

# UNIVERSAL PERIODIC REVIEW 2009

## THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

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### RELIGIOUS FREEDOM IN THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

#### I. LEGAL FRAMEWORK

The Democratic People's Republic of Korea ("DPRK" or "North Korea") is "a repressive and isolated regime" where dissenters, either politically or religiously, are "not tolerated and there are few, if any, protections for human rights and fundamental freedoms."<sup>1</sup> Although North Korea's Constitution provides that, "Citizens have freedom of religious beliefs[, and that,] [t]his right is granted by approving the construction of religious buildings and the holding of religious ceremonies,"<sup>2</sup> freedom of religion or conscience does not exist.<sup>3</sup> The government represses both public and private religious activities; even those religious activities that are officially government-sponsored are highly monitored and controlled by the government.<sup>4</sup> These "government-sponsored religious groups exist to provide [an] *illusion of religious freedom*," while "autonomous religious activities [are] . . . almost nonexistent."<sup>5</sup> Although the Constitution provides for religious buildings, in practicality, the few remaining religious sites are tightly managed and monitored, and "most North Korean refugees report that they exist as showpieces for foreign visitors."<sup>6</sup>

The North Korean government has set up a state religion through the quasi-cult of Kim Il-sung and Kim Jong-il. The government requires all North Koreans to attend weekly meetings and to keep pictures of the Kim family in their homes. Additionally, the government imposes specific penalties for those who refuse to follow the required rituals.<sup>7</sup> From refugee interviews, the U.S. Commission on International Religious Freedom ("U.S. Commission") learned that even prison camps have special shrines "where inmates, despite living in appalling conditions, are required to keep a special pair of socks for entry."<sup>8</sup> "*KimIlSungism* is not merely a method of social control,

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<sup>1</sup> U.S. COMM'N ON INT'L RELIGIOUS FREEDOM, ANNUAL REPORT 2008, at 124 (2008) [hereinafter ANNUAL REPORT 2008], available at <http://www.uscirf.gov/images/AR2008/annual%20report%202008-final%20edition.pdf>.

<sup>2</sup> DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA SOCIALIST CONST. art. 68 (adopted Sept. 5, 1998), available at [http://www.novexcn.com/dprk\\_constitution\\_98.html](http://www.novexcn.com/dprk_constitution_98.html).

<sup>3</sup> ANNUAL REPORT 2008, *supra* note 1, at 124.

<sup>4</sup> *Id.*; U.S. DEP'T OF STATE, 2008 HUMAN RIGHTS REPORT: DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA, sec. 2 (c) (2009) [hereinafter 2008 HUMAN RIGHTS REPORT], available at <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119043.htm>.

<sup>5</sup> Cent. Intelligence Agency, The World Factbook: Korea, North (emphasis added), available at <https://www.cia.gov/library/publications/the-world-factbook/geos/kn.html>.

<sup>6</sup> *Id.* at 125.

<sup>7</sup> ANNUAL REPORT 2008, *supra* note 1, at 83.

<sup>8</sup> *Id.*

but the ideological basis of the Kim family's political legitimacy.”<sup>9</sup> “Refusal to accept [*KimIlSungism*] as the supreme authority [is] regarded as opposition to the national interest,”<sup>10</sup> which results in severe punishment and violates the constitutional limitation placed on religious freedom that, “[n]o one may use religion as a pretext for drawing in foreign forces or for harming the State and social order.”<sup>11</sup> Thus, observers of mono-theistic religions, such as Christians and Jews must violate their religious views and worship within the state's religion or face severe punishment.

