity.

Based on these severe, egregious, and ongoing violations, USCIRF again recommends in 2013 that North Korea be designated as a "country of particular concern," or CPC. The State Department has designated North Korea as a CPC since 2001.

The North Korean government controls nearly every aspect of its citizens' daily lives, including religious activity. All unapproved religious activity is prohibited and approved activity is tightly controlled. Anyone discovered engaging in clandestine religious activity is subject to discrimination, arrest, arbitrary detention, disappearance, torture, and public execution, and

refugees repatriated from China are reported to be particularly vulnerable. There is evidence from eyewitnesses that the North Korean government interrogates asylum-seekers repatriated from China about their religious belief and affiliations, and mistreats and imprisons those suspected of distributing religious literature or having ongoing connections with South Korean religious groups. Despite overt repression, clandestine religious activity in North Korea is increasing, as are the regime's attempts to halt its spread. There is first-hand evidence that police and security agency officers are trained to believe that the spread of religion from China is dangerous, and that they infiltrate Protestant churches in China and sometimes set up fake prayer meetings in North Korea to catch worshippers.

PRIORITY RECOMMENDATIONS: USCIRF urges the United States and its regional allies to seek agreements on humanitarian, religious freedom, and human rights concerns as part of any future negotiations with North Korea and to link any economic, political, and diplomatic assistance used to entice openness and an end to nuclear proliferation to concrete progress in these areas. USCIRF also recommends that the U.S. government continue to implement fully the North Korea Human Rights Act of 2008, including its provisions to support non-governmental organizations (NGOs) working to build democracy and protect human rights in North Korea, eliminate any barriers for North Koreans to resettle in the United States, and to discuss, with allies, a way to create a regional security cooperation regime in northeast Asia similar to the Organization for Security and Cooperation in Europe (OSCE), which includes human rights and humanitarian concerns. Additional recommendations for U.S. policy toward North Korea can be found at the end of this chapter.

RELIGIOUS FREEDOM CONDITIONS

THE GOVERNMENT-IMPOSED CULT OF PERSONALITY

The government forcibly propagates a nationalist ideology based upon the cult of personality surrounding both Kim Il Sung and his son, Kim Jong Il. It is unclear whether the Kim family personality cult will survive the transition to Kim Jong Il's son, Kim Jong Un, though North Korean media has already dubbed him the "Supreme Leader" and a continuation of the Kim family legacy. If the personality cult continues, it is unlikely there will be dramatic improvements in human rights or religious freedom. Any activity perceived to challenge Kim Jong Un's legitimacy, including clandestine religious activity, will continue to be viewed as a security threat.

All citizens are required to adhere to this belief system, the "Ten Principles of Unitary Ideology" (often called *Juche*), or face onerous fines, penalties, or imprisonment. The government views any functioning religious belief or practice outside of *Juche* as a challenge to the personality cult surrounding the Kim family, and thus to the regime's authority. Under this system, pictures of the "Great Leader" (Kim Il Sung) and the "Dear Leader" (Kim Jong Il) must be displayed on the walls of homes, schools, and workplaces and people are required to save the portraits in case of fire or flood. Every North Korean wears a lapel pin of the Great Leader, and students are required to study and memorize the "Ten Principles." *Juche's* ideological education takes precedence over all other academic subjects in the nation's schools. Each North Korean community reportedly maintains a "Kim Il Sung Research Center" or similar institution where local citizens are required to attend meetings to watch propaganda films, listen to educational sessions on the principles of *Juche*, and engage in public self-criticism sessions. There are an estimated 100,000 such "research centers" throughout the country.

GOVERNMENT CONTROL OF RELIGIOUS ACTIVITY

In North Korea's revised 2010 constitution, Article 68 continues to purport to grant "freedom of religion," and guarantees the right to construct buildings for religious use and religious

ceremonies. Article 68 also states that "no one may use religion as a means by which to bring in foreign powers or to harm the state or social order." As such, private religious activity, particularly that occurring outside of government control or because of contact with South Korean groups, is viewed as a potential security threat.

In 1988, the North Korean government attempted to blunt international criticism of its abysmal religious freedom record by creating "religious federations" for Buddhists, Chondokysts, Protestants, and Catholics. The federations were intended to demonstrate the rebirth of long-repressed religious communities and direct the construction of churches and temples in the capitol city of Pyongyang. The federations also became the main interlocutors with international religious organizations, including negotiating development assistance from international humanitarian organizations. However, former refugees and defectors continue to testify that the federations are led by political operatives who maintain religious venues as both cultural relics and tourist attractions and seek economic assistance from foreign donors.

