



**TOTAL DENIAL:
VIOLATIONS OF FREEDOM OF RELIGION OR BELIEF
IN NORTH KOREA**

SEPTEMBER 2016
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‘THERE IS ALMOST COMPLETE DENIAL OF THE RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION AS WELL AS THE RIGHT TO FREEDOM OF OPINION, EXPRESSION, INFORMATION AND ASSOCIATION’

UN COMMISSION OF INQUIRY REPORT ON NORTH KOREA, 2014

Cover image: Statue in North Korea

Photo: CSW

EXECUTIVE SUMMARY

The Democratic People's Republic of Korea (DPRK), also known as North Korea, remains a uniquely isolated and repressed state in an increasingly interconnected global community. The isolation is maintained by multi-faceted aspects of the security and political situation, and confines the people of North Korea to a monolithic system of control by the dynastic Kim family. The hardships suffered by the North Korean people spanned decades, and the regime's abuse of their rights continues unchecked.

The gravity and extent of these abuses were exposed in the groundbreaking United Nations Commission of Inquiry (COI) report on human rights in North Korea,¹ published in February 2014 after a year-long investigation. The report calls for accountability for the widespread and grave violations of human rights in North Korea, states that these violations amount to crimes against humanity, and calls for a referral to the International Criminal Court (ICC) for prosecution for these crimes.

Christian Solidarity Worldwide (CSW) has long expressed deep concern about the egregious human rights situation endured by the North Korean people. CSW's report, *North Korea: A Case to Answer, A Call to Act*,² written in association with REDRESS and published in 2007, presented a legal analysis that the violations of human rights amount to crimes against humanity, and recommended that a COI be established to investigate these crimes. Both the COI's and CSW's reports document violations of the right to food, life, freedom of expression, freedom of religion or belief, freedom of movement, as well as various violations associated with prison camps. Torture and inhuman treatment, arbitrary detention, discrimination, and enforced disappearances – including in the form of abductions of nationals of other states – are also documented.

Among other basic human rights denied to the people of North Korea, freedom of religion or belief is largely non-existent. Denial of this right has occurred since the 1950s, and the current leader, Kim Jong-Un, continues to violate citizens' religious freedom. Religious beliefs are seen as a threat to the loyalty demanded by the Supreme Leader, so anyone holding these beliefs is severely persecuted. Christians suffer significantly because of the anti-revolutionary and imperialist labels attached to them by the country's leadership.

Christians usually practise their faith in secret. If discovered they are subject to detention and then likely taken to political prison camps (*kwanliso*); crimes against them in these camps include extra-judicial killing,

extermination, enslavement/forced labour, forcible transfer of population, arbitrary imprisonment, torture, persecution, enforced disappearance, rape and sexual violence, and other inhumane acts. Documented incidents against Christians include being hung on a cross over a fire, crushed under a steamroller, herded off bridges, and trampled underfoot. A policy of guilt by association applies, meaning that the relatives of Christians are also detained regardless of whether they share the Christian belief. Even North Koreans who have escaped to China, and who are or become Christians, are often repatriated and subsequently imprisoned in a political prison camp.

Buddhism and Shamanism are also practised in North Korea, and suppressed to varying degrees. Witnesses indicate that these faiths are practised without state approval. Testimonies of escapees show that Shamanism is tolerated to a degree, and even party officials are known to have met with fortune tellers.³

Two years on from the publication of the COI report, the human rights situation in North Korea has risen up the UN's agenda. The Human Rights Council and General Assembly passed resolutions in 2014 endorsing the report and its recommendations; in December 2014 the Security Council considered for the first time the human rights situation in North Korea separately from the nuclear non-proliferation question; and a year later, in December 2015, there was another discussion at the Security Council on human rights in North Korea.

The COI report recommended the establishment of a UN Human Rights Office in Seoul⁴ to help ensure that accountability is maintained by building a database of violations through fieldwork. The office opened in 2015, and is mandated to:

- Strengthen documentation
- Enhance engagement
- Maintain the visibility of the situation of human rights in North Korea.

Nevertheless, despite these developments, the outgoing Special Rapporteur on the situation of human rights in North Korea, Marzuki Darusman, stated in his final report in January 2016 that since the COI report the human rights situation in North Korea has not improved, and the documented crimes against humanity continue.

Based on the findings of the present report there are a number of urgent recommendations. (See section below for full recommendations.) North Korea should abide by international human rights instruments and international law, and cease its grave violations of human

1 United Nations Office of the High Commissioner for Human Rights (2014), Report of the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, A.HRC.25.CRP.1 www.ohchr.org/EN/HRBodies/HRC/ColDPRK/Pages/ReportoftheCommissionofInquiryDPRK.aspx

2 Christian Solidarity Worldwide (2007), *North Korea: A Case to Answer - A Call to Act* www.csw.org.uk/2007/06/20/report/35/article.htm

3 United States Commission on International Religious Freedom (2008), *A Prison Without Bars*, pp.38-41

4 United Nations Human Rights Office in Seoul <http://seoul.ohchr.org/EN/Pages/ABOUT%20US.aspx>

rights. Furthermore, the country should acknowledge and implement the recommendations made by the COI and the Special Rapporteur.⁵ China and other members of the international community must respect the principle of non-refoulement and extend asylum to persons fleeing North Korea, because of the real risk of extreme harm if repatriated. The UN and other members of the international community must ensure that human rights are central in any negotiations with North Korea. Sustained efforts must be made by like-minded countries to develop the political will in the UN Security Council to support the referral of North Korea to the International Criminal Court, or an alternative justice mechanism. Every effort must be made to seek accountability and justice for the North Korean people, who suffer human rights abuses on a scale unparalleled in the modern world.

RECOMMENDATIONS

To the Democratic People's Republic of Korea (DPRK)

- Acknowledge and implement the recommendations issued to the DPRK by the United Nations (UN) Commission of Inquiry (COI) (A/HRC/25/CRP.1) and the Special Rapporteur (A/70/362)
- Invite the UN Special Rapporteur on human rights in North Korea, the Special Rapporteur on freedom of religion or belief, and other UN Special Procedures, to visit the country with unhindered access
- Abide by all the international human rights instruments it has ratified, and cease its grave violations of human rights
- Cease the discriminatory *songbun* caste system, including the 'hostile' classification of religious believers that enables persecution; and uphold, in law and practice, freedom of religion or belief as stipulated in Article 18 of the International Covenant on Civil and Political Rights (ICCPR)
- Remove the line describing religion as a 'foreign intervention' in Article 68 of the constitution
- Immediately cease the operation of political prison camps, dismantle them, rehabilitate political prisoners, and give them appropriate and immediate assistance.

To the People's Republic of China (PRC) and other UN Member States

- Acknowledge and support the implementation of the recommendations issued to the DPRK from the COI (A/HRC/25/CRP.1); specifically for member states to respect the principle of non-refoulement and extend asylum and other means of durable protection to persons fleeing the DPRK

- Ensure adequate protection for foreign nationals in northern Chinese provinces who are helping North Koreans
- Ensure that freedom of religion or belief is upheld in China's northern provinces, where thousands of North Koreans seek refuge, and that individuals and groups of Christians there can freely practise their faith without interference, harassment or detention.

To the United Nations and the international community

- Ensure that the recommendations from the COI (A/HRC/25/CRP.1) and Special Rapporteur (A/70/362) are implemented.

