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White Paper on Human Rights in North Korea

Korea Institute for National Unification

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2008

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Preface

In 2007, the international community continued its endeavor to improve the serious human rights situation in North Korea. And, even though North Korea has protested the UN General Assembly's repeated resolutions on North Korean human rights, it has also taken some positive steps, such as submitting the 3rd and 4th combined national implementation report for the Rights of the Child Convention. The Six Party Talks on the North Korean Nuclear Issue has made some progress in 2007, and the two Koreas held the second summit meeting in October. Two years in a row, 2006 and 2007, North Korea has suffered severe flood damage. Ultimately, the international community has concluded that the human rights situation in North Korea did not improve in 2007.

Human rights violations continue to persist in North Korea in 2007 due to the continuing economic hardship and the stringent population control measures. Similar to other countries with human rights problems, North Korea has certain structural problems that tend to contribute to various human rights violations. When the central ration system began to collapse, most North Koreans had to set out on their own in search of food and livelihood. Since freedom of movement was not allowed in North Korea, moving around illegally resulted in penalties under the law, which people would avoid through bribery. The widespread practice of bribery is part of life in North Korea today and has a serious impact on the daily lives of North Korean people. Given the rapidly changing social conditions, it seems desirable for us to examine how basic rights of individuals are affected and how we could develop specific plans to effectively promote the human rights of North Korean people and improve the overall situation there.

The Korea Institute for National Unification(KINU) set up the

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North Korean Human Rights Data and Information Center(the current Center for North Korean Human Rights Studies) in December of 1994 to systematically collect, examine, and analyze various information and materials on North Korean human rights. As part of this process, KINU has been publishing since 1996 the annual White Paper on Human Rights in North Korea, both in Korean and in English. In spite of repeated demands by the international community, North Korea continues to deny admission into North Korea of international human rights agencies and organizations. As a result, it is impossible to independently monitor the reality of human rights violations or to verify information concerning various human rights abuses and infringements by firsthand observation. Collection of information and materials on North Korean human rights requires meticulous care and a prudent approach. Taking various realistic elements into consideration, the White Paper on Human Rights in North Korea, 2008 has attempted to compare various facts and data and verify information contained in the materials published at home and abroad. In addition, we have drawn on in-depth personal interviews with the North Korean defectors, who came into South Korea(the “new settlers”) in 2007 and early 2008.

Despite these realistic limitations, it is our hope that this White Paper will help raise international and domestic concerns about North Korean human rights and contribute to our concentrated endeavor to improve the human rights situation there.

Suh, Jae Jean, Ph. D
President,
Korea Institute for National Unification
September, 2008



Executive Summary

I. Human Rights and Characteristics of the North Korean System

The North Korean system is totally dependent on the personality cult of its supreme leader, Kim Jong-il, one-party rule, and the brute force of its military and security apparatus. Each part of this system, individually and collectively, functions as a major hurdle on the way to accepting human rights as universal values.

With the collapse of the “Socialist Economic Bloc” on which North Korea had heavily depended, and due to the inherent flaws in its Socialist planned economic system, the North Korean economy began to experience a serious stagnation in the 1990s. Due to the continuing economic hardship, the government could not guarantee even the minimum level of livelihood and subsequently contributed to a serious violation of “economic rights” of its own people. As the economy deteriorated, individual misdemeanors and social depravities rapidly increased, which in turn resulted in stepped-up penalties and harsh treatment of suspects and inmates in the name of law and order. In the process, the authorities would routinely violate fundamental rights of individual citizens.

Based on its collectivist ideology, North Korea tries to look at liberal democracy and civil and political rights through its own concept of multilateralism. North Korea has developed a unique concept of “our-style human rights,” which is totally different from the Western concept of human rights. North Korea argues that “our-style Socialist system” is tightly organized with “our masses” and united around the Suryong(leader) and the Party. North Korea maintains, “Our human

rights are fully guaranteed under our-style Socialist system” and “our-style human rights standards.”

As for the international demand for improvement of human rights, North Korea’s position is that “human rights are national rights.” The “self-reliance right” is the lifeline for any nation or people, so the nation that has lost this right would be unable to guarantee any human rights. Based on this strained logic, North Korea maintains the position that all resolutions on North Korean human rights, whether adopted by the UN General Assembly or by the UN on Human Rights Commission or not, are part of “human rights attacks” and therefore are totally unacceptable. It further insists that the UN Human Rights Council must stop adopting human rights resolutions regarding developing countries and abolish the “special rapporteur” system because each stems from suspicious political motivations. In an effort to avoid international isolation, however, North Korea continues to file implementation reports every year as specified in various International Human Rights Covenants to which it is a party. North Korea has also revised its criminal law provisions so long as the revisions did not affect the imperatives of its regime security.

II. The Reality of Civil and Political Rights

In 2007, North Korea continued to enact “public-executions,” the most inhuman method of depriving one’s right to life. Public execution is brutal and “anti-human right” in nature. Furthermore, it is a form of capital punishment imposed on crimes that are not listed



or stipulated in North Korea's Penal Code. The crimes subject to capital punishment are specifically enumerated in the Penal Code. And yet, North Korean authorities continue to impose death penalties, openly and arbitrarily, through official instructions and proclamations. As law-breakers, social disorder, and depravities increased under the economic hardship, the number of public executions also increased, according to the testimonies of North Korean defectors. They said the number of public executions of ranking officials was increasing as corruption in high places ran rampant. The authorities conducted frequent private home inspections using the "anti-Socialist Groupupa," and the cases of public execution also increased. Most frequently punished crimes were violations of communication laws involving mobile phones and video sales. Public executions were also carried out for the crimes of smuggling and human trafficking. In his testimony, the defector Shin Dong-hyuk, who had successfully escaped from the No. 14 *Gwanliso* in Gaechon, has revealed that North Korean authorities would publicly execute those who tried to escape from the camp unsuccessfully (In fact, his mother and brother were publicly executed exactly for that reason).

In 2004 and 2005, North Korea revised its Criminal Procedure Law setting down stricter arrest and detention procedures, presumably to better protect fundamental human rights. These were positive steps. But, as of 2007, North Korea has not joined the international convention on torture prevention. According to the "new settler" testimonies, inhuman and degrading treatments such as tortures and beating of inmates are routinely conducted in all types of detention facilities, including correctional centers, labor-training camps, collection centers, and detention centers. Furthermore, due to malnutrition, disease, and filthy conditions in these detention facilities, many detainees ultimately died there. As crimes and depravity rapidly increased, the number of

criminals also increased, thereby overcrowding the detention capacity. According to the testimony of Shin Dong-hyuk, the detainee(*Gwanliso*) center was operating secret solitary confinement cells, where unspeakable tortures were inflicted on inmates. There were also 10 rules(the “10 commandments”), and if anyone were to violate any of these rules he/she would immediately be put to death by firing squad. There are “people’s schools(elementary)” and middle schools inside the center, but middle school students normally do not receive an education but are in most cases mobilized for manual labor.

Open public trials, intended as warnings to the public, are still conducted widely in North Korea. While these “on-site” trials are routinely observed in North Korea, some defectors testified that they have seen attorney’s offices inside some court buildings.

North Korea’s Socialist Constitution stipulates the individual’s right to equal opportunity. In reality, however, discriminations based on personal and family background continue to persist in North Korea. For this reason, only people with good family background will advance to positions in the Party and other security-sensitive positions. As a result of unintended social changes brought on by market economic elements under the economic hardship, some management jobs are filled based on individual competence, and increasingly many universities will now select students on the basis of academic performance.

In the past, midgets were segregated and sterilized(castrated), and persons with physical handicaps were not allowed to live in Pyongyang. However, North Korea enacted in 2003 the law for the protection of disabled persons, laying down the basis for their protection. Meanwhile, in cooperation with North Korea’s disabled Persons Protection League the Light House Foundation based in South Korea has built the “Botonggang Comprehensive Convenience



Center,” an independent rehabilitation center for the disabled, in Pyongyang(along the Botonggang River). The Lighthouse Foundation has also provided special instructional aids and equipment to eight schools for the hearing impaired and three schools for the blind. In addition, on the occasion of International Day of Disabled Persons, December 3, 2007, the foundation for the first time launched a public information campaign in North Korea by carrying an article entitled “For More Rights of the Disabled,” in the Pyongyang Times.

North Korea continues to enforce strict controls over freedom of travel. Admission into the city of Pyongyang and the border regions requires travel permits and trips to these areas are restricted to official business only. Foreign travels are possible only if one is issued a passport or travel permits. And, even after one gets travel permits or passports, one is required to obtain an “exit visa” and undergo a mandatory pre-departure orientation. Despite the official travel policy, however, the continuing economic difficulties seem to have significantly affected the way most North Koreans travel.

The travel permit system exists, but access to most areas is possible through bribery, except to security-sensitive areas. North Korean defectors testified that restrictions to security-sensitive areas are strictly enforced, but due to economic hardship and corrupt officials people with money can obtain travel permits to most areas, except Pyongyang and a few restricted areas.

North Koreans are subject to inspections not only on the road but also at places of overnight stay. The military or security agents from nearby branch offices will frequently conduct “bed checks.” They are checking to see if the travelers have properly registered at the “private inns” where they are staying and if they are carrying citizen IDs with them. These inspections are conducted particularly during the special alert periods, and during the alert the inspection is conducted every

night. The authorities will also conduct special inspections in the event of an escapee or fugitive in the area or during a special event. In the border regions, these types of inspection take place routinely and without prior notice.

North Koreans' overseas travels may be divided into two broad categories: The first category stay abroad for an extended period of time for purposes of official business or employment; and the second category is for those who visit families and relatives for a relatively short period of time. Long-term stays are on the increase due to the expanding overseas employment opportunities such as construction work, sewing and clothing jobs, restaurants, and lumberjacks. But these foreign travel/job opportunities are granted only to a limited number of people with solid ideological backgrounds. In the case of most ordinary people, the government will only allow travels of short duration for purposes of trading or visits with their relatives in China.

Since 2005, North Korea has implemented a new rule for the people who have relatives in China, requiring them to pre-register their relatives' names and addresses. If one's relatives were not pre-registered on the electronic list, the authorities do not allow either side to meet with the other even if their relationship were genuine. Since 2007, North Korea has decided to recall all children accompanying their parents and living abroad. There has been a significant level of discontent with this recall decision.

There has been little change in the level of restrictions on basic freedoms, including freedom of the press, publication, assembly, and association. As more and more North Koreans joined the recent practice of viewing foreign videos discreetly, North Korean authorities have been tightening surveillance activities by mobilizing security agents and the "anti-Socialist Group." In addition to prohibiting the use of mobile(cell) phones, North Korea has issued repeated instructions



restricting the use of fiber-optic(land-line) telephones across the nation.

Unlike the case for videos, if anyone is caught reading South Korean publications, he/she is heavily punished under espionage charges. Chinese or South Korean books are absolutely not allowed. But, some defectors testified, they have seen vendors who were discreetly trying to sell foreign books.

There has apparently been little change in the area of freedom of religion in 2007. There is no religious freedom in North Korea, even though there are some religious buildings and some controlled ceremonies, as well as centralized religious organizations. Many defectors have testified that if North Korean citizens who have been forcibly deported back to North Korea have had contacts with religious persons while they were in China they would be subject to heavier penalties than those who had fled simply for economic reasons. In 2007, North Korea held general elections for the people's deputies. In addition to slogans encouraging the people to participate in the elections, there were various attempts to force them to cast 100 percent affirmative votes for the designated candidates, revealing that secret ballots are not guaranteed in North Korean elections.

III. The Reality Economic, Social, and Cultural Rights

North Korea's grain shortage began as early as the late 1980s. Due to its economic structural issues and external conditions, however, the efforts of North Korean authorities did not lead to an increased agricultural output or alleviate its grain shortages. As the food shortage became serious in 1994, North Korea had to suspend national grain rations in parts of the country and by 1996 the entire ration system had to be suspended altogether. Even today, official grain rations are made available, on a priority basis, only to members of Party the

staff, National Safety Protection Agency, armed forces, and military industries. Ordinary citizens will get 2-3 days' worth of grain only on special holidays like: the birthdays of Kim Il-sung and Kim Jong-il, the Lunar Thanksgiving, and New Year's Day. Even in Pyongyang, which is a special city, only one-week's worth of grain per month is distributed as part of the official ration.

North Korea asserts that its social welfare system is far more advanced than Western European nations. In reality, however, its system is not functioning properly for lack of necessary funds. In terms of legal framework, pension systems for the retired are theoretically laid out, but nothing is functioning in reality due to the economic hardship. Free medical treatment is one of the areas that North Korea has offered as the best examples of its social welfare system, but this system does not work anywhere in the country. North Korea is suffering from a severe lack of medicines, operating equipment, and medical supplies of all types. In addition, hospitals are unable to run their operating rooms for lack of running water and electricity.

North Korea's stringent labor law provisions and ration system notwithstanding, significant changes appear to be taking place in the traditional job structure and people's attitude toward jobs. Bribery is routinely taking place in connection with job assignments and mass mobilizations; and absences without leave occur quite frequently in all job categories. The most obvious case of "bribery assignment" is in the area of "foreign currency earning" jobs, where people are appointed to positions at trading companies without due consideration of their professional training or knowledge.

If one has money(funds for investment) and capabilities, one can register with a foreign currency earning company and engage in a foreign currency earning business, while paying in an established amount to the company. If the company one works for belongs to the



Party or Security Agency, one will have few problems in transportation or business conduct. This is why people always prefer to work for the company operating under power organizations. According to a defector who used to work for such a company, he said he used to pay in about US \$100 a month to the company. However, the managers and workers at these companies are frequently involved in illegal practices and end up serving in “correctional centers” for their crimes. So there is a saying, “Foreign currency earning will also earn correctional service.” People who are engaged in a peddling or vending business, while nominally registered at a factory or enterprise, are called the “8.3 workers.” The number of “8.3 workers” has been increasing recently because they cannot live on the pay they get from their factory or enterprise.

IV. The Rights of the Minorities

1. The Rights of Women

The social status and role of North Korean women have not improved as much as North Korea insists. The feudalistic and paternalistic social environment that fosters the social perception of, and discrimination against, women, has not changed at all. In its first implementation report on CEDAW convention in 2002, North Korea had acknowledged this fact by saying, “We were able to accomplish some positive results in implementing the convention, because we had in place various legal and institutional framework for the elimination of all discrimination against women. But, we acknowledge that there is room for improvement.” The UN Special Rapporteur on North Korean Human Rights has also pointed out in his February, 2008, report that even though North Korean women constitute a majority of North

Korea's workforce their opportunities to advance to decision-making positions are severely restricted. Although North Korea has legal and institutional framework in place for the promotion of gender equality under its Socialist system, the reality is that the male-dominant family structure persists in North Korea today, and women are expected to perform various household chores in the family. In a male-dominant and paternalistic society, family violence against women is routine, and individual woman seldom has a sense of self-respect despite the traditional social principles of Koreans. Sexual abuse and harassment of women in North Korea has been widespread and become worse since the onset of food shortage in 1990. And, the cases of trafficking of women and of prostitution have dramatically increased during the period. In addition, severe famine has brought on acute malnutrition for most North Korean women, leading to a drastic increase in health risk cases during pregnancy, childbirth, and child rearing.

2. The Rights of the Child

North Korea has assented to the Rights of the Child Convention in September of 1990, and submitted three implementation reports since. In its combined 3rd and 4th report submitted in November of 2007, North Korea insisted that its children-related policies have fully complied with various principles and demands of the Rights of the Child Convention, and said it has either revised or updated various children-related laws and regulations. North Korea said it has begun to teach various principles and rules concerning the rights of the child by incorporating these contents in the “Socialist Ethics and Law” and “Socialist Ethics” courses, that are taught as part of elementary and middle school curriculums since 2005. Nonetheless, it has been widely reported that the standards of life and daily living environment



of North Korean children have been seriously deteriorating since the onset of economic hardship and food shortage in the mid-1990s. Most children are not protected by their right to food and are suffering from chronic hunger and malnutrition which constantly threatens their very right to life. As economic conditions deteriorated, the child-protection and child care/education facilities could not properly function either. A large number of children died from such causes as unsanitary drinking water and unsanitary living conditions that spread contagious diseases among the most vulnerable children.

V. Other Human Rights Violations

1. South Koreans Abducted and Detained in North Korea

No accurate record is available as to how many South Korean citizens have been abducted to the North, especially during the Korean War. There exist significant differences between various lists and documents compiled by government agencies and private organizations. For example, the Statistics Bureau of Office of Public Information had a list of 2,438 persons abducted from the City of Seoul in 1950; the Family of Korean War Abducted Persons had compiled a list of 2,316 abducted persons in 1951; the South Korean Government published in October of 1952 a list of 82,959 abducted persons during the Korean War; the 1953 Statistical Almanac had listed a total of 84,532 abductees; in 1954 the Police Headquarters under the Ministry of Internal Affairs had put out a list of 17,940 abductees; and the Korean Red Cross had compiled a list of 7,034 persons.

Regardless of the number, no one who had been abducted during the Korean War has returned home, so far.

A total of 3,795 South Koreans have been abducted to North

Korea since the July, 1953, ceasefire. Of the total, 87 percent, or 3,315 persons, have returned home to the South. Since six persons have recently fled from the North and returned home to South Korea, a total of 480 abductees are still held in North Korea at this point.

A total of 16 Family Reunion Meetings have been held since 2000. Through these events South Korea's Red Cross requested North Korean Red Cross to confirm the status of 97 persons abducted to the North since the end of Korean War. North Korea notified that 15 of them were alive, 19 dead, and 63 unable to confirm. Of the 15 alive, 14 have been able to meet with South Korean family members. All of them had spouses and children in North Korea, and some 73 persons from 16 families got together during the reunion meetings. In 2007, the Government decided to reclassify the status of a former Defense Ministry employee, who was labeled as a defector to the North, as an abducted person on the basis of a petition filed by his son and the subsequent review process. The Association of Abducted Persons' Families released two letters and two photographs of five fishermen who had been abducted aboard the Yongpoongho in 1972. The pictures were taken on Nov. 9, 1972, five months after the abduction, at an unidentified location in North Korea.

2. The Human Rights of South Korean POWs Held in North Korea

The number of South Korean POWs held in North Korea is estimated to be about 19,409. This number was derived from a total number of Korean War MIAs numbering a total of 41,971. Among them, 8,726 persons have returned home as part of POW exchange at the end of Korean War. A total of 13,836 persons have been listed as killed-in-action during the war. Recently, the Ministry of Defense



announced(on Jan. 22, 2007) that a total of 1,738 POWs were still presumed held in North Korea based on reports of returning former POWs and defector testimonies. Of the total, 545 former POWs have been confirmed alive. However, in view of the fact that a few POWs, who have returned home alive had been listed on the killed-in-action roster, the actual number of POWs still alive in North Korea today could be higher than the Ministry's best estimate.

In 1994, Lt. Cho Chang-ho, who had been held POW in the North, returned home to the South. since then, many former POWs have been returning to the South every year. As of February, 2008, a total of 72 former POWs have come back to South Korea, along with 154 family members.

3. Human Rights of Violations on North Korean Escapees

North Korea began to experience some relief in its grain shortage crisis thanks to the humanitarian assistance provided by the international community. As a result, the number of escapees has been decreasing. And the number grew smaller as North Korean and Chinese border patrol activities increased. There is no systematic survey about the number of escapees in China since the end of 2006. But recent estimates seem to put the number of North Korean escapees in China at about 20-40 thousand, a significant reduction from previous years. One reason is that the number of escapees in the Yianbian Autonomous Province(for ethnic Koreans) greatly decreased as their number was growing in large cities and remote mountain villages away from the border regions.

The international community has continuously been raising the issue of human trafficking of North Korean women. The number of human trafficking cases has greatly varied over time. When the food

shortage was severe all across North Korea, it was impossible in many cases to determine whether illegal border crossings were part of human trafficking or simple cases of illegal entry into China. In some cases, a neighbor who had crossed the border before, or a river-crossing guide, would lead a group of escapees across the border, and in other cases people would simply tag along with their neighbors or relatives as they crossed the border into China in search of food.

As the number of escapees began to increase rapidly, there appeared underground organizations trying to take advantage of these people by helping them cross the border and “selling them” over to “employers” in China for a fee. Sometimes, attempts were made to pick the escapees up at the marketplace or railroad stations.

Even if a North Korean woman were brought to China as part of a “forced marriage,” the marriage with her Chinese husband would often be short-lived due to sexual abuse, family violence, drinking, gambling, or other mistreatment. In such a case, the North Korean woman would attempt to run to far away regions, and would not return to her “husband” even if she returned to China after a forcible deportation to North Korea. If a North Korean woman were to get pregnant during her “forced marriage,” she would try to get an abortion unless her Chinese husband decided otherwise. If a child is born between them, however, many women will decide to endure the forced marriage. This is true even in the case of marriage to a Korean Chinese man. For this reason, many ethnic Koreans living in China want to produce a child in order to keep the North Korean wife with him. Many “human-trafficked” North Korea women in China are forced to work at various illegal sex establishments, such as “sing-along” joints.

As human rights abuses in the process of human trafficking became widely reported, Chinese authorities launched a massive round-up campaign against such organizations. North Korea also began



to take very stringent enforcement measures against all trafficking crimes, including publicly executing perpetrators of such crimes, when the trafficking of North Korean women became an international issue. Both China and North Korea appear to be taking strong measures against human trafficking crimes in response to international concerns over such inhuman crimes. It is clear that North Korea and China have been trying very hard to eliminate human trafficking crimes, especially North Korea in view of the increased frequency of public executions of the perpetrators of the crime.

North Korea relaxed the level of punishment on escapees when it revised its Constitution in 1998 and Penal Code in 2004. As the number of border crossing people increased drastically after 1998 and as law and order broke down under the economic hardship the authorities were forced to relax the punishment levels for the “economic defectors.” No one appears to have been sent to a political concentration camp for a defection crime since 2000. Most of the returning escapees had to undergo 1-6 months of “labor-training” at labor training camps. But since 2004 the level has been raised again, and in 2006 and 2007 the escapees’ family members remaining in North Korea have been forcibly relocated to remote areas.

Since the international community complained about the forced abortion cases of pregnant North Korean women who had been forcibly deported from China, as well as about the intentional abuse/killing of newborns upon birth, North Korea has begun to allow the birth of the child in some regions and attempted to hand over the newborn to its Chinese parent. Yet, reports of mishandling of newborns and pregnant women continued to be reported in 2004.

North Korea and China have strengthened their border patrols. When the number of defectors began to increase in the wake of the deteriorating food situation in July, 2006, the two sides strengthened

the border patrol. In December, 2006, a massive “absentee check” was launched, on top of the strong enforcement actions, to stem the tide of increasing defectors. And when a few “absence without leave” cases occurred in the Border Patrol Command, an “arrest campaign” was launched within the Command. It is reported that strong on-going enforcement activities attempting to stem the tide of defectors has continued on through 2007.