## II. INCIDENTS OF RELIGIOUS PERSECUTION AND DISCRIMINATION

Because of the North Korean government's acute control over all information entering and leaving the country, detailed reports of religious persecution are difficult to obtain. The U.S. Commission conducted numerous interviews with refugees who have fled North Korea. Through these interviews, the U.S. Commission has determined North Korea to be one of the “most severe violators of religious freedom.”<sup>12</sup> Additionally, North Korea has ranked at the top of the World Watch List for the last six years.<sup>13</sup> One organization states that “[t]here is no other country in the world where Christians are being persecuted in such a horrible and relentless way.”<sup>14</sup> The exact number of religious minorities in North Korea is unknown due to the regime's strict policies regarding communication and access to country information. “Some NGOs and academics” however, “estimate there may be up to several hundred thousand underground Christians in the country.”<sup>15</sup> Douglas Shin, a Korean American pastor from Los Angeles, California who has done much work to assist North Korean refugees since 2000 as a part of the “Exodus 21” movement, estimated in July 2007 that 70% of more than 70,000 North Koreans in China were Christian.<sup>16</sup>

The U.S. Commission for International Religious Freedom compiled testimonials from refugees who fled North Korea to China, “provid[ing] compelling eyewitness accounts of public executions of religious believers, torture and imprisonment of refugees repatriated from China, the state's manipulation of religious institutions to gain international prestige and foreign currency, and recent developments inside North Korea, including the revival of Shamanistic practice and fortune-telling.”<sup>17</sup> North Korean refugees testified that, “anyone discovered taking

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<sup>9</sup> *Id.*

<sup>10</sup> 2008 HUMAN RIGHTS REPORT, *supra* note 4, sec. 2(c).

<sup>11</sup> DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA SOCIALIST CONST. art. 68 (*adopted* Sept. 5, 1998), *available at* [http://www.novexcn.com/dprk\\_constitution\\_98.html](http://www.novexcn.com/dprk_constitution_98.html).

<sup>12</sup> ANNUAL REPORT 2008, *supra* note 1, at 2.

<sup>13</sup> OpenDoors.org, Explanation of the World Watch List, 2008,

[http://sb.od.org/index.php?supp\\_page=wwl\\_explanation&supp\\_lang=en&PHPSESSID=389381a2177c803a3d21ec8dbfa03bf6](http://sb.od.org/index.php?supp_page=wwl_explanation&supp_lang=en&PHPSESSID=389381a2177c803a3d21ec8dbfa03bf6) (last visited Apr. 11, 2009).

<sup>14</sup> *Id.*

<sup>15</sup> U.S. DEP'T OF STATE, INTERNATIONAL RELIGIOUS FREEDOM REPORT 2008 sec. I. (2009) [hereinafter INTERNATIONAL RELIGIOUS FREEDOM REPORT 2008], *available at* <http://www.state.gov/g/drl/rls/hrrpt/2008/eap/119043.htm>.

<sup>16</sup> *North Korea: Refugees Facing Crackdown*, COMPASS DIRECT NEWS, July 31, 2007 [hereinafter *Refugees Facing Crackdown*],

<http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=4961&backpage=archives&critere=North%20Korea&countryname=&rowcur=0>.

<sup>17</sup> ANNUAL REPORT 2008, *supra* note 1, at 83.

part in unauthorized religious activity, which includes carrying religious literature in public, distributing religious literature, or engaging in public religious expression and persuasion, is subject to severe punishment, such as long-term imprisonment in labor camps, torture, and possible execution.”<sup>18</sup> Even more threatening, fellow citizens have incentive to report religious individuals because the North Korean government “offer[s] 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.”<sup>19</sup>

“North Korean refugees repatriated from China are frequently harassed, ill-treated, and imprisoned, particularly if it is discovered that they have had contact with South Koreans or converted to Christianity while in China, both of which are considered political offenses.”<sup>20</sup> According to former National Security Agency (*Bowibu*) and Public Security Agency (*Anjeobu*) officers recently interviewed, “the North Korean government fears the spread of Christianity through cross-border contact with religious groups in China and views it as a security threat.”<sup>21</sup> Police take extreme measures to “halt the distribution of religious literature,” including infiltrating churches in China, posing as pastors, and “setting up mock prayer meetings in North Korea to entrap converts.”<sup>22</sup> An interviewed security agent explained that “[t]he most important question asked to the repatriated is whether they have met South Korean missionaries or evangelists or encountered or experienced religion. If they confess that they have met missionaries or deacons . . . then . . . they are *as good as dead*.”<sup>23</sup> Security agents are taught that “religion is a drug [that] can be spread in a second,” and one agent surmised that “all threats are related to religion.”<sup>24</sup>