To the Security Council and General Assembly

- Hold regular briefings on the human rights situation in the DPRK with the participation of the High Commissioner for Human Rights and other relevant experts, including the Special Rapporteur for human rights in North Korea
- Ensure that human rights are central in any dialogue or negotiations, whether bilateral or multilateral, between the DPRK and any Member State
- Call for the adoption of a Security Council resolution addressing human rights and impunity in the DPRK
- Support the referral of the human rights situation in the DPRK to the ICC, based on the COI's finding that crimes against humanity are being perpetrated
- If an ICC referral is not possible, investigate the possibility of creating an ad hoc tribunal of international lawyers and judges, past or present, to assess the evidence given to them and to maintain accountability regarding the crimes against humanity that are occurring in the DPRK
- Support the Office of the High Commissioner for Human Rights (OHCHR) in their mandate, look to expand their capacity, and ensure their continued independence, sufficient resources and security are maintained
- Establish a human rights contact group on North Korea, as per recommendation 1225(h) of the COI report.

⁵ United Nations Office of the High Commissioner for Human Rights (2015), Report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea www.ohchr.org/EN/newyork/Pages/GA70thSession.aspx

CHRISTIAN SOLIDARITY WORLDWIDE AND NORTH KOREA

Christian Solidarity Worldwide (CSW) works for religious freedom through advocacy and human rights, in the pursuit of justice. With advocacy staff based in London, Brussels and Washington DC, CSW has partners and affiliates around the world, including in the UK, USA, Hong Kong, India, Sri Lanka, Nigeria, Norway and Denmark.

The human rights situation in North Korea has been an important focus for CSW for over 15 years. CSW has brought together international organisations, both governmental and non-governmental, to commit to engagement with one another and with North Korea to address the grave violations of human rights occurring there. CSW advocates for:

- Continued and combined international pressure
- Measures to promote accountability and an end to impunity
- Initiatives to break the regime's information blockade and encourage a flow of information into the country, through radio broadcasts and educational and cultural exchanges
- An increased effort to pursue critical engagement with the regime, placing human rights concerns on the agenda alongside security issues.

CSW works closely with the UK Parliament's All Party Parliamentary Group (APPG) on North Korea. In 2010 CSW accompanied the Co-Chair and Vice-Chair of the APPG, Lord Alton of Liverpool and Baroness Cox of Queensbury, to North Korea to engage with senior leaders in the regime concerning human rights. In 2011 the Speaker of the Supreme People's Assembly in North Korea, Choe Thae Bok, visited London at the invitation of Lord Alton and the APPG, and CSW helped to brief parliamentarians in preparation for his visit. Since then the APPG has held a number of public meetings assisted by CSW, and the Co-Chair Fiona Bruce MP has initiated several debates in the House of Commons.

CSW has regularly hosted North Koreans in London and Brussels, providing a platform for them to testify at hearings in the European Parliament, the UK Parliament, and other public arenas, and to brief government ministers and officials. In 2011 CSW hosted Shin Dong-hyuk, who was born in a North Korean prison camp, and arranged meetings for him with the Minister of State at the Foreign and Commonwealth Office, the Speaker of the House of Commons and the Archbishop of Canterbury, among others. CSW has made many fact-finding visits to South Korea and one visit to North Korean escapees on the China-North Korea border.

CSW's report, *North Korea: A Case to Answer, A Call to Act*, written in association with REDRESS and published in 2007, sought to expose the atrocities committed, which may amount to crimes against humanity, as well as reveal the strict hierarchical nature of the regime. The report's findings suggested that with the information available about decision-making in the regime, the senior political

leadership, including the new leader Kim Jong-Un, can be held responsible for perpetrating such crimes. CSW's report contributed to the establishment of the COI and was cited in the COI's report.

In September 2011 CSW helped to establish the International Coalition to Stop Crimes against Humanity in North Korea (ICNK),⁶ drawing together over 40 human rights organisations from around the world including Amnesty International, Human Rights Watch (HRW) and the International Federation for Human Rights (FIDH), specifically to campaign for the establishment of a COI on North Korea.

METHODOLOGY

The availability of up-to-date information on the actual conditions of religious believers in North Korea, and on the status of freedom of religion or belief, is limited. The country's isolation and the regime's refusal to allow free access to the country remain the principal limitations. However, North Korean escapees fleeing the country since the 1990s have provided more information.

This report is entirely based on secondary sources. On-the-ground research inside North Korea is not possible, and access to recent North Korean escapees with first-hand accounts of violations of freedom of religion or belief has proved challenging. However, the sources that are cited have a high level of credibility. The majority rely upon primary testimonies from North Korean escapees. Comparisons of the information in the testimonies have made it possible to identify themes and corroborate facts. The information used in this report comes from governmental organisations, international and national civil society organisations, academic papers and media articles.

The definition of 'persecution' in this report is taken from the Rome Statute of the International Criminal Court. Article 7, Section 2(g) defines persecution as the 'intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity'. The definition of persecution in the Rome Statute is in the context of defining 'crimes against humanity', which means any of the following acts that are 'committed as part of a widespread or systematic attack directed against any civilian population':

⁶ International Coalition to Stop Crimes against Humanity in North Korea www.stopnkcrimes.org

- Murder
- Extermination
- Enslavement
- Deportation or forcible transfer of population
- Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law
- Torture
- Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity.
- Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court
- Enforced disappearance of persons
- The crime of apartheid
- Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

On the basis of this internationally-recognised definition, the persecution of religious individuals and groups documented in this report is severe enough to warrant charging the North Korean leadership with crimes against humanity.

FREEDOM OF RELIGION OR BELIEF IN THEORY

INTERNATIONAL LAW VS NORTH KOREAN LAW ON FREEDOM OF RELIGION OR BELIEF

North Korea acceded to the International Covenant on Civil and Political Rights (ICCPR) in 1981. Article 18 stipulates that 'Everyone shall have the right to freedom of thought, conscience and religion.'⁷ The article further clarifies that 'This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.' North Korea sought withdrawal from the ICCPR in 1997, but since the treaty does not contain a withdrawal provision, North Korea remains a party to the ICCPR and responsible for protecting the human rights outlined in it.

The COI report reiterates that the North Korean regime is responsible for protecting the rights to freedom of religion or belief and expression. These rights are found

⁷ United Nations Office of the High Commissioner for Human Rights, International Covenant on Civil and Political Rights, Article 18, paragraph 1 www.ohchr.org/en/professionalinterest/pages/ccpr.aspx

not only in Articles 18 and 19 of the ICCPR, but also in Articles 13 and 14 of the Convention on the Rights of the Child (CRC), to which North Korea is also a State Party.⁸ The report thoroughly documents the North Korean regime's disregard for the protection of these rights, despite changes to the country's statutory laws. The COI concludes that 'despite being a State Party to these treaties [ICCPR and CRC], the Commission finds that these protections are not afforded to DPRK citizens who are consequently unable to practise the religion of their choosing.' Furthermore, 'Based on witness testimonies, the Commission finds that there is 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.'⁹

North Korea's constitution has been amended to accommodate some of the requirements of the ICCPR. However, the extent of this accommodation and the interpretation of the treaty's articles is still insufficient to protect citizens' rights.