Several schools for religious education exist in the country, but whether these schools teach Christian or Buddhist precepts has not been verified. A religious studies program was established at Kim Il Sung University in 1998. According to refugees who attended the university, graduates from this program work for the religious federations, the foreign trade sector, or as border guards seeking to identify clandestine religious activity. In 2000, a Protestant seminary was opened with assistance from foreign missionary groups, but critics, including at least one South Korean sponsor, charged that the government opened the seminary only to facilitate the reception of donations from foreign faith-based NGOs.

In the past year, there are widespread eye-witness reports from refugees about efforts to curtail the services of "fortune-tellers," who are often consulted by government and military officials. Fortune-tellers and some practitioners are given prison sentences and the government has publicly warned, through advertisements and lectures, about the illegality and "dangers of superstition."

Government Control of Buddhism

The state-controlled press has reported on several occasions that Buddhist ceremonies had been carried out in various locations in North Korea and there are reports that ceremonies on Vesak are currently being allowed. According to former North Korean refugees, Buddhist temples and shrines are maintained as cultural heritage sites by *gwalliwon* (caretaker monks) who do not perform religious functions. Employed by the regime, these monks are limited to giving lectures, leading tours, and meeting foreign dignitaries. The preservation of Buddhist temples, including the government's refurbishment of an existing site at Anbul, South Hamgyeong Province and the rebuilding of the Shingye Temple, is mainly a testament to North Korea's Buddhist culture; these sites are not currently functioning places of worship or pilgrimage. Refugee testimony provides little evidence of an actual underground Buddhist religious presence.

According to North Korean media accounts, renovation of the Ryongthong temple in Kaesong was completed in early 2005, coinciding with the creation of a special economic zone started in the area to build South Korean goods in the North. Foreign diplomats who visited the site were told that two monks were living at the site. In 2007, the North Korean government announced that 500 monks and Buddhist followers were making day-long pilgrimages to the temple strictly for religious purposes and plans were announced for 2,000 more Buddhist followers to make the pilgrimage in 2008. There are no state-media reports or eye-witness accounts of Buddhist followers visiting this site during the past year.

Government Control and Repression of Christianity

The DPRK authorized the building of some churches, pagodas, and temples beginning in 1988. The capital city of Pyongyang contains one Catholic church, two Protestant churches, and a

Russian Orthodox church built in 2006. Services have reportedly been held in the churches since the mid-1990s, when foreign humanitarian aid workers came to Pyongyang during North Korea's famine. Nonetheless, North Korean refugees assert that these churches are heavily monitored and that the sites exist primarily as showpieces for foreign visitors. According to visitors, North Koreans who attend services in the churches are not allowed to interact with foreign visitors, no children are present at the services, and the North Korean worshipers arrive and leave together on tour buses. There is no Catholic clergy in North Korea, but visiting priests occasionally provide mass at the Jangchoong Cathedral. According to a Russian religious leader who visited North Korea, the Orthodox Church is run by a North Korean priest who studied in Russia. The purported aim of the church was to provide pastoral care for Russians in the country.

The North Korean government claims that there are 500 officially approved "house churches" in the country. There are credible reports from South Korean academics that the participants in these gatherings are individuals whose families were Christians before 1950 and as such, are allowed to gather for worship without leaders or religious materials. Most of the house churches are in urban areas and the families who attend are often segregated in separate housing units.

There continue to be credible reports of private Christian religious activity in North Korea, though its scope remains difficult to verify. Refugee reports continue to confirm that unapproved religious materials are available and secret religious meetings occur, spurred by cross-border contact with individuals and groups in China.

The North Korean government views such activity in the border regions as illegal and a threat to national security. It sees new religious growth as spurred by South Korean humanitarian and missionary groups based in China. Police and border security units are trained to halt the spread of religious ideas and root out clandestine activity. According to information gathered by the Database Center for North Korean Human Rights (NKHR), anyone caught possessing religious materials, holding unapproved religious gatherings, or having ongoing contact with overseas religious groups is subject to severe punishment ranging from labor camp imprisonment to execution. NKHR continues to compile recent testimonies from refugees and defectors of severe religious freedom abuses. For example, in May 2010, 23 Christians were reportedly arrested for belonging to an underground church in Kuwol-dong, Pyongsong City, South Pyongan Province. Three reportedly were executed, and the others sent to the political prison camp. Refugee testimony also indicates that the wife of an "officer in the tactical Air Command" was publicly executed for possessing Bibles in North Hamgyeong Province in June 2009.

Imprisoning religious believers remains a common practice, according to numerous reports of former North Korean refugees. While it is difficult to corroborate the exact number of prisoners, it is estimated that 150,000 to 200,000 prisoners currently may languish in North Korea's network of political prison camps, some for religious reasons. North Korea experts in South Korea, using testimony from refugees, estimate that there may be 6,000 Christians incarcerated in "Prison No. 15" in the northern part of the country. Former North Korean prison inmates and prison guards allege that religious prisoners are typically treated worse than other inmates. They are generally given the most dangerous tasks in the labor camps and are victims of constant abuse to force them to renounce their faith.