Because the world is watching, public executions have decreased.<sup>25</sup> However, secret executions take place, according to the testimony of a former security agent having 20 years experience in a concentration camp—the accused is made to dig his own grave just prior to execution.<sup>26</sup> Punishment may vary according to the type of activity, the most severe punishment meted out to those who carry Bibles from China and for Christians who assist North Korean refugees in China.<sup>27</sup> An entire family has been known to be imprisoned for the religious activity of one person, according to refugee testimony,<sup>28</sup> specifically for up to three generations for owning a Bible.<sup>29</sup> One refugee has testified that, “[i]n North Korea you can get away with murder if you

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<sup>18</sup> *Id.* at 126.

<sup>19</sup> *Id.* at 128. *See also*

<sup>20</sup> *Id.* at 124.

<sup>21</sup> *Id.* at 85, 124-25.

<sup>22</sup> *Id.* at 86, 125.

<sup>23</sup> *North Korea: Former Security Agents Tell of Infiltrating Christians*, COMPASS DIRECT NEWS, April 28, 2008 (quoting (alteration in original) (emphasis added),

<http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5349&backpage=archives&critere=North%20Korea&countryname=&rowcur=0>.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *North Korea: Report Details Targeting of Christians*, COMPASS DIRECT NEWS, April 25, 2008,

<http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=5347&backpage=archives&critere=North%20Korea&countryname=&rowcur=0>.

have good connections. However, if you get caught carrying a Bible, there is no way to save your life.”<sup>30</sup> Some have even reported that if the word “religion” is merely mentioned, there are potential consequences, but “Christianity [is] a key factor in the interrogation of repatriated refugees.”<sup>31</sup>

### **Selected Accounts of Persecution or Discrimination**

- Canadian humanitarian aid worker who facilitated dental facilities and was known to hold religious church services was imprisoned as a matter of national security and held for two months before being released after diplomatic negotiations with Canada.<sup>32</sup>
- Although difficult to ascertain the exact number of religious prisoners, “the most compelling and reliable information from North Korean refugees who migrated through China to South Korea . . . estimat[e] 6,000 Christians are incarcerated in ‘Prison No. 15’ located in the northern part of the country.”<sup>33</sup> Religious prisoners are reportedly given the most dangerous tasks in prison and repeatedly subject to abuse from prison guards, in attempt to force prisoners to renounce their faith. If a prisoner refuses to renounce his/her faith, “they are often beaten and sometimes tortured to death.”<sup>34</sup>
- Douglas Shin, a Korean-American pastor who has built “‘underground railroads’ for North Korean refugees since 2000 as leader of the ‘Exodus 21’ movement,” explained in an interview in July 2007 that North Koreans are held in captivity, describing the country, essentially, as a “gigantic gulag.”<sup>35</sup>
- March 2006, authorities in Pyongyang reportedly tortured and then sentenced to death without a trial Son Jong Nam, on charges of spying for South Korea; in fact, “Son’s conversion to Protestantism in China, his repeated attempts to seek refuge in China, and his alleged, private criticism of the North Korean regime reportedly served as a basis for his sentence.”<sup>36</sup> In April 2006, several experts representing the United Nations called upon the North Korean Government to postpone the execution and review the conviction.<sup>37</sup> On May 5, 2006, the Korean Government responded that the letter was “‘a product of conspiracy undertaken in pursuit of the ill-minded aim of spreading fabricated information while following the attempts of those hostile forces to defame, disintegrate and overthrow the state and social system of the DPRK on the pretext of human rights.’”<sup>38</sup> At this point it is unknown whether the government has followed through with Son’s execution.

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<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> See Alexandra Zabjek, *North Korea Releases Edmonton Businessman*, EDMONTON J., Jan. 8, 2008, available at <http://www2.canada.com/edmontonjournal/news/story.html?id=90cd3bb0-54c0-4ac4-bb47-40a369da789d>; Bill Schiller, *Canadian Humanitarian Jailed in North Korea*, STAR, Jan. 3, 2008, available at <http://www.thestar.com/printArticle/296603>.