Article 14 of the People's Constitution, adopted in 1948, merely stated that 'citizens have freedom of religion and religious worship'. The Juche Constitution was adopted in 1972, and there have been numerous amendments: in 1972, 1992, 1998, 2009, 2010 and 2012.¹⁰ The most recent amendment and the current relevant article in the constitution is Article 68 (revised in 2013), which states that 'Citizens have freedom of religion. This guarantees the right to build religious buildings or hold religious services. Religion shall not be allowed to attract foreign intervention or disrupt the state's social order.' While there have been amendments to the wording of this article, it still fails to comply with international standards as set out in Article 18 of the ICCPR. The inclusion of the line concerning the attraction of 'foreign intervention' and the disruption of 'social order' leaves ambiguity concerning the extent to which religion may be restricted. The ban on 'foreign intervention' shows how religion in North Korea is seen as a national security threat. Yet according to testimonies from former security agents, the various religions and beliefs in North Korea are treated very differently.¹¹ Buddhism and Shamanism are viewed as 'superstitions' and therefore not generally considered as fundamental political or ideological threats. Practitioners of these beliefs are afforded a certain tolerance by the authorities, and the restrictions placed on them are less severe than on those following other religions.

Christianity, on the other hand, is identified as a dangerous security threat and a tool of 'foreign intervention'. It is seen as a means of conducting espionage and gathering intelligence by South Korean and American intelligence agencies. A former North Korean security agent stated that '[Christianity] is so persecuted because basically, it is related to the United States...and is considered

⁸ United Nations Office of the High Commissioner for Human Rights, 2014:67

⁹ *ibid.*, p.73

¹⁰ Korea Institute for National Unification (2015), *White Paper on Human Rights in North Korea*, p.218

¹¹ United States Commission on International Religious Freedom, 2008:38-41

spying. Since Americans conveyed Christianity and since they are the ones who attempted to invade our country, those who are Christians are spies. Spies are executed.'

Despite the laws upholding freedom of religion or belief, most North Korean citizens are unaware of their rights. Over 100 North Koreans were interviewed in an International Bar Association survey in 2014. They were asked, 'When you were in North Korea, did you know that North Korea has laws and policies that guarantee human rights including fundamental human rights?' Only 34% said they 'did know' and a combined 66% either said 'No' or 'I don't know.' When asked 'Have you ever received education that human rights should be guaranteed?', 14.5% said yes and 85.5% said 'No' or 'I don't know.'¹²

Overall, statutory law concerning freedom of religion or belief is very different from the reality for North Korean citizens.

IDEOLOGICAL FOUNDATION VS CONCEPT OF RELIGIOUS FREEDOM

The concept of human rights, and specifically freedom of religion or belief, is understood in the context of the state, the collective, the *juche* ideology, and the ideological foundations of the military-first politics – all of which perpetuate the monolithic system of revering the 'leader' of North Korea. This is in contrast to the international community, where the concept of human rights including religious freedom is universally protected through international treaties, laws and bodies. This system has led North Korea to be disengaged from, suspicious of and hostile towards the international community; and the human rights abuses that occur are deeply rooted in the foundations of the system.

North Korea was established as a communist state at the end of the Korean War, but its system and identity have since evolved to become hierarchical, extremely authoritarian, centralised and monolithic. The national understanding of human rights is based on Marx's theory of the collective: human rights are therefore not for the good of the individual, but the good of the collective.¹³ Cultural relativism plays into the justification of collectivism, by drawing on the idea of so-called Asian values. Human rights are perceived as a Western concept based on the individual's rights, and therefore not applicable in North Korea because the rights of the collective take precedence. The emphasis on the collective complements the centralisation of authority. The leader is considered the head of the family and the collective unit, and has authority over individuals and their actions. The country as a whole is an example of this structure, since the Supreme Leader is strictly the head of the collective North Korean 'family', and consequently revered, in a place of superior authority, and ultimately a dictator.

Numerous sources of authority, such as the constitution and the criminal code, guarantee human rights; yet the government's policies and actions violate them. This is a case of 'formal policy vs real policy'.¹⁴ 'Formal' policy refers to the human rights provisions in state documents and law, such as the constitution and criminal code. 'Real' policy, on the other hand, is conducted by the Party, and ultimately dictated by the Supreme Leader, for the protection of the regime against perceived enemies, both foreign and domestic. The gap between formal and real policy, and the *juche* ideology that champions 'self-reliance', serve the Kim family leadership and further encourage reverence of the Supreme Leader. Loyalty to the Supreme Leader in every sphere of politics, economics and society makes him into a pseudo-religious, god-like figure. This reverence is comparable to a religious belief¹⁵ and is the foundation of North Korea's repression of religious freedom, since any growth of religious teachings would conflict with loyalty to the god-like Supreme Leader.

Changes in North Korea's definition of religious terms show how the regime has, however, implemented some changes to accommodate the international community's demands. Christianity is no longer defined as a religion that 'preaches the ideas of submission to the ruling class while covering up and justifying inequality and exploitation in the old society', but simply as a 'religion that preaches ideas of saving mankind through Jesus Christ'.¹⁶

The monolithic system is expressed in society through the Ten Principles, which all citizens must learn. The Ten Principles for the Establishment of the One-Ideology System are unofficial regulations announced by Kim Jong-Il in 1974 and used as the supreme standards, even above the constitution and the Party, for all North Koreans.¹⁷ The current Supreme Leader, Kim Jong-Un, revised the Ten Principles in 2013 to legitimise his succession and consolidate his power. North Koreans' education in pre-school and middle school consists of revolutionary history and the greatness of the Kim family; this is also when they learn the Ten Principles.¹⁸ On being asked "What was most memorable about Kim Il-Sung or Kim Jong-Il during middle school or higher-level school?" one North Korean respondent replied, "I remember learning that he was sent from heaven, a leader of the people and leader of the world."

14 Collins, Robert (2014), 'North Korea's Human Rights Policy: Formulation and Implementation', *International Journal of Korean Studies*, Spring 2014, p.28

15 United Nations Office of the High Commissioner for Human Rights, 2014:67

16 International Bar Association, 2015:99

17 *ibid.*, p.50

18 *ibid.*, pp.108-109

12 International Bar Association (2015), *Report on Human Rights in North Korea 2014*, p.35

13 International Bar Association 2015:19

The Ten Principles and their 65 subclauses seek to establish the monolithic system in everyday life. It is reported that citizens must regularly evaluate themselves on whether they have been living up to the Ten Principles on a daily basis.¹⁹ The first five principles exemplify the way loyalty to the Kim family is instilled in the people of North Korea. Language such as 'struggle', 'unity', 'honour', 'loyalty', 'faith', 'adhere', and 'instructions' is used in the context of the Supreme Leader and the Kim family, especially Kim Il Sung. Kim family portraits are hung in many private homes and public spaces as a public display of worshipping the dynasty, and are regularly cleaned and their condition inspected by the authorities. Reported incidents of citizens dying to protect the portraits in burning buildings or sinking ships show how seriously these portraits are taken.²⁰

Essential to the maintenance of the monolithic system, in addition to the fear of punishment and persecution, is the socio-political and hereditary class-based caste system known as *songbun*.²¹ Every North Korean citizen is allocated a socio-political class in the system; they have no control over which class they are allocated, yet it dominates their lives. There are three classes: the 'core' or loyal class, the 'wavering' class, and the 'hostile' class. The *songbun* classification is given at birth and reflects the family each person is born into and their background; the regime uses the classification to reward or punish citizens. In addition, the culture of guilt by association means that the actions of individuals can negatively affect the whole family.

Every known or suspected religious believer is classified as an enemy of the state and placed in the 'hostile' class. Religion is viewed as an impure element of society, and 'discrimination, punishment, isolation, and even execution are the proper forms of treatment by the regime.'²² Once the 51 *songbun* sub-classifications were finalised in the late 1960s, individual religious groups were given their own specific category.²³ Shamans were classified as category 29; Cheondoists (practitioners of a native

Korean religion) as category 32;²⁴ Protestants as category 37; Buddhists as category 38; and Catholics as category 39. These classifications are used to discriminate against religious believers in education, healthcare, employment and residence.²⁵ Although followers of all religions are treated as anti-revolutionary, Christians suffer severe persecution, imprisonment, torture and even execution.

