

UNITED NATIONS GENERAL ASSEMBLY

HUMAN RIGHTS COUNCIL

UNIVERSAL PERIODIC REVIEW

Submission for the Democratic People's Republic of Korea (NORTH KOREA)

Submitting Organisation:

Life Funds for North Korean Refugees (Tokyo, Japan; founded 1998)

LFNKR is a registered non-profit organisation (NPO) based in Tokyo. LFNKR was the recipient of the Tokyo Bar Association's Human Rights Award for 2008.

Executive Summary:

The Democratic People's Republic of Korea (North Korea), despite being a signatory to four major international human-rights instruments, fails to protect even the most basic of its citizens' human rights, whether political, social, or economic. The North Korean regime has instead chosen to adopt a belligerent stance vis-à-vis the international community, giving higher priority to its military development than to infrastructure, education, or basic nutrition. The government of the DPRK has also shown no evidence of progress in the human rights situation since the last UPR, and indeed, appears to be determined to reject every avenue of cooperation with the international community generally and the human rights mechanisms in particular.

Life Funds for North Korean Refugees, as a non-denominational humanitarian NGO entirely independent of any government support, strongly urges the North Korean government to work in cooperation with the international community, requesting assistance with special expertise where necessary, to ensure the full potential of its people is realised.

Keywords:

abductees, abductions, China, DPRK, forced abortion, forcible repatriation, hard labour, human rights abuses, labour camps, migration, North Korea, rape, refugees, starvation, torture

I. BACKGROUND AND FRAMEWORK

Institutional and human rights structure

North Korea is a signatory to several international human-rights treaties: the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; The Convention on the Elimination of all forms of discrimination against women; and the Convention on the rights of the Child. There are no national mechanisms for the redress of human rights abuses. Even if such mechanisms existed and were effective and legitimate, which seems highly unlikely under the current system, it is questionable whether they would be used due to the DPRK government's apparent lack of interest in protecting the rights of its citizens.

There appears to be little consciousness among the North Korean public about human rights and/or their violation, and media and other potential sources of information coming into the country are severely restricted by the government. There does not appear to be a civil society as such in North Korea, according to the reports of refugees.

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

Implementation of international human rights obligations

1. Equality and non discrimination

North Koreans are divided into three categories depending on their perceived loyalty to the regime. People in the most favoured category are accorded certain privileges not available to those in the lower two categories, including more freedom to travel. Permission to live in the comparatively well-off capital Pyongyang is also restricted to certain members of the most favoured class.

North Korean citizens are subject to punishment for the actions and perceived disloyalty of family members up to three generations. The families of those who leave North Korea are especially vulnerable to surveillance and punishment (including imprisonment in labour camps) as a result of the family member's defection.

LFNKR calls on the DPRK government to immediately abolish the class system and the system of guilt-by-association.

2. Right to life, liberty and security of the person

Violations of the right to life include the forced abortions of North Korean women returning from China on the basis that the foetuses are half-Chinese and thus not "pure" Korean, the persecution of those who cross the Chinese border in search of

food to survive, and the operation of gulag-style labour camps, the prisoners of some of which are intended never to be freed.

Violations of the right to liberty include the prohibition on travel both within the country and abroad without permission, which is generally unavailable to all but the elite; and the prohibition on media sources other than those approved by the central government, and harsh punishments for those who clandestinely listen to or watch foreign media. Violations of the right to security of the person include arbitrary arrest and detention, including sentences to hard-labour camps.

Violations of both the right to life and the right to liberty include the forced abductions of foreign nationals, the resolution of which has seen no progress since the last UPR. The DPRK continues to deny the abductions or claim that the abductees have since died, while failing to provide convincing evidence. The families of many of the abductees are of advancing age, and there is a real possibility they will never be reunited with their loved ones because of the lack of cooperation of the government of the DPRK.

LFNKR calls on the DPRK government to immediately cease the use of forced abortions, and to allow free movement both within the country and overseas. We also urge the DPRK, as a matter of priority, to identify and release all abductees of all nationalities who remain in North Korea.