NORTH KOREAN REFUGEES IN CHINA

Over the past decade, hundreds of thousands of North Koreans fled to neighboring China and South Korea to escape persecution and famine. Asylum-seekers face trafficking, forced labor, and generally poor social conditions in China. In addition, the Chinese government routinely repatriates North Koreans, considering them economic migrants. China's repatriation of North Koreans is an international concern, given China's international obligation to protect asylum-seekers and the documented proof that repatriated refugees suffer mistreatment and imprisonment in North Korea when returned.

North Korean law criminalizes leaving the country without state permission. Due to the large number of citizens seeking food or employment in China, the North Korean government had reduced punishments of those leaving for those reasons to short periods of detention and forced labor. However, over the past few years, refugees report that the government is returning to harsher penalties for repatriated North Koreans, regardless of their reasons for fleeing. The harshest treatment reportedly is reserved for refugees suspected of becoming Christian, distributing illegal religious materials, or having ongoing contact with either South Korean humanitarian or religious organizations working in China. Refugees continue to provide credible evidence that security forces use torture during interrogation sessions. The government reportedly offers rewards to its citizens for providing information that leads to the arrest of individuals suspected of involvement in cross-border missionary activities or the distribution of Bibles or other religious literature. Former government security agents have reported intensified police action aimed at halting religious activity at the border.

U.S. POLICY

The United States does not have diplomatic relations with North Korea and has no official presence within the country. The United States raises religious freedom and related human rights concerns in various multilateral fora, as well as through other governments with diplomatic missions in North Korea. The multilateral nuclear non-proliferation negotiations (the Six-Party Talks) were disbanded in 2010 because of North Korean attacks on South Korean ships and military facilities. Prior to the death of Kim Jong Il, U.S. officials held several bilateral discussions with North Korea about a potential U.S. package of food aid in exchange for a resumption of the Six-Party Talks. North Korea has expressed a desire for direct negotiation with the United States, and on a treaty formally ending the Korean War, before re-engaging in denuclearization talks. U.S. officials have consistently stated that the United States will not accept a nuclear North Korea and will only negotiate on this issue through the Six-Party Talks with regional allies.

As of the end of the reporting period, the United States had suspended formal diplomatic discussions with North Korea after Kim Jong Un directed the launch of a satellite via a long-range missile and resumed nuclear testing.

U.S. officials have consistently stated that human rights will impact the prospects for improved U.S.-North Korea relations and that specific improvements will be required for normalization of relations. Nevertheless, given Pyongyang's acknowledgement of its uranium enrichment efforts, its attacks on the South Korean military, and international unease over the leadership transition, human rights concerns have not been given a high priority on the diplomatic agenda.

On December 20, 2012 the UN General Assembly again passed a resolution on North Korea that criticized the government's continuing refusal to cooperate with the UN Special Rapporteur for human rights in North Korea and "the persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights," including cruel and degrading treatment, public executions, extrajudicial and arbitrary detentions, and extensive restrictions on freedom of thought. In January 2013, Navi Pillay, the UN High Commissioner for Human Rights, said that "world powers" needed to help bring about change for the "beleaguered, subjugated, population of North Korea," and called for an international investigation into what may be "crimes against humanity."

The 2004 North Korea Human Rights Act (reauthorized in 2008 and 2012) provides the agenda and tools to conduct human rights diplomacy with North Korea. The Act provides funds to support human rights and democracy programs, expands public diplomacy resources, sets guidelines for monitoring and reporting on U.S. humanitarian programs, and seeks to facilitate resettlement of

North Korean refugees to the United States. It also expresses the sense of Congress that a Northeast Asia Security and Cooperation regime should be created, following the model of the OSCE, a long-standing USCIRF recommendation.

RECOMMENDATIONS

USCIRF has concluded that future negotiations with North Korea should be rooted in a broader policy framework that raises human rights, religious freedom, and humanitarian concerns within the structures of both nuclear non-proliferation and the status of

U.S.-North Korea relations. The United States should not postpone discussion of human rights until nuclear security agreements are reached and should link any future economic, political, and diplomatic assistance to concrete progress in these areas. In addition to recommending the continued designation of North Korea as a CPC, USCIRF urges the Obama administration to coordinate the efforts of regional allies and raise human rights concerns, including concerns about religious freedom, refugees, abductions, and North Korea's infamous labor-penal camps. The United States and its allies should clearly signal that future political, diplomatic, or economic inducements will require improvements in human security as well as nuclear security issues. The U.S. government also should continue to protect and assist North Korean refugees.