FREEDOM OF RELIGION OR BELIEF IN PRACTICE

Historically, North Korea had a high concentration of religious believers: an estimated 22% of the population in the 1950s.²⁶ Although there have been various attempts to eradicate religious belief over the decades, the regime still maintains an official position that religious believers exist in the country. In 2001 the regime informed the UN Human Rights Council that North Korea had 38,000 religious believers, comprising 10,000 Protestants, 3,000 Catholics, 10,000 Buddhists, and 15,000 Cheondoists. While this was and still is the official position, the real number of religious believers is understood to be higher, according to various international organisations. Cornerstone Ministries International works with North Korean Christians in China and North Korea. The organisation stated in 2012 that it was in contact with 37,000 churchgoers in North Korea, and that it presumed based on its research that between around 10-45% of those imprisoned in detention camps are Christians. Cornerstone Ministries therefore estimated a total number of 200,000-300,000 Christians. While it is impossible to verify official or unofficial figures, these estimates identify that religion still exists and that the number of religious believers may in fact be growing.

Both the South-Korea based Database Center for North Korean Human Rights (NKDB) and the Korean Institute for National Unification (KINU) have extensively monitored the status of religious facilities, organisations and groups in North Korea over the years. As of 2015 the NKDB recognises the existence of 121 religious facilities in North Korea, including 64 Buddhist temples, 52 Cheondoist temples, three Protestant churches (Bongsu,

19 Daily NK, 'What Are the "Ten Principles"?', August 2013 www.dailynk.com/english/read.php?catId=nk02900&num=10829

20 International Bar Association, 2015:110

21 Collins, Robert (2012), *Marked for Life: Songbun - North Korea's Classification System* www.hrnk.org/uploads/pdfs/HRNK_Songbun_Web.pdf

22 *ibid.*, p.78

23 *ibid.*, pp.79-81

24 Cheondoism is an indigenous Korean religion that combines elements of Confucianism, Buddhism, Taoism, Shamanism and Roman Catholicism. Cheondoism was established in the late 19th and early 20th centuries, and was reported to have three million adherents by the end of the 20th century. The Database Center for North Korean Human Rights (NKDB) reports that at the time of national liberation, Cheondoism had 1.69 million believers, and that there are currently 52 temples in Pyongyang and provincial areas. Source: Encyclopaedia Britannica www.britannica.com/topic/Chondogyo

25 United States State Department (2015), Democratic People's Republic of Korea (DPRK) 2014, International Religious Freedom Report, p.6

26 Database Center for North Korean Human Rights (2015), *White Paper on Religious Freedom in North Korea 2015*, pp.85-86

Chilgol, and Jeil²⁷ churches), one Catholic cathedral (Jangchung Cathedral), and one Russian Orthodox church.²⁸ In 2010 the report *Building Bridges Not Walls*, by Lord Alton and Baroness Cox, detailed their visit to Pyongyang and its religious sites.²⁹ The report documents their experiences of visiting the Orthodox, Jangchung and Bongsu churches, as well as meeting students of a seminary. The report stated that during a service in Jangchung Catholic Church, there was no Catholic priest present, and there was therefore no Mass, only a liturgy.³⁰ Although the buildings and religious services appear to suggest some degree of freedom of religion or belief, that freedom is extremely limited and may be aimed primarily at visitors and foreigners. All the churches are found in Pyongyang and there is no record of church buildings existing anywhere else.

Apart from the official church buildings in Pyongyang, the regime claims that there are around 500 'house churches' or unofficial churches.³¹ The Korean Christian Federation told Baroness Cox and Lord Alton that there are indeed 500 house churches in North Korea;³² nevertheless they were unable to verify this claim, and other sources have questioned the existence and freedom from persecution of these 'churches'. Furthermore, the COI report stated that 'The participants in these gatherings are apparently individuals whose families were Christians before 1950; and as such, they 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.'³³

The existence of high numbers of Buddhist and Cheondoist temples is surprising, given North Korea's deep intolerance of religion, and suggests that the regime may have a higher degree of tolerance for beliefs considered to be indigenous to Asia or to the Korean peninsula. In contrast, the political and security links drawn by the regime between Christianity and imperialism and the West (especially the United States) mean that Christianity is viewed as a foreign religion, not a central component of Korean history and culture. This is reflected in the small number of official churches.

A number of state-organised religious educational institutions and religious organisations exist in North Korea. The Kim Il-Sung University in Pyongyang has a Department of Religion that was established in the

27 The NKDB recognises the existence of the Protestant Jeil Church in Pyongyang. However, other reports only recognise the existence of two churches in Pyongyang, not including Jeil Church.

28 Database Center for North Korean Human Rights, 2015:87

29 Lord Alton of Liverpool & Baroness Cox of Queensbury (2010), *Building Bridges Not Walls: The Case for Constructive, Critical Engagement with North Korea*, p.20

30 *ibid.*, p.22

31 United Nations Office of the High Commissioner for Human Rights, 2014:70

32 Lord Alton of Liverpool & Baroness Cox of Queensbury, 2010:20

33 United Nations Office of the High Commissioner for Human Rights, 2014:70

late 1980s;³⁴ the department is believed to encourage students to be involved in communication and exchanges with foreign religious institutions from other countries. Students study a five-year course with strict entry requirements, including obtaining good results from 'ideological assessments'. The department focuses on teaching the history, doctrines, rituals and culture of five major religions, namely Christianity, Catholicism, Buddhism, Cheondoism and Islam. Students learn the history, doctrines, rituals and culture of each religion, but their access to religious texts such as the Bible and Buddhist scriptures is heavily restricted. Other religious educational institutions include a Cheondoist middle school, a Buddhist Academy and the Pyongyang Seminary. All these institutions seek to train their students, who are carefully selected, for further roles in state-organised religious organisations and foreign religious activities.

Religious organisations exist for all the main religious groups: Catholicism, Protestantism, Cheondoism, Buddhism, the Korean Orthodox Church (Russian Orthodox Church) and Shamanism. Each religious organisation is responsible for the management of its own religious institutions, such as the temples, churches, schools and teachings.³⁵

These religious facilities, organisations and institutions are designed to indicate the existence of religious pluralism and acceptance, but the reality is full of contradictions. The COI report, as well as numerous other sources,³⁶ testifies to the use of these formal facilities, organisations and institutions for political means.

