



USCIRF Annual Report 2015 - Tier 1 CPCs designated by the State Department and recommended by USCIRF: North Korea

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Key Findings

North Korea remains one of the most oppressive regimes in the world and among the worst violators of human rights. The government tightly controls all political and religious expression and activities, and it punishes those who question the regime. Genuine freedom of religion or belief is non-existent. Individuals secretly engaging in religious activities are subject to arrest, torture, imprisonment, and sometimes execution. North Koreans suspected of contacts with South Koreans or with foreign missionaries, particularly in China, or caught possessing Bibles, reportedly have been executed. Thousands of religious believers and their families are imprisoned in labor camps, including those forcibly repatriated from China. While it is challenging to document the full scope and scale of the government's repression of religious freedom, growing information available through firsthand accounts from defectors and refugees makes it clear that the violations taking place are systematic, ongoing, and egregious. Thus, USCIRF again recommends in 2015 that North Korea be designated a "country of particular concern," or CPC, under the International Religious Freedom Act (IRFA). The State Department has designated North Korea a CPC since 2001, most recently in July 2014.

Background

North Korea has long maintained absolute control through systematic repression and the cultivation of widespread political fear. The government indoctrinates its people with the *Juche* ideology, the Kim family cult of personality, which requires absolute obedience to the Kim family and to the overall state. This pseudo-religious, socialist mentality suppresses the expression of individualized thought, belief, and behavior. North Korea has traditions of Buddhism and Confucianism, and before the Korean War had a sizeable Christian population, earning Pyongyang the nickname "the Jerusalem of Asia." Today, reliable figures of religious adherents are difficult to obtain. Although the constitution purports to grant freedom of religious belief, it requires approvals for the construction of religious buildings and the holding of religious ceremonies. North Korea classifies families based on their expressions of loyalty to the state, a system known as *songbun*. Religious believers are assigned to the lowest ratings, making them vulnerable to

harassment and persecution. Anyone caught violating the state's strict religious regulations faces imprisonment, torture, and even death. Figures are difficult to ascertain, but estimates suggest up to 200,000 North Koreans are currently suffering in labor camps, tens of thousands of whom are incarcerated for religious activity.

In February 2014, the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea (COI) established by the UN Human Rights Council released its comprehensive report documenting the systematic, widespread, and grave violations of human rights in North Korea. The report concluded that Pyongyang's abuses are "without any parallel in the contemporary world." It found "an almost complete denial of the right to freedom of thought, conscience, and religion, as well as of the rights to freedom of opinion, expression, information, and association."

Religious Freedom Conditions 2014-2015

Government Control and Repression of Christianity

While all forms of religion or belief not expressly sanctioned and operated by the state are restricted, Christians experience the most severe persecution. The government of North Korea imposes extreme consequences on those caught practicing Christianity, which it associates with the United States and Western ideology and therefore considers particularly threatening. Although Christianity is not explicitly criminalized, in practice Christians detained for their religious beliefs are generally treated as political prisoners, receive little to no justice when facing conviction, and endure particularly harsh conditions during incarceration. It is estimated that tens of thousands of Christians in North Korea are currently in prison camps facing hard labor or execution.

The few state-controlled churches that do exist are widely considered to be artificial and established for international propaganda. The government permits a limited number of Christian churches to operate that are reserved for the elite and foreigners. Pyongyang contains one Catholic Church, two Protestant churches, and a Russian Orthodox Church. However, the government tightly controls these congregations. For example, the Vatican reported that its invitation to North Korea's state-run Korean Catholic Association to attend Mass during the Pope's August 2014 visit to South Korea was declined by North Korea authorities. Although underground churches exist, state security agents are trained to infiltrate and target these groups; prisoners are often tortured to draw confessions that will lead to the infiltration of underground churches and their followers.

The treatment of foreign missionaries in North Korea illustrates the government's response to those caught practicing Christianity. Generally, state officials monitor closely missionaries during their stay, making them especially vulnerable to harassment, and the government is known to sentence to hard labor foreigners who undertake religious acts. In late May 2014, South Korean Baptist missionary Kim Jung-wook was sentenced to life imprisonment in a labor camp for alleged espionage for attempting to establish up to 500 underground churches. North Korean leader Kim Jong-un also reportedly ordered the execution of 33 North Koreans who associated with Kim Jung-wook for allegedly attempting to overthrow the government. Original source information about the purported execution order is limited, and the fate of the 33 Christians is unknown.

Former prisoners have described the atrocious treatment of those incarcerated in North Korea's infamous penal labor camps, known as *kwan-li-so*. Prisoners are forced to engage in demanding physical labor with little food, resulting in malnourishment and chronic illness, and are subject to prolonged periods of severe mental and physical torture. Individuals accused of engaging in religious activities and other political prisoners experience some of the harshest conditions because they are singled out as exceptionally dangerous to the state.