3. Administration of justice and the rule of law

North Koreans continue to be subject to arbitrary arrest and detention in hard-labour camps, with no legitimate trial or appeals process. The family members of those so detained are also subject to increased surveillance, interrogation, torture, and/or detention. There is no working judicial mechanism available to North Korean citizens. Torture and rape are commonly used by the security forces, including on those returning from China (either voluntarily or due to forced repatriation by the Chinese authorities), where they had sought food, employment, and/or relief from the repression of the North Korean authorities.

LFNKR calls on the DPRK government to immediately reform its legal system to separate the legislative and executive branches. We also strongly condemn the DPRK's use of torture and rape on any of its citizens.

4. Freedoms of religion and belief, expression, association and peaceful assembly, and right to participate in public and political life

The North Korean government holds that its citizens enjoy freedom of religion but in fact North Koreans are punished for practising, or being suspected of practising, religion. North Koreans returning from China who admit to or who are suspected of meeting with missionaries while in China are subject to more severe punishment than those who are not thought to have met with religious personnel.

North Koreans enjoy no freedom to assemble for purposes other than those prescribed by the central government. Criticism of the leadership, overt or not, is punished

severely; relatives of those accused of criticising the government are also subject to increased surveillance and harsh punishment, including being sentenced to terms in hard-labour camps.

Elections are not free; the leadership is approved by a rubber-stamp Parliament, the members of which are chosen by the Workers' Party and not by the citizens of North Korea. As such, North Koreans have no redress to their Member of Parliament and no choice of elected representative. Since there is effectively only one political party permitted and the Party controls all other aspects of North Koreans' lives, dissent is not possible. The lack of freedom to assemble freely in public and the existence of only Party-controlled media make it impossible for citizens to express dissenting opinions. Those who do are punished severely. As a result there is no meaningful "public life" or "political life" as such. There has been no apparent development of a meaningful civil society.

LFNKR calls on the DPRK government to grant its citizens freedom of religion and the freedom of assembly. We also urge the DPRK to cease the practise of punishing citizens who criticise the government, and protect freedom of expression, and to establish free and fair multi-party elections.

5. Right to work and to just and favourable conditions of work

Many North Koreans lack work or any viable means to support themselves. Those with jobs are often given no choice about the job they do but are obliged to undertake the work they are ordered to do by the central government.

6. Right to social security and to an adequate standard of living

The collapse of the food rationing and distribution system, combined with repeated natural disasters, has caused North Koreans to suffer a severe shortage of food. North Koreans lack freedom of movement both within their own country or to go abroad, which leaves them vulnerable to punishment for travelling without authorisation in search of food. In the past, the North Korean government's permitting limited marketplace activity has gone some way to mitigate the situation; thus, allowing entrepreneurial activity could contribute to food independence of North Korean citizens.

7. Right to education and to participate in the cultural life of the community

In practice, North Korean children are frequently unable to attend school because of the desperate shortage of food, in addition to a lack of adequate clothing and supplies for school.

8. Right of children to access to health care

Access to hospitals and clinics is limited and even when access is available, medicines and most kinds of medical treatment are unavailable, having a deleterious effect on the health of North Korean children.

9. Minorities and indigenous peoples

North Korean society is largely homogeneous. However, North Korean women who cross the Chinese border and are found to be pregnant upon their return to North Korea are commonly forced to undergo abortions in order to prevent the births of half-Chinese children.

10. Migrants, refugees and asylum seekers

Under North Korean law, leaving the country without permission is a crime and carries heavy penalties. North Koreans who cross the Chinese border to escape repressive government policies and/or to seek food and work frequently return to North Korea, either by choice or because the Chinese authorities have forcefully repatriated them. Such returnees are generally interrogated, tortured, and often raped upon their return, according to defector testimony.

In addition, it is still common for would-be defectors to be sent to hard-labour prison camps, and for their families to be targeted for additional surveillance, harassment and discrimination by the authorities, or to be sent to prison camps under North Korea's system of "guilt by association".

We call on the government of the DPRK to allow its citizens to move freely both within the country and beyond its borders, including by providing passports, and to immediately stop the use of torture and rape by its officials.

National legislation and voluntary commitments / National human rights institutions activities

There is no meaningful national legislation or activity in relation to human rights.

Public awareness of human rights

In general, public awareness of human rights is likely to be fairly limited. However, the average North Korean defector who crosses the border into China to seek food, employment, and/or permanent settlement in China or another country returns to North Korea numerous times. Often this is because of the Chinese government's policy and practice of forcefully repatriating North Korean defectors. Partially as a result of this, North Koreans appear to be somewhat better-informed than in the past about life outside North Korea, including the differences in wealth and freedoms between China and North Korea.

Cooperation with human rights mechanisms

The DPRK government has resolutely refused to cooperate with human-rights agencies and never cooperates with human-rights NGOs. It continues to refuse

human-rights organisations access to most parts of the country, which severely limits the ability of such agencies to assess the factual situation on the ground in North Korea and to assist the North Korean government to take steps to improve its treatment of its citizens with regard to human rights.

With respect to the Universal Periodic Review, we welcome the participation of the DPRK government in the UPR process. However, in the first UPR review, the DPRK rejected 50 recommendations of a total of 167, and gave no response to the remaining 117. This was the case even for very “soft” recommendations, leading us to question the sincerity of the DPRK in its participation in UN mechanisms. We urge the DPRK to take this review seriously and respond to all recommendations, either accepting them or giving reasons for rejecting them. To do any less is to make a mockery of the process, and is an indication that the DPRK has absolutely no intention of improving life for its citizens.

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

The general amnesty of early 2012, in which some political prisoners were also released, is welcome, and we encourage the DPRK government to conduct further amnesties on a larger scale.

Unfortunately, we see no other achievements in the protection of human rights in North Korea. More worryingly, we see no evidence whatsoever that the DPRK government in fact has any interest in ameliorating the situation for its citizens.

We are extremely concerned about the continued existence of prison camps, the existence of which has been proved by satellite information and corroborated by North Korean refugees. We are also concerned about other gross violations of the most basic human rights that continue: arbitrary arrest and detention; the lack of an impartial and credible judicial system; the lack of freedom of movement, expression, assembly, and religion; the prohibition of all media and information sources not controlled by the central Workers’ Party; the use of torture and rape by border patrol guards and prison camp personnel; the punishment of North Koreans who cross the Chinese border and their families; the general unavailability of adequate nutrition and education for children; and the forced abortions conducted on pregnant women returning from China.

We are extremely concerned about the belligerent, aggressive and uncooperative stance of the North Korean government with respect to the international community, which has severe consequences for the human rights of the North Korean people. We also question the apparent prioritising of North Korea’s costly nuclear ambitions at the expense of the basics needed for the survival of its people.

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

We urge the North Korean government to abide by the international instruments protecting human rights to which it is a signatory. We strongly urge the North Korean government to cooperate with the international community, and to seek to take its place as a fully productive member of the international community. Specifically, we urge the North Korean government to:

- Allow its citizens to have full rights of free movement, both within the country and outside its borders;
- Immediately cease the use of torture, forced abortions, and rape;
- Seek to develop an independent and credible judicial system;
- Cease arbitrary arrests and detentions;
- Commit to working toward the eventual closure of all prison camps;
- Allow representatives of human rights organisations appropriate and full access to monitor the human rights situation on the ground;
- Allow the ICRC to have immediate, full and genuine access to all detention facilities in the DPRK, and allow the ICRC to examine conditions and to interview prisoners confidentially and without reprisals;
- Show good faith toward the international community by cooperating with and allowing full access to the Special Rapporteur on the situation of human rights in the DPRK;
- Immediately halt public and extrajudicial executions;
- Commit to working with the international community, seeking any necessary outside expertise, to rebuild its educational system and ensure that all North Korean children receive, at minimum, appropriate free and compulsory primary education that is comparable to those of other countries;
- Commit to working with the international community, seeking any necessary outside expertise, to ensure it has high-quality medical facilities stocked with suitable supplies and staffed by qualified medical personnel available to all North Koreans;
- Take prompt and sincere action to resolve the abductee issue with the relevant countries, and allow all abductees and their families to return home without punishment;
- Encourage the development of private enterprise, seeking any necessary outside expertise;
- Allow a variety of media and other non-State-controlled information to be available to North Korean society;
- Commit to working with the international community, seeking any necessary outside expertise, to rebuild its agricultural and food-distribution systems;
- Commit to taking a cooperative and productive place in international society that will make unnecessary the diversion of precious resources to excessive military development; and
- Respect and abide by all of the commitments it has made in becoming a signatory to international human-rights instruments.

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