Based on testimonies from North Korean escapees³⁷ a number of conclusions may be drawn about the real status of freedom of religion or belief. Testimonies maintain that although there are Christian churches and Buddhist temples and shrines in Pyongyang, they are only heritage, cultural and propaganda sites established and maintained for the purposes of tourism and official foreign exchanges, rather than as actual places of worship for North Korean nationals.³⁸ The NKDB concludes that North Korea uses religious organisations as a survival strategy to seek goods and support from, and improve their image with, other religious organisations worldwide – especially those from South Korea.³⁹

34 Database Center for North Korean Human Rights, 2015:89
Korea Institute for National Unification, 2015:219

35 *ibid.* [NKDB]

36 United Nations Office of the High Commissioner for Human Rights, 2014:71

Database Center for North Korean Human Rights, 2015
Korea Institute for National Unification, 2015:225
International Bar Association, 2015

United States State Department, 2015:5

37 *ibid.*

38 United Nations Office of the High Commissioner for Human Rights, 2014:71

39 Database Center for North Korean Human Rights (2014), *White Paper on Religious Freedom in North Korea 2014*, p.75

PERSECUTION OF CHRISTIANS

North Korea's formal policy, as presented to the international community, is that freedom of religion and belief is protected. However, numerous documented testimonies⁴⁰ from North Korean escapees over the years testify to the egregious persecution of religious believers. The NKDB has aggregated 1,165 violations of the right to freedom of religion or belief. Charges against the persons involved include:

- Propagation of religion
- Possession of religious items
- Religious activities
- Contacts with religious people⁴¹

The NKDB describes six different periods of North Korean policy on religion:

- 1945-1948: Restricted religious freedom
- 1949-1953: Suppressed religious freedom
- 1954-1971: Obliterated religious freedom
- 1972-1987: Taking advantage of religious organisations
- 1988-1997: Operation of religious facilities
- 1998-present: Intense persecution of increasing unofficial religious activities⁴²

Since the 2000s unofficial Christian religious activities have been increasing, partly because of the influence of defectors who entered China and were then returned to North Korea, bringing the Christian faith they had been exposed to in China.⁴³ This has led the North Korean regime to undertake clandestine activities, both domestically and abroad, to discover new Christians and prevent the spread of Christianity.

There are various ways in which North Korean nationals are exposed to Christianity and other religions:

- Family ties
- Religious education through people or texts
- Religious institutions (usually abroad)
- Missionaries and international religious organisations
- A combination of the above.

Christians in North Korea undertake their religious activities in secret, either individually or as part of a

group. Meeting in groups is more dangerous due to the risk of exposure to other North Korean nationals or state officials. The NKDB's North Korean refugee testimonies found that 1.2% (128 of 10,217 people interviewed) had participated in religious activities over the 18-year period from 1997 to 2015. A further 5.1% (526 out of 9,797 people interviewed) had witnessed secret religious activities. Furthermore, 4.2% (433 out of 9,925 people interviewed) reported having seen a Bible, and it is worth noting that the largest concentration of people who reported having seen a Bible was after the year 2000.⁴⁴

Despite the low percentages of people participating in and witnessing religious activities or seeing a Bible, the fact that these testimonies exist is evidence that religious activities and religious items are still present in a society where there is severe hostility towards religion, and a well-founded fear of execution. Around 30% of interviewees (272 of 895 individuals) had been victims of persecution.⁴⁵

If Christians are discovered to possess religious items or be conducting religious activities not sanctioned by the state, they are detained and then usually taken to political prison camps. One North Korean escapee reported: "While detained at a local SSD [State Security Agency] detention centre in Onsung County, North Hamgyoung Province in February 2010, I saw a detainee who [had] studied [the] Bible for a month in China, sent off to a political prison camp (*kwanliso*)."⁴⁶

POLITICAL PRISON CAMPS (KWANLISO)

These political prison camps (*kwanliso*) are sprawling encampments where conditions are extremely harsh. Prisoners are forced to carry out long days of hard labour, such as mining and logging. Malnutrition is rife due to the poor rations, and increases the mortality rate. Prisoners live in poor accommodation that does not provide adequate protection against the tough winters, further damaging their health; and are subject to brutal treatment, torture and even execution by prison guards. Unauthorised reproduction is forbidden and violent measures are used against mothers and their offspring when a resulting pregnancy is discovered. Due to the principle of guilt by association many innocent family members are punished for the 'guilt' of the targeted individual, and all are without access to any judicial procedures. The prospects for prisoners in these camps are extremely bleak.⁴⁷

CSW's 2007 report *North Korea: A Case to Answer, A Call to Act* exposes the violent reality for these prisoners. The survival rate is close to zero because the camps are so-called 'absolute control zones' to which prisoners are sent permanently, to remain there even after death. Both CSW's report and the COI report⁴⁸ describe the human rights violations in these camps as crimes against humanity. These include:

40 United Nations Office of the High Commissioner for Human Rights, 2014

Database Center for North Korean Human Rights, 2015

Korea Institute for National Unification, 2015

International Bar Association, 2015

United States State Department, 2015

Christian Solidarity Worldwide, 2007

41 Database Center for North Korean Human Rights, 2015:199

42 *ibid.*, pp.49-84

43 *ibid.*, p.82

44 *ibid.*, pp.162-165

45 *ibid.*, p.220

46 Korea Institute for National Unification, 2015:227

47 Christian Solidarity Worldwide, 2007:26-30

48 United Nations Office of the High Commissioner for Human Rights, 2014

- Murder
- Extermination
- Enslavement
- Forcible transfer
- Arbitrary imprisonment
- Torture
- Rape and sexual violence
- Persecution
- Enforced disappearance
- Other inhumane acts.⁴⁹

Christians are reported to have suffered brutal violence. Forms of torture include beatings with fists or implements such as electric rods, wooden pokers, metal poles, water torture through forced submersion, and being used as test subjects for medical training and experimentation.⁵⁰

DISCRIMINATION AGAINST BUDDHISM AND SHAMANISM

In general, both Buddhism and to a greater extent Shamanism enjoy a higher degree of tolerance from the state than Christianity does, because of their perceived value as part of the country's cultural heritage, and because they are not seen as undermining the state as much as 'foreign' religions such as Christianity.

The NKDB's 2015 White Paper on Religious Freedom in North Korea, and the United States Commission on International Religious Freedom (USCIRF) *A Prison Without Bars* report on North Korea, both illustrate that Buddhism has a larger and at least visibly tolerated presence. The Korean Buddhist Union, formerly known as the General Union of Korean Buddhists, is responsible for Buddhist activities in North Korea and is a subsidiary agency of the Workers' Party. The NKDB report makes the point that 64 Buddhist temples in North Korea is a significant number, given the hostile policy against religion or belief in the country.⁵¹ Research on Buddhism reveals functioning Buddhist shrines and temples that are maintained as cultural heritage sites by caretakers (*gwalliwon*), who do not perform any religious functions.⁵² Although a significant amount of source material testifies that 'underground' Christian activities are conducted, there is less evidence for the existence of Buddhist activities in places other than in temples.⁵³

The USCIRF report illustrates the life and practice of Buddhism in North Korea. Various testimonies state that Buddhist monks are seen on special occasions, in the capital and at other temples. One interviewee stated that there are Buddhist temples, such as Mt. Geumgang and Mt. Myohyang, but that the monks had long hair and were married (in contrast with the normal practice of Buddhist monks in other countries).⁵⁴ A second interviewee stated that monks are present at Bohyeon Temple, are North Korean, and have shaved heads.⁵⁵ The interviewee also

stated that "[The monks] get married, take care of the temple, and give explanations about the temple as a cultural legacy, rather than spreading the history of Confucianism and Buddhism in Korea. People go there like on a field trip." A third interviewee stated that foreigners who visit Pyongyang pray and bow in temples, but there are no North Korean citizens, because "North Korean people can never go to churches or temples for worship."⁵⁶

Buddhist teaching for North Korean citizens comes from both official and unofficial sources. On the official side, Buddhist teachings are learned through the education system, although the average citizen has very little exposure to Buddhism outside of school. A USCIRF report interviewee stated that "At university, [we] learn that there are the religions of Jesus [Christianity], which is the biggest kind, Buddhism, Islam, and Confucianism. There are no official courses on religion. However, it is taught as part of a philosophy course. Because people don't know about religion at all, it is just taught for common knowledge."⁵⁷ The Buddhist Academy was set up specifically to teach students, who are carefully selected by the state, for foreign policy purposes. A USCIRF report interviewee stated, "I have seen a Buddhist book once at a temple. It had a strap with Chinese letters and months written on it. There are temples but people are not allowed to believe in them."⁵⁸