<sup>33</sup> ANNUAL REPORT 2008, *supra* note 1, at 126.

<sup>34</sup> *Id.*

<sup>35</sup> *Refugees Facing Crackdown*, *supra* note 16.

<sup>36</sup> ANNUAL REPORT 2008, *supra* note 1, at 126.

<sup>37</sup> *UN Human Rights Experts Call on DPR Korea to Suspend Scheduled Execution*, <http://www.un.org/apps/news/story.asp?NewsID=18682&Cr=DPRK&Cr1=#> (last visited Apr. 14, 2009).

<sup>38</sup> *Id.*

- Reverend Tim Peters of Helping Hands Korea (a charity organization in Seoul), told Compass Direct News that those forcibly returned to North Korea are closely questioned, and those with a Bible or merely admitting contact with Christians in China “face certain torture and imprisonment, and, in some extreme cases, execution.”<sup>39</sup> Additionally, multiple refugees interviewed told of numerous human rights abuses endured: “[B]rainwashing tactics; tight control of movement; harsh labor requirements; imprisonment of up to three generations of a family for minor infractions; and severe shortages of food, [and] medical care . . . .”<sup>40</sup>
- As recounted by Compass Direct News, one former prisoner, Soon Ok Lee, described in her book, *Eyes of the Tailless Animals*, forced labor and torture, and further explained that “Christians [are] singled out for particular punishment—an observation which led Soon to adopt Christianity following her unprecedented release from the labor camp.”<sup>41</sup>
- “[A] veteran of more than 100 missions into North Korea reported . . . that Christians in North Korea live under constant danger of harassment, arrest, and torture. The missionary, . . . [said] that Christians under that oppressive regime must take many precautions in order to assemble for Bible study or worship, such as gathering in groups of only three or four at a time and covering all the windows.” Adult Christians must protect the youngest generations because “‘it’s simply too great a risk to have your children know you’re a follower of Jesus Christ.’” If a young child innocently gave away religious status, the “‘whole family could be arrested,’ . . . ‘and sent to one of the political prisoner camps where the average sentence for following Jesus is 15 years, but the average life expectancy in those camps is only five years.’”<sup>42</sup>
- November 2005, a firing squad executed a woman in her 20’s after she had been caught with a Bible.<sup>43</sup> In the same year in January, the government allegedly executed six religious leaders because their faith posed a threat to the security of the communist regime.<sup>44</sup>
- A refugee who arrived in South Korea in 2001 claimed that he was tortured for his Christian beliefs after a Bible was discovered among his belongings.<sup>45</sup> In the previous year, in April, reports surfaced that the communist regime executed seven Christian men, from 15 to 58 years of age, for their faith.<sup>46</sup>

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<sup>39</sup> *North Korea: Ten North Korean Refugees Arrested in Laos, Then Freed*, COMPASS DIRECT NEWS, June 14, 2006, <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=4414&backpage=archives&critere=North%20Korea&countryname=&rowcur=0>.

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> *Missionary Reports Severe Christian Persecution in North Korea*, WDC MEDIA, Nov. 28, 2006, available at <http://www.wdcmedia.com/newsArticle.php?ID=2325>.

<sup>43</sup> Meghan Clyne, *Korean Reds Targeting Christians*, THE SUN, Nov. 16, 2005, available at <http://www.nysun.com/foreign/korean-reds-targeting-christians/23082>.

<sup>44</sup> ANNUAL REPORT 2008, *supra* note 1, at 126.

<sup>45</sup> INTERNATIONAL RELIGIOUS FREEDOM REPORT 2008, *supra* note 15, sec. II.

<sup>46</sup> *North Korea: Execution of Christians Suspected*, COMPASS DIRECT NEWS, Sept. 22, 2000, <http://www.compassdirect.org/en/display.php?page=news&idelement=845&lang=en&length=short&backpage=archives&critere=Korea&countryname=North Korea&rowcur=0>.