I. LINKING HUMAN RIGHTS AND HUMAN SECURITY IN NEGOTIATIONS ON NORTHEAST ASIAN SECURITY CONCERNS

The U.S. government should:

- initiate, within the formal structure of the Six-Party Talks, or any discussions regarding a treaty to end the U.S.-Korean War, working group mechanisms on issues of regional and international concern, including monitoring of humanitarian and food aid, the resettlement of refugees, family reunifications, abductions, the closure of political-penal labor camps, and the release of innocent children and family members of those convicted of political crimes, and link future economic assistance and diplomatic recognition to concrete progress in these areas; and
- work with regional and European allies to fashion a comprehensive plan for security concerns on the Korean Peninsula that includes agreements on human rights and humanitarian concerns – modeled after the Helsinki Final Act of 1975 and the Organization for Security and Cooperation in Europe (OSCE) – as set forth in Sec. 106 of the North Korean Human Rights Act of 2008 (P.L. 108-333; 22 U.S.C. 7801).

II. FULLY IMPLEMENTING THE NORTH KOREAN HUMAN RIGHTS ACT OF 2008

The U.S. government should:

- implement fully the North Korean Human Rights Act of 2012, and ensure that all funds authorized under the Act are requested and used to fulfill its purposes, including increasing access to information and new media, increasing the capacity of NGOs working to promote democracy and human rights, protecting and resettling refugees, monitoring humanitarian aid and progress on human rights, and supporting NGOs conducting democracy and human rights training among the North Korean diaspora;
- ensure that the Special Envoy on Human Rights in North Korea is fully engaged in setting policy priorities that promote measurable progress on the protection of human rights;

- target appropriated foreign assistance to build an educated cadre of experts and potential leaders among refugees who might later return to North Korea, through the creation of scholarship, leadership, media, educational, and other programs in the United States; and
- ensure full implementation of the North Korean Human Rights Act's provisions to facilitate North Korean refugee resettlement in the United States by, among other things, having the Special Envoy for North Korean Human Rights, working with other State Department offices and the Department of Homeland Security, assess and report on current implementation and obstacles.

III. PROTECTING NORTH KOREAN REFUGEES

The U.S. government should:

- raise routinely with the Chinese government its international obligations to protect asylum seekers by: allowing the UN High Commissioner for Refugees (UNHCR) to confer temporary asylum on those seeking asylum and to permit safe transport to countries of final asylum; providing UNHCR with unrestricted access to interview North Korean nationals in China; and ensuring that the return of any refugees relating to any bilateral agreement with North Korea does not violate China's obligations under the 1951 Refugee Convention and its 1967 Protocol or under Article 3 of the Convention Against Torture;
- urge the Chinese government to allow international humanitarian organizations greater access to North Koreans in China to address growing social problems, abuses, and exploitation experienced by this vulnerable population, and work with regional and European allies to articulate a clear and consistent message about China's need to protect North Korean refugees; and
- continue to stress U.S. and international concerns about providing safe haven, secure transit, quick processing, and clear resettlement procedures for North Koreans in bilateral relations with China, Russia, Mongolia, Vietnam, Thailand, Cambodia, and other countries in East Asia.

IV. PURSUING MULTILATERAL DIPLOMACY AND HUMAN RIGHTS IN NORTH KOREA

The U.S. government should:

- encourage the UN Secretary General to develop a coordinated plan of action to achieve access to North Korea and carry out the recommendations of various UN bodies and special procedures, particularly those of the Human Rights Council's Special Rapporteur on North Korea; and
- urge the Office of the UN High Commissioner on Human Rights to open an office in Seoul, South Korea to initiate technical assistance programs addressing regional and transnational issues including abductions, human trafficking, police and border guard training, legal reform, political prisoners, monitoring of aid, and abuses of freedom of thought, conscience, and religion or belief.

V. CONGRESSIONAL ACTION TO ADVANCE RELIGIOUS FREEDOM AND RELATED RIGHTS ON THE KOREAN PENINSULA

The U.S. Congress should:

- work to build an international coalition of parliamentarians, experts, diplomats, and other opinion-makers to ensure that human rights and human security concerns are an integral

part of future security arrangements in Northeast Asia, including support for creating a new economic, human rights, and security zone in Asia similar to the OSCE;

- consider establishing programs for North Korean students to attend schools in the United States or other Western countries, similar those started in apartheid South Africa that produced a generation of leaders prepared to take over the reins of post-apartheid leadership; and
- continue to appropriate sufficient funds to expand radio broadcasting into North Korea and encourage the Department of State and the Broadcasting Board of Governors to seek additional media avenues, including through supporting defectors groups, to provide information directly to the North Korean people, as stipulated by the North Korean Human Rights Act.

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