North Korean citizens' unofficial exposure to Buddhist teachings comes from sources in China, similar to the access to Christian teaching and religious texts. An interviewee mentioned that a friend "encountered Buddhism in China and when he came back to North Korea, he kept begging me to go to temple with him. So I asked him what a monk was. He said the monks are good people who speak good words and harm no one. He didn't practice religion in North Korea."⁵⁹ Another interviewee stated that s/he knew a woman who was a Buddhist because she had met a Buddhist in China, but that that was the only Buddhist North Korean the interviewee had met, stating that it is more common for North Koreans to become Christian after spending time in China.⁶⁰

Although Buddhist temples and monks exist in North Korea, citizens practising Buddhism as a religion face imprisonment, forced labour, poor living and sanitary conditions, abuse, violence and torture. An NKDB testimony states that "A woman went to Pyongyang to visit a party official's home with a Buddha sculpture, because the official had a sick baby. But the next-door neighbour reported this to the authorities and

49 Christian Solidarity Worldwide, 2007:36-60

50 *ibid.*, pp.49-50

51 Database Center for North Korean Human Rights, 2015:100

52 United States Commission on International Religious Freedom, 2008:19

53 *ibid.*

54 *ibid.*, p.20, Interviewee no. 1

55 *ibid.*, Interviewee no. 4

56 *ibid.*, Interviewee no. 16

57 *ibid.*, p.21, Interviewee no. 32

58 *ibid.*, Interviewee no. 24

59 *ibid.*, Interviewee no. 20

60 *ibid.*, Interviewee no. 31

she was sentenced to seven years of imprisonment in Jeungsan Prison.”⁶¹

Shamanism is also tolerated to some degree. This belief incorporates acts such as exorcism and fortune telling, and was widely practised before the establishment of North Korea.⁶² During the crackdown on religious beliefs, Shamanism and its practices were labelled unscientific and superstitious. However, shamanistic rituals and practices have reportedly seen something of a revival in North Korean society.

The NKDB notes that despite the regime’s efforts to crack down on shamanism, this has proven difficult because the belief is deeply rooted in culture and society. Various sources report that even state officials, state security agents and army officials visit fortune tellers if their predictions are renowned for their accuracy.⁶³ Superstitious practices, including carrying talismans, fortune telling and palm reading, are believed to be widespread across the country and at all levels of society and across age groups.⁶⁴ It is also reported that North Korean escapees have consulted fortune tellers before leaving North Korea for China, or to ascertain marital status or wealth prospects.⁶⁵

The difference in the way the regime views Buddhism and Shamanism, as opposed to Christianity, is reflected in the punishments given to their respective adherents. The regime tolerates Buddhist and especially shamanistic practices to a degree, because it is understood within society that these practices are punished when they are associated with a crime or when they lead to social unrest. The punishment for engaging in these acts varies from six months to ten years’ labour.⁶⁶

Testimonies from former North Korean security agents state that “Buddhism has nothing to do with politics. Buddhist organizations don’t spread religion and are considered to be superstitions, so, if we find them, they... do forced labour for about six months.” Another former security agent stated that “Buddhism is tolerated a little. Buddhists tend to keep their religion to themselves, but Christianity spreads fast unlike Buddhism.”⁶⁷

61 Database Center for North Korean Human Rights, 2015:261

62 *ibid*, p.114

63 Database Center for North Korean Human Rights, 2015:115

Korea Institute for National Unification, 2015:229

64 Database Center for North Korean Human Rights, 2015:115

65 United States Commission on International Religious Freedom, 2008:23

66 Korea Institute for National Unification, 2015:229-230

67 United States Commission on International Religious Freedom, 2008:39-41

Regarding shamanistic practices, a former security agent stated that “The level of punishment for Christians is different from that for fortune tellers. Although [the authorities] regulate and interrogate fortune tellers, they just ask, ‘How many times did you provide your service? What did you receive as payments?’ and send them to a lockup for a few days. They are not even handed over to the Public Security Agency. Some [officials] get acquainted and visit a fortune telling service. The executives of the Party would go together in secret.”

The USCIRF report perceives that the spread of fortune telling may indicate an area where corruption and, to a lesser degree, spiritual or social needs prevail over political ideology.⁶⁸ Once again the differences in punishment and tolerance levels between religions are testament to the relationship between formal and real policy in North Korea.

DETENTION IN CHINA

A number of individuals and organisations have been prosecuted and detained in China because of their faith, work, and the relationship between China and North Korea. All North Koreans in China are subject to and live in fear of repatriation to North Korea by the Chinese authorities. Since there are many North Korean escapees in China’s northern provinces, a large number of missionaries travel to or live in these areas to help the North Koreans there. They provide aid, shelter and support, as well as trying to send materials and information into North Korea.

Peter Hahn, a naturalised US citizen in his seventies, was detained in November 2014⁶⁹ and his trial commenced in July 2015. Mr Hahn ran a Christian aid agency in Tumen City, which includes a school and provides aid to the poor in North Korea.⁷⁰ He was charged with embezzlement and possession of fraudulent receipts, and his lawyer, Zhang Peihong, told Reuters that “Peter has only done good works, so he shouldn’t face any punishment. I do hope the court will act impartially.”⁷¹ Mr Hahn was released in August 2015 after nine months in detention,⁷² and has since then been recovering in Seoul: he has diabetes and has suffered strokes in the past.⁷³ Mr Zhang noted that

68 *ibid.*, p.24

69 *New York Times*, ‘China Detains an American Who Assists North Koreans’, 20 November 2014 www.nytimes.com/2014/11/21/world/asia/china-detains-us-aid-worker-who-assisted-north-koreans.html?_r=1

70 *New York Times*, ‘China Detains an American Who Assists North Koreans’, 20 November 2014 www.nytimes.com/2014/11/21/world/asia/china-detains-us-aid-worker-who-assisted-north-koreans.html?_r=1

71 Reuters, ‘China set to try jailed U.S. missionary near North Korea border’, 14 July 2015 www.reuters.com/article/us-china-usa-missionary-idUSKCN0PO1BS20150714

72 *South China Morning Post*, ‘China releases American Christian activist held near North Korean border after serving nine-month sentence’, 7 September 2015 www.scmp.com/news/china/policies-politics/article/1856030/china-releases-american-christian-activist-held-near

73 Reuters Canada, ‘China releases Korean-American missionary: lawyer’, 7 September 2015 <http://ca.reuters.com/article/topNews/idCAKCNOR713N20150907>

"[Peter] can't come back to China at the moment...all his projects are currently suspended."⁷⁴

Kevin Garratt and his wife Julia Dawn Garratt were detained in August 2014 on charges of espionage.⁷⁵ The Garratts are Canadian citizens who have been in China for many years. In 2008 they opened a coffee shop in Dandong, a city in Liaoning Province very close to the border of North Korea.⁷⁶ As well as running the coffee shop, they carried out Christian aid work with North Koreans.⁷⁷ Both were detained in August 2014; Mrs Garratt was released on bail in February 2015, but barred from leaving China for a year.⁷⁸ In early 2015 Mr Garratt was moved into formal detention in a detention centre in an unknown location; in January 2016 his formal indictment in Dandong was announced.⁷⁹ In September 2016 he was released and deported.⁸⁰

Xinhua state news agency stated that 'During the investigation, Chinese authorities also found evidence which implicates Garratt in accepting tasks from Canadian espionage agencies to gather intelligence in China.' Tensions between Canada and China have increased as a result, and Canada has accused Chinese hackers of breaking into a key computer network.