In 2007, such questions as legal status and the education of children born of North Korean escapees abroad became a serious human rights issue. The question of families separated by reason of defection and how to reunite them has become a major human rights issue. Until now, their separated lives were thought to be something that was unavoidable. But, if reuniting these families is important, it is equally important to develop ways to reunite them as early as possible



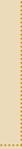
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White Paper on Human Rights in North Korea 2008



I

Human Rights and the Characteristics of the North Korean System

1. Human Rights and the Characteristics of the North Korean System
2. North Korea's Concept of Human Rights
3. International Human Rights Regime and
North Korean Human Rights Policies



1

⋮

Human Rights and the Characteristics of the North Korean System

A. Human Rights Violations by the Dictatorial Regime

The terrible human rights situation in the Democratic People's Republic of Korea (DPRK or North Korea) is deeply related to the unique characteristics of the North Korean system. In the process of building a Socialist State, North Korea has combined traditional Marxism-Leninism with Kim Il Sung's dictatorship, thus reinforcing both totalitarian characteristics and a monolithic ruling structure.

To achieve its goal of "Socialist Revolution" North Korea has prescribed "dictatorship of the proletariat" in its laws and assigned all legitimate authority to a small group of power elite. This elite group will enforce any type of physical sanctions and mobilize any amount of manpower for the maintenance of its regime. Clearly, North Korea's totalitarian dictatorship and centralized command economy are built upon the sacrifices of its people, yet the Kim Il-sung/Kim Jong-il regime is widely characterized in terms of one-man dictatorship, personality cult, and absolute power in the leader.

However, from the early 1990s onward, the former Soviet Union and East European Socialist Bloc countries began reforming their systems. The North Korean economy, which had heavily depended on the Socialist economic bloc, began to experience an extreme downturn. The ruling structure, based on excessive political mobilization and coercive physical force, ultimately begun to undermine the system's competitive edge. For all intents and purposes, North Korea is considered a "failed state."¹

However, the incumbent Kim Jong Il regime is still relying on oppressive state security agencies to maintain his power and control over society. In an effort to maintain law and order in the face of rising public discontent and social deviance, North Korea is enforcing a type of "martial law" called "military-first politics(or *sungun* politics)." North Korea continues to perpetrate cruel human rights abuses, including political purges against anti-Kim Jong Il factions, often executing or detaining in political concentration camps these perceived threats to the system.

The "supreme leader" Kim Jong Il and his regime continue to rely on the military and security apparatus to maintain the one-Party dictatorship(of the Korean Workers' Party or KWP) and promote the cult of personality centered around the supreme leader himself. For these reasons, it becomes very difficult for North Korea to recognize human rights as a universal value.

¹ North Korea is a unique "failed state" since it still has a complete monopoly over the means to control its territory; Robert I. Rotberg, "Failed State in a World of Terror," *Foreign Affairs*, Vol. 81, No. 4 (Jul./Aug. 2002).

B. Human Rights Abuses Due to the Economic Hardship

With the collapse of the Socialist economic bloc on which North Korea had depended, the North Korean economy began to collapse, and stagnate, from the early 1990s onward. The production plans and distribution systems based on centrally directed economic plans were for most purposes paralyzed, and North Koreans began to experience extreme food shortage and economic hardship. In addition, natural disasters struck North Korea in the summer of 1995, creating a major humanitarian crisis. Shortly after, North Korea requested relief aid from the international community. In fact, food rations normally provided by the government had to be suspended in parts of North Korea starting in the early 1990s, and people had begun looking for food on their own. As a result, many individuals began to engage in a variety of buying and selling activities in the streets and markets. However, private business activities were illegal at the time, and many had to face penalties and punishment or run from the law. In the process, law enforcement authorities tried to control illegal peddling activities while people were trying to do whatever they had to do to survive, hence the rapid increases in social misdemeanors and deviant behaviors. To maintain law and order, the authorities initiated heavier penalties and punishments to address the situation. This vicious cycle contributed to a further degradation of citizens' fundamental human rights.

In 2002, North Korea decided to implement the “July 1st Economic Management Improvement Measures(hereinafter “July 1 Measures” or simply “measures”).” Under the measures, the authorities partially allowed economic market functions, raised wages levels, adjusted prices of major daily commodities—including

agricultural products--to the black market prices, and officially permitted markets to operate legally. The measures were part of an effort to improve the efficiency of the Socialist planned economic system and eliminate its shortcomings. The July 1 measures were also a limited step to bring the people's economic market activities into the official national economic system. However, the measures have had a negative impact on the people's daily lives. For example, the authorities raised the wage levels for workers, but the enterprises, which could not operate at full capacity due to a lack of energy and raw materials, were unable to pay wages as expected. Furthermore, living conditions of those with poor purchasing power rapidly deteriorated as the costs of various services, which in the past had been available free of charge, and prices of essential commodities, went up quickly. At the same time, corruption and illicit practices were rampant throughout the society, and the gap between rich and poor was widening even more. It was reported that since the "July 1 Measures" new types of jobs that had not existed in the past began to appear in North Korea, for example, temporary jobs offered by private individuals.²

North Korea's central distribution system(ration or public distribution system) was closely related to the government policy of controlling the people's movement and economic activity. The collapse of its central ration system, therefore, meant the loss of government control over the people. This is the reason North Korean authorities have repeatedly announced to its people that the government would resume the food(grain) ration system. In fact, the ration system had returned in parts of North Korea for a few

² Testimony of defector XXX(or, "new settler" in South Korea) during an interview in Seoul on Jan. 20, 2006. *** In this White Paper, we have chosen not to disclose personal identities of our interviewees (or, "new settlers") to protect their personal safety.

months in late 2005, but that was all. Such inconsistent government policies have disappointed the people and betrayed the people's trust. Nevertheless, the authorities have tried to resume the ration system to prevent further weakening of its control and to buttress Kim Jong Il's leadership.

Recently, North Korea is showing signs of change. For example, it has taken partial reform measures designed to overcome the current economic hardship, measures including expansion of market and civilian business sectors, introduction of individual store systems, expansion of private business rights, designation of special economic zones, and broadening of inter-Korean economic cooperation (e.g., the Kaesong Industrial Complex or KIC). North Korea has also attempted to garner some economic support from China. North Korea and China have strengthened institutional networks for the promotion of bilateral political and economic cooperation by exchange visits by their top leaders and by concluding an investment guarantee agreement following the exchange of a series of economic missions. The participation of Chinese businesses in the North Korean market is expanding, and most of the commodities sold in the marketplaces today are made in China.

The expanding inter-Korean economic cooperation, like the Kaesong Industrial Complex, is contributing to the transformation of the North Korean economic system, though it is limited in scope. Some of the new regulations include the Law for Kaesong Industrial District, as well as development, labor, insurance, residence, and entry-exit regulations. Discussions on detailed implementation of the rules continue, and systems compatible with international standards will soon be introduced. Meanwhile, North Korea is known to have dispatched a large number of workers abroad,

including to Russia's far eastern provinces, Eastern Europe, and the Middle East. The dollar earnings of these workers will also contribute to North Korea's foreign exchange reserves. North Korea's changing economic policies, though limited, are expected to play a positive role for the improvement of its human rights situation.



2

North Korea's Concept of Human Rights

A. Cultural Relativism and North Korea's "Our-style" Human Rights

Cultural relativism is a human rights theory that emphasizes pluralism in human rights based on cultural diversity and independent value systems. It takes a critical position toward Euro-centralism, which is inherent in modern human rights theory. Basically, North Korea perceives human rights along the lines of cultural relativism. Based on its collectivism, North Korea looks at liberal democracy and civil and political rights in comparison with pluralist perceptions. North Korea asserts that "our-style Socialism" is based on collectivism, and so socialist society, which upholds the unity of the masses, can never stand together with pluralist societies that uphold liberal ideologies, political multi-party systems, and diversities of ownership.³

3. Kim Jong Il, "Historical Lessons of Socialist Construction and the Total Line of Our Party," *Selections from Kim Il Sung*, Vol. 12 (Pyongyang: Korean Workers' Party Press, 1997), p. 283.

This belief system is expressed in the form of a peculiar theory called “our-style human rights.” When the international atmosphere detrimental to its regime-security was emerging in the mid-1990s in the wake of the collapse of Socialist bloc countries, North Korea began to develop a unique human rights theory based on cultural relativism called “our-style human rights,” which reflected the Juche ideology and “our-style Socialism.” This “our-style human rights” stands in sharp contrast to the Western concept of human rights. North Korea asserts that North Koreans are enjoying genuine rights and freedoms under “our-style” Socialist system, which is tightly united around the *Suryong*(leader), the Party, and the masses. Under the “our-style” Socialist system, in which the entire society is said to be united as one big harmonious family, the human rights issue itself has no place. Under this theory, the emphasis is placed on East Asian value systems(i.e., family-oriented social order and stability). North Korea argues that from the perspectives of cultural relativism the “standards for human rights” and the “forms of guaranteeing them” will have to vary from nation to nation.

“All nations on earth have different traditions and national characters, as well as different cultures and histories of social development. Therefore, the human rights standards and their guarantees will have to vary depending on the concrete realities of each nation.”⁴

Consequently, North Korea’s basic attitude is that since human rights are fully guaranteed in accordance with “our-style human rights standards,” it will guarantee human rights according to “our-style human rights standards,” and will absolutely reject

4_ *The Rodong Shinmun*, Mar. 2, 2001.

“Western-style human rights.”⁵ This decision is no doubt influenced by the regime’s anxieties over its security, and this dichotomy shows a strong bias toward cultural relativism.

The “our-style” human rights theory is also utilized for the purpose of domestic consolidation and regime-security. In other words, North Korean authorities insist that the people who have voluntarily chosen “our-style” Socialist system must absolutely support and safeguard their system. North Korea argues that even if external forces were to undermine the North Korean Socialist System in the name of human rights, the masses of people, who have formed one body around the *Suryong*, the Party, must safeguard “to their death” “our-style” Socialism. This appears to be an attempt to discourage the spreading of human rights as a universal value within the North Korean society itself.

B. Sovereignty and North Korea’s Understanding of Human Rights

North Korea has been developing its human rights argument on the basis of the principle of state sovereignty. North Korea argues that sovereignty is an essential precondition for human rights and the realization of human rights is guaranteed only on the basis of sovereignty. Since no state shall become an equal member of international society without sovereignty, sovereignty is the essential precondition for the guarantee of human rights.⁶

This definition of human rights as a matter of domestic jurisdiction based on the principle of sovereignty is apparently

5. *The Rodong Shinmun*, Jun. 24, 1995.

6. Park Jong-gui, *The Chinese-American Human Rights Dispute* (Seoul: The New People, 2001), pp. 275-276, 291.

designed to attack the United States for allegedly utilizing human rights as a political weapon. North Korea is relying on a specific logic drawn from neo-colonialist perspectives to refute the attempts to utilize human rights as a political tool. North Korea argues that in the post-Cold War world the imperialist powers are utilizing human rights as “ideological sleeping pills” so that they can attempt to manage international order in neo-colonialist fashion to wield their political and economic power. In short, North Korea contends that Western powers are raising human rights issues to “Westernize” North Korean institutions through the propagation of liberal democracy and the Western political system, and that the “imperialists” are forcing the same on other countries, saying “imperialist” reactionary political systems are “superior.” With respect to foreign interventions in human rights issues of other countries, North Korea refutes these, claiming that these are not sincere efforts to impart lofty universal values, but sinister political designs to overturn the systems of these countries through pressure and sanctions.⁷

Furthermore, from a regime-security perspective, North Korea firmly believes that foreign powers are exploiting human rights issues as a tool to overthrow the North Korean regime. Firmly upholding the argument that human rights are a matter of domestic jurisdiction, North Korea totally denies such arguments as “human rights are universal values transcending national boundaries” or “intervention in human rights issues is not an intervention in domestic affairs of another country.” The North refutes these arguments, calling them “robber’s logic” or “preposterous logic.”⁸ North Korea insists that the arguments for transborder intervention

7_ *The Rodong Shinmun*, Jun. 24, 1995.

8_ *The Rodong Shinmun*, Jun. 24, 1995 and Jan. 12, 2000.

in human rights issues are part of a sinister political design to dominate small and weak states under the pretext of “protection of human rights” and therefore the sovereignty principle should be strengthened, because the Western argument for foreign intervention in human rights situations will always be politically motivated. Clearly, then, North Korea is convinced that sovereignty is the lifeline of a state and its people, and any nation that loses its “self-reliance right(independence)” will never be able to enjoy any human rights, hence the North’s claim that “human rights are sovereign rights.”⁹

North Korea is taking a negative posture toward humanitarian intervention because the international pressure to improve human rights appears to them as transgressions of North Korea’s sovereign rights and as threatening to the regime’s security. Consequently, North Korea argues, “Humanitarian Interventions” in violation of sovereign principles and international law will only result in more human rights violations, such as murder of innocent citizens, instead of protecting and promoting human rights of citizens.¹⁰

9_ Statement by the Delegation of The Democratic People’s Republic of Korea to the Fifty-Sixth Session of the Commission on Human Rights, Mar. 29, 2000; *The Rodong Shinmun*, Jun. 24, 1995.

10_ *North Korea News Agency*, Sept. 18, 2000.



3

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International Human Rights Regime and North Korean Human Rights Policies

A. Increasing Pressure on North Korea

Since the year 2000, the UN human rights regime, especially the UN Commission on Human Rights(UNCHR), has been putting pressure on North Korea to improve the country's human rights situation. The European Union in particular has been leading the campaign. For three years(2003-2005), the UNCHR adopted the "Resolution on Human Rights Situation in North Korea." In addition, the 60th UNCHR meeting in 2004 stepped up the pressure by appointing a "special rapporteur" on human rights in North Korea, who is responsible for reporting about the situation to the UN General Assembly and the UNCHR. Every year since, UNHCHR has extended the term of office of the UN Special Rapporteur on North Korean human rights.

North Korean authorities have reacted sensitively to the international community's calls for the improvement of human rights, because North Korea believed that these calls were intended to undermine the Kim Jong-il regime's stability. South Korea's

Roh Moo Hyun Government(2003-2008) used to believe that human rights would improve as universal values improved, and so it would simply express worries and concerns over the human rights situation in North Korea without taking more proactive steps. Because of this attitude, that Government became the target of sharp domestic and international criticisms, particularly at UN and UNCHR meetings where the South Korean government had repeatedly failed to participate in, and abstained from, the process of adopting the North Korean human rights resolutions.

The new Lee Myung Bak Government(2008-2013) is taking a positive posture toward the issue of improving human rights in North Korea. It has set the “resolution of inter-Korean humanitarian issue,” including North Korean human rights, as one of the Government’s major national policy goals. In addition, the Lee Myung Bak Government has adopted the strengthening of human rights diplomacy and cultural diplomacy as part of its overall goals. In light of this new posture, the new Government is expected to take positive steps concerning the issue and, in cooperation with the international community, it will pursue various strategies aimed at improving the human rights situation in North Korea. In a keynote address delivered in March of 2008, the chief Korean delegate to the 7th UN Human Rights Council(UNHRC) meeting has urged North Korea “to take appropriate actions in response to the concerns the international community has expressed over the human rights situation in North Korea.”

The European Union has presented a resolution to the UN General Assembly calling for the improvement of human rights in North Korea and calling upon the North Korean authorities to carry out the terms of the resolutions of UNCHR. This EU resolution was adopted on December 16, 2005. In 2006, the UN Commission on

Human Rights(UNCHR) was replaced with the UN Human Rights Council(UNHRC).

The 62nd UN General Assembly held in 2007 also adopted a Resolution on North Korean Human Rights, in which it reviewed the deteriorating human rights conditions and called on North Korean authorities to improve the situation. The UN Special Rapporteur on North Korean Human Rights, Vitit Muntarbhorn, whose term of office was extended another year in June 2007, also has filed his report on the human rights situation in North Korea with the 7th UNHRC meeting in March 2008, in which he included a 10-point recommendation to the North Korean authorities for the improvement of human rights. In view of North Korea's repeated refusal to grant an official visit to the UN Special Rapporteur, voices have been steadily increasing demanding the UN to take more active steps, including Security Council sanctions. They are asking North Korea to allow UN and other international relief agencies an immediate, free and safe access to the vulnerable North Koreans, so they can benefit from the humanitarian assistance. These voices also demand that North Korea, as a signatory of the International Covenant on Civil and Political Rights, should release all political prisoners. They further ask a continued involvement of the UN Security Council on this issue, since the North Korean human rights situation amounted to a "nontraditional threat to the peace."

Again in 2007, as in previous years, some NGOs argued that North Korean leaders should come to the UN Security Council or be brought to the International Criminal Tribunal. Others insisted that the UN Security Council should involve itself in the North Korean human rights issue.

Recently, the international community is strengthening mutual cooperation on the North Korean human rights issue

and cooperation between the UN, NGOs and other international organizations is expanding and deepening. It has also been pointed out that UN Member States should not stop at simply adopting North Korean human rights resolutions or raising critical voices and concerns. Indeed, they should go beyond these steps and take concrete improvement measures. In short, the perception is growing that unless specific steps are taken immediately, opportunities to help protect the vulnerable North Koreans will be lost forever.

B. North Korea's Reaction

First and foremost, North Korea seems to be formulating its human rights policies not on the basis of serious reflections but rather in response to external challenges over the issue. However, it must meet realistic needs such as economic recovery and avoid international isolation. So, North Korea will adjust its human rights policies based on how its leadership perceives two fundamental imperatives at any given juncture: regime security and pragmatic needs.

Regarding international calls for the improvement of human rights, North Korea is maintaining a firm position of total denial, treating such calls as “human rights attacks.” First, North Korea is rejecting out of hand all North Korean human rights resolutions adopted by the UN General Assembly, UNHRC, and UN subcommittee on human rights, arguing that they have been politically motivated to bring undue pressures on the North Korean regime. North Korea also refutes such actions as the UNHRC resolutions on North Korea and the appointment of a UN Special Rapporteur as evidence of a Western strategy to utilize human rights as a means of exerting undue political pressures on another member state, which it says is detrimental to the overall fairness of

the UN organization. North Korea, for regime security reasons, has been rejecting all North Korean human rights resolutions adopted by the UNHRC and UN General Assembly.

Regarding the three “North Korean human rights” resolutions adopted by the UN Commission on Human Rights(UNCHR) from 2003 to 2005 and the two UN General Assembly resolutions on North Korean human rights in 2005 and again in 2006, North Korea firmly maintains that it would not acknowledge these resolutions themselves because they are “part of policy moves to isolate and steamroll over North Korea.” Furthermore, North Korea continues to refuse recognition of the UN special rapporteur who was appointed in accordance with the North Korean human rights resolution adopted in 2004 at the UNCHR, and it repeatedly denies the special rapporteur’s request to visit North Korea. North Korea is even refusing to engage in related dialog and technical cooperation with the UN High Commissioner’s office for the simple reason that similar recommendations were included in the North Korean human rights resolutions. North Korea seems to believe that the UNCHR has been “politicized” in view of its practice of adopting certain resolutions on individual member states based on specific procedures. North Korea also charges that UNCHR lacks “fairness” and “objectivity” as its activities are based on “selectivity” and “double standards” reflecting only the interests of Western powers. North Korea basically argues that the UNCHR has lost its trustworthiness due to the selectivity and double standards of those powers pursuing their hidden political agenda.¹¹

These North Korean attitudes are becoming more evident at

¹¹ E/CN.4/2005/G13, Letter from the Permanent Representative of the Democratic People’s Republic of Korea, Mar. 2, 2005. Also, Radio Pyongyang, Apr. 20, 2005, Statement of Foreign Ministry Spokesman, The Democratic People’s Republic of Korea.

the newly launched UN Human Rights Council (UNHRC). North Korea insists that since human rights resolutions on individual member states and the special rapporteur system contain hidden political motives, the Council should operate strictly based on the principle of “fairness,” rejecting the application of “double standards” and the “politicization” of human rights, if the UNHRC were to carry out its roles and functions as an international human rights organization.¹² In the process of developing standard operating procedures for the new UNHRC, North Korea has strenuously insisted that the system of adopting resolutions regarding individual member states and the special rapporteur system should be abolished.

Second, when the United States characterized North Korea as an “axis of evil” and accused it of “tyranny” and adopted the North Korean Human Rights Act, North Korea strongly reacted against the United States, complaining there was a hidden design to topple the regime. As a result, there has not developed any cooperative relationship between North Korea and the United States in the field of human rights. As its international isolation deepened, North Korea began to seek improved relations with the European Union. In the process, North Korea has accommodated EU’s demands and engaged in a human rights dialogue with EU. The reason North Korea was able to go along with the human rights dialogue with EU was because such dialog would have little impact on its regime security, while it satisfied North Korea’s practical need of improving diplomatic relations. In other words, a more flexible policy was possible because both imperatives of regime security and practical needs were met. However, as soon as EU began to lead the North Korean human rights agenda at UNCHR, North Korea began to

¹² *The Rodong Shinmun*, “The Failed ‘Human Rights Diplomacy,’” May 24, 2006.

move in the direction of refusing the human rights dialogue with EU based on its regime security imperative.

Third, North Korea has been pursuing various policies that were helpful in removing the wall of international isolation so long as they did not have practical impact on its regime security. For example, North Korea has been duly filing national progress reports in accordance with the terms of International Human Rights Covenants, to which it is a party. It appears that North Korea has found it useful to utilize the occasion of filing the reports as opportunities to promote North Korea's human rights guarantees and to alleviate the human rights pressures of the international community.

Fourth, North Korea has been streamlining its laws so long as the changes did not bear directly on its regime security. As the level of its dependence on international economic assistance increased, North Korea was in no position to persist in its negative attitude toward the demands for human rights improvement under the international human rights regime. So, when it amended its Constitution in 1998 North Korea decided to guarantee the "freedom to reside in and travel to any place" as well as recognize private property rights. It has also enacted or revised many laws designed to improve its human rights situation. Notably, the Penal Code and the Criminal Procedure Law have been revised consecutively in 2004, 2005 and 2007. In 2003, North Korea has newly enacted the "Disabled Persons Protection Law." Recently, North Korea is in the process of revising its laws on narcotics control and illegal monetary transactions(i.e., the law prohibiting money-laundering and the narcotics control law) and joining the three international anti-narcotics conventions.)¹³ The decisions to revise these laws

¹³ In addition to the visit of June 2002, North Korea has again allowed the visit

have been made presumably because such revisions would have little or no impact on regime security, while they could significantly contribute to North Korea's improved international image.

From a system-wide viewpoint, the judicial system has seen some improvement when compared to the past, and the people can now expect to manage their lives in a more stable manner, taking personal responsibility for individual actions. This is a positive development. However, it would still be prudent to continue to monitor whether these legal protections are in fact and effectively implemented.

of members of International Narcotics Control Board in June 2006. During the annual report conference held in Bangkok in March of 2006, INCB made positive observations on North Korea's narcotics control effort, pointing out, "North Korea has enacted a narcotics control law in February 2005. So, the INCB fully expects North Korea to faithfully observe the terms of international narcotics conventions."; *Yonhap News*, Jun. 27, 2006.



II

The Reality of Civil and Political Rights

1. The Right to Life
2. Individual Liberty
3. The Right to Due Process of the Law
4. The Right to Equality
5. Civil Liberties
6. Freedom of Religion
7. The Right of Political Participation



1

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The Right to Life

A. North Korean Laws on the Death Penalty

The protection of the right to life is a supra-national right and international cooperation is increasing to guarantee its protection. The International Covenant on Civil and Political Rights--better known as Covenant-B--in Article 6 emphatically stipulates, "Every human being has the inherent right to life. . . No one shall be arbitrarily deprived of his life." The article goes on to state, "In countries which have not abolished the death penalty, a sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court."

Under the penal code as revised April 29, 2004, North Korea kept the five death penalty crimes included in the 1999 revision. North Korea's 2004 Penal Code mandates the courts to hand down

capital punishment for anti-state and anti-people crimes, such as “conspiracy to overturn the State”, “terrorism”, “treason against the fatherland”, “treason against the people”, and “premeditated murders.” But the revised penal code of 2004 has somewhat more precise definitions of what constitutes these crimes. Specific stipulations for the death penalty are shown in Table II-1 below.

〈Table II-1〉 Mandatory Death Penalty under the North Korean Penal Code

Conspiracy to overturn the state	Particularly serious cases of participation in a coup d'état, armed rebellion, civil disturbance or attack, or conspiracy there of, with the aim of overturning the state
Treason against the fatherland	Particularly serious cases of treason against the fatherland, including transmitting confidential information, surrender, ideological conversion or willful flight to another state
Terrorism	Particularly serious cases of terrorist acts inflicting injuries on, or kidnapping and murdering of, officials or citizens for anti-state purposes
Treason against the people	Particularly serious cases of treason (traitors) against the people such as selling off national interests to the imperialists or engaged, as a fellow Korean, in repressions on the Korean national liberation movement or national unification struggles under imperialist rule
Premeditated Murder	Vicious cases of premeditated murder driven by greed, jealousy, or other inhuman motives.

The above provisions requiring the death penalty have been criticized for their imprecise uses of terminology and the possibility of arbitrary interpretation. Nevertheless, it would appear that efforts were made in the 2004 revised Constitution to clarify various elements that would constitute crimes punishable by death.¹

¹ Han In-sup, “The Contents and Meaning of Revisions of North Korea’s Penal Code, 2004,” The 93rd Monthly Seminar of North Korea Research Association, Dec. 9, 2004.

〈Table II-2〉 Changes in the Penal Code : The Death Penalty

Penal Code of 1999	Penal Code of 2004	Comparison
Organizing an armed revolt, or participating in or conspiracy thereof, to overturn the state. . . (Article 44)	Participating in a coup d'état, armed rebellion, civil disturbance, or attack, with the aim of overturning the state, or conspiracy thereof. . . (Article 59)	More specific by illustrating patterns of criminal act
Who engaged in terrorist acts. . . (Article 45)	Terrorist acts inflicting injuries on, or murdering and kid—napping... (Article 60)	More specific by illustrating patterns of criminal act

The phrase, “particularly serious cases,” could be seen as an improvement since it would mean that the death penalty would be a sentence delivered only in “exceptional” and “grave” cases. However, the phrase still leaves room for arbitrary interpretation.

Since the 1999 revision, North Korea has raised the age limit for the death sentence from 17 to 18 years of age. This is in accordance with the international human rights covenants. Thus, North Korea has responded in a fashion to international criticism of the political nature of its death penalty provisions. However, even these latest revisions are not completely free from political interpretations.

In spite of the Penal Code provisions, capital punishment is still stipulated in many of North Korea’s instructions, proclamations, and other official documents.

For example, on Jan. 5, 2008, the Organization Bureau of the KWP Central Party Headquarters has issued instructions on “making this year free of human trafficking” and disseminated them all across the border regions. The instructions specified that from this year the authorities would impose heavy penalties on all human traffickers, and if anyone participated in human trafficking, he or she would be put to death unconditionally.²

2. Good Friends, “North Korea Today,” No. 107 (Jan. 30, 2008).

B. Public Executions

The most widely known and serious violation of the right to life in North Korea is “public execution.” Amnesty International (AI) was the first to inform the international community about the practice of public execution in North Korea. In a special report on North Korea published in October 1993 Amnesty International (AI) criticized North Korean authorities for their practice of “public execution.”

In addition, AI published a “special report on public execution” in January 1997. This report cited North Korean defectors as saying that there were no clear standards for public execution, and even those charged with minor economic crimes such as theft were sometimes publicly executed. The only objective of public execution was to “set the example for others.”

In most cases, public executions are carried out in front of an assembly of people. The authorities will announce public executions in advance at local schools, enterprises, and collective farms. Once the crowd is assembled, the authorities will read the facts and charges of the crime and then publicly execute the criminal.³ Article 32 of the Court Sentence and Decision Implementation Law stipulates that death sentences shall be carried out by firing squad. Death sentences are usually carried out by firing squad, with nine shots normally fired, but hanging is also known to be used.

Regarding the procedures of public execution, the “defectors” have testified as follows: The Republic’s flag is draped in the background, and people from the Central Prosecutors’ Office will come down to the site. Also participating will be the Provincial Safety Director, the Provincial Security Agency Director, the Court

³ Testimony of defector XXX during an interview in Seoul on Sept. 8, 1998.

official, and others. The trial is conducted openly. A court official will read out criminal charges and then hand down the sentence.⁴ A defector testified that a court official would read out criminal charges and then pronounce that he was handing down the death sentence in accordance with such and such articles of the Penal Code of DPRK.⁵

Clearly, public execution violates most fundamental of all human rights and poses a direct threat to North Koreans' right to life. Furthermore, it is a flagrant violation of North Korea's domestic laws.

First, public execution breaches various stipulations contained in North Korea's own penal code. Many victims of public execution face a firing squad even though their crimes do not rise to the level pursuant to the death sentence stipulations in the penal code. Many North Korean defectors (the 'defectors' in South Korea) have testified that the right to life of ordinary North Korean citizens, not to mention political prisoners, is seriously jeopardized because North Korean authorities will impose the death sentence not only for crimes stipulated in the penal code but also for minor social misdemeanors stemming from economic hardship.

Second, North Korean authorities are violating various provisions of Criminal Procedure Law in the process of carrying out public executions. The 2004 revisions have also adopted stricter provisions regarding the execution of death sentences. Under North Korean Criminal Procedure Law, the executing agency, after receipt of a copy of the court decision and the execution order, may carry out the execution only in the presence of a prosecutor and with the approval of the SPA Presidium (Art. 419, 421, 422).

4_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

5_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

Also, the executing agency must notify the sentencing court of the implementation of the death sentence within three days of execution(Art. 423). Article 24 of Court Sentence and Decision Implementation Law, revised in 1998, stipulates that the agency in receipt of the death sentence execution order is responsible for the execution of the death sentence. Public executions are therefore clearly in violation of this provision.

Regarding the international criticism of public executions, North Korea strongly denies them, arguing that such criticisms were total fabrications concocted by forces hostile to the North Korean regime. However, North Korea has admitted one such case, for which evidence was presented during the second regular report review process. North Korea said it had publicly executed a violent criminal, Ju Soo-man, in Hamhung in October, 1992, for having brutally murdered his grand parents, Ju Jong-eun(84) and Choi Yon-ok(72). Even though admitting this case of public execution, North Korea maintained the position that the authorities had done it to comply with the demands of the masses in the area.

In spite of North Korean assertions, there is clear evidence of breaches of the right to life. Graphic II-1 below depicts an 'official proclamation' posted by North Korea's Social Safety Agency on August 5, 1997. In the proclamation, North Korean authorities threaten to publicly execute by firing squad anyone caught stealing grains from collective farms. This is a flagrant violation of both the penal code and Criminal Procedure Law.

<Graphic II-1> A Proclamation by the Social Safety Agency

포 고

남일을 훔치고 팔며 허실하는자들을 엄격히 처벌함에 대하여

양곡은 인민들의 첫째가는 생활수단이며 나라의 가장 중요한 전략물자이다
올타에 우리 나라에서는 당의 현명한 명도밑에 전국 전민이 총동원되어 영농전투를 힘있게 벌임으로써
진정한 식량문제를 풀고 <고난의 행군>을 승리적으로 결속할수 있는 전망을 열어놓았다

그러나 일부 주민들은 국난한 개인이기주의에 사로잡혀 계승공리만 하면서 군인이 무법유역 지어놓은 귀
중한 남일을 훔치거나 허실하며 양곡을 가지고 상거래위를 감행하고있다.

이것은 나라의 발전을 방해하는 반국가적범죄행위이며 우리 식 사회주의를 고립화시킬려는 적들을 도와주는
역적행위로서 중대한 정벌을 받아야 한다.

사회안전부는 공화국정부의 위임에 따라 남일을 훔치거나 팔며 허실하는 행위를 철저히 없애기 위하여 다
음과 같이 포고한다.

1. 남일을 훔치는 행위를 절대로 하지 말라!

남일을 포전과 무지, 락곡장, 장고(장자)에서 훔친자는 법적으로 엄격히 처벌하
며 전량을 변상시킨다.

특히 엄중한자는 총살한다.

포전과 남일무지, 락곡장, 장고(장자)들에 대한 자체 경비조직과 경비군수행을 무
책임하게 하여 양곡을 침해당하게 한자들도 법적으로 처벌하며 양곡을 경비원이 훔
치거나 경비원과 공모하여 훔친자는 더 엄중히 처벌한다!

양곡을 훔치다가 피해당한자는 상소할수 없다.

2. 양곡을 가지고 장사하는 행위를 절대로 하지 말라!

부정축재를 목적으로 많은 양곡을 가지고 장사행위를 한자는 총살에 이르기까지
법적으로 엄중히 처벌한다.

국영 및 협동 농장들과 부업자들에서 양곡을 훔치다 농민시장과 공공장소 뒤골목에서
팔고사거나 물건과 바꾼지는 법적으로 처벌하며 거래된 남일과 돈 물건은 회수한다.
양곡을 가지고 고리대행위를 한자도 법적으로 엄격히 처벌하며 고리대로 주고
받은 양곡과 물자 돈은 전량 몰수한다.

3. 양곡을 함오락취, 허실하는 행위를 절대로 하지 말라!

양곡을 생산량에서 루락시킨자와 <사업>, <지원>, <손님접대>, <물물교환> 등 여러
가지 명목으로 비법처리하도록 조직한자와 집행한자, 직권을 악용하여 떼먹은자 공모
결탁하여 함오락취한자들은 총살에 이르기까지 법적으로 엄중히 처벌하며 루락시켰거
나 함오락취한 양곡전량은 몰수 또는 변상시킨다.

협동농장, 직업반, 본조, 농장원들과 기관, 기업소, 사회협동단체와 주민들 사이에 서
로 비료, 농약, 농기계, 기름, 부속품, 집집승 등을 양곡과 바꿈잡하는자는 법적으로
엄격히 처벌하고 거래된 양곡과 물자는 전량 몰수하며 가을에 양곡을 받기로 한것은
일체 무효로 한다.

가물결어와 락곡, 보관관리를 무책임하게 하여 양곡을 류실 부패, 변질시킨 책임
있는지도 법적으로 처벌한다.

4. 모든 공민들은 숭고한 애국, 애족의 정신을 높여 발휘하여 양곡을 훔치거나
양곡장사를 하여 함오락취, 허실하는자들을 예리하게 살피고 제때에 신고하라.

5. 이 포고를 어긴자는 직위, 공로, 소속에 관계없이 현행법으로 단속체포하여
법에 따라 처벌한다.

조선민주주의인민공화국 사회안전부

1997년 8월 5일

Note: see Graphic II-2 for translation.

Proclamation

Regarding Stern Punishment on Those Who Steal, Sell or Waste Grains

Grain is the primary means of people's subsistence and the most important strategic material of the country. Under the wise leadership of the Party, the entire nation was fully mobilized to energetically conduct cultivation battles to solve the serious grain problem and the road is opened for the Hardship March to finish in victory.

However, some inhabitants are engaged in extremely selfish egoism and are trying to fulfill selfish greed by stealing, wasting or selling the grains.

These are anti-state criminal acts that harm the nation's happiness, and treasonous acts of isolating and stifling Our-style Socialism and aiding the enemy that deserve stern punishments.

Upon delegation of the Government of the Republic and to absolutely eradicate the acts of stealing, selling or wasting the grains, the Social Safety Agency proclaims as follows:

1. Do not steal grains!

Those who steal grains from the paddies, thrashing yards, silos or storages are subject to maximum punishment under the law and will be ordered to compensate for the entire amount. Those whose crimes are particularly serious shall be executed by firing squad.

Those who neglect to enforce adequate security measures and patrol duties around the paddies, thrashing yards, silos and storages, are also subject to punishment under the law. The grain security guards who steal grains and those who steal grains under conspiracy with the guards shall be subject to a more severe level of punishment. Those who sustained damage or wound while stealing grains shall have no right to appeal to the law.

2. Do not engage in grain-selling activities!

Those who are engaged in grain-selling activities for the purpose of illicit accumulation of wealth shall be sternly punished under the law, including execution by firing squad.

Those who steal from the paddies or state-run or other agricultural cooperatives, as well as those who buy or sell grains, or exchange them with other goods, at farmers markets, public places or back-alleys shall be punished under the law, and the grains, money and other goods shall be confiscated.

3. Do not ever cheat or waste grains!

Those who falsify production reports, organize or carry out unlawful book-keeping under such pretext as business, support, visiting guests, barter exchange, etc., and those who skim off grains by influence-peddling or cheat the amount of grain under conspiracy shall be strictly punished under the law, including execution by firing squad.

The total amount of the affected grain shall be confiscated or subject to compensation. All activities involving exchanges of grain with other items shall be strictly punished under the law. They include exchanges of grain with fertilizer, pesticide, farming equipment, fuel, machine parts, or animals between the farmers at the agricultural cooperatives, working units or sub-units and the workers at agencies, workplaces or social cooperative organizations. All affected grains and materials shall be confiscated, and all promissory notes of payback by grain upon harvest shall be null and void.

Those who handle the harvest, thrashing and storage of products irresponsibly and those who are responsible for loose handling, wasting, spoiling or festering of grain shall also be punished under the law.

4. In the lofty ideal of patriotism and in the spirit of love of fellow countrymen, all citizens are encouraged to keep sharp watchful eyes on, and promptly report, anyone stealing and selling grains, as well as those cheating and misappropriating grains.
5. Those who violate this proclamation will be arrested as criminals-on-site and punished under the law, regardless of position, organization, or personal accomplishments.

August 5, 1997

The Social Safety Agency
The Democratic People's Republic of Korea

Note: translation of <Graphic II-1>

With regard to this practice of public execution, which is a clear case of inhuman and violent breach of a person's right to life, and a violation of North Korea's own laws, the UN Human Rights Committee, in its concluding observations in 2001 urged North Korea to revise its laws on capital punishment along the lines of the provisions of international covenants and to review its law provisions with a view to prohibiting all forms of public execution. In their testimonies, defectors gave the following details of public executions.

Public Execution for Anti-regime Activities

<Resistance Activities against the Regime>

North Korea will execute those charged with anti-regime activity or treason against the fatherland. It will even execute those who try to organize a following for someone (other than Kim Jong Il), for such activity would indicate loyalty to someone other than Kim Jong Il.

- A senior Party secretary at the Kaesong City branch and others were executed in 1997 on charges of anti-Party, anti-revolutionary espionage. They were publicly executed on the firing range of the Pyongyang Military Academy as Party cadres watched.⁶
- In April of 1998, a mass public execution of 13 cadres of a Social Safety Agency was carried out at Songrim City, North Hwanghae Province.⁷
- Defector XXX testified that the members of an organized crime syndicate in Musan, North Hamkyung Province, shouted in loud voices “Sungdo!” which was the name of their boss. They were charged with the political crime of idolizing their boss. Their boss was summarily executed as well.⁸
- A North Korean defector testified that during a special inspection campaign conducted by the Nampo City Security Command in 1998-1999, XXX(female), manager of the Pyongyang Trout-soup Restaurant, was accused of being a South Korean spy and was publicly executed on charges of espionage and attempting to recruit staff members of the Party, government and security agencies.
- A North Korean defector testified that five people were publicly executed. XXX, a female voice actress at the Nampo City Mobile Performance Propaganda Unit, was executed on charges of prostitution; the deputy engineer for technical development at the Nampo Steel Refinery was executed on charges of espionage for South Korea; and

6_ Testimony of defector XXX during an interview in Seoul on May 24, 2000.

7_ Testimony of defector XXX during an interview in Seoul on May 20, 1999.

8_ Testimony of defector XXX during an interview in Seoul on Aug. 17, 2002. During interviews in 2007, three additional defectors have testified to the same incident. Clearly, this public execution incident must have been widely known in Musan City.

the Deputy Chairman of the Nampo City Administrative Committee, the Deputy Director of Trade Supervisory Bureau, and the Director of Nampo City Flour Mill were all executed on charges of corruption.⁹

- On July 5, 1999, XXX, a low-level Party secretary at a shoe factory, and 10 others, including a “people’s unit” leader, were publicly executed at the Heisan City Airfield on charges of smuggling with the Chinese and taking money from South Korea’s National Security Planning Agency.¹⁰
- A North Korean defector testified that a special inspection conducted by the Heisan City Security Agency(Yangkangdo Province) uncovered corrupt activities of a female sales guide that were related to South Korean CIA funds. Subsequently, the ranking members of major enterprises in Heisan City were interrogated. Ultimately, 13-15 of them were publicly executed at the Heisan Airfield.¹¹
- A defector testified that the entire family of his neighbor XXX of Sanghwa-ri, Onsung County, North Hamkyung Province, was publicly executed by firing squad in 2002 for anti-state crimes.¹²
- XXX, who had studied the Bible together with this defector in China, was publicly executed on February 11, 2003 under a railroad bridge in Onsung County. His only crime was having practiced Christianity in Yanji, China.¹³
- On October 5, 2007, a 75-year old man, a manager at a stone masonry in Soonchon City, was publicly-

9_ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

10_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

11_ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

12_ Testimony of defector XXX during an interview in Seoul on Oct. 19, 2004.

13_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

executed amid a crowd of 150 thousand assembled in the Soonchon Stadium. He was singled out earlier during an inspection conducted by the Security Command's Defense Committee. His crime was that he pretended to be a patriot even though his father had served as a South Korean police chief during the Korean War. Another of his crimes was that there were 13 telephone lines installed in the basement of a stone masonry and he secretly converted three of them into international phone lines and placed numerous overseas calls for a lengthy period of time.¹⁴

- Public execution is also taking place in the military. Defector XXX said he did not personally witness any public execution, but saw 'educational' videotapes showing scenes of public execution. In 2003, three soldiers were publicly executed on charges of defection and contacting South Korea's National Intelligence Service. The defector said he had watched the video of their public execution while he was on the military compound.¹⁵

<Dissemination of Information about the Outside World>

Since 2000, North Korea has been cracking down on people involved in the dissemination of information about the outside world, including the distribution of South Korean leaflets and the selling of South Korean videos, and using cellular phones. One can be brought up on criminal charges, and executed, for being involved in such activities.

In particular, North Korea regards the use of cellular phones as an anti-state activity. It has prohibited the use of cell phones along

¹⁴_ Good Friends, "North Korea Today," No. 94 (Oct. 17, 2007).

¹⁵_ Testimony of defector XXX during an interview in Seoul on Jan. 26, 2007.

the border regions. Anyone caught using a cell phone can receive either a \$100 fine or expulsion, along with confiscation of the cell phone. In most cases, people try to avoid expulsion by paying the fine and having their cell phone confiscated. However, as more and more detailed information about events inside North Korea has trickled out of the country and found its way into South Korean and international reports; and as more and more information about the outside world has crept in and been circulated, authorities in the North have begun to tighten internal controls.

In the 'anti-espionage' public education materials published in 2005, it is clearly stated that all unlawful use of 'mobile phones' is a criminal act that will assist the enemy's "anti-Republic attempts." According to this material, even the use of cell phones for legitimate business purposes, such as for activities involving trade with China, is regarded as a type of espionage activity. North Korea argues that the Chinese, in collusion with South Koreans, will intentionally give cell phones to North Koreans for the purpose of extracting internal information. North Korea asserts, "The enemies will bribe impure elements or employ foreign merchants and smugglers, and encourage them to hand out cell phones to their North Korean counterparts so that they could extract confidential information from the Party, State, and the Military through frequent cell phone communications. They are also engaged in the smuggling of strategic materials and guiding illegal border crossings." North Korean authorities have asked citizens to understand the purpose of the policy and continue to encourage citizens to turn in their cell phones and report anyone using one.¹⁶

The following are cases where public executions have been carried out for such crime:

16_ Good Friends, "North Korea Today," No. 15 (Apr. 7, 2006).

- XXX, the father of XYZ who was a friend of the defector, was executed by firing squad on charges of anti-revolutionary activities when a gun and a South Korean leaflet were found at his home.¹⁷
- A person was publicly executed when he was caught selling videos. He had imported some 3 thousand copies from China in 2004.¹⁸
- XXX was a member of the Hoeryong City Soccer Club. He was publicly executed in November 2004 on charges of selling and circulating South Korean videos and anti-Communist movies.¹⁹
- In January 2005, a 32-year-old male was publicly executed in a lot in front of Ranam Market in Ranam District of Chongjin City on charges of listening to South Korean radio programs and singing South Korean songs. The defector testified that he heard a police vehicle near the Ranam Market(Chongjin City) announcing that a public execution was scheduled to take place and that citizens were encouraged to come.²⁰
- In January 2005, a defector heard from a North Korean defection broker in Hoeryong that 11 people had been publicly executed at a location in Hoeryong City for having used Chinese cell phones.²¹
- On May 17, 2006, two peddlers who sold CDs and narcotics called ‘ice’ were publicly executed along the banks of Suseong Creek near the Sunam Market, Chongjin

17_ Testimony of defector XXX during an interview in Seoul on Jul. 6, 2002.

18_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

19_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

20_ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

21_ *Ibid.*

City, in accordance with the official ‘Proclamation.’²²

In 2007, the prevailing trend was to tighten the level of punishment for circulating videotapes containing foreign information. There was a public trial during a ‘harmonious session’ held on the grounds of Onsung Mechanical College on Dec. 26, 2007. Two persons were publicly executed there. Mr. Jeon XX(59) of Kosung Farm, Onsung County, was publicly executed for having sold illegal sex videotapes that he brought over from Chinese ‘river-crossing’ dealers. And, a social workguide from Onsung County was also tried and publicly executed for having made 80 copies of a South Korean movie DVD and with the help of a high school teacher circulated them.²³

Public Execution of Economic Criminals

<Public Executions for Stealing/Selling Copper/IC Lines>

North Korea continues to publicly execute people who are caught stealing public property like (telephone) communication lines and electric wires.

- In September 1994, Staff Sergeant XXX of a communications unit stole some communication lines, and XYZ brothers stole copper lines from a mine in the spring of 1997. They were all publicly executed in the spring of 1997.²⁴
- A defector testified that a 40-year-old male was publicly executed in 1997 near XXY Bridge, Bukchang County, North

²²_ Good Friends, “North Korea Today,” No. 26 (Jun. 21, 2006).

²³_ Good Friends, “North Korea Today,” No. 107 (Jan. 16, 2008).

²⁴_ Testimony of defector XXX during an interview in Seoul on Jun. 29, 2002; Testimony of defector XXX during an interview in Seoul on Jul. 6, 2002.

Pyongan Province on charges of stealing electric wires.²⁵

- A defector testified that six men were publicly executed in the marketplace in Sunam District, Chongjin City, on charges of stealing electric wires from the Chongjin Steel Works.²⁶

A defector testified that public executions on charges of cutting and stealing communication lines were continuing as late as 2005.²⁷

- Another defector testified that a young ex-soldier was publicly executed on the banks of Suseong Creek near Sunam Market on May 19, 2006, for stealing about 150 meters of electric wire.²⁸
- A company president (about 45, nickname “Smarty”) of the Chungsong Company was publicly executed along a creek in Chonjin City in August of 2005. He was charged with the crime of selling copper lines.²⁹
- A “foreign currency earning” manager, who was a close friend of County Party Secretary at Yongsu County, was caught while trying to export some lumber to China. This lumber happened to be a protected and symbolic species in North Korea. He was publicly executed by firing squad at Yonsu County in October 2007.³⁰
- A criminal who ran a prostitution ring and a person who had stolen 50 bicycles have been publicly executed.³¹

25. Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

26. *Ibid.*

27. Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

28. Good Friends, “North Korea Today,” No. 26 (Jun. 21, 2006).

29. Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

30. *Ibid.*

31. Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

Recently, public executions are reported to be increasing on charges of smuggling, as smuggling activities were on the rise along the Korean-Chinese border regions.

- Two smugglers were publicly executed and two others were executed secretly in Hamhung City on Dec. 22, 2007 on smuggling charges.³²
- In Hweryong City, a narcotics dealer was publicly executed by a firing squad.³³
- On July 25, 2007, some 10 thousand people crowded in a downtown stadium. Also joining the crowd were Central Government officials, provincial and county officials, special units, and ‘foreign currency workers.’ Two persons were tried and publicly executed on charges of gambling, narcotics dealing, selling sex magazines and videotapes, as well as embezzlement of state funds amounting to 60-70 thousand US dollars. One was the chief of a sales center(a woman) and the other was the chief of a service center(a man).³⁴
- A lumber smuggler was publicly executed by a firing squad in Heisan, Yangkangdo Province in early September(2007) His crime was revealed during an inspection.³⁵
- A young man was publicly executed in Pyongyang in 1997 for smuggling antique items.³⁶

<Execution for Stealing Cattle and Goats>

There have been many testimonies recorded about public executions having taken place in North Korea on charges of stealing

32_ Good Friends, “North Korea Today,” No. 107 (Jan. 16, 2008).

33_ Good Friends, “North Korea Today,” No. 89 (Sept. 12, 2007).

34_ Good Friends, “North Korea Today,” No. 83 (Aug. 2, 2007).

35_ Good Friends, “North Korea Today,” No. 89 (Sept. 12, 2007).

36_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

cattle and goats during the period of “the arduous march(i.e., mid-to late 1990s).” Since 2000, however, the number of similar testimonies has decreased.

- Defector XXX testified that Lim Chol-san had conspired with nine other people to butcher a goat at a goat farm. He was publicly executed in November 1998.³⁷
- Defector XXX testified that an entire family was publicly executed for stealing eight head of cattle since 1998.³⁸
- A defector testified that XXX, a resident of Musan, was publicly executed at the Migangbol Market in Musan County for butchering and consuming a cow.³⁹
- Defector XXX testified that a man was publicly executed in the Sunam District of Chongjin City in 1999 for butchering and consuming a cow.⁴⁰
- Another defector testified that in 2000 a man was publicly executed on Musan Subidae Mountain on charges of selling a cow.⁴¹

Public Execution for Social Misdemeanors

In the past, there were many testimonies concerning cannibalism having taken place during the period of “the arduous march,” but such testimonies have not been heard since 2000. Testimonies depicting public executions for the crimes of theft and larceny. While no such testimonies have been heard since 2000, reports of public execution having taken place on charges of murder

37_ Testimony of defector XXX during an interview in Seoul on Aug. 17, 2002.

38_ Testimony of defector XXX during an interview in Seoul on Nov. 3, 2003.

39_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

40_ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

41_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

and human trafficking continue to mount.

<Human Trafficking>

The international community has lodged strong protests against human trafficking since the year 2000. North Korea apparently continues to uphold its policy of public execution for this crime.

- XXX was reportedly publicly executed following an open trial for involvement in crimes of human trafficking in Hoeryong City, North Hamkyong Province, in May 2000.⁴²
- In 2004, a woman was publicly executed at the Sunam Market in Chongjin City on charges of human trafficking. The witness was a merchant at the Sunam Market. On the day of the execution, the defector was not allowed to open for business. Instead, everyone was forced to watch the execution by firing squad.⁴³
- Two women were publicly executed on human trafficking charges in the dry riverbed in front of a market in Yusungku, Hweryong City in March of 2004.⁴⁴
- In November 2004, XXX, a teacher at Inkei Middle School, was publicly executed for having trafficked 13 of the school's graduates to China through a broker.⁴⁵
- In November 2005, a woman was publicly executed in the Pohang District of Chongjin City on charges of human trafficking.⁴⁶

42_ Testimony of defector XXX during an interview in Seoul on Nov. 13, 2005.

43_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

44_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

45_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

46_ *Ibid.*

- On June 15, 2007, the Hweryong City authorities held open trials on human traffickers and the families of defectors at the city stadium. Two women, who had been sentenced to public execution on human trafficking charges in June, were publicly executed on this day.⁴⁷

<Punishment for the Crime of Murder>

Despite the policy of rigorous enforcement and strict penal provisions against the use of violence, the incidents of violent crime continue to increase every year. As economic hardship persists, the number of violent crimes increases. In 2005 alone, about 1,700 cases of murder and attempted murder occurred in North Korea. In North Hamkyung Province alone there were 17 murder cases reported in March 2006.⁴⁸

Under North Korea's penal code, the death penalty may be handed down in cases of premeditated murder. Many defectors have testified that public executions are still carried out for the crime of murder.

- A defector testified that in 1992 a 45-year-old man was hanged under a bridge in Sebyol County on charges of dealing in narcotics and murdering his wife.⁴⁹
- A defector testified that XXX was publicly executed in 1995 in the Pyongsu marketplace in Hamhung City for murdering her husband.⁵⁰
- A defector testified that XXX was publicly executed by firing squad in 1997 on the grounds of Chongjin Steel Mill

47. Good Friends, "North Korea Today," No. 76 (Jun. 13, 2007).

48. Good Friends, "North Korea Today," No. 20 (May 12, 2006).

49. Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

50. *Ibid.*

in Pohang District, Chongjin City on murder charges.⁵¹

- A defector testified that in April 2005 a college student majoring in chemistry was publicly executed in Hamhung City for murdering family members of a pharmacist.⁵²
- A defector testified that his mother, XXX, was publicly executed in the Sunam Market, Chongjin City, on charges of murder.⁵³

Public Executions in Political Concentration Camps

Public executions and secret executions are carried out at political concentration camps. Defector XXX, a former concentration camp security guard who defected in October of 1994, testified that executions based on summary trials are carried out on a routine basis at these camps and at times security personnel arbitrarily execute people in secret.⁵⁴ Those subject to public executions are usually people who are arrested during an escape attempt. Defector XXX, a former security officer at a concentration camp between May 1983 and June 1986 before he defected in December 1994, stated that at Control Center No. 11 in Kyung Sung, North Hamkyung Province, an entire family, including a grandmother, her son and grandchildren, were publicly executed after being caught attempting a three-day escape. Security officials armed with machine guns gathered together all the political prisoners at the camp to witness the hanging of the two adults and the execution by firing squad of the three children. Immediately after the execution,

51_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

52_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

53_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

54_ Testimony of defector XXX during an interview in Seoul on Jul. 9, 1996.

the political prisoners were forced to throw stones at the corpses.⁵⁵

Defector XXX explained that even the security personnel at the Seventh Bureau fear the Third Section(Preliminary Investigation Section) of the State Security Agency(SSA), which is responsible for the arrest and investigation of political prisoners, particularly because of the manner in which the Third Section arbitrarily carries out executions. XXX explains that some security personnel, for personal fame or career advancement, deliberately execute political prisoners and make it appear as if they were caught trying to escape.⁵⁶

A defector said he had heard that a couple(both about 60 years old), who previously worked at a Security Station in Buyoon District of Chongjin City, were executed in 1999 at the No. 16 Management Center(concentration camp) for having attempted to flee from North Korea with the assistance of their son, who had defected to South Korea. This story was related to the defector by two workers (a major and a captain) from the center in October, 1999, when the defector was still living and working as a chief of a carpentry shop in Chongjin City. The workers had come to place an order meant as a special gift for Kim Jong Il.⁵⁷

According to the testimony of defector Shin Dong-hyuk, who has escaped from No. 14 Management Center, he was required to witness the public executions of his mother and brother, who had failed in their escape attempts, at the public execution site in the rear of a pigsty of No. 7 'work unit' on Nov. 29, 1996(Since 2000, public executions have been carried out at a town's open space along the Daedong River). When the man conducting the public

55. Testimony of defector XXX during an interview in Seoul on Jul. 8, 1996.

56. Testimony of defector XXX during an interview in Seoul on Jul. 9, 1996.

57. Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

execution finally declared, “Go ahead and execute the people’s traitors Jang Hye-kyung(mother) and Shin Hee-keun(brother),” a firing squad appeared and publicly executed them right in front of his and his father’s eyes. He testified that two or three public executions took place every year at the same site.⁵⁸

The Changing Style of Public Execution

According to defectors, the frequency of public executions has been diminishing since 2000. Many defectors testified that they were truly petrified in the 1990s as people were publicly executed by firing squad every month. Since 2000, however, public executions have taken place only once every three months on average.⁵⁹

Also, the frequency of public executions varies from region to region, and it is difficult to obtain accurate numbers for each region. Defector XXX testified that he had not seen or heard about public executions having taken place in the Kaesong area since 2000.⁶⁰ Defector XXX, who used to live in Wonsan and Shinuiju, asserted that public executions have clearly diminished in recent years. It also appears that there are far fewer public executions in non-border areas.⁶¹

Some reductions seem to be occurring in the categories of crimes subject to public execution. But public execution is still carried out for such crimes as murder, human trafficking, circulation of (‘harmful’) information, and smuggling.

58_ Shin Dong-hyuk, *Coming Out to the World* (Seoul: North Korean Human Rights Protection Center, 2007), pp. 188-191.

59_ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.

60_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

61_ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

Lastly, it is reported that public executions of those who were found guilty of illegal or unlawful acts are being carried out in front of large crowds.



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Individual Liberty

A. Liberty Rights and Detention Facilities under the North Korean Penal System

Liberty Rights under the Penal System

The right to individual liberty consists of those freedoms of personal security and autonomy that cannot be limited or abridged without due process of the law.

Article 5 of the Universal Declaration of Human Rights, provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Article 7 of the International Covenant on Civil and Political Rights also stipulates that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Furthermore, it is stipulated in Article 9 that no one shall be subjected to arbitrary arrest or detention. Furthermore, in Article 10 it is provided that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. Based on

Article 5 of the Universal Declaration of Human Rights, the UN adopted the Convention against Torture and Cruel, Inhuman or Degrading Treatment or Punishment at the General Assembly held on December 10, 1984. In 1993 the Vienna Declaration and Programme of Action stipulated that the prohibition against torture must be respected in all circumstances, with particular attention being paid during times of war, and further demanded that all UN member countries must endorse this declaration.

Theoretically, the freedom of habeas corpus in North Korea is guaranteed in the revised Socialist Constitution of September 1998. Article 79 declares that, unless based on the law, citizens shall not be arrested or imprisoned, nor their homes searched. In 1992, North Korea revised its criminal procedure law and added a provision guaranteeing human rights during criminal procedures. This provision survives as Article 5 in the 2004 criminal procedure law. In the 1999 version, “investigation” and “preliminary examination” had been combined into one chapter(Chapter 4), but the 2004 revision has again separated them into two separate chapters, “investigation(Chapter 6)” and “preliminary examination(Chapter 7),” indicating an attempt to provide stricter and more independent procedures. Also, the revision covers the mission and duration of preliminary examination(Section 1), interrogation of suspects (Section 3), and arrest and detention(Section 4). In short, more legally precise procedures have been provided for suspects during their arrest and their period of detention in the process of investigations and preliminary examinations.

In the 2004 criminal procedure law, arrest and detention procedures are laid down in separate articles of the law. As the Constitution stipulates, the criminal procedure law also specifies, “No one shall be arrested or detained in a manner not provided for

in the law or without following the procedures prescribed in the law(Art. 177).” Moreover, the law clearly stipulates that no arrest shall be made without a warrant, and only investigators and “pretrial agents” can make the arrest(Art. 180). Specifically, Article 181 stipulates that if a pretrial agent needs to detain a suspect, the agent must apply for and receive pre-approval from a prosecutor. In the past, there was also much criticism of the practice of not informing a detainee’s family subsequent to an arrest. Perhaps for this reason a new provision(Art. 183) was installed, stipulating that “A suspect’s family or organization shall be notified within 48 hours of arrest of the reasons for and the place of detention.” It would be necessary to confirm if this provision will also apply in the case of “family notification” of a missing person charged with political crimes. North Korea’s penal code classifies detention in three categories(Art. 184): “physical detention(Art. 185-188)”, “house arrest(Art. 189)”, and “confined-area detention(Art. 190).”

In its 1999 revision of criminal procedure law, North Korea also had classified search and seizure regulations in more detail: Prior to search and seizure the agent must submit a form and obtain a prosecutor’s approval authorizing the seizure(Art. 271). Before the actual search and seizure, the agent must present the authorizing document in the presence of two independent witnesses(Art. 218 and 221).

The revised law requires enforcement officials to observe legally prescribed procedures in investigations and arrests. There are also many provisions prohibiting torture and other inhuman treatments. In connection with the interrogation of suspects, Article 167 specifically stipulates that “the pretrial agent should not obtain the suspect’s admission of guilt using leading questions or through forcible means.” Article 229 also stipulates that “In the process

of interrogation, the witnesses or suspects should be protected from the use of force or intimidation.” The revised penal code of 2004 contains many provisions designed to punish those who employ illegal methods of interrogation, stipulating that “If a law enforcement official exercised unlawful methods of interrogation or willfully exaggerated or fabricated facts, he would be charged with up to five years of correctional labor. If the suspect’s health were harmed or he was criminally charged by the foregoing methods, the law enforcement official would be charged with five to ten years of correctional labor. In serious cases, he would be punished with correctional labor in excess of ten years(Art. 253).” If a law enforcement official has “illegally arrested, detained, or searched the person or his home, or seized or confiscated his property,” he would be charged with up to two years of correctional labor. If he repeated the unlawful acts, or his actions caused a public controversy, up to three years of correctional labor would be imposed(Art. 252). As a result, all unlawful acts in the process of arrest, detention, search and seizure are now subject to punishment. Under the revised penal code and criminal procedure law, the rights of suspects have been clearly set forth in the process of arrest, detention, search, and seizure. Torture and other illegal techniques of interrogation have been banned.

Despite these revisions in the criminal procedure law there still remains the possibility of human rights violations. As pointed out earlier, it is mandatory under the law to present appropriate prosecutor-authorized documents prior to making arrests, detaining suspects, and searching or seizing property. However, under the same provisions the investigators or pretrial agents are not required to obtain arrest or search warrants from a court for enforcement measures such as arrests, investigations, searches and seizures. It is

also widely known that laws are not faithfully followed throughout the enforcement process, even though the law clearly prohibits any violation of human rights or the liberty and security of a person.

Despite these law provisions, the most well known example of human rights violations is the inspections conducted by the so-called “non-Socialist Grouper.” Regarding these notorious inspections, ordinary North Koreans complain, “The inspections are designed not for the elimination of illegal and unlawful practices but to drive us into a deadly pit.” They grumble, “There are no improvements in law and order, only more dead-ends for the poor people.”⁶²

B. Detention and Correctional Facilities

Detention Based on the Type of Crime: Political, Economic, and Violent Crimes

Prison facilities in North Korea are divided into a two-tier system that differentiates and manages crimes according to political or economic offenses. In the 1970s, Kim Il Sung attempted to separate the responsibilities of what was to become the State Security Agency (or SSA, then located within the Ministry of Public Security and called the Political Security Department) from the Ministry of People’s Security (MPS) because of internal tensions between the two organizations. This measure was intended to prevent inter-departmental friction and to separate the respective roles of the two departments so that the SSA could take charge of political criminals, while the MPS could handle other criminals.

Punishment under the North Korean penal code is classified

⁶² Good Friends, “North Korea Today,” No. 92 (Oct. 3, 2007).

as “basic punishment” or “additional punishment.” There are four types of basic punishment: the death penalty, unlimited term of correctional labor, limited term of correctional labor, and labor training(Art. 28). The “unlimited term of correctional labor” and “labor training” were added during the penal code revision of 2004. The unlimited term of correctional labor sentences are 15 years and longer. The limited term sentences range from one to 15 years. Convicts sentenced to unlimited or limited correctional labor punishment are detained in “correctional centers(kyohwaso)” and undergo “corrections” through labor(Art. 30). The criminals sentenced to correctional punishment are typically economic or violent criminals, rather than political criminals, and would be detained in the “correctional centers” managed by the “correctional bureau” of Ministry of People’s Security. In addition to the official correctional facilities, North Korea has been criticized for operating political concentration camps, collection points, and labor training camps. Political criminals are incarcerated in “kwanliso” operated by the “farm guidance bureau” of the State Security Agency. These centers are political concentration camps, often called the “control district” or “special district for dictatorial control.” At MPS, the camps that hold former high-ranking officials are also called “kwanliso.” Depending on the nature of the crime, these different agencies exercise control over the convicts. For example, the State Security Agency will handle anti-state and anti-people crime cases and the MPS will investigate ordinary criminal cases. The prosecutor’s office handles other crimes involving administrative and economic projects, and violations by law enforcement officials and agents(Criminal Procedure Law Art. 122).

〈Table II-3〉 Confinement Facilities

Types of crime	Economic criminals and criminals found guilty of violent crimes	Political criminals
Supervising institution	Ministry of People's Security	State Security Agency (Bureau No. 7)
Confinement facilities	'Kyohwaso' Labor Training Camps Collection Points	Concentration Camps

Correctional Centers(Kyohwaso)

'Kyohwaso' are among the facilities that the MPS manages, and they can be likened to correctional institutions or prisons. These institutions hold persons found guilty of the most serious crimes. People who have been sentenced by a court to death or penal servitude are held in these facilities. Each North Korean province contains one or more of these facilities.

North Korea also disclosed to Amnesty International officials visiting the country for the International Festival in April 1995 that it has three rehabilitation facilities, including the Sariwon 'Kyohwaso', which holds between 800 to 1,000 persons. In addition, it said that 240 anti-state criminals are at the "Brothers Mountain Correctional Centers."⁶³ During the review of the second report, North Korea was asked to permit on-site inspections to international human rights organizations. However, North Korea refused the request, saying that it had twice permitted visits by AI officials, but because hostile elements had attempted to take advantage of the occasions for their unscrupulous intentions, the concerned agencies in North Korea were growing nervous with such visits.

⁶³ There is a 'correctional center' for political prisoners near the Brothers Mountain district of Pyongyang. Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

The revised penal code of 2004 defines crimes and types of detention as outlined in Table II-4.

〈Table II-4〉 Types of Crimes and Corresponding Place of Detention

Category	Correctional centers		Designated location
	Unlimited term	Limited term	Labor training
Anti-state, anti-people crimes (14 types)	Conspiracy to overturn the state (5 types)	Conspiracy to overturn the state (14 types)	—
Crimes disruptive to national defense systems (16 types)	—	Neglecting preparedness for wartime production (15 types)	Neglecting preparedness for wartime production (10 types)
Crimes injurious to socialist economy (104 types)	Taking or robbing state properties (6 types)	Stealing or robbing state properties (83 types)	Stealing or robbing state properties (76 types)
Crimes injurious to socialist culture (26 types)	Smuggling historical relics and smuggling and selling of narcotics (3 types)	Importing and spreading depraved culture (25 types)	Importing and spreading depraved culture (16 types)
Crimes injurious to administrative systems (39 types)	—	Collective disturbance; Interfering with official business (30 types)	Interfering with official business; Creation or dissemination of false information (29 types)
Crimes harmful to socialist collective life (20 types)	—	Acts of hoodlumism or racketeering (15 types)	Acts of hoodlumism or racketeering (18 types)
Crimes injuring life or damaging property of citizens (26 types)	Willful murder or kidnapping (3 types)	Willful murder (25 types)	Excessive self-defense (13 types)

In its second periodic report, North Korea said the period of detention in the three correctional centers would range from one to 15 years, with the length befitting the crime. North Korea has

submitted the following status report on the number of convicts in the centers and the average period of detention.

〈Table II-5〉 Number of Detainees and Average Duration

Year	Number of detainees	Number of detainees per 100 thousand
1998	1,153	5.2
1999	3,047	14
2000	1,426	6.5
Average duration in the past three years	3 years	

Source: North Korea's Second Report on Covenant-B.

According to the defectors, there are two “correctional centers in Hamhung City, South Hamkyung Province: A correctional center for women in the Sapo District, and a center for men in the Hoesan District.⁶⁴ In addition, a few more correctional centers are known to exist in North Korea such as Gaecheon Correctional Center, Jongori Correctional Center, and Soosung Correctional Center.

Labor Training Camps(Rodong Danryeondae)

According to defectors, in addition to the correctional centers, North Korea has been imposing various punishments and operating other detention facilities. An example is the “labor training” punishment. It is widely known that detention facilities like “collection points” and labor-training camps exist in North Korea. In the law books, other than within the penal code itself, “labor-training” is defined as a form of “punishment.” For example, Article 18 of the Law on the Execution of Sentences and Court

⁶⁴ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

Decisions(SPA Presidium Order No. 160 of November 9, 1998) specifies conditions leading to the suspension of execution of punishment. It says, “The execution of punishment would be suspended when the convict who was sentenced to correctional labor, labor training, or labor without pay, was seriously ill; or when a woman was three months before, or seven months after, the date of childbirth.” As defectors have testified, punishments not defined in the penal code were being carried out in reality.

Under the revised penal code of 2004, North Korea has installed “labor training” as a new type of punishment. Labor training is a form of punishment wherein the convict is sent off to “a location” for work details. Sentences range from six months to two years. For the convict, “two days of labor training” is supposed to count as the equivalent of “one day at a correctional center.” Under Article 31, the citizen’s basic rights are guaranteed during the period of labor training. However, according to the testimonies of defectors who had been detained in the labor training centers, the “location” described in the penal code must be referring to the “collection points” and “labor training camps.” One hundred sixty-five of the 245 articles contained in North Korea’s penal code mention punishment by labor training. Those convicted of harsher penalties are sentenced to a term of ‘correctional labor(at a normal correctional center).’ Without exception, the “labor training” penalty is not given for anti-state crimes. However, more than half of the crimes involving national defense will result in labor training penalties. Labor training is the preferred sentence in almost all crimes involving economic and land management, environmental protection, labor administration and socialist culture. “Labor-training camps” began to appear in the year 2001. This decision was perhaps made in response to international criticism that there

were too many “correctional labor centers” in North Korea. In any event, violators of the law are now being sentenced to “labor-training” penalties and sent to “labor-training camps,” instead of the “correctional labor camps.”⁶⁵ Most crimes involving disturbance of social order are also punishable by labor training, and such penalties are rendered for newly declared crimes. In fact, the 39 articles in the code relating to new crimes mandate punishments exclusively in terms of labor training. According to the defectors in South Korea, the names of detention centers and charges for detention in them appeared to vary from region to region. Most of the crimes subject to labor training are similar in nature to crimes testified to by the defectors.

According to the defectors, the Security Office is supervising the daily “punch cards.” Anyone failing to report to work for about a month, will be sent off to the “labor training camp” for a month.⁶⁶ The absentees(or jobless persons) would be sent off to the labor training camps(the “ganglands”).⁶⁷

Collection Centers(GypKyeolso)

“Collection centers” are similar to “correctional centers.” Staff at collection centers investigate and detain between six months to a year--without trial revocation of citizenship--various defectors, people transgressing a designated area or overstaying travel permits, those on “wanted lists,” and ordinary “loafers.” It is reported that at various provincial collection centers, brutal acts are being perpetrated on suspects to obtain admissions of guilt.⁶⁸ If a person

65_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

66_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

67_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

68_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

is caught traveling without a permit, he is sent to a “collection centers.”⁶⁹ The cases handled by “collection centers” include those whose crimes are not serious enough for “correctional centers” but too serious to send off to “labor training camps.” Examples would include the cases of moral hazard at work, such as absence from work or group training sessions, and accidental homicide by medical doctors or vehicle drivers.⁷⁰ Each provincial government runs a “central collection center.” Anyone at these central collection centers caught trying to escape are put to death.

Arbitrary Detention and Torture

In fact, according to the testimonies of defectors, inhuman treatment is easily found all over North Korea, including detentions and tortures without due process of the law. In cases of transgression of party policies or Kim Il Sung/Kim Jong Il’s instructions, even the basic human rights of the suspect are routinely violated. This is done to demonstrate to the people just how severe punishment can be for such transgressions.

There is a standing organization called the “Anti-socialist inspection group(or “grouper”)” consisting of workers from the Party, government, courts, and prosecution. Because they constantly conduct surveillance and investigations in various localities on violations of law and order, ordinary citizens fear them most. If they detain anyone(for anti-socialist behavior), it is very difficult to get released(without money to bribe or power to influence), and people are usually charged with crimes subject to “correctional labor,” which is a very serious punishment.⁷¹

69_ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

70_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2004.

71_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

Many defectors have testified that corruption and human rights violations are widespread in North Korean society, including the prosecutor's office. For example, inspectors from the Central Prosecutors' Office are empowered to make detention decisions upon the approval of their office. While investigating the agencies or enterprises dealing with foreign currencies, it has been said that inspectors would routinely confiscate foreign-made used cars for their own personal use.⁷²

Labor training centers and collection points are not official detention facilities. The possibility that human rights violations occur at these places is still high. This in itself is a fundamental problem. MPS is solely charged with preliminary decisions to detain people either in the correctional facilities or labor training centers. In the case of the latter, people are detained without formal trials, even though the convening of trials is stipulated in North Korea's laws.⁷³

The elder brother of a defector, XXX, was detained in the Onsung County Labor Training Camp in February 2001 on charges of illegal border crossing. He was tried at an elementary school in Sansung District, Onsung County, North Hamkyung Province. He was sentenced to a 15-month prison term. After serving two months, however, he got an early release from the camp due to illness(paratyphoid infection).⁷⁴ Defector XXX testified that he/she was sent to a labor training camp because the "anti-Socialist inspection grouper" had found his work performance to be unsatisfactory.⁷⁵ The "grouper" was dispatched to the Onsung County in 1998, and he has found almost 150 people guilty and

⁷² *Ibid.*

⁷³ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

⁷⁴ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁷⁵ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

sent them to a labor training camp. Included among them were antique dealers and people who made frequent visits to China.⁷⁶ Those who have had long “absences without leave” from work were also sent to the labor training camp.⁷⁷

Defector XXX was arrested in China on defection charges and deported to North Korea via the Shinuiju Security Agency and a collection center. On July 7-8, 2002, the Jeungpyong Security Agency, without holding a trial and based solely on documentary evidence, sentenced him to a one-year term at the No. 55 labor training camp. Housed in the camp were all kinds of criminals, including thieves, swindlers, prostitutes, state property embezzlers, drug addicts, fortunetellers, palm readers, and so on, although almost 70 percent of the inmates were defectors(or, those brought in for unlawful border-crossing).⁷⁸

When North Korea amended its penal code in 2004, it introduced a new type of penalty called “labor training.” Many North Korean defectors have testified that North Korean courts were rendering sentences of labor training based on the revised code. Since this is a significant new development, it would be worth describing an appropriate case in detail.

Mr. XXX was arrested in Yanji(Yeongil) City, China, on April 2, 2005. He had to undergo investigation and interrogation at Onsung Security Agency from April 13 to May 11. He was detained in the provincial collection center at Nongpo-dong, Ranam District, Chongjin City from May 11 to July 14. From July 15 to September 20, he was held in the Musan County People’s Security Agency detention center. He was tried on September 8 at the Musan County

⁷⁶. Testimony of defector XXX during an interview in Seoul on Nov. 23, 2004.

⁷⁷. Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

⁷⁸. Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

Court, which sentenced him to one year of labor training. He was then imprisoned in Section 3 of Jeungsan Correctional Center from September 22 to November 2, at which point he was released as his “labor training” term was over. Although the term was for one year, for the local resident of Musan County, the calculation of the term was as follows: Each day at the correctional center was counted as the equivalent of two days of his labor training term, and counting of the term was said to start from the date of deportation. Consequently, he was released from the Jeungsan Correctional Center after serving only about 40 days at the center. The judge at Musan Court at the end of his trial said, “Serving in a correctional center is hard and painful. If anyone were to serve long term, he would almost certainly die or would be unable to support his family afterwards. So, the idea was that we had better release the inmates as soon as possible so that they could contribute to the welfare of the Musan County residents in general.” Participating in the trial process were one judge, one defense attorney, four mature men who participated in the sentencing phase(of which one person testified he was from a committee), two indicted persons(of which one of them was waiting for his turn), one guarantor, and two guards(one security agent and one sergeant). The judge and 3 of the 4 mature men left the courtroom for 2-3 minutes, and when they returned, the judge said, “The indicted person, Kim XX, is hereby sentenced to serve one year of labor training.” Following this, the judge said he would count one day served in the correctional facility as two days of service in an effort to help out local residents of Musan.

Detained in Section 3 of Jeungsan Correctional Center, according to the defector, were the inmates who had been sentenced to serve out “labor-training penalties” for ordinary crimes or illegal

border crossing.⁷⁹

As the above testimony shows, there seems to be an attempt to follow formal trial procedures prescribed in the penal code even for cases subject to penalties of labor training. Sometimes one day of service at a correctional center is counted as two days of labor training. In this case, the judge's method of calculation was somewhat unusual and his explanations in favor of local residents somewhat extra-legal. Nevertheless, the fact that the revised penal code procedures are faithfully followed at lower levels is an encouraging development.

North Korea has denied as untrue the charges brought by the international community that torture and cruel treatment continue in rehabilitation and detention centers. The March 2000 report to the UN Human Rights Committee contained various details about law provisions of the penal code, and North Korea repeated its detention center operating regulations and rules for rehabilitation. North Korea argues that torture and cruel treatment are prohibited under these provisions and it is strictly enforcing the laws. However, North Korea partly admitted to certain cases, saying that some law enforcement workers sometimes beat the resisting detainees in violation of the provisions, and that the practice has not completely disappeared at this point. The responsible agencies, it explained, are sanctioning and punishing such workers in order to root out such practices. North Korean delegates submitted statistical evidence showing that there were three cases of petition against torture or ill treatment in 1998, one case in 1999, and two cases in 2000, and all the agents were given administrative punishments.

79. Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

C. Human Rights Violations Inside Correctional Centers

In its second report, North Korea insisted that the conditions of detention are stipulated in the rehabilitation project regulations, and that they are faithfully carried out. Despite this claim, the fact is that the human rights violations inside the detention facilities are absolutely cruel and inhuman. This is confirmed through the testimony of defector Lee XX, who came to South Korea after having been detained in the Kaechun 'Kyohwaso'.⁸⁰ Originally a female 'kyohwaso' under the SSA, located in South Sinuiju, the Kaechun 'Kyohwaso' became a management facility under the MPS when it was moved to Kaechun in March 1982. The Kaechun 'Kyohwaso' is one of the largest prisons in North Korea, built to house over 600 persons (approximately 20 persons per prison cell). Yet this facility holds approximately 6 thousand prisoners, 2 thousand of whom are female inmates. A single cell (eight by six meters) usually holds 80 people. Most are economic criminals guilty of such offenses as dealing in the black market or theft. Some are burglars or murderers.

DPRK labor law provides that general labor should be eight hours per day and prison labor should be ten hours per day. According to the testimony of a defector who was detained in the Jeungsan Correctional Center, all inmates work 10 hours a day and this work schedule is strictly observed. They wake up at 5:00 a.m., eat breakfast at 5:30, take roll call at 6:30, and begin work at 7:00 am. The afternoon work runs from 1 to 6 p.m. (until 9 p.m. during the farming season). Every 15th day the inmates take a day off, but during the peak farming seasons in the spring and fall, there

⁸⁰ Testimony of defector XXX during an interview in Seoul on Jul. 12, 1996.

are no off days. Another defector, who spent time in the Jeungsan Correctional Center from March 15, 2005 to May 24, 2006, testified that he used to wake up at 5:00 a.m. and go to bed at 10:00 p.m. Morning work ran from 8:00 to 12:00 and afternoon work from 1:30 to 7:30. When the workload mounted, he had to work overtime.⁸¹

Human rights violations, such as beatings, were pervasive in all correctional centers. Correctional officers(or, ‘guides’) would sometimes hit inmates, but more often the inmates would beat up other inmates upon instruction from the officers.

- Defector XXX was detained in Section 3 of No. 9 Correctional Center in Hamhung, South Hamkyung Province. On April 25, 2004, he was supervising drinking water for the correctional officers. However, Choi XX, who was a staff member of Section 3, beat him up for two hours, insisting that inmates drank the water reserved for officers.⁸²

Others have testified that women’s rights were routinely violated inside the correctional centers.

- Defector XXX testified that XYZ was a friend of his/her aunt ZZZ. She was imprisoned in the Jeungsan Correctional Center in South Pyongan Province on charges of family dispute. She did not know she was pregnant at the time, and she died in the correctional facility after a miscarriage.⁸³
- Defector XXX testified that while in a correctional center, correctional officers would single out female inmates for “individual talks” and then sexually assault them⁸⁴

81_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

82_ *Ibid*

83_ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

84_ *Chosun Ilbo*, Apr. 2, 2003.

Many inmates would die inside the center due to the poor quality of food, medicine, and hygiene. One defector testified that each meal consisted of 300 grams (the regulation was 700 grams) of corn meal with a cup of salted cabbage soup. If the assigned workload was left unfinished, only 240 grams would be given, and if the work performance was unsatisfactory three times in a row, the ration would be reduced to 180 grams. If one were sent to the isolation chamber or pretrial room for punishment, the amount would be further reduced to 90 grams. Defector XXX said he was given three meals a day, each meal consisting of steamed corn mixed with beans. Officially, each meal should amount to 599 grams, but he remembered getting only about 300 grams each time.⁸⁵ Defector XXX testified that he was detained in the Jeungsan Correctional Center in 2003. He said he was given one loaf of steamed grains and a cup of cabbage soup. He would mix them in the soup, but each meal amounted to no more than 5-6 spoonfuls.⁸⁶

Defector XXX testified that a production supervisor at the City Construction Team, Kang Sehwan, was caught for butchering a cow. It was confiscated and he was fined 3 thousand won. He died suddenly while being transferred after serving a term at the Junggori Correctional Facility. The reason given for his death was that he simply died of physical fatigue due to life in the facility.⁸⁷

- According to defector XXX, many correctional center inmates would die from malnutrition and poor health. Even during the period of severe food shortage (1997-1998), the inmates were given meals, but they consisted mostly of grass. Three meals a day were given per regulation,

⁸⁵_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

⁸⁶_ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

⁸⁷_ Testimony of defector XXX during an interview in Seoul on Oct. 12, 2002.

even though the quality was bad. The fact was that people outside the correctional center could at least move around to secure food, but the inmates in the center had no choice. So the center had to provide meals for them. However, the quality of food was so poor that many would die from disease and hunger; some would even freeze to death.⁸⁸

- A defector testified that in April, 2005 XXX died from malnutrition and physical exhaustion due to the heavy workload during the farming season. He was assigned to Unit 1, Section 1 along with XXX. Each meal consisted of only 150 grams of steamed grains along with some grass. Many inmates would try to pick edible grasses off the field or catch frogs and consume them. This would then cause diarrhea, which in turn would cause dehydration and death.⁸⁹
- A defector testified that while he was detained in a correctional center in May 2004, XXX, an orphan from Kaesong, died from malnutrition.⁹⁰
- The Jonggori Correctional Center has been housing an excessively large number of detainees since the end of 2006 causing a severe lack of food for the inmates. As a result, more and more inmates died from starvation.⁹¹

Due to increases in unlawful activities, the number of criminals was also increasing, which led to the overcrowding of inmates at various correctional centers. In the early months of

⁸⁸ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁸⁹ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

⁹⁰ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

⁹¹ Good Friends, "North Korea Today," No. 61 (Feb. 28, 2007); Good Friends, "North Korea Today," No. 63 (Mar. 14, 2007).

2007, numerous criminals were apprehended along the Chinese-Korean border regions. Felons would be sent to the correctional centers, management centers, or labor training camps in or around Gaechon, South Pyongan Province. The number of these felons was reported to be about 7 thousand. Recently, the Gaechon Correctional Center has completed its expansion work. As part of the so-called “society clean-up campaign” launched in October of 2006, a great number of law-breakers have been rounded up and the correctional centers were overflowing with inmates as a result. In response, the Organization Guidance Bureau of the Central Party decided to expand the Gaechon Correctional Center. Soldiers were mobilized in the expansion work and it was completed in about two months, the report said.⁹²

D. Human Rights Violations Inside Labor Training Camps

Because North Korean authorities could not continue to operate correctional centers during the food crisis, they consolidated the correctional centers, sending misdemeanor offenders to labor training camps for one to six months of hard labor. Sometime around 1990, Kim Jong Il issued a policy instructing “how to re-educate misdemeanor offenders within the military.” According to this policy each city and county organized and began to operate “a labor-training unit(i.e., a camp).”⁹³ Defector XXX testified that as of August, 1995, the former ‘Kyohwaso’ were abolished and new hard labor units(i.e., hard labor gangs) were organized under the control

⁹²_ Good Friends, “North Korea Today,” No. 65 (Mar. 28, 2007).

⁹³_ Testimony of defector XXX during an interview in Seoul on Aug. 31, 2001.

of city/county security agencies.⁹⁴ One labor-training camp is built for each county and city throughout North Korea, and each unit houses 500 to 2,500 individuals charged with larceny or running away from the collective environment.⁹⁵ The labor units were initially run as ad hoc organizations called ‘rehabilitation units,’ but later each was changed into ‘a labor-training camp.’ Each labor-training camp is staffed with members from various organizations. They include one person each from the military, MPS, and Inspector General’s office, one from the three-revolutions unit of the Party-in-the-military, one instructor from the county youth league, one troop leader, one rearguard, and a commander.

Despite the existence of labor training camps, North Korea reported in its second regular report that there was no “hard labor” in North Korea except for the correctional labor punishments. It argued that because there did not exist any legal basis to impose sentences of hard labor to violators of law and order, except for the sentences of correctional labor punishment given at formal trials, North Korea did not impose any labor punishment as a means of political, social, or religious control. There are, however, “detention points.” These are the facilities designed to temporarily house suspects under interrogation and those formally sentenced before sending them off to correctional centers. However, according to defectors’ testimonies, torture and beatings are routine in the detention points. Furthermore, all defectors testified that all labor-training camps enforced forced labor. Although inmates were

⁹⁴ North Korea is housing the rapidly increasing number of minor criminals in the hard labor units installed in cities and counties. Each center houses about 100 individuals, and agents who retire from the MPS are sent to supervise the detainees.

⁹⁵ North Korea is assigning the recently increasing minor criminals to the “labor-training camps” installed in each county and city. Each camp holds about 100 offenders and they are supervised by the People’s Safety agents.

allowed to maintain their Party membership and citizen ID, the workload and level of education was so heavy and intensive over a short period of time that serving at a labor-training camp was more physically demanding than at a correctional center.⁹⁶ Most defectors testified that the intensity of labor at the training camp is much higher than at the correctional center, though the service term in the former is shorter.⁹⁷

In connection with the Ranam Labor Training Camp, defector XXX testified as follows: The Ranam Labor Training Camp is located in Ranam District, Chongjin City, North Hamkyung Province. About 50 inmates were housed there, including some violent criminals, those charged with illegal border crossing, and those who were absent from work without leave. About 30 were male and 20 female. Those absent from work without leave had to serve a term equal to the duration of their absence from work (i.e., one month of service for one month's absence from work, etc.). Meals in the camp consisted of about 450 grams a day, or 150 grams per meal. The regulation amount was 100 grams per meal, but the accounting officer("guide") provided a little extra in view of the heavy daily workload. The inmates were mobilized as laborers for various projects such as pipeline repair work, building construction, and housing projects. About 20 out of 50 inmates would bribe the officials for an early release or for lighter assignments like mess hall duties.⁹⁸ Defector XXX who had served at No. 55 Labor Training Camp testified that about 500 grams of food would be served in three meals, each meal consisting of corn and cabbage soup. Inmates would wake up at 5:30 a.m., and working hours were from

96_ Testimony of defector XXX during an interview in Seoul on Aug. 31, 2001.

97_ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003.

98_ Good Friends, "North Korea Today," No. 11 (Dec. 12, 2005).

8:00 to 12:00 in the morning and 2:00 to 5:30 in the afternoon. Except for peak farming seasons, daily work would be over by about 6:00 p.m.⁹⁹ At Onsung Training Camp, inmates would wake up at 6:00 a.m. and go to bed at 10:00 p.m. They worked eight hours a day, with meals served at 7, 12 and 6 o'clock. They were usually put to hard labor from 8:00 to 12:00 in the morning and 1:00 to 5:00 in the afternoon. In the evening hours, they would attend community living and self-criticism sessions. Meals consisted of about 570 grams of steamed corn and cabbage soups divided into three meals.

Beatings take place in the training camps as frequently as in the correctional centers. Details of this are found in the testimonies of defectors.

- Defector XXX testified that XYZ was detained in the labor-training camp in Chongjin City in 1996. He died of complications from the beating during the transfer to the district hospital.¹⁰⁰
- Defector XXX testified that he was caught while trying to defect, and was put through a month-long labor training camp. Inside the camp, he was called “prisoner” and beaten routinely. Authorities in the camp also shaved off the female inmates’ hair.¹⁰¹
- According to defector XXX, Park X, complaining of hunger in 1996, said he wanted to escape from the worker reinforcement center he was in at Songpyong District in Chongjin City. He died while being transferred to a district hospital because the instructor told other detainees to do

⁹⁹_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹⁰⁰_ Testimony of defector XXX during an interview in Seoul on Sept. 7, 2002.

¹⁰¹_ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003.

away with him.¹⁰²

- A defector testified that XXX, who was a co-inmate in Section 2 of No. 55 Training Camp, ran away from the camp in late August, 2002. She was brought back in late September and severely beaten by the security guards. Subsequently, she was unable to eat well, frequently moaning and groaning. She eventually died.¹⁰³

Labor training camps are said to provide meals, but many inmates die due to malnutrition and physical exhaustion from the heavy and intensive workload. Many defectors have testified that this phenomenon persisted until very recently.

- A defector testified that he personally saw a 22-year-old woman starve to death in November 2004 at Onsung Labor Training Camp.¹⁰⁴
- A defector testified that he personally saw a 25-year-old man, XXX, starve to death in 2005 at the labor-training camp in the Pohang District.¹⁰⁵

From these testimonies, it is quite clear that there are numerous victims of beatings and starvation, and deaths occur due to complications from both.¹⁰⁶ Defector XXX testified that he was detained for about a month and a half at a labor-training center, but he was not beat up by fellow detainees or others in the center after Kim Jong Il announced his special instructions. However, North Korean defectors have testified that “group beatings” and inhuman

¹⁰² Testimony of defector XXX during an interview in Seoul on Sept. 7, 2002.

¹⁰³ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹⁰⁴ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹⁰⁵ *Ibid.*

¹⁰⁶ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

treatment continue to persist in all North Korean detention camps today, often producing false and forced confessions from detainees.¹⁰⁷

E. Human Rights Violations Inside Collection Centers

Like the labor-training camps, collection centers are a type of detention facility not stipulated in the penal code. However, the level and frequency of human rights violations such as beatings in these centers is known to be very serious. Most defector testimonies singled out the situation in the provincial collection center in Chongjin City, North Hamkyung Province.

The provincial collection center in Chongjin City holds only those who were caught after crossing the border illegally. There are about 1,500 detainees in the center at any given time. These people are held until People's Security agents from their hometowns come to pick them up and escort them back to their respective hometowns. Those from Chongjin, Hoeryong, and cities within the province are released within six months; but those from Pyongan and Hwanghae provinces have to wait for up to a year or more. Very few people from these inner provinces attempt to cross the border. Due to poor means of transportation to and from these provinces, Social Safety agents often neglect to pick up their residents in collection centers even after being notified of their detention.¹⁰⁸

— According to defector XXX, he was beaten with clubs while detained in the provincial collection point in

¹⁰⁷ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2004; Testimony of defector XXX during an interview in Seoul on Nov. 3, 2003, and defector XXX during an interview in Seoul on Jan. 20, 2006.

¹⁰⁸ Good Friends, "North Korea Today," No. 11 (Dec. 12, 2005).

Chongjin City. The defector testified that at one point he was hung upside down on a wooden column with fetters on his legs.¹⁰⁹

- Defector XXX testified that his neighbor, Kim XX, was put to hard labor from 5 a.m. till 10 p.m. every day he was in the collection point, and he was “group beaten” by cellmates under orders of the “cell senior” until he confessed all his crimes. If a detainee did not admit to his crimes, the wardens would repeatedly prohibit all cellmates from going to sleep, thus forcing any confessions they wanted to have.¹¹⁰
- While we were there, a 28-year-old man called Choi XX tried to escape and was caught. They beat him for half a day to the extent that he could not even move a finger. At that point, they collected hundreds of detainees and showed them the cruel punishment given to an attempted escapee.¹¹¹
- Another defector testified that a man from Hyesan was caught in October 2005 while attempting to flee from Chongjin Provincial Collection Center. The agents beat him up and he sustained injuries to his ribs(i.e., broken ribs).¹¹²
- Yet another defector testified that on October 10, 2005, four drunken detainees at the same center beat up another detainee who was from Kangwon Province. The man ultimately died from the beating.

109_ Testimony of defector XXX during an interview in Seoul on Aug. 31, 2002.

110_ *Ibid.*

111_ Testimony of defector XXX during an interview in Seoul on May 2, 2001.

112_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

Assaults on female detainees were also reported.

- One defector said that At a collection center in Hoeryong City, a safety agent ordered the repatriated female defectors to take off all of their clothes. “He was wielding a big club over our bodies, heads, stomachs, waists and chests. So, for fear of clubbing we all had to take off our clothes.”¹¹³
- Another defector reported that in mid-June 2002 she was detained in Shinuiju Collection Center. A people’s security agent conducted interrogation at his office. The agent demanded to know the reasons for her border crossing, whether she “lived” with a Chinese man while in China, why she gave birth to a child, and so forth. During the interrogation, he told her to kneel, and then he stepped on her feet and knees.¹¹⁴
- On May 15, 2005, a defector was being detained at the provincial collection center in Chongjin City. It was reported that a female inmate died from malnutrition and physical abuse. In June 2005, a detainee who was being held there on charges of illegally crossing the border said that a security guard at the center had struck her head with the blade of a hoe.¹¹⁵

The detainees held at the collection centers suffer from chronic malnutrition and abuse, just like inmates held in other detention facilities. Some simply collapse and die due to physical exhaustion. People from the inner provinces like Pyongan, Hwanghae, and Kangwon have more difficulty trying to cross the border; and after being forcibly deported from China back to North

¹¹³_ Testimony of defector XXX during an interview in Seoul on May 2, 2001.

¹¹⁴_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹¹⁵_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

Korea, they normally suffer more ordeal and a longer period of detention. Without doubt, the right to life of the detainees in these centers is seriously being breached.¹¹⁶

- In November 2004, while being detained at the Chongjin Provincial Collection Center, a defector personally saw another detainee (about 43 years of age) from Heisan City, Yangkang Province, die of starvation.¹¹⁷

F. Human Rights Violations Inside Detention Points

Another detention facility in North Korea is the “detention point,” where suspects are held during the investigation and pretrial process. These cells are temporary facilities designed to hold suspects during the interrogation phase and those awaiting transfer to correctional centers after the trial and final court decision.

- Defector XXX testified that he was held for ten days in early December 2002 at the detention point of Onsung County Security Agency. He had to wake up at 5 a.m. and went to bed at 10 p.m. Meal times were 7 a.m., 12 noon, and 6 p.m. Except during meal time, he had to sit up straight and motionless all day. If he moved a trifle, the guard would beat him. There was, however, no forced labor. For the 40 incarcerated, only three 500-liter bottles of drinking water were supplied per day. All suffered from extreme thirst. Meals were equally insufficient: each meal consisted of a cup of corn porridge or corn-starch noodles.¹¹⁸

Many North Korean defectors testified that they witnessed

¹¹⁶_ Good Friends, “North Korea Today,” No. 11 (Dec. 12, 2005).

¹¹⁷_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹¹⁸_ *Ibid.*

many deaths due to beatings by guards' beatings, starvation and hunger related illnesses while detained in the People's Security "detention points." Tortures and beatings are routine in the detention points.

- Another defector testified that he was forced to sit at attention in his underwear for long hours. If he failed to comply with this requirement, he was ordered to stand upside down on his chin against the wall(the "chin stand"), or was beaten on the back of his hands until they bled. He was also struck in the groin. For this reason the correctional center refused to take him in.¹¹⁹
- Another defector testified that cellmates were instructed to beat up one inmate who snored a lot while sleeping.¹²⁰
- Defector XXX testified that in January 2000 XYZ died in the middle of harsh interrogations. He was being interrogated because of his possible contact with religious people while he was in China.¹²¹
- Another defector testified that XXX was arrested for larceny and subsequently beaten up in the retention center and died of hunger.¹²²
- Another defector testified that he was tortured by electrical shock when he was under detention at the Kaesong City Security Agency.¹²³
- Still another defector testified that he was arrested for going AWOL while serving at the General Bureau of the Protective Force. While undergoing preliminary

¹¹⁹_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

¹²⁰_ Testimony of defector XXX during an interview in Seoul on Nov. 3, 2003.

¹²¹_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

¹²²_ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

¹²³_ Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

examination for four months at the detention point of State Security Agency, he tried to flee again, but he was shot and struck by a bullet in his leg. He was caught and subsequently tortured.¹²⁴

Many defectors have testified that serious incidents of human rights violations have occurred inside the Onsung County Security Agency. It appears that strict and tight controls were enforced in the detention points of the Security Agencies along the border regions as the number of defectors had increased. Maintaining order was said to have become difficult but imperative.

- A defector testified that on December 9, 2002, XXX was beaten and tortured by a guard of the Onsung County Security Agency because he had practiced Christianity and made his daughter study the Bible.¹²⁵
- He also testified that a security agency officer from Onsung County tied the hands of a man of about 30 years of age to the a cell's iron bars and repeatedly struck his hands and rammed his head against the bars.¹²⁶
- In May of 2003, a guard struck the defector's head with a wooden two-by-four so hard that his head was almost split open. The reason given was that the defector had moved a trifle while sitting up straight in his cell.¹²⁷
- Another defector said he was deported to Onsung County Security Agency in August 2003. He was not struck or beaten, but he saw many inmates severely beaten, including people who tried to go to South Korea. Some had dyed hair

¹²⁴_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹²⁵_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹²⁶_ *Ibid.*

¹²⁷_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

- and wore blue jeans.¹²⁸
- Another defector said the agents frequently beat him up during the 15 days he was detained in Onsung Security Agency after his arrest and deportation in October 2003.¹²⁹
 - Another defector who was deported in August 2005 testified that a guard at the Onsung Security Agency struck him because he talked with the person next to him.¹³⁰
 - Another defector said he had been severely beaten with a club because he had tried to go to South Korea. He was detained in Onsung Security Agency from May 26 to June 14, 2006 after deportation from China.¹³¹
 - A defector also testified that he had heard that in early 2006 XXX, who was undergoing interrogation at Musan County Security Agency on charges of crossing the border illegally, was violently beaten for no reason at all. His ribs were fractured and his back was badly hurt.¹³²

In addition to beating and torture, sexual assaults on female inmates were also reported to have taken place at the detention points.

- Defector XXX testified that she was deported to Namyang in April 2003. At both Onsung Security Agency and Manpo Security Agency, male security agents took her clothes off and searched her body.¹³³

¹²⁸ *Ibid.*

¹²⁹ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

¹³² *Ibid.*

¹³³ Testimony of defector XXX during an interview in Seoul on May 2, 2001.

- Another defector said that in April 2003 she saw 1 to 2 inmates die from diarrhea every day at Onsung Security Agency detention points.¹³⁴

In addition, many defectors have testified that serious human rights abuses, for example forced abortions, have taken and do take place in the detention points.¹³⁵ Dr. Willy Porter, the representative of Doctors without Borders(MSF) in Brussels, reported that “Interviews were conducted with 35 defectors who had escaped from various detention facilities in the preceding 18-month period, and 31 of them testified to having witnessed the killing of newborns.” He said this was organized behavior of wardens and correctional officials. These officials would seek out pregnant inmates and torture them or put them to hard labor to induce forced abortions and get rid of the babies.¹³⁶ In its annual human rights report 2002-2004, the U.S. State Department pointed out that there were cases in North Korea of forced abortion of pregnant female inmates and murder of newborn babies. During the Fourth International Conference on Refugees and Human Rights in North Korea held in Prague, Czech Republic, investigator David Hawk of the U.S. Committee on North Korean Human Rights reported that “A North Korean defector testified to me that when he was detained at a detention point at Onsung [North Hamkyung Province, North Korea], two female inmates were forcibly taken to a hospital for forced abortion and the newborn babies were stifled to death.” He

¹³⁴ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹³⁵ Testimony of defector XXX during an interview in Seoul on Nov. 9, 2004, plus numerous additional testimonies of other defectors.

¹³⁶ *Chosun Ilbo*, Jan. 9, 2002; In this instance, the Chosun Central News Agency contended that the Chosun Ilbo carried a completely false and fabricated story about murder of newborns at concentration camps in the name of MSB. This is totally false. *The Chosun Central News*, Jan. 18, 2002.

added, “From various testimonies, I was able to confirm that torture, abortion, and murder of newborns are carried out in North Korean prisons and detention facilities.”¹³⁷ Testimonies of North Korean defectors on forced abortion and murder of newborns are also found in his book, “The Hidden Gulag: Exposing North Korea’s Prison Camps.”¹³⁸ Most defectors have testified that they have never seen female inmates leaving detention facilities with any children.

Another type of human rights violation takes place during the pretrial process at Security Agency detention centers. As crimes increased along the border regions, the number of detainees also increased. If families of detainees wanted to get in touch with or provide some food and clothing for the detainees, they would, without exception, have to find some way to establish contact with guards, pretrial clerks, or someone at the Security Agency and provide them with gifts, money, or other forms of bribery. Since the burden of money and bribery grows heavier as the detention is protracted, many detainees file petitions, asking to be sent directly to the correctional centers as soon as possible.¹³⁹

G. Human Rights Violations Inside Political Concentration Camps(Kwanliso)

It is widely known that some of the most flagrant violations of human rights are perpetrated in North Korean political concentration camps. The fact that North Korea has been operating many of these camps was revealed to the outside world by former political prisoners and prison guards, and their families, who

¹³⁷_ Chosun Ilbo, Mar. 3, 2003.

¹³⁸_ David Hawk, *The Hidden Gulag: Exposing North Korea’s Prison Camps* (Washington, D.C., US: U.S. Committee for Human Rights in North Korea, 2003).

¹³⁹_ Good Friends, “North Korea Today,” No. 107 (Jan. 16, 2008).

defected from North Korea. The realities inside the camps were also uncovered through the persistent efforts of international human rights organizations like Amnesty International. A defector who came to South Korea in 1982 who had previously worked as an intelligence agent at the (North Korean) State Security Agency was the first to testify of the existence of political prison camps in the North. Subsequently, several other defectors, former inmates, have provided additional information about political prisons. They include Kang Chul-hwan and Ahn Hyuk(admitted in 1992), who defected after being released from Yoduk Concentration Camp; Ahn Myung-chul(admitted in 1994), who defected while working as a security guard at Hoeryong Concentration Camp; and Choi Dong-chul(admitted in 1995), who was formerly a security guard at the State Security Agency in the mid-1980s. Defector Lee XX, Bae XX, Chung XX, and Shin XX, who served a term at Daesuk-ri Unit No. 8 of Yoduk Detention Camp from 1995 to January 1999, recently disclosed their experiences while inside political prison camps. Among the camps, physical evidence of Unit No. 22 Political Prison Camp does appear to exist, as The Digital Globe zoomed in its satellite cameras on this camp in April 2002. Its pictures were released to the international and South Korean media on December 5, 2002.¹⁴⁰ In addition to these, the U.S. Committee for Human Rights in North Korea published a report in October 2003 (based on defectors' testimonies and satellite photos) on the realities of political prison camps in North Korea.¹⁴¹

North Korean authorities give the name of camps depending

¹⁴⁰ On Jan. 15, 2003, NBC-TV in the United States reported the realities inside the political prison camp based on the testimonies of the defectors and the satellite pictures. <<http://www.msnbc.com/news/859191.asp?0sp=v3z2&0cb=114130475#BODY>>.

¹⁴¹ Hawk, *The Hidden Gulag: Exposing North Korea's Prison Camps*.

on either the numbers for a specific area or the document number regulating the crimes that were deemed to be harmful to the maintenance of the regime. In some areas, it appears that “correctional centers” are used only for purposes of detaining political prisoners.¹⁴² The Yoduk Concentration Camp in South Hamkyung Province is labeled Kwanliso No. 15. These camps are camouflaged by being reported officially as a unit of the North Korean People’s National Guard. Each concentration camp in North Korea is recorded as No. 2915 unit of the North Korean People’s Security Guard.

According to North Korean documents seized during the Korean War, and later released by the U.S. State Department, North Korea has been operating collective camps since 1947, two years after Korea’s national liberation. The people confined there in the post-liberation years were landowners, along with pro-Japanese and religious persons. After the war, inmates consisted mostly of those who had served as local security unit members on the side of the advancing South Korean and UN forces during the war. These concentration camps were converted into banishment camps for political prisoners after the so-called August Faction Incident of 1956 (when Choi Chang-ik, Yoon Kong-heum and others conspired against Kim Il Sung). The former KWP secretary Hwang Jang-yop, who defected to South Korea in 1997, testified that the controlled districts originated from the August Faction Incident. At first, according to Hwang, only the sectarians were sent to these camps, but later all political prisoners, including anti-Kim Il Sung elements, were sent there. He further testified that at the time Kim Il Sung

¹⁴² XXX was caught in 1958 while attempting to flee to the South through the Demilitarized Zone (DMZ). He was punished as a political criminal, and served 12 years from 1960 at Susong Correctional Center in Chongjin. Testimony of defector XXX during an interview at KINU on Jan. 19, 2005.

argued that the sectarians were so wrong in their minds that they should be sent along with their families to remote rural mountain areas to lead segregated lives. Accordingly, the first controlled district was set up in the Dukjang Coal Mining region of Bukchang County, South Pyongan Province, at the end of 1958.

In the course of purging Kim Il Sung's political foes, such as those of the Yen-an Faction, the Pyongyang authorities retaliated against anti-party and anti-Kim Il Sung elements (and to contain the proliferation of their influence) by confining those involved in the incident whom they did not execute, along with their families, in remote mountainous areas.

Yoduk No. 15 Kwanliso began housing political prisoners in 1969 after Kim Il Sung delivered his speech on "the Need to Revolutionize the Staff."¹⁴³ At the time, many well-known artists were detained in Yoduk Center, including the former South Korean actor/comedian Shin Bul-chool; actor Kang Hong-shik, who had starred in Japanese movies, and his family; and stage-dancer Hyun Jung-soo, who was a student of North Korea's well-known dancer Choi Seung-hee.

In 1966, North Korea began re-registering its people to prepare for the arming of one million people as part of the Worker-Peasant Red Guards. The project included gathering information on everyone's political beliefs. From 1967 through 1970 the entire North Korean population was categorized into three classes (i.e., the core, wavering, and hostile classes) and fifty-one subclasses (see Table II-8 in this chapter). About 6 thousand people who were

¹⁴³ Defector XXX had served about eight years between 1970 and Dec. 1978 at Yoduk Concentration Camp along with her family, except for her husband. Testimony of defector XXX during an interview at KINU on Jan. 19, 2005. At first, XXX was assigned to No. 3 Work Team. She recalled that at the time, No. 1 Work Team included many returnees, and No. 10 Work Team was placed between No. 3 and No. 4 Teams.

branded as sectarians or anti-revolutionaries were executed after being tried in what amounted to nothing more than show trials. The approximately 15 thousand who escaped execution, along with their family members who numbered about 70 thousand, were held in the remote mountains under Cabinet Decision No. 149. Confined separately were those who opposed the Korean Workers Party or Kim Il Sung himself.¹⁴⁴ In the process, the families of some political prisoners were driven out and forced to disperse across deep mountainous areas or to rural farm areas with certain restrictions.

In their early stages the combined area of the camps was about equal to that of a small town. Since the Three Revolutionary Team Movements began in 1973 as a move to consolidate Kim Jong Il's power base in preparation for his succession to power, the number of inmates swelled phenomenally. In the course of purging the party, military, and administration officials who opposed Kim Jong Il's succession to power following his seizure of party control at the 6th Party Congress in 1980, the need for the creation of at least four more concentration camps became evident. As of 1982, more than 100 thousand people were sentenced to hard labor at eight camps, isolated from the rest of society for the rest of their lives. Following the fall of the Socialist bloc in Eastern Europe in the late 1980s, the number of camps grew, with the number of inmates reaching about 200 thousand as the regime tightened its internal control to keep the wave of reform in Europe from penetrating North Korea.

¹⁴⁴ Professor Ogawa insists that the current concentration camps have been formed in the process of establishing the Kim Il Sung-Kim Jong Il unitary ideological system in the latter part of the 1960s. Ogawa Haruhisa, "North Korea's Concentration Camp," International Seminar for the Issue of North Korea's Human Rights and Defectors (jointly held by the Chosun Ilbo, The Civilian Coalition for the North Korean People's Lives and Human Rights, and Korea University on Dec. 2, 1999).

The Scope and Punishment of Politico-Ideological Criminals

In referring to politico-ideological prisoners, North Korea vaguely refers to them as anti-revolutionaries, or people with unsound ideology, or hostile elements. Once an authority decides to eliminate someone, he can do it readily by an accusation under one of these counts. Kim Il Sung once said, for the victory of the socialist revolution, anti-revolutionary elements opposed to and who impede the thought and passion of the revolution, along with hostile elements who stage a compromising struggle against unsound thoughts, would have to be oppressed--especially those trying to revive capitalism. For North Korea, then, it is a matter of course either to execute or to hold in concentration camps not only the political foes of the Kim Il Sung and Kim Jong Il system, but also those who are uncooperative in the construction of socialism. Such people are branded as politico-ideological criminals.

Under the 1990 penal code, crimes subject to punishment as a political prisoner included conspiracy to topple the State, reactionary agitations and propaganda, and treason against the fatherland. A sentence of "conspiracy" is set down on those who participate in civil disturbance or in any conspiracy to overturn the Republic. People charged with being "anti-party" or "anti-Kim Il Sung" would be given this sentence and would be either executed or banished to political concentration camps(Art. 44-55 of the Penal Code). In order to impose heavy punishments on political and ideological criminals, North Korea enumerated 12 articles under its penal code(Articles 44 through 55). More detailed classifications of anti-state crime appeared in the revised penal code of 2004: they are conspiracy to topple the State; terrorism; anti-State propaganda and agitation; treason against the State; espionage; destruction and murder; armed intervention and agitation to sever foreign relations;

and hostile actions against foreigners(Articles 59-66). The revised penal code of 2004 appears to have made some improvements on the 1990 version by adding greater specification to the description of crimes.¹⁴⁵ For example, the crime of “conspiracy” is described as “those who conspired or participated in a coup d’etat, violent civil disturbance, or raid with anti-State aims(Art. 59),” while the crime of “espionage” would apply to “those who were not North Korean citizens, had detected, collected or provided confidential information with the aim of spying on North Korea(Art. 63).”

Whether to send ordinary criminals to prison is determined through minimum reviews and trial procedures. Cases of individuals charged with politico-ideological crimes, however, are unilaterally reviewed by the State Security Agency in a single-trial system without judicial trial procedures. Defector XXX said that Lee Dong-myong was in Russia in 1998, demanding to go to South Korea. He was later deported to North Korea, and reportedly sent to a political prison camp.¹⁴⁶ People are sent to political prison camps secretly without their neighbors’ knowledge. Punishment is not limited to the person involved; immediate family members and even more distant relatives are punished under the North’s system of “guilt by association.” According to defectors XXX and XYZ, the application of guilt by association is limited to immediate family members. If a husband is punished as a political prisoner, his wife should be divorced and returned to her original home. However, if a wife is indicted as a political prisoner her husband is not punished.¹⁴⁷

Defector XXX testified that political concentration camps

¹⁴⁵ Han In-sup, “The Contents and Meaning of North Korea’s Revised Penal Code of 2004.”

¹⁴⁶ Testimony of defector XXX during an interview in Seoul on, Sept. 7, 2002.

¹⁴⁷ Testimony of defector XXX and XYZ during an interview in Seoul on Nov. 30, 2002.

are where the authorities send those people who presumably said things or acted contrary to the monolithic political leadership system. There they are completely segregated from the outside world and forced to live in exile. Defector XXX recounted recent examples of criminal behaviors that are subject to detention in the political prison camps, in addition to political crimes: First, the primary target is the staff or cadres who spread information concerning Kim Il Sung, Kim Jong Il, their families and their personal lives, and those who have criticized the politics of Kim Il Sung and Kim Jong Il. Second are those who exercised negative influences in the process of amassing slush funds for Kim Jong Il. Recently, more people have been detained in connection with irregularities over the formation of slush funds. Third are those who either listened to South Korean broadcasts or who had contact with South Koreans in another country (e.g., China). Most of these people are former diplomats. There are also other detainees who were caught while attending church services out of curiosity during visits with their families in China. Fourth are former high-ranking officials who have attempted to maintain lavish drinking fraternities with local leaders. Examples are a division commander, an organization secretary of the Party, and a political director at the First Corps of the Ministry of People's Armed Forces who were all implicated on such charges. No private associations such as fraternities or mutual loans among individuals are allowed. These behaviors are punished before they "can grow to form decadent organizations." A final behavior said to be punishable by detention in a political prison camp is the forming of anti-government cells (which were noted to be on the increase). For example, in August 1995, seven squadron pilots were detained on charges of anti-regime conspiracy, including Lee Chul-woong, assigned to the Third Fighter Wing command of

the North Korean Air Force, located in Hwangjoo Air Base.¹⁴⁸

Status and Operation of the Camps

Detention camps in North Korea are located in remote mountainous areas in South Hamkyung, North Hamkyung, South Pyongan, North Pyongan, and Jagang Provinces. Their total inmate population is estimated to be about 200 thousand. Since there is no confirmed evidence, we have to rely on the testimonies of defectors who previously worked on the prison staff or who were personally detained as prisoners at the political detention camps. According to the testimonies, the realities in the camps are as follows:

Defector XXX, who worked as a guard at the camp at Hoeryong, North Hamkyung Province before he defected to the South in October 1994, said that under the control of Bureau No. 7 of the SSA alone, there were ten political prison camps.¹⁴⁹ Later, five of them, including two in Onsung,¹⁵⁰ North Hamkyung Province near the Chinese border and ones near Pyongyang, were closed or moved to prevent discovery by the outside world. With reference to the remaining camps he mentioned Kwanliso No. 14 at Kaechun, South Pyongan Province; No. 15 at Yodok, South Hamkyung Province; No. 16 at Hwasung, North Hamkyung Province; No. 22 at Hoeryong, North Hamkyung Province; and No. 25 at Chungjin, North Hamkyung Province. He said at these camps the total number of prisoners stands at around 200 thousand.

In Chongjin City, they call it “Soosung Correctional Center.”

¹⁴⁸ Testimony of defectors XXX and XYZ during interviews in Seoul on Jan. 18, 2005 and Jan. 20, 2005.

¹⁴⁹ Testimony of defector XXX during an interview in Seoul on Jul. 9, 1996.

¹⁵⁰ Defector XXX testified that the Onsung No. 12 Management Center was abolished in 1987, and a tobacco barn was built there on Apr. 25 the same year. Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

but the facility is in fact a “management center,” where political criminals are detained. The MPS, rather than SSA is in charge of management and supervision of this center.¹⁵¹ Defector Shin Dong-hyuk, who was born at the Gaechon Management Center and successfully escaped from the facility years later, testified on the reality and specific details inside the “No. 14 Management Center.”¹⁵²

Defector XXX recalled that when he was serving in the military he gave a ride to Yoduk Kwanliso to a sister of his senior officer’s wife when she came to see a safety guard at one of the prison camps.¹⁵³ Defector XXX testified that he had visited the Yoduk Center located in Inhwa-ri, Yoduk County, to see a fellow safety official while he was transporting supplies for the Safety Agents.¹⁵⁴ According to defector XXX, there were two political concentration camps, one in Hoeryong, North Hamkyong Province and another in Danchon, South Hamkyong Province. Defector XXX testified that the No. 18 Center located in Deukjang-ri, Bukchang County, South Pyongan Province was exclusively for convicted party officials.¹⁵⁵ It is unconfirmed whether this facility was moved to another location, or the prisoners were scattered among similar facilities elsewhere after the facility was closed down.¹⁵⁶

¹⁵¹ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

¹⁵² Shin Dong-hyuk, *Coming Out to the World*, op. cit.

¹⁵³ Testimony of defector XXX during an interview in Seoul on Sept. 7, 2002.

¹⁵⁴ Testimony of defector XXX during an interview in Seoul on Jan. 12, 2005. David Hawk in his Hidden Gulag said No. 18 Management Center is under the control of a Guard Unit belonging to the People’s Safety Agency rather than Bureau 7 of the National Security Agency, and is holding the families of the criminals detained in No. 14 Management Center.

¹⁵⁵ Testimony of defector XXX during an interview in Seoul on Jun. 29, 2002; Testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

¹⁵⁶ For example, the No. 77 Correctional Center located in Daeheung-ri, Danchon County, South Hamkyong Province was moved to Shinuiju in 1982-1983 and its name changed to “management center.” There were eyewitnesses who saw the

On February 25, 1998, defectors XXX and XXX testified before the U.S. Senate Foreign Relations Subcommittee on East Asia and Pacific Affairs that presently some 200 thousand political prisoners are detained in detention camps in North Korea. In its Human Rights Country Report 2003 (released in February 2004), the U.S. State Department reported that some 150-200 thousand political criminals are detained in various political detention camps in North Korea. Since the size and location of these political prison camps would change frequently depending on the circumstances, it is difficult to know their realities accurately.¹⁵⁷ If we were to strictly define “political criminals” and “conscientious objectors,” their number would be far fewer than the large number of people detained in various camps.

Defector Ahn Myung-chul said that North Korea established most political concentration camps in remote areas or coal mines. And like the case of Seung-ri Concentration Camp (abolished in January 1991), some of them were built underground to conceal their whereabouts. He also revealed that the No. 25 Concentration Camp near Chonjin, North Hamkyong Province, was a top-level political concentration camp, where only political criminals were detained. Ahn further testified that there was a political concentration camp under the control of Bureau No. 3 of the State Security Agency, where human rights abuses at a scale beyond imagination were being committed.

family of Hwang Jang-yop, who had fled to South Korea, being transported there aboard a train. Testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

¹⁵⁷ A defector XXX testified that since the international community began using satellite photos to focus on Yoduk Concentration Camp, North Korea has begun to move the detainees at Yoduk to Dukchon Concentration Camp in South Hamkyong Province. Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

Meanwhile, as international opinion has risen against North Korean human rights abuses, Lee Chang-ha, chief secretary of the DPRK Human Rights Institute, invited a fact-finding team from Amnesty International to visit from April 26 through May 3, 1995. The North allowed the team to tour a 'Kyohwaso' at Sariwon. North Korea also disclosed to AI officials that it was holding a total of 800-1,000 inmates held in three correctional facilities, and 240 of them were being held at the Hyonsanje Correctional Center. North Korea insisted that the testimonies of 'defectors' in South Korea were not true.

Detention camps are divided into "complete control districts" and the "revolutionary districts." The former are exclusively for those given life terms. They slave in mines and at logging yards under horrible working conditions. There is no need for them to be ideologically educated because they will never return to society alive.

The latter, on the other hand, are divided into family and bachelor sections. Prisoners held here might be freed depending on the outcome of reviews made after a specified period (from one to ten years). Upon release prisoners must sign an oath not to discuss anything about their experience, and violating the oath means returning to the camp.

As members of the hostile class, prisoners released from the revolutionized districts lead a poor existence. They are the primary targets of surveillance by the SSA, so they suffer various restrictions in employment, travel, and so forth.¹⁵⁸ If an ex-political prisoner commits an ordinary crime, ten years imprisonment is added to the

¹⁵⁸ According to defector XXX(alias), XXX was an interpreter at the Foreign Wire Service Section of the Ministry of People's Armed Forces. Koh was arrested on spy charges during the process of an ideological background check of his years of study in Russia. He was detained in Yoduk Camp from May 1989 to February 1994, and forced to work at Chongjin Steel Mill. Testimony of defector XXX during an interview in Seoul on Jan. 19, 2002.

term he or she would normally serve.

According to the testimony of Ahn Myung-chul, among all the political detention camps in North Korea, only the No. 15 Control Center at Yoduk, South Hamkyung Province, has two separate sections: the “revolutionary district” and the “complete” or “full control zone”; all others have only full control zones.¹⁵⁹ This means that except for extremely rare cases, the only detention camp that would permit any detainee any hope of returning to society alive would be the one at Yoduk.

In the Daesuk-ri No. 8 camp where Lee Young-guk was detained, about 900 inmates were detained as of January 1999, and about 80 female inmates among them. The Citizens Alliance for North Korean Human Rights (a South Korean-based NGO) presented a video documentary entitled *The Seven Defectors and their Aftermath* during the Third Conference on North Korean Human Rights and Refugees, held on February 9, 2002 in Tokyo. In the video, it was stated that seven defectors crossed the China-Russia border into Russia in January 2000. They were caught by the border guards and deported to North Korea via China. One of the seven, Kim Eun-chol, was said to be detained in the Yoduk Detention Camp.¹⁶⁰

In the cases of returnees from Japan (and their families), who have had close personal connections with North Korean elite and/or senior officials of the pro-Pyongyang General Association of Korean Residents in Japan (or “Chongryon”), they are detained in the revolutionary district within the political concentration camp. The policy is to have them endure torture and thus make them

¹⁵⁹ In his *Hidden Gulag*, David Hawk at the U.S. Committee for Human Rights in North Korea said there was a scaled-down “revolution sector” in the No. 18 Center located in Bukchang-ri, South Pyongan Province.

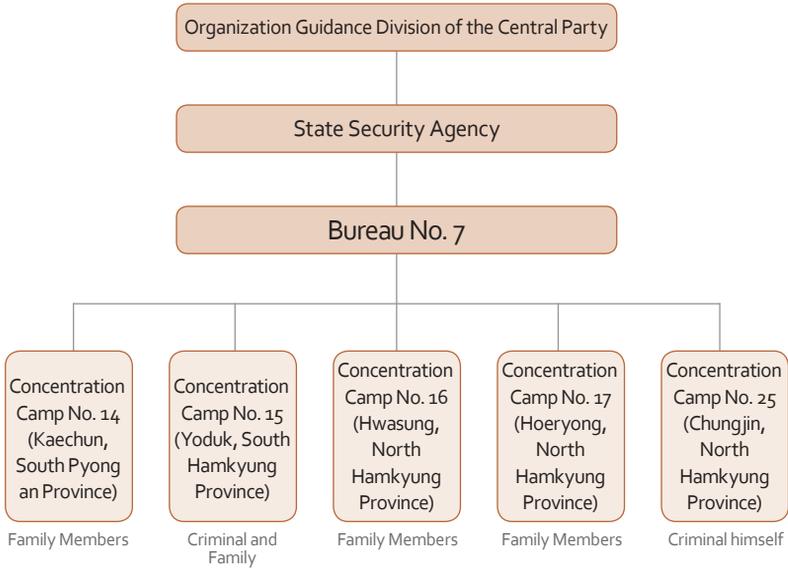
¹⁶⁰ *Chosun Ilbo*, Feb. 10, 2002.

more obedient to the Kim Il Sung and Kim Jong Il system before they return to society. Most other political prisoners are held for life at the full control zones. Defectors have stated that in exceptional cases, prisoners serving out life terms may be transferred from full or complete-control zones to the revolutionary district though this would be a very small number. Lee Young-guk testified that the levels of punishment, as well as the length of detention and the possibility of release, would vary depending on the detainee's personal background.¹⁶¹ In extremely exceptional cases, inmates mentioned during Kim Jong Il's "on-the-spot inspection and guidance" would be immediately released from the camp and directly return to society.¹⁶² In most cases, however, no one ever returns to society.

¹⁶¹_ Testimony of defector XXX during an interview in Seoul on Oct. 27, 2001.

¹⁶²_ "A Workshop for the Defectors," sponsored by KINU, Jan. 20, 2006.

〈Graphic II-3〉 Structure of Special Dictatorship Zones



〈Table II-6〉 Political Prison Camps that Have Been Dissolved

No.	Location	Date closed	Reasons for closing
No. 11	Foot of Gwanmo peak, Gyungsung, North Hamkyung Province	Oct. 1989	To build Kim Il Sung's villa
No. 12	Changpyong Workers' District, Onsung, North Hamkyung Province	May 1987	Camouflage exposed; too close to the border
No. 13	Chongsung Workers' District, Eunsung, North Hamkyung Province	Dec. 1990	Camouflage exposed; too close to the border
No. 26	Hwachun-dong, Seungho District, Pyongyang	Jan. 1991	Camouflage exposed; too close to the border
No. 27	Chunma, North Pyongan Province	Nov. 1990	Reasons unknown

* Note: This is based on the testimony of a defector.

The Organization and Size of Concentration Camps

North Korean detention camps are said to have an area of about 50 to 250 square kilometers, holding between 5,000 and 50,000 inmates each. Prisoners sent to the camps are selected and managed by the SSA under the supervision of the Guidance Department of the Secretariat of the Central Committee. Each of the camps under the control of Bureau No. 7 of the SSA is composed of political, security, management, security guards, and supply service sections.¹⁶³

The duty of the political section is to watch the ideological behavior of people in the security guards section and punish those who commit any irregularities. The security section watches the inmates and seeks out, for execution or assignment to harsher labor, any malignant elements such as attempted escapees, murderers, and malingerers. The management section is organized to maximize the workload and attain the production norms allotted to the camps. The responsibility of the security guards section is to guard the outer perimeter of the camp and suppress by force any revolt or other uprising inside the camp. In addition, there are supply service sections responsible for supplying food for security and guards' section personnel, the materials section for supplying materials for various construction projects inside the camps, and a chemical section for supplying dynamite to the mines. Other sections include finance, transportation, and communications. Most dreaded by the prisoners are the security and guard sections, as both hold the power to determine a prisoner's fate.

The following excerpts are from Shin Dong-hyuk's firsthand account as reported in his book "Coming Out to the World," which

¹⁶³ It is reported that No. 18 Center (located in Deukjang-ri, Bukchang County, South Pyongan Province) is under a garrison assigned to the People's Safety Agency.

describes facts and realities inside the No. 14 Gaecheon Management Center.

The No. 14 Gaecheon Concentration Camp was opened in about 1965. The Gaecheon Correctional (Management) Center is located along the Daedong River separated by barbed wire fences. There are schools, factories, and villages. The villages are divided into the main village and five row-house villages numbered from 1 to 5. The inmates living in the No. 4 and No. 5 villages are forced to maintain individual living; no marriage or family life is allowed. So, any children born inside the management center are those who were born in the main village or Villages No. 1, 2, or 3. The inmates living in No. 4 and 5 Villages are not permitted to come out or visit other villages, and inmates living in Villages No. 1, 2, or 3 are not allowed into Village 4 or 5.¹⁶⁴

Shin Dong-hyuk himself was born at No. 8 Work Unit in Oedongri, where about 40 families were living together as a work unit. There were one-level “row-houses,” and each housing unit had four one-rooms with small kitchens attached to each room. Since each family was assigned one room/kitchen, four families were living under one roof(one unit). Since there were no protection or privileges for seniors in the management center, those 65 years and older had to work at “senior units” where only old people were assigned.¹⁶⁵

The housing units are built with cement, and so the living room floors and walls are all concrete finish. Since there is no flooring of any kind, people have to sleep on concrete floors. They burn coal for heating, and since the center produces some coal on-site, people get their daily coal rations for cooking and heating

¹⁶⁴_ Shin Dong-hyuk, *Coming Out to the World*, op. cit. p. 41.

¹⁶⁵_ *Ibid.*, p. 21, 35, 38, 39.

purposes.¹⁶⁶

The “work units” at the Concentration Camp are the basic units for conducting daily routines. There are many kinds of factories and workplaces in the Center, such as coalmines, construction sites, administrative offices, food factory, cement factory, utensils factory, rubber factory, paper factory, clothing factory, and farmlands. Each factory contains several “work units” and there is one “guidance officer” from the Security Agency at each factory. In the No. 14 Concentration Camp, there were about 100 housing units in the “Security Agents’ Village.” Since each unit housed two families, about 200 families were living in the center. One agent was assigned to supervise three work-units.¹⁶⁷

At the clothing factory where Shin used to work, there were approximately 12-13 work units, which meant that there were about 2-3 thousand inmates in this factory alone. Each work-unit usually consisted of 4-5 sub-units with each sub-unit having about 20-30 inmates and each worksite having about 100-150 inmates assigned. Each unit has a leader, but there is also a “general leader.” The “guidance officer” for each sector handpicks the general leader. In fact, the instructions for daily production quotas would usually come not from the guidance officer but from the general leader who would take the order from the officer. Consequently, the general leader is very strict and malicious and most inmates fear the general leader more than the guidance officer. In fact, the general leader is more intimidating than the officer.¹⁶⁸

There is a secret prison inside the Camp. Shin Dong-hyuk himself was detained in one of these secret prisons in April, 1996

¹⁶⁶ *Ibid.*, p. 54.

¹⁶⁷ *Ibid.*, p. 49.

¹⁶⁸ *Ibid.*, p. 51.

when his mother and his brother failed to escape from the camp. The cell had a concrete floor and had a simple toilet. The size of his cell was about five feet square(1.5 meters each side). At the time, he could barely lie down with legs stretched. There were fetters on the shelf inside the cell, and the agents would fix the fetters on Shin's ankles and pull the ropes from outside, which caused him to hang upside down. This was one method of torture, but there was a separate torture chamber, where he had to undergo "water-boarding" tortures.¹⁶⁹

Selection of Prisoners and Procedures

The SSA is responsible for catching anti-revolutionaries. Local SSA officials select offenders and, without trial, the central ministry renders a final decision concerning guilt. The Maram Secret Guest House in the Yongsung District of Pyongyang is notorious for ferreting out political prisoners. People subject to banishment are mainly those considered harmful to the Kim Il Sung and Kim Jong Il system, such as anti-party and sectarian elements and anti-revolutionaries, previous landowners and pro-Japanese, the religiously active, anyone opposed to Kim Jong Il's succession to power, attempted escapees and their families, and seditious people among those repatriated from Japan. Following the collapse of Eastern Europe, those who returned from overseas duties or studies and spread knowledge of what they had seen and heard abroad were also targeted.

- A defector testified that his father was imprisoned in 1995 for damaging the portrait of Kim Il Sung. Although the family was not detained with him, the entire family was

¹⁶⁹ *Ibid.*, p. 162-185.

banished to Sunchon, North Pyongan Province.¹⁷⁰

- Another defector testified that his father was a returnee from Japan. His father was locked up in the political concentration camp because he wanted to go back to Japan.¹⁷¹
- In another case, a defector testified that the father of his high school classmate, XXX, used to live in Juwonri, Onsung County. One day in 1978, the father was taken away to the Security Agency because he had allegedly burnt Kim Il Sung's picture. However, no one knew where he was taken. The family was never charged with any crime, but all members of his family have since been discriminated against at work and in other ways, including marriage.¹⁷²
- Another defector testified that he had heard from his father that his grandfather was imprisoned in Suseong Concentration Camp in Chongjin in 1970 because he had listened to foreign broadcasts and mistakenly said something about them. His family was not charged with any crime.¹⁷³
- In yet another case, a defector said his younger sister made some critical comments about the government because her elder brother was imprisoned. She was arrested on “verbal reactionary” charges and incarcerated in the Deukjangri Concentration Camp in Bukchang County, South Pyongan Province from 1984 to 1994. Subsequently, she fled from North Korea.¹⁷⁴

In North Korea, one would normally be regarded as a

¹⁷⁰_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

¹⁷¹_ *Ibid.*

¹⁷²_ *Ibid.*

¹⁷³_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

¹⁷⁴_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007

reactionary and detained in a political prison camp if one were overheard complaining “This world is so hard to live in,” or “If you don’t have a bar of soap or a jar of toothpaste to sell, how could this place be called a store?” However, since the severe food shortages in the mid-1990s, the cases of arrests due to inadvertent utterances have decreased as the levels and incidents of complaints rapidly rose.¹⁷⁵ Recently, North Korea has tended to arrest and classify as political criminals those who have been involved in human trafficking and those who have had contacts with Christians or South Koreans while traveling in China in search of food.¹⁷⁶ For anyone associated with a crime of political ideology, for whatever reason, all properties are confiscated and the entire family transferred to detention camps at night. In many cases, families or neighbors do not know the whereabouts of the incarcerated because they are taken away without advance notice or trial procedures.¹⁷⁷ For fear of harm, even someone who has knowledge dares not protest to the authorities or inquire after the fate of missing people. Neighbors and relatives can only presume that the missing have been arrested. Such actions and secrecy helps reinforce the atmosphere of fear in the society, which keeps people subservient to the regime and its system of monolithic leadership.

Dwellings and Camp Life

Once a condemned person enters a detention camp, the camp authorities will confiscate his citizen ID card, depriving him

¹⁷⁵ These cases are often called “verbal reactionaries.”

¹⁷⁶ Testimony of defector XXX during an interview in Seoul on Aug. 30, 2001; Testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

¹⁷⁷ Defector XXX said her husband was detained in a management center as a political prisoner in 1970, but she was not notified of his whereabouts. Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

of his fundamental civic rights such as the right to vote or to run for public office.¹⁷⁸ Furthermore, the detainee(s) will be prohibited from all verbal or written communication with his family/relatives and absolutely forbidden to have any contact with the outside world, including next of kin.

Normally, the inmates wake up before dawn, eat breakfast, and get ready for work. Security agents and a work supervisor conduct roll call. Work is assigned to each unit of five workers. To prevent conversation or conspiracy, work is conducted continuously until dusk. Lunch hours are about two hours at noon, and the inmates eat steamed corn rolls they bring with them. Before the day is over, a security agent or supervisor confirms the progress of work, and if the work is behind schedule they decide whether to extend the prisoners' hours of work.

An ordinary North Korean worker previously received grain rations(rice/grain mix) of 600 grams per day, more or less depending on the difficulty factor of his work. Political prisoners in the camps would be required to work harder with lesser amounts of grain ration. In the case of a household, each adult would receive 550 grams of corn per day as a main meal, and for side dishes a little bit of salt and a spoonful of soybean paste(made of acorns) would be rationed out once a week.

However, due to the recent food shortage the amount of rations for political criminals has been reduced. According to the testimonies of Kang Chul-hwan and Ahn Hyuk, past political prisoners near the end of their terms in political detention camps lost weight dramatically due to malnutrition. In the case of Lee Young-guk, he weighed 74 kilograms before detention. After four years of a prison term in the camp, he weighed only 54 kilograms.

¹⁷⁸. Defectors have testified that permission is given in some exceptional cases.

In these detention camps, single people or those without their spouses live collectively in barracks while families live in huts they build themselves with wood, mud, and straw mats. Because floors and walls are made of earth, the rooms are very dusty. Roofs are made in most cases with wooden boards and are covered with straw mats. Floors may be covered with mats made of bark. Rain leaks in and it is extremely cold in the winter.

Under such miserable conditions, many prisoners suffer from pneumonia, tuberculosis, pellagra and other diseases, mainly due to malnutrition and heavy labor. Many suffer from ailments such as frostbite or hemorrhoids, but everyone, without exception, is forced to work. When sickness becomes so bad that a foreman decides the prisoner can no longer work, the prisoner is sent to a sanatorium and essentially abandoned, as there are no proper medicines or doctors. According to defector XXX, products are produced by the political prisoners at Kwanliso No. 22 in Hoeryong, North Hamkyung Province, and transported out by railroad.¹⁷⁹ These are manufactured by the inmates, and the quality of these products is known to be superior to the products produced at civilian factories.¹⁸⁰ He estimates that a large number of political prisoners are probably detained there because the prisoners of each work team were transported to the camp.¹⁸¹

Defector XXX testified that he was imprisoned in Deukjang Concentration Camp in South Pyongan Province. He paid visits to the home of a relocated family even though he was told not to do so. For this reason, he was tortured and placed in an isolation cell in July, 1992.¹⁸²

¹⁷⁹_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 1999.

¹⁸⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 21, 2005.

¹⁸¹_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 1999.

¹⁸²_ Testimony of defector XXX during in interview in Seoul on Mar. 17, 2007.

Following is a description of inmates' routines inside the Gaechon Concentration Camp through the eyes of defector Shin Dong-hyuk. According to Shin, there are 10 basic rules at the Camp: 1. You must not escape. 2. Three or more inmates must not meet together. 3. You must not steal. 4. You must absolutely obey orders of Protection Agency guidance officers. 5. You must immediately report if you saw any outsider or suspicious persons. 6. All inmates must carefully watch over each other, and immediately report in the event of unusual behaviors. 7. You must "over-fulfill" all tasks assigned to you. 8. Unless job-related, no contact between male and female is allowed. 9. You must be truly remorseful with your own mistakes. 10. You will be immediately shot by a firing squad if you ever violate these "laws and regulations" of the Camp. There is no doubt that anyone violating any of these rules would certainly be put to death by a firing squad.¹⁸³

The inmates usually wake up at 4 a.m., eat breakfast, and go to work at 5 a.m. When they arrive at work, it will be about 6 a.m.¹⁸⁴ Weekends are never granted in the Camp, so everyone works through Saturdays and Sundays. There is a day off every month, however, usually at the beginning of each month. Annual holidays include New Year's Day and birthdays of Kim Il-sung and Kim Jong-il.¹⁸⁵

The daily rations at coalmines and farmlands amount to 900 grams of corn per person per day. Since the mid-1990s, the inmates have been given only 700 grams with 200 grams taken away in the name of "grain savings." For side-dish purposes, inmates receive three pieces of salted lettuce and a handful of salt. The work is hard and intensive but the quality of each meal is very poor, so all

¹⁸³ Shin Dong-hyuk, *Coming Out to the World*, op. cit., pp. 60-62.

¹⁸⁴ *Ibid.*, p. 56.

¹⁸⁵ *Ibid.*, p. 45.

inmates suffer from extreme hunger all the time. The most popular event among inmates is to catch and cook wild mice. When the inmates are dispatched to help out on collective farms, they can easily catch mice. At one point, Shin had eaten mice everyday for a week. Elementary school children receive 300 grams of grain per day. Middle/high school first graders to fourth graders get 400 grams and fifth and sixth graders get 500 grams of grain rations.¹⁸⁶

Maintaining a married life in the Management Center is something every inmate dreams of, and the guidance officer decides whether to permit a marriage. Thus, all inmates try to win his favors by working hard, volunteering for risky jobs, observing all rules and regulations, and even telling on other inmates. This is the only way to win the highest honor of so-called “Commendation Marriage.”¹⁸⁷

There is no kindergarten in the No. 14 Concentration Camp, but there is one elementary and one middle school. The elementary school (or, ‘people school’) teaches up to 5th grade. Each grade has 4-5 classes with each class consisting of 30-40 students. The middle-high school is a 6-year-course. When the students of both elementary and middle-high school are combined, there are over 1,000 students in the Center. One teacher is assigned to each elementary school classroom, but there is only one teacher for each grade(class) at the middle-high school. In the middle-high school, the students usually do not study but go to work places. That’s the reason there is only one teacher assigned for each grade. The teacher’s role is not to teach any particular subject, but to lead and supervise students on their way to and from fieldwork.

At the Camp ‘people school(elementary),’ the daily routine is

¹⁸⁶ *Ibid.*, pp. 46-48.

¹⁸⁷ *Ibid.*, pp. 63-65.

almost the same as other elementary schools across North Korea, except for the labor details the children are mobilized for from time to time. However, there is a significant difference between the Camp school and other schools outside the Camp in terms of course subjects, contents of instruction, and the teacher-student relationship. At the Camp elementary school, they teach only three subjects: Korean language, math, and PE(physical education). No other subjects are taught here. Subjects like Kim Il-sung, the Party, Revolution, North Korean history, Geography, Science, Music or Fine Arts, are never taught in the Camp.¹⁸⁸

At the middle-high school, students spend most of their time at factories, farmlands, or coal mines, so most students do not have particular memories of their middle school days. At the Camp schools, therefore, students will not study in classrooms but be mobilized for work on farmlands or factories as soon as they graduate from the elementary school and matriculate to the middle school. In “high schools” there are no textbooks, only notes taken during the “harmonious sessions.”¹⁸⁹

Political Concentration Camps for the Returning Korean Residents from Japan

There is no solid information on the present situation of the detained repatriates (from Japan) in Concentration Camps, except for the testimonies of defectors who themselves were in the camps, and the published reports of Amnesty International. However, thanks to the efforts of the repatriates’ families in Japan and human rights groups, the human rights of the repatriated Korean-Japanese

¹⁸⁸ *Ibid.*, pp. 80-98.

¹⁸⁹ *Ibid.*, pp. 115-128.

in North Korea are rapidly becoming an international issue.

According to the testimonies of Kang Chul-hwan and An Hyuk, who had been imprisoned at Yodok, about 600 such persons (about 100 families) were first detained in the camp in early 1974. Later, 100 to 200 more families were added every year, and as of 1987 there were about 5 thousand repatriated persons (about 800 families) in addition to the 300 other political prisoners at the camp.

The two also testified that former staffers of the General Association of Korean Residents in Japan (Chongryon) and some industrialists were separated from their families and presumably detained in different camps. Kang himself still does not know the whereabouts of his grandfather, Kang Tae-whew, who was the Tokyo chapter Chamber of Commerce Chairman of Chongryon. He was reported missing in 1977.

Repatriates deported to the camps are usually charged with espionage or provoking social agitation because they uttered information about Japan and South Korea. But the repatriates involved say they have no idea why they are being punished. Defectors say the members of the SSA who supervise the camps call these repatriated prisoners “semi-Japanese” and treat them worse than they do other prisoners. The death rate among the repatriated prisoners is high because they are treated more severely than others and because they cannot easily adapt to the harsh conditions. Defector XXX testified that she was sent to the revolutionary section in the Yodok Concentration Camp for a year for having contacted her elder sister, who was living in Japan, while Shin was in Yanji, China in 1999. However, they did not beat her because she was old and a former expatriate who returned home.¹⁹⁰

¹⁹⁰ Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.



3

The Right to Due Process of the Law

A. Human Rights and the North Korean Penal Code

Responding to both international criticism and the changing realities inside the country, North Korea has conducted several revisions of its penal code (in February 5, 1987, March 15, 1995, August 11, 1999, and April 29, 2004). In fact, the code has been remodeled so that it is more of a mechanism for crime control than an instrument of regime protection. For example, while Article 1 of the 1999 revised penal code declared a “struggle against crimes,” the same article of the 2004 revision stipulates that “The purpose of this revision is to properly establish our penal system and penal responsibilities against crime,” a modest but significant improvement. However, the penal code has not completely escaped its fundamental design as a system developed to reinforce a class-based society.

North Korea’s penal(criminal) code is structured primarily on the basis of political and class(personal status) considerations. Basically, the law enforcement authorities, including courts, are required under law to distinguish political crimes from ordinary

crimes and hand down different levels of punishment. The main reason for this strange approach is the imperative of safeguarding the socialist system, and the rationale is that political and ordinary crimes stem from fundamentally different motives. North Korea argues that political crimes are perpetrated by anti-revolutionary elements that are committed to overthrowing the socialist system and restoring a “system of exploitation,” hence the increased need to prevent and suppress political crimes by all means and with the heaviest penalties.¹⁹¹ Although there is a stipulation in Article 4 that lenient sentences will be granted for those repentant of their anti-state and anti-people crimes, elements of political consideration have not been completely eliminated from the penal system. The concept of crimes against the state as defined in the 1987 penal code has not changed and remains in the revised code of 2004.

In handling the criminals, class considerations are an important element. With regard to the courts’ mission, Article 156, Section 2 of the Constitution stipulates that “The court has the duties to ensure that all institutions, enterprises, organizations and citizens abide strictly by State laws and staunchly combat class enemies and all law-breakers.” In terms of basic principles for the handling of convicts, Article 2 enunciates class principles, declaring that “in dealing with criminals the State shall firmly maintain working class principles and social conventions when applying legal sanctions.” In addition, the class principle is reiterated in Article 2 of the Criminal Procedure Law, which stipulates, “The State shall strictly identify enemies from friends in its struggle against anti-State and anti-people criminals, subdue the leading minority and embrace the following majority. In the process, the State shall utilize social education in its struggle against ordinary crimes

¹⁹¹ Kim Geun-sik, *Criminology* (Pyongyang: Kim Il Sung University Press, 1986).

through an appropriate mix of legal sanctions.” In other words, the “class principle” under the Criminal Procedure Law means that the State will identify class enemies, who have committed political crimes, and strictly subdue the core leaders. Furthermore, North Korean authorities argue that because the interpretation and application of the penal code is inseparable from politics, judges should understand the principles of class struggle and receive party guidance in determining proper sentencing.

In the past, North Korea’s penal code has been sharply criticized for ignoring the principle of no criminality without prescribed laws, allowing analogous legal interpretations and applications instead. For example, Article 10 of its 1999 Penal Code had stipulated, “In the event of a crime, for which the Penal Code has not precisely prescribed, criminal responsibilities shall nevertheless be charged according to the provisions that are applicable to crimes similar to the crime committed in terms of the types of behavior and the level of danger.” Accordingly, citizens were subject to criminal punishment at any time and under any pretext. Regarding this issue, the UNHRC in its concluding observations recommended that Article 10 of North Korea’s penal code was incompatible with Article 15 of the international covenant on civil and political rights, which mandated the realization of “the principle of no criminality without prescribed laws.” In the process of revising its code in 2004, North Korea has deleted the section allowing analogous interpretations and incorporated the principle of criminality based on prescribed laws. Article 6 of the penal code reads, “The State shall charge criminal responsibilities only in cases of crimes prescribed in the penal code.” At the same time, it is now much freer than it was from a variety of unclear and nebulous expressions that had permitted disparate interpretations.

The revised code defines more specifically various acts that constitute criminal activity under the law. As a result, the total number of articles in the code was expanded from 161 in 1999 to 303 in 2004. The number of articles defining various crimes also dramatically increased, from 118 to 245, thereby delineating in more detail the criteria for determining punishable crimes. Overall, the 2004 revisions contain positive changes, having eliminated the opportunity for disparate interpretations and incorporated the principle of criminality defined by legal precepts. It is, however, important to continue to observe whether the penal code is actually and faithfully enforced.

Due to its emphasis on political and class orientations and in spite of its statute of limitation clauses, the North Korean penal code has been criticized for permitting human rights violations. Therefore, it is particularly noteworthy that in Article 9 of the new penal code, it is stipulated that when an act is committed that is defined as a crime under the old code, but is no longer a crime under the new code, the new penal code shall apply. The code formerly stipulated that the legal provisions in effect at the time of the commission of a crime should be applied. Article 56 defines the statute of limitation on crimes punishable by “labor training,” “limited-term correctional labor,” or “unlimited-term correctional labor.” However, there is no statute of limitation under Article 57 for such crimes as anti-state or anti-people crimes, or premeditated murders. As a result, anyone charged with one of these crimes would be subject to punishment until the day of their death.

Under the North Korean penal code, anyone planning, conspiring or being an accomplice to commit a crime, including unsuccessful attempts to commit a crime, shall be punished the same as convicts or perpetrators. Article 19 stipulates, “Provisions

applicable to convicts shall be applied in cases of preparing for or failed attempts of a crime.” Article 22 of the North Korean penal code specifies, “In conspiracy cases the provisions applicable to the principal perpetrator shall be uniformly applied to all co-conspirators and accomplices.” In North Korea, if one is involved at any stage of the planning or commission of a crime, whether one actually takes part in the crime makes no difference. However, Article 19 of the new penal code stipulates “charges of criminality shall be brought on the participants according to the nature of gravity, levels of execution and reasons for failure. Those who had simply participated in the planning would be given a more lenient sentence than those actually attempted and failed, and the latter would get a more lenient sentence than those who actually carried out the crime.”

In cases of anti-state crimes, crime-by-association is still institutionalized. Articles 70, 71, and 72 define the crime of “concealing anti-state or anti-people criminal(s)”, “not reporting anti-state crime(s),” and “neglecting to inform anti-state crime(s).”

Despite repeated revisions of the penal code, ordinary North Koreans are generally not aware of the existence of the penal code itself.¹⁹² Although they are aware of criminal provisions such as anti-state crimes, they believe that the application of the law is not impartial but depends on one’s power and wealth.¹⁹³ One of the complaints of the international community has been that detailed contents of the North Korean penal code have not been made available to the public, excepting to some researchers with special permission and then only inside libraries. In response to this criticism, North Korea published a legal compendium for public

¹⁹² Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

¹⁹³ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

use in 2004. This legal compendium is also being sold in South Korean bookstores. In this matter, North Korea has responded and attempted to accommodate international criticism by removing various abuse-prone human rights elements from its penal code. Yet there remain a great number of elements still woefully insufficient to guarantee the basic rights of ordinary citizens. The ambiguous character of “labor training” punishment and related detention facilities, the persistent “political crime” provisions without statute of limitation, and the concept of crime-by-association are just a few prime examples. More serious is the fact that crimes are defined less in terms of the law than in terms of the policies of the supreme leader. For example, if someone were to report, “Dear General, our youngsters are wearing blue jeans. This is a capitalist and revisionist fad imported from the United States. We must stop this,” and the reporter received an affirmative reply, then wearing of blue jeans would be banned and those caught wearing them would be punished.¹⁹⁴

Trial Procedures

People should be entitled to equal rights under the law; the independence of the court should be guaranteed; trials should be conducted openly; and verdicts openly based on specific evidence. Furthermore, the suspects should have the right to an attorney and the right to appeal unfair trial procedures, and the results should be institutionally guaranteed. Even though petition procedures are legally guaranteed, many defectors have testified that they are never observed in reality.

Our survey results on criminal enforcement procedures in

¹⁹⁴ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

North Korea seem to indicate that the relevant laws were generally observed in handling ordinary criminal cases. Numerous problems, however, plague the trial procedures.¹⁹⁵

In light of the nature of socialism in North Korea, observers would not predict an independent judiciary based on the principle of separation of powers. In fact, the mission of North Korean attorneys is to protect the policies of the Korean Workers' Party rather than the rights of the accused. Despite these provisions in the penal code and criminal procedure law, they are not fully observed during the trials, especially in cases dealing with political crimes.

In response to this criticism, North Korea in 2004 significantly improved its criminal procedure law and its trial procedures. Most noteworthy were the increased number of articles from 305 to 439. Article 8 stipulated that all criminal cases would be handled according to the methods, principles, and procedures set forth in the criminal procedure law, emphasizing trials based on lawful investigations, and describing preliminary examination and indictment procedures. Article 13 assigns the type of court that shall handle various kinds of trials, and specifies that the assessment of punishment shall be decided by the court. North Korea enacted a "Court Organization Law" in January, 1976 and revised it twice (that is, on July 1, 1998, and November 19, 1998). It also enacted a "Court Sentence and Decision Implementation Law (sentencing guidelines)" on January 23, 1997. Under the revised law, the section on "political roles and missions" was deleted, but the basic framework of trial procedures was left unchanged. Article 3 defines how the court system shall be set up. There are three levels of courts and two special courts: namely, the central court,

¹⁹⁵ Kim Soo-am, *The North Korean Penal Code, Criminal Procedures, and Their Actual Applications* (Seoul: KINU, 2005).

provincial(major city) courts, and people's courts; and the two special courts, the military court and railroad court. A judge and a people's jury render a court's decision(Art. 4). Article 9 reads that the district court consists of a judge and two people's juries. The superior court consists of three judges(Art. 14). Court decisions shall be determined by a majority vote of the participating judge(s) and the people's juries(Art. 17).

In terms of organizational hierarchy, the North Korean courts operate under the direction of the Supreme People's Assembly. For this reason, the infringement of judicial independence is highly possible. Article 162 of the North Korean Constitution stipulates, "The Central Court is accountable to the SPA Presidium when the SPA is in recess." Most importantly, the independence of the court is difficult to maintain since the judges are politically responsible for the sentences they impose. In addition, Article 11 of the Prosecution Supervision Law stipulates, "Prosecutors are responsible for overseeing whether the laws are accurately followed during the trials and arbitrations." In other words, the prosecution has the right to supervise all trials and arbitrations by participating in their procedures. This provision stands in conflict with the principle of an independent judiciary. The North Korean prosecution plays a role that is similar to the function of the Constitutional Court in South Korea. In North Korea, then, the prosecutors are higher in hierarchy than the judges.¹⁹⁶

All judges, prosecutors, and attorneys lack professional qualifications because they are appointed by the state from among the graduates of law schools.¹⁹⁷ In view of these realities, the

¹⁹⁶_ Kim Dong-han, "The Laws of North Korean Courts: Trends and Evaluations," in *The North Korean Laws: Past and Present* (Seoul: A Seminar Report of the North Korean Law Study Association, 2005).

¹⁹⁷_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

UNHRC in its concluding observations recommended North Korea appropriate steps to guarantee and protect the independence and fairness of courts at all levels. Article 272 of North Korea's criminal procedure law, as revised in 2004, stipulates, "The courts shall conduct trials independently and according to laws." Article 255 mandates punishment of judges for unfair, unjust, and/or arbitrary judgments or decisions. However since the criminal procedure law mandates upholding class principles, there is still room for breaches of judicial independence and for human rights violations. Article 2 of the law stipulates that "The State shall distinguish friends from enemies strictly in its struggles against anti-state and anti-people crimes, overpower reactionary leaders and embrace majority followers, and, in its struggles against ordinary crimes, hand down legal sanctions based on our social conventions." Furthermore, Article 3 mandates maintaining the "mass" principle, saying that "in handling criminal cases, the State shall rely on the power and wisdom of the masses."

With regard to the open courts principle, most North Koreans do not understand why the principle is essential for the fairness of trials. In fact, defectors testify that officials and staff are tried in closed courts or secret trials.¹⁹⁸ In other words, citizens are tried in open courts, but officials and party staff are tried in secret. The reason for this practice, the defectors say, is that trying the officials openly will have a negative impact on the society. In fact, an open trial is tantamount to punishment since they are already censured(punished) by the party in the pre-trial stage.

¹⁹⁸ Testimonies of defectors XXX and XXX during interviews in Seoul on Jan. 9, 2004 and Jan. 10, 2004; XXX is a graduate of Pyongyang Mechanical Engineering College and XXX quit during his senior year at the Kim Il Sung University. They understood the open court principle to be the difference between the trials conducted inside or outside the buildings.

In revising its criminal procedure law, North Korea has newly installed a provision requiring that trials be open. However, the UN Human Rights Committee has pointed out and criticized Article 271, which allows exceptions in cases which deal with confidential information of the State or when a person needing protection is involved, or if open trials would adversely impact the society.

The Provincial Court House in Chongjin City is a five-story building, and other district court buildings are much smaller.¹⁹⁹ A defector said that her husband received a trial that was conducted openly at a cultural center, not at the courthouse. But she could not recall if there was a defense attorney at the trial. Most of the time only divorce proceedings are conducted at the courthouse, they said.²⁰⁰

On-site Open Trial System

One of the institutional setups prone to violate human rights is the “on-site open trial” system. Article 179 of the 1999 Criminal Procedure Law stipulates that “In an effort to prevent crimes in advance and to remind the public, the courts may organize and conduct ‘on-site open trials.’ In this case, any representative(s) of workers and farmers may accuse and reveal the criminal behavior. The persons who are responsible for the education of the accused and those responsible for allowing the crime to take place may also be required to participate in the procedure so that they too may learn a lesson.”

The on-site open trial is a form of education about abiding by the law. It could educate hundreds and thousands by striking down one.

¹⁹⁹_ Testimony of defector XXX during an interview in Seoul, Jan. 9, 2008.

²⁰⁰_ Testimony of defector XXX during an interview in Seoul, Jan. 17, 2008.

Properly conducted, the on-site trials could teach a lasting lesson to many people who witness them.²⁰¹

The tone of Kim Jong Il's instructions above is retained in the revised 2004 Criminal Procedure Law. Article 286 of the law stipulates that "The courts may organize on-site trials to prevent crimes and to alert the public. In this case, the representative(s) of an agency, workplace or organization may reveal and accuse the criminal behavior of the accused." The only "revised" item here is that the phrase "workers and farmers" has been replaced by the phrase "the representative(s) of an agency, workplace or organization." The other change is that the last part of the provision has been dropped. The removed portion said "The people who are responsible for the education of the accused and those responsible for allowing the crime to take place may also be required to participate in the procedure so that they too may learn the lesson." Nevertheless, the provision for "openly revealing and accusing the crime" is still retained, thus leaving room for violations of human rights. One of the prime examples of on-site open trials is public execution, during which trial procedures are never observed and human rights are blatantly violated. The defectors in South Korea who have witnessed the trials said they used to call them "comrade trials."²⁰²

Following are a few specific cases of "on-site open trials":

- On May 1, 2007, an open trial was conducted at the Hweryong Workers Cultural Center amid a large crowd of Hweryong citizens. Nine people stood on trial, four of them charged with illegal "river-crossing" and five of them

²⁰¹ Kim Jong Il, "On Improving and Strengthening the Work of Judicial Prosecutors," *The Selections of Kim Jong Il* (Pyongyang: KWP Press, 1996), p. 316.

²⁰² Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

charged with human trafficking crimes. Those charged with “illegal river-crossing” have been sentenced to 3-5 years of “correctional penalty,” and the human traffickers got 10 years of correctional penalty. During the trial, it was announced that all human trafficking criminals would receive death penalties in the future.²⁰³

- On Feb. 7, 2007, human trafficking criminals were tried openly in front of a large crowd assembled in the Coalmine Cultural Center in Hweryong City, North Hamkyong Province. Four convicts who had engaged in many human trafficking transactions were sentenced to 15 years of “correctional penalty” and the other 10 people received five years of “labor-training” penalty each. Their families have been banished to remote mountainous areas. One person who saw the entire process said the trials were not much different from past trials. They were simply a method to issue warnings to the citizens about potential “illegal river-crossing,” “attempted crossing,” and former convicts.²⁰⁴
- In 2004 there was an open trial, and a judge, a pretrial agent, and an attorney came down from the People’s Court. The judge read the charges. After confirming all details, he then handed down the sentence. There was no prosecutor.²⁰⁵

The People’s Jury

Noteworthy is the fact that North Korea has adopted a people’s jury system in its trial procedures. A court will consist of one judge

²⁰³_ Good Friends, “North Korea Today,” No. 72 (May 16, 2007).

²⁰⁴_ Good Friends, “North Korea Today,” No. 60 (Feb. 21, 2007).

²⁰⁵_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

and two “people’s jury members” in accordance with Article 157 of the Constitution and Article 9 of the Court Procedure Law. Judges and jurors for each level of court are elected by the Standing Committee of the Supreme People’s Assembly and the central, provincial, and city/district people’s assemblies in accordance with Article 110, Section 13 and Article 134, Section 5 of the Constitution. The people’s jurors enjoy the same status as the judge. At every level of trial, these jurors may exercise a judicial right to interrogate the accused. Typically, one judge and two people’s jurors participate in the sentencing.

This system would appear, at least in its form, to follow somewhat the jury system of the Anglo-American courts. However, in reality it is a system employed to exercise the Party’s control over the judicial system. Qualifications to serve as “people’s jury” are limited to “workers” such as farmers and laborers. In fact, their primary role is not to provide fair and objective trials but to rubber stamp the conviction of the accused wrongdoer. According to the testimonies of North Korean defectors, their role is indeed limited to confirming the list of crimes presented at the trials.²⁰⁶ Defector XXX testified that an agent of Hamheung City People’s Security arrested him three days after he struck a party official. Two people’s jurors were appointed by the Party-in-the-military. They were required to express their opinions at the trial. They did by saying “Striking an official working for Kim Il Sung was dangerous for the society.” Prosecutors and judges proceeded with the trial on the basis of this kind of statement.²⁰⁷ Defectors testify that most North Korean people know of the citizen jury system and they know jurors appear before the court, but they have absolutely no idea

²⁰⁶_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004.

²⁰⁷_ Testimony of defector XXX during an interview in Seoul on May 16, 2001.

what their role is or how the jurors are selected.²⁰⁸ In reality, they are selected from among the more competent persons. However, since they lack professional knowledge, they are largely a token and do not play proper roles.²⁰⁹ Defectors Kim XX, Shin XX, and Yoon XX all testified that at open trials a judge and People's Security agents are present; yet in most cases executions are carried out without witnesses or without specifying the crimes committed.²¹⁰

Court Trials

To date, there are no former North Korean prosecutors, judges, people's juries or attorneys among the defectors in South Korea. For this reason, it is difficult to know the accurate picture of trial procedures in North Korea. The testimonies of defectors vary from person to person since they do not have professional knowledge about trial procedures.

Even the people who said they have actually experienced court trials would offer conflicting testimony concerning the officers of the court or participants in the trial. Defector XXX was captured while attempting to flee from a labor training camp in Pohang District of Chongjin City in January, 1998. He went through preliminary examination and at the trial was sentenced to three years in prison. He was detained in a detention point of the Pohang District Security Agency in Chongjin from January to May, 1998. There were no beatings throughout the investigation. At the Pohang District court, a prosecutor and a judge tried him as he stood in

²⁰⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004;
Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

²⁰⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

²¹⁰_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2004;
Testimony of defector XXX during an interview in Seoul on Nov. 3, 2003;
Testimony of defector XXX during an interview in Seoul on Jan. 10, 2004.

front of them by himself. Afterwards, he was sent to the Jeungsan Correctional Center to serve out his term.²¹¹

Defector XXX was arrested by the Musan Security Agency on July 7, 1999, as a woman had secretly reported to the authorities that he used to be a Christian. He was interrogated by the agency for seven months. On December 28, he was sentenced to a fifteen years in prison by the Musan County Court. Present at the trial were a judge, a prosecutor, a defense attorney and the accused, but he said the attorney did not do anything in particular to defend the accused.²¹²

Another defector said that trials were conducted based on documentary evidence only. Defector XXX was deported to North Korea after failing to defect by entering into the South Korean Consulate in China on March 1, 2004. The Bukchang County People's Safety Agency sentenced him to a year in prison based on documentary evidence and without a trial. He was imprisoned in Jeungsan Correctional Center, