



**Joint Submission to the Universal Periodic Review of  
the Democratic People's Republic of Korea  
33<sup>rd</sup> session, October 2018**

This submission is presented on behalf of 1969 KAL Abductees' Families Association, South Korea Centro para la Apertura y el Desarrollo de América Latina (CADAL), Argentina Christian Solidarity Worldwide (CSW), Database Center for North Korean Human Rights (NKDB), South Korea Human Rights Watch International Coalition to Stop Crimes against Humanity in North Korea (ICNK), Jacob Blaustein Institute for the Advancement of Human Rights (JBI), United States Kenya Human Rights Commission, Kenya New Korea Women's Alliance, South Korea North Korea Strategy Center (NKSC), South Korea NK Watch, South Korea Open North Korea, South Korea Peace and Hope International Southern Africa Litigation Centre Transitional Justice Working Group (TJWG), South Korea.

**Summary**

Since the Democratic People's Republic of Korea (DPRK)'s previous Universal Periodic Review in 2014, North Korea's leader Kim Jong Un maintained severely repressive restrictions on domestic travel and unauthorized cross-border travel to China, and continued to punish North Koreans for making contact with the outside world. The government also continued to generate fearful obedience from citizens by means of threats and actual executions, prolonged detention, and forced labor under harsh, sometimes fatal, conditions. North Korea remains one of the most rights-repressing, totalitarian states in the world. The North Korean government outlaws the exercise of all basic civil and political liberties by its citizens, including freedom of expression, religion and conscience, assembly, and association. It prohibits organized political opposition, independent media and civil society, and free trade unions. Lack of an independent judiciary ensures impunity for arbitrary arrests and punishment of crimes, torture in custody, forced labor, and executions to maintain fear and control. North Korea almost never allows foreigners to conduct research about human rights in the country.

During the previous UPR review, the DPRK accepted 113 recommendations to strengthen its judiciary and legal framework, increase access to food, health, housing, and sanitation for its people, improve the [rights of children, women, the elderly, and persons with disabilities](#), and step up efforts in the field of human rights education, training, and awareness. Although the DPRK conducted [limited engagement](#) on those subjects with international human rights mechanisms, and increased the number of relevant laws and regulations, there is no evidence of human rights improvement, increased human rights awareness, or meaningful rights related trainings conducted on the ground as far as can be ascertained, given the extremely limited access to the country.

The North Korean government rejected 83 recommendations during its 2014 UPR session. Pyongyang refused recommendations that mentioned the discriminatory socio-political "*songbun*" system, as it denies its existence, suggestions to scrap generic crimes such as "activities against the State or society," and those calling for independent, international monitors to visit the country. North Korea also refused recommendations calling for abolishing the death penalty, ending public executions, allowing abductees and their descendants to return to their country of origin, closing political prison camps, and references to previous recommendations by the [UN Commission of Inquiry \(COI\)](#) or UN Special Rapporteur on human rights in North Korea. They also

rejected recommendations on allowing observers access to ordinary prisons and detention facilities, and ending all restrictions on freedom of expression.

In 2016, the North Korean government [ratified](#) the Convention on the Rights of Persons with Disabilities (CRPD). In 2017, the government participated in the 68<sup>th</sup> session with the Committee to Eliminate Discrimination Against Women and the 76<sup>th</sup> session with the Committee on the Rights of the Child. In May 2017, Catalina Devandas-Aguilar became the first UN thematic special rapporteur to visit North Korea although the government did not meet the requirements laid out in the [terms of reference](#) for special procedures mandates holders for a country visit, which include unrestricted movement and freedom of inquiry. But the North Korean government continued to totally reject the mandate of Tomas Quintana, the Special Rapporteur on human rights in North Korea, and that of the OHCHR's Seoul office.

### **Accountability on Crimes Against Humanity**

During the previous UPR review, the DPRK rejected 35 recommendations related to the Rome Statute, the International Criminal Court, and the [2014 COI](#). The COI established that the DPRK committed “systematic, widespread, and gross human rights violations” that constituted crimes against humanity in political prison camps (*kwanliso*) and ordinary prison camps (*kyohwaso*); that it targeted people who tried to flee the country, including those forcibly returned by the Chinese authorities to the DPRK; that it persecuted religious believers and others considered to introduce subversive influences; and that it violated the rights of people from other countries, in particular through international abductions.

On November 8, 2017, during a session with the CEDAW Committee, several members of the DPRK delegation [flatly rejected the findings of the COI](#).

### Recommendations:

- Acknowledge existing human rights violations, respond positively and substantively to the COI's findings and recommendations, and recognize the severity of the findings of systematic, widespread and gross human rights violations that constitute crimes against humanity;
- Allow unrestricted access for UN mechanisms and other independent monitors in the country to investigate human rights violations, protect those who provide information to such monitors from any sort of retaliation, and accept technical assistance in the necessary reforming of political and institutional structures to ensure accountability for those who commit rights abuses, given the lack of access to international monitors, the repressive and abusive track record of the DPRK, and the lack of protection mechanisms and accountability in the system; and
- Ratify the Rome Statute and implement the statute in national legislation, including by incorporating provisions to cooperate promptly and fully with the International Criminal Court and to investigate and prosecute genocide, crimes against humanity and war crimes before its national courts in accordance with international law.

### **Acknowledgement and Accountability for Political Prison Camps (*kwanliso*)**

The North Korean government rejected all 22 recommendations (recommendations No. 125.55 - 125.76) referring to political prison camps (*kwanliso*). It continued to strongly deny their existence, as the DPRK government said during the 2014 UPR review, when the DPRK reiterated that “political prison camps” did not exist, alleging they were [a complete fabrication](#).

The COI reported that in four political prison camps (*kwanliso*, literally control centers) “most victims are incarcerated for life, without chance of leaving the camps alive. Camp inmates are denied any contact with the outside world. Not even their closest family members receive any notification as to whether they are dead or alive. The camps serve to permanently remove from society those groups, families, and individuals that may

politically, ideologically, or economically challenge the current political system and leadership of the DPRK. The limited information that seeps out from the secret camps also creates a specter of fear among the general population in the DPRK, creating a powerful deterrent against any future challenges to the political system. Because the camps are generally located in remote, mountainous areas, the expression that someone has been ‘sent to the mountains’ has become synonymous with [state-sponsored enforced disappearance](#). The COI found the “DPRK authorities have committed, and are committing crimes against humanity in the political prison camps, including extermination, murder, enslavement, torture, imprisonment, rape and other grave sexual violence, and persecution on [political, religious, and gender grounds](#).”

#### Recommendations:

- Provide access to UN officials, international human rights monitors, and humanitarian organizations to the areas where *kwanliso* are or were located, including areas around Chongjin, Hwasong, and Hoeryong in North Hamgyong province, Kaechon in South Pyongan province, and Yodok and Pukchan in South Hamgyong province, as the North Korean government rejects the existence of political prison camps (*kwanliso*) in the DPRK; and
- Acknowledge the existence of political prison camps (*kwanliso*) and immediately shut them down; release all persons incarcerated there and enable them to return to their homes and families safely; and investigate and prosecute all those responsible for human rights abuses committed in these camps.

#### **Conditions in Ordinary Prison Camps (*kyohwaso*) and Detention Facilities**

During its 2014 UPR review, the DPRK noted five recommendations regarding the improvement of conditions under which persons are detained in detention facilities and ordinary prison camps (*kyohwaso*, literally reform through labor centers). Since that time, there has been no evidence of improvement of conditions for prisoners in these facilities.

The [COI established](#) that the North Korean government committed crimes against humanity, against ordinary prisoners, as well as people forcibly returned from China to North Korea, who were held in detention facilities, including detention facilities (*kuryujang*) and holding facilities (*jipkyulso*). The COI found that inhuman acts committed against prisoners in those facilities included illegal imprisonment, extermination and murder, torture, rape and other grave sexual violence, enslavement and enforced disappearance.

Human Rights Watch [found](#) that many North Koreans who ended up in detention facilities and ordinary prison camps were detained and punished for activities protected under international human rights law, such as travelling domestically without a permit, engaging in private economic activities involving medicinal herbs or seafood, using smuggled Chinese cell phones to make overseas calls, and displaying freedom of religion or thought.

#### Recommendations:

- Immediately end all human rights violations in ordinary prisons and detention facilities, and ensure adequate food and humane conditions in the country’s detention and prison facilities, as established by [The Nelson Mandela Rules](#);
- Outlaw use of forced labor by prisoners and abolish all “re-education through labor” centers;
- Allow access by UN human rights special rapporteurs and other international human rights monitors to all ordinary prisons and detention facilities, including the pre-trial detention facilities (*kuryujang*) and temporary holding facilities (*jipkyulso*) near the northern border with China; and
- Release all detainees and prisoners held for the peaceful exercise of civil and political rights, as well as socio-economic rights, as provided by the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, ratified by North Korea.

## **Lack of Independent Judiciary and Due Process**

During the 2014 UPR review, the North Korean government agreed to strengthen the independence of the judiciary and ensure the right to fair trial and due process guarantees. Yet none of these pledges have been fulfilled over the past four years. The North Korean governing system still places all powers of the state, including over the judiciary, in the hands of North Korean leader's Kim Jong Un. Both the justice system and the law are used to maintain the leader's supremacy. The DPRK laws continue to provide security agencies with virtually unlimited powers of search, seizure and arrest during the investigation and pre-trial examination phases.

### Recommendations:

- Undertake profound political and institutional reforms to introduce a system of genuine checks and balances upon the powers of the leader, and ensure the operation of an independent judiciary; and
- Reform the Criminal Code and Code of Criminal Procedure to fully enshrine the right to due process and a [free and fair trial](#).

## **Women's Rights**

The North Korean government agreed to improve and protect women's rights, although it noted recommendations regarding violence against women.<sup>1</sup> During its review by the [CEDAW Committee in November 2017](#), DPRK officials claimed repeatedly that equality had been achieved between men and women. The officials also claimed CEDAW's international standards had been integrated into domestic law and that effective protection mechanisms were in place for women. Delegation members also claimed "women's physical characteristics" explained why there was gender segregation in some workplaces. One DPRK official didn't understand what "marital rape" was and asked the committee to explain it. The same official also [claimed](#) that punishment for a superior coercing a woman into sex should be much less than rape involving use of violence – because, it was claimed, the impact on the victim is less. The officials later amended his statement to say if a woman did not consent to sex but was forced then she had been raped, and the perpetrator would be punished accordingly.

According to [33 North Koreans who left the DPRK after 2014](#), women and girls face systematic gender-based discrimination at both school and home, and are constantly exposed to and compelled to comply with prevalent stereotyped gender roles. The interviewees stated they never heard of any government sponsored awareness campaign for gender-equality or to prevent violence against women.

In its report to the CEDAW committee, the DPRK said that the Socialist Women's Union of Korea ([Women's Union](#), also the former Democratic Women's Union of Korea) played a "pivotal role in the dissemination and awareness-raising efforts" in respect of women's rights. The interviewees stated the Women's Union did not play that role, but rather operated as a highly-politicized institution tasked with spreading the DPRK leadership propaganda and imposed requirements for unpaid forced labor. Some of the women told Human Rights Watch that they were able to pay bribes in exchange for being allowed to not attend such meetings. All married women who did not belong to other groups, such as the People's Party or their workplace, were required to be members of the Women's Union, regardless of whether they wanted to be or not.<sup>2</sup>

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<sup>1</sup> The North Korean government agreed to improve and protect women's rights (No. 124.30, 124.34, 124.36, 124.69 - 124.76, 124.105, 124.107, 124.110, 124.169, 124.170) and supported recommendations (No. 124.105, 124.107, 124.110) regarding violence against women, although it rejected one recommendation (s No. 125.41) and noted 5 recommendations (No. 124.100, 124.106, 124.108, 124.109, 124.119) regarding violence against women.

<sup>2</sup> All citizens are required until death to become members of and participate in the activities of mass associations that are under the oversight of the party. Membership starts on entry to elementary school. Between ages 7 and 13, all children become members of the Children's Union. Their activities are overseen by members of the Kim Il Sung Socialist Youth League, which is made up of students between 14 and their early 30's, when people may finish higher education degrees. After leaving school, a citizen becomes a member of the General Federation of Korean Trade Unions, the Union of Agricultural Working People or Women's Union depending on one's employment and marital status. COI, para 183.

[Violence against women and girls](#) is a [common occurrence](#) in North Korea, and causes physical, sexual, or psychological harm to women. Women also face threats, coercion, and arbitrary deprivation of liberty in public or private life. Interviewees told Human Rights Watch that every woman they knew in North Korea had experienced sexual or gender-based violence at some point in their lives, especially domestic violence and sexual harassment. The interviewees also said that state authorities consider domestic violence a private family matter and do not intervene.

#### Recommendations:

- Acknowledge the problem of discrimination and violence against women and girls in North Korea and abolish propaganda, educational curriculum, practices, and social policies that promote discriminatory attitudes towards women and girls;
- Reform national legislation to create clear and enforceable provisions within the Criminal Code to criminalize all forms of violence against women and girls, including sexual assault, sexual coercion, rape, and marital rape, and ensure full enforcement of these provisions of law;
- Discipline and, where appropriate, prosecute public officials, including police, *bowiseong*, military officers, and ruling party officials, who are implicated in promoting discriminatory practices, violate the rights of, and/or commit violence against women and girls; and
- Clarify the specific role and demands made to the Women's Union's by the government; engage with international organizations to fund and implement projects within and along with the Women's Union to promote and protect women's rights in accordance with international standards, and ban the Women's Union from making demands of fees or forced labor; ensure freedom of association, which provides the right to choose whether to join organizations, and end the practice of forcing all married women to join the Women's Union.

#### **Children's Rights**

In its 2014 UPR, North Korea accepted 25 recommendations related to the protection of the rights of children. In a [report](#) submitted to the Committee of Rights of the Child in May 2016, the DPRK claimed it increased budgetary expenditure on education and stated the school attendance rate had risen to over 98 percent. Human Rights Watch has received several [accounts](#) suggesting this is an overly optimistic assessment.

According to government policy, all children are required to attend school for 12 years. However, only children of families with a good political profile (*songbun*) are permitted to attend prestigious universities. Those belonging to the middle and low *songbun* groups face limited choices, or no choice whatsoever, in their education or work. Even if they graduate from school, the government controls their future: they may be forced to follow their parent's occupation, blocked from going to college, and even prevented from getting the job of their choice.

Human Rights Watch received accounts of teachers focusing their lessons on ruling political ideology and propaganda and overlooking subjects like math or science. Such subjects are only taught thoroughly to students with better *songbun*. According to our research, educators forced other students to do unpaid labor like farming or collecting materials, including scrap metal and rocks that could be used in construction.

In its submission to the CRC Committee, North Korea claimed it abolished child labor in the country 70 years ago with a law prohibiting employment of children below the age of 16. However, Human Rights Watch

received accounts from North Koreans that stated the ruling Korean People's Workers' Party, and the Ministry of Education, exacts labor from children in collaboration with primary and secondary schools, vocational schools, and colleges and universities. The Korean Children's Union (an organization that represents and requires membership for students between the ages of 7 and 13), and the Kimilsungist-Kimjongilist Youth League (a youth organization under the directive of the party Central Committee, whose members are students aged between 14 and 30) also benefit from child labor. The ruling party and the Ministry of Education request cash or labor directly from schools, the Children's Union, or the Youth League. School administrators then exploit children to meet those government requests, maintain and manage schools, and even to earn a profit.

#### Recommendations:

- Require schools to provide an education of sufficient quality in standard academic subjects to all students, without discrimination;
- Acknowledge the existence of the socio-political classification of *songbun* and ban discriminatory practices by the government depending on a child or the child's family perception of loyalty to the ruling party and government to allow access to quality education or prestigious universities; and
- Discipline school principals, administrators, and teachers who demand unpaid labor from their students, and publicize those penalties.

#### **Forced Labor**

In the last UPR, the DPRK accepted a recommendation to "take practical measures to provide safer working conditions, suitable for its citizens" and considered a recommendation to join the International Labour Organization (ILO) but to date, it still has not become a member.

The North Korean government systematically [requires](#) forced, uncompensated labor from much of its population, including workers at state owned enterprises or deployed overseas, women, [children](#), and [prisoners](#). A significant majority of North Koreans must perform unpaid labor at some point in their lives or pay bribes not to do so. Demands for labor, often called "portrayals of loyalty," are not simply a part of normal civic obligations but are also used to sustain the country's economy.

Ordinary North Korean workers are [not free to choose their own job](#). The government assigns jobs to both men and unmarried women from cities and rural areas. In theory, they are entitled to a salary, but in many cases these enterprises do not compensate them, forcing them to find other jobs to survive while they pay bribes to avoid having to go to their officially designated workplace. Not showing up at work without permission or being unemployed is a crime punishable by 3 to 6 months in brutal forced labor training camps (*rodong dallyeondae*).

The government also compels numerous North Koreans to join [paramilitary forced labor brigades](#) and work extended periods of time without pay. These brigades (*dolgyeokdae*) are controlled and operated by the ruling party, have military structures, and work primarily on construction projects for buildings and other basic public infrastructure. [Prisoners](#) in North Korea's political prisons (*kwanliso*), as well as ordinary prison camps (*kyohwaso*) and short-term detention facilities also must face back-breaking forced labor in difficult and dangerous conditions, sometimes in winter weather without proper clothing.

#### Recommendations:

- Accept the obligations of the Constitution of the International Labour Organization and commence the procedure to become a member state of the ILO; engage ILO officials on issues of protection and promotion of worker's rights, including ending forced labor in all forms, and child labor;

- Permit workers to select where they wish to work and change employment without penalty or punishment; release all persons incarcerated for not being employed; and
- Ban the requirement that obliges prisoners and detainees to perform forced unpaid labor.