North Korean Refugees in China

In recent years, China has tightened security along the border with North Korea, making it even more dangerous for North Koreans who attempt to flee their country to escape persecution and famine. Pursuant to China's longstanding position, North Koreans entering China without permission are considered economic migrants and thus not eligible for refugee status determinations. Reportedly, those receiving the worst punishment upon being forcibly repatriated to North Korea are individuals suspected of becoming Christian, interacting with missionaries, or engaging in other religious activities. The UN Commission of Inquiry also found that some Chinese officials provide information about those it apprehends to North Korea. In a letter responding to the COI, China challenged the Commission's claims that North Koreans forcibly repatriated are subjected to detention and torture, arguing that China has seized North Korean citizens who have crossed the border multiple times. Nonetheless, the COI report presented strong evidence that returnees risk harsh punishment. International law specifically prohibits the deportation of a person to another state when there are reasonable grounds to believe that they will be subjected to torture or persecution upon return.

U.S. Policy

The United States does not have diplomatic relations with North Korea and has no official presence within the country. U.S. officials have publicly stated that the United States is open to engagement and substantive dialogue with North Korea, both bilaterally and through the Six-Party process, on the issue of denuclearization. The U.S. policy of "strategic patience" with North Korea has opened the door for enhanced engagement with important regional stakeholders, such as South Korea and Japan, as well as Australia and the European Union, including on human rights issues. For example, at the UN in September 2014, Secretary of State John Kerry addressed a high-level side meeting on human rights in North Korea with his counterparts from Japan and South Korea, among others. However, 2014 saw several developments that challenged U.S. attempts to achieve improvements in human rights and religious freedom.

First, with the February 2014 release of the COI report, North Korea denied the report's claims and sought to blame the United States for orchestrating both the report and the subsequent UN General Assembly resolution. North Korea continued its pointed attacks against the United States by issuing its own report unequivocally rejecting the COI's critiques and recommendations and stating that human rights are a matter of state sovereignty. It also sent its foreign minister to the opening session of the General Assembly for the first time in 15 years and submitted its own General Assembly resolution on human rights. Following the international condemnation and the ineffectiveness of its diplomatic response, in October 2014 the government unexpectedly released American prisoner Jeffrey Fowle, who was accused of leaving a Bible in a public place. In November 2014, North Korea released two more U.S. prisoners: Matthew Miller and Kenneth Bae, the latter a missionary serving a 15-year sentence to hard labor for allegedly undermining the government. While Mr. Fowle's release occurred during the period following the opening session of the General Assembly and the high-level side meeting on North Korea, Mr. Miller and Mr. Bae's release took place just days before passage of the UN resolution by the General Assembly's human rights committee, which resulted in North Korea threatening nuclear tests. In December 2014, following the release of the U.S. Senate report, North Korea called on the UN to add the issue of CIA torture to its agenda.

Second, North Korea was linked to the late November 2014 digital break-in at Sony Pictures Entertainment. The hacking was accompanied by a warning that company secrets would be revealed if the hackers' demands were not obeyed. Although it denies involvement, North Korea was reportedly linked to the hack as a retaliation for *The Interview*, the movie about a fictional assassination plot on Kim Jong-un. The United States responded with new economic sanctions

targeting 10 senior North Korean officials, and Congress is considering measures to broaden additional sanctions against North Korea.

Recommendations

With the attention the COI report brought on North Korea throughout 2014, the government has increasingly felt the need to respond to criticisms of its human rights abuses. The United States has been integral in these efforts and should pursue further opportunities with the UN or through bilateral or multi-lateral partnerships to continue bringing attention to these grave violations. In addition to recommending the U.S. government continue to designate North Korea as a CPC, USCIRF recommends the U.S. government should:

- Call for a follow-up UN inquiry within five years to track the findings of the 2014 report by the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea and assess any new developments, and suggest a regularization of such analysis similar to and in coordination with the Universal Periodic Review process;
- Include, whenever possible, both the Special Envoy for North Korean Human Rights Issues and the Ambassador-at-Large for International Religious Freedom in bilateral discussions with North Korea in order to incorporate human rights and religious freedom into the dialogue, and likewise incorporate human rights and religious freedom concerns into discussions with multilateral partners regarding denuclearization, as appropriate;
- Coordinate efforts with regional allies, particularly Japan and South Korea, to raise human rights and humanitarian concerns, and specific concerns regarding freedom of religion or belief, and press for improvements, including closure of the infamous penal labor camps;
- Explore innovative ways to expand existing radio programming transmitting into North Korea and along the border, as well as other forms of information technology, such as mobile phones, thumb drives, and DVDs, as well as improved Internet access so that North Koreans have greater access to independent sources of information;
- Encourage Chinese support for addressing the most egregious human rights violations in North Korea, and raise regularly with the government of China the need to uphold its international obligations to protect North Korean asylum seekers in China, including by allowing the UN High Commissioner for Refugees (UNHCR) and international humanitarian organizations to assist them and by ending repatriations, which are in violation of the 1951 Refugee Convention and Protocol and/or the United Nations Convention Against Torture; and
- Implement fully the provisions of the North Korean Human Rights Act, and use authorized funds to promote increased access to information and news media inside North Korea and greater capacity of NGOs to promote democracy and human rights, protect and resettle refugees, and monitor deliveries of humanitarian aid.

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