There are reports from other missionaries in northern China that Chinese authorities are cracking down on Christian individuals and their charity groups. Simon Suh, a Christian leader who runs an orphanage in Yanji, told the South China Morning Post in 2014 that as many as one-third of the 3,000 South Korean missionaries working in China, most of whom are working near the North Korean

border, have been forced out.⁸¹ Mr Suh quoted information he had received from several Christian groups in the region and added that "Peter [Hahn]'s school in Tumen and Kevin Garratt's coffee shop were two organisations that were really well known...Both of them being cracked down on is a huge blow to everyone, to every activist who is involved with North Korea."

The crackdown on Christian missionaries' activities has been attributed to a combination of increasing strain in China's relations with North Korea, and China's own crackdown on Christianity and religious freedom in China. Many missionaries live in fear of harassment, detention or even of their lives.

A Korean-Chinese pastor, Pastor Han Choong-ryeol, was found dead on the Chinese side of the Changbai Mountain on 30 April 2016.⁸² Mr Han was the pastor of Changbai Church in Jilin Province, bordering the North Korean city of Hyesan; the church has over 300 members. Reports stated that Mr Han's body was found with knife and axe wounds to the neck; activists and local journalists attribute his death to assassination by North Korean agents. While there are ambiguities surrounding Mr Han's death, his case highlights the life-threatening dangers faced by many missionaries engaged in North Korean-related humanitarian work in northern China.

REPATRIATION FROM CHINA

Many North Koreans who leave the country are exposed to Christianity in China. Since the 1990s, migration along the North Korea-China border has increased as people flee persecution, starvation and death, or for economic or other reasons. While in China, North Koreans, especially those who are in China illegally, are subject to repatriation by the Chinese government. The COI report found that over a period of two decades the Chinese authorities have forcibly returned tens of thousands of North Koreans. The report notes that these repatriated North Koreans are subject to inhumane treatment and punishment, such as 'imprisonment, execution, torture, arbitrary detention, deliberate starvation, illegal cavity searches, forced abortions, and other sexual violence'.⁸³ The UN General Assembly has expressed 'serious concern' since 2006 about the punishment of repatriated North Koreans, and has urged all states to respect the principle of non-refoulement.⁸⁴

74 *South China Morning Post*, 'China releases American Christian activist held near North Korean border after serving nine-month sentence', 7 September 2015 www.scmp.com/news/china/policies-politics/article/1856030/china-releases-american-christian-activist-held-near

75 *Guardian*, 'China's indictment of Canadian accused of spying inflames diplomatic tensions', 28 January 2016 www.theguardian.com/world/2016/jan/28/china-indictment-canadian-accused-spying-kevin-garratt

76 *Guardian*, 'China detains Canadian man on suspicion of stealing state secrets', 5 February 2015 www.theguardian.com/world/2015/feb/05/china-detains-canadian-man-suspicion-stealing-state-secrets

77 BBC, 'Canadian man Kevin Garratt charged in China over state secrets', 29 January 2016 www.bbc.co.uk/news/world-asia-china-35436186

78 *Guardian*, 'China detains Canadian man on suspicion of stealing state secrets', 5 February 2015 www.theguardian.com/world/2015/feb/05/china-detains-canadian-man-suspicion-stealing-state-secrets

79 *Guardian*, 'China's indictment of Canadian man accused of spying inflames diplomatic tensions', 28 January 2016 www.theguardian.com/world/2016/jan/28/china-indictment-canadian-accused-spying-kevin-garratt

80 *New York Times*, 'Canadian Kevin Garratt, Held 2 Years on Spy Charges in China, Is Released', 15 September 2016 www.nytimes.com/2016/09/16/world/americas/canada-kevin-garratt-spy-china-north-korea.html?_r=0

81 *South China Morning Post*, 'Christian missionaries 'forced out' in droves as China cracks down on North Korea border city', 12 August 2014 www.scmp.com/news/china/article/1572017/christian-missionaries-forced-out-droves-china-cracks-down-n-korea-border

82 NK News, 'Korean-Chinese pastor-activist killed on North Korean border', 2 May 2016 www.nknews.org/2016/05/korean-chinese-pastor-activist-killed-on-north-korean-border

83 Cohen, Roberta (2014), 'China's Forced Repatriation of North Korean Refugees Incurs United Nations Censure', *International Journal of Korean Studies*, Summer/Fall 2014, p.1

84 *ibid.*, p.3

China has ratified various UN treaties that call for compliance on repatriation, including the Convention on the Rights of the Child (CRC) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). Article 3 of the CAT affirms that 'no state party shall expel, return or extradite a person to another state where there are substantial grounds for believing that he or she would be in danger of being subjected to torture'. The UN's Universal Periodic Review process regularly reviews whether China is adhering to these treaties; nevertheless, the forced repatriation of North Koreans, including vulnerable individuals such as pregnant women, remains an official Chinese policy.

The legal basis for penalising North Koreans upon repatriation is found in Article 63 of the criminal code, which deals with treason, and Article 221, which deals with illegal border crossings. The criminal code states that 'A citizen...who commits treason against the fatherland by defection, surrender, betrayal, or disclosure of secrets shall be punished by reform through labour for life or the death penalty and confiscation of property...A person who illegally crosses a border of the Republic shall be punished by short-term labour for less than one year. In cases where the person commits a grave offence, he or she shall be punished by reform through labour for life or the death penalty and confiscation of property.'⁸⁵

Believing in Christianity, acquiring Christian religious items like the Bible, and being involved in Christian religious activities while in China are all likely to be considered a 'grave offence' resulting in a sentence of life imprisonment or even execution. Former North Korean security agents have testified that 'The most severe punishment is applied to those who are engaged in the [new religious] activity: those who carry the Bible from China and those Christians who help North Korean refugees in China.'⁸⁶ A former North Korean security agent stated, "Christians are regarded as spies. If you meet a Christian, it is considered the same as meeting a South Korean intelligence officer. Spies and Christians are sent to the *kwanliso*. They are treated equally."⁸⁷

ENGAGEMENT WITH INTERNATIONAL FAITH GROUPS AND ORGANISATIONS

Despite the significant differences between the official and actual status of the freedom of religion or belief in North Korea, the existing channels of communication with the outside world may be seen as a form of constructive engagement with the regime. In 2008 a group of Buddhists visited for a temple restoration; that year other foreign visitors attended services at Bongsu Church and

Janchung Cathedral. There were 15 inter-Korean religious exchanges in 2009, 13 in 2011, eight in 2012, and ten in 2014.⁸⁸

While these exchanges do foster communication and engagement, they are also affected by the broader political and security issues. In 2013 the inter-Korean religious exchanges virtually stopped because of the UN Security Council's resolution to implement further sanctions on North Korea, which in turn led to North Korea retreating from the international community, 'closing its doors' and halting exchanges. However, the prospects for further dialogue and exchanges are encouraging: in December 2015 the Bishop's Conference of Korea (CBCK) announced that the South Korean Catholic Church would be sending priests to North Korea on a 'regular basis' for services.⁸⁹

These religious exchanges offer an opportunity for the international community to engage with North Korea, and the possibility of opening up further dialogue.

There are also a number of faith-based organisations and individuals working in North Korea; these are largely involved in education and business exchanges, but also provide aid. The organisations include World Vision, Christian Friends of Korea (CFK) and the Mennonite Central Committee (MCC).⁹⁰ All of these engage in activities such as distributing humanitarian aid, providing training, and running construction projects in agriculture and water and sanitation. These organisations bring much-needed relief to North Korean citizens and demonstrate an alternative method of constructive engagement with the regime and, to a limited extent, the people of the country. Nevertheless, while engagement and exchanges can be valuable, those programmes which ignore or minimise concerns for human rights are of questionable usefulness and may even be counter-productive.

In October 2015 the World Council of Churches (WCC) sent a 12-person delegation to North Korea for their first Ecumenical Forum for Peace, Reunification and Development Cooperation on the Korean Peninsula (EFK).⁹¹ The participants issued a document entitled the Pyongyang Appeal, addressed to 'all churches, church-related organizations and people of good will around the world, calling for renewed and strengthened solidarity, advocacy and action'. However, the document also

88 Database Center for North Korean Human Rights, 2015:132-133

89 Vatican Radio, 'North Korea agrees regular visits by South Catholic priests', December 2015 http://en.radiovaticana.va/news/2015/12/07/north_korea_agrees_regular_visits_by_south_catholic_priests/1192554

90 World Vision International www.wvi.org/north-korea
Christian Friends of Korea <http://cfk.org/about-cfk/>
Mennonite Central Committee <http://mcccanada.ca/learn/where/asia/democratic-peoples-republic-korea-north-korea>

91 World Council of Churches, 'Ecumenical forum delegation convenes for first time on Korean peninsula to discuss peace, reconciliation', 13 November 2015 www.oikoumene.org/en/press-centre/news/ecumenical-forum-delegation-convenes-for-first-time-on-korean-peninsula-to-discuss-peace-reconciliation

85 International Bar Association, 2015:278

86 United States Commission on International Religious Freedom, 2008:39

87 United States Commission on International Religious Freedom, 2008:40

recommended that churches around the world resist 'the confrontational misuse of human rights; [and end] the antagonistic leaflet campaign against North Korea'.⁹² This has received significant criticism for appearing to marginalise grave concerns about human rights violations. Baroness Cox, during a question for short debate in the House of Lords on North Korea's nuclear tests, stated that she and others 'are deeply concerned that the WCC's statement and an accompanying report issued by the Asia secretary of the Church of Scotland's World Mission Council ignore the horrific human rights violations and the severe persecution of Christians, documented by the UN commission of inquiry report'.⁹³

Perhaps the largest and most visible example of engagement through education is Pyongyang University of Science and Technology (PUST), established by the Northeast Asia Foundation for Education and Culture (NAFEC) and completed in 2008.⁹⁴ PUST's goals are to 'educate students to develop infrastructure within North Korea', 'reinforce the value of personal character', and 'encourage participation that raises standards of living across the globe'.

The YUST PUST Foundation (YPF) is a faith-based non-profit organisation based in the US that advocates for its affiliated institutions, such as PUST, by providing dedicated faculty members. The YPF acts as an intermediary organisation to provide resources to the Yanbian University of Science and Technology (YUST), PUST, North Korean Children Program (NK Children), and Yanbian International Academy (YIA). Some faculty members at PUST are religious believers, and in the 2014 BBC Panorama documentary entitled *Educating North Korea* Dr James Kim, president of PUST and a Christian, said, "We [the international community and North Korea] must make friends."⁹⁵ The documentary states how Dr Kim, an American citizen, is motivated by his Christian faith to use PUST to peacefully transform North Korea. Dr Kim is an example of how individuals motivated by their faith are working in North Korea and constructively engaging with the regime.

Two further initiatives to engage with North Korea are Flash Drives For Freedom, organised by the Human Rights Foundation and Forum 280,⁹⁶ and the 'stealth gospel' initiative, run by the organisation No Chain. Flash Drives For Freedom collects old flash drives from donors, puts information, music and video content on them, and smuggles them into North Korea, providing a vital source of information and education for North Korean people. The 'stealth gospel' initiative is led by Jung Gwang-Il, a

former North Korean political prisoner.⁹⁷ No Chain has recorded 32 songs that are almost identical to the ones played by state-run radio which praise the Kim family. The difference is that references in the songs to the Kim family are replaced by references to Jesus and the Holy Spirit. Mr Jung stated that he was using religion as a way of reaching the North Korean people and exposing them to alternative ways of thinking.

92 World Council of Churches, 'Pyongyang Appeal', October 2015 www.oikoumene.org/en/resources/documents/other-ecumenical-bodies/pyongyang-appeal

93 UK Parliament, Lords Hansard publication of speech, 21 January 2016 www.publications.parliament.uk/pa/ld201516/ldhansrd/text/160121-0002.htm

94 YUST PUST Foundation www.yustpust.org/pust.php

95 BBC, 'Panorama: Educating North Korea', 2014 <https://vimeo.com/86820870>

96 Flash Drives for Freedom www.flashdrivesforfreedom.org

97 *Guardian*, "'Stealth gospel' music aims to shake up North Korea's songs of praise", 30 May 2016 www.theguardian.com/world/2016/may/30/stealth-gospel-music-shake-up-north-korea-songs-of-praise

CONCLUSION

The North Korean regime has in the past adopted, and continues to adopt, official policies which appear to accommodate human rights; yet its real policy displays little change and may even be becoming more oppressive and erratic. Freedom of religion or belief is no exception and remains severely suppressed. The regime is actively hostile to religion and religious believers, both domestically and internationally. Many North Koreans are suffering because of their faith, and the international community needs to act urgently to end impunity and ensure accountability.

North Korea has several treaty obligations under international law to ensure that human rights are upheld for its people. Although the language in constitutional articles relating to freedom of religion or belief has been modified, the ambiguity of the language used still allows for hostile, oppressive and life-threatening policies towards religious believers. In any case the regime does not abide by its own laws and constitutional requirements.

The policies of sudden arrest, quick prosecution and trial, and detention in horrific prison camps are real policies and practices that are dictated by the leadership of North Korea. The regime operates within a strictly hierarchical monolithic system, led by Kim Jong-Un, and functions with impunity and without accountability, review, balance of power or justice. The entrenched *songbun* class system demonstrates extreme prejudice and divisions within society, including towards religious believers.

Christians are severely persecuted, labelled 'hostile' and subjected to eradication from society by placing them in isolated political prison camps. Testimonies from thousands of North Koreans over the decades shed light on the atrocious abuses that amount to crimes against humanity. Horrific accounts of torture, forced labour, starvation, sexual assault and even execution confirm the brutality of a system that despises religious believers and their freedoms. Even once North Koreans have escaped the oppressive regime, they are vulnerable to further harassment, detention and slavery, and forced repatriation from China to North Korea.

The violations of freedom of religion or belief in North Korea are among the very worst in the world. The COI report collated numerous testimonies of abuses that amount to crimes against humanity, as well as recommending action by the international community to establish accountability for these crimes. Both the UN Human Rights Council and the General Assembly adopted resolutions welcoming the COI report and endorsing its findings and recommendations. The Security Council has held discussions about the situation.

However, with the exception of the establishment of the UN Field Office in Seoul, few of the COI's recommendations have been implemented. This must change. Work must be done to build support for a Security Council referral of a case against the Democratic People's Republic of Korea to the International Criminal Court; or, failing that, an alternative justice mechanism. Action to end the crimes against humanity in North Korea is long overdue.

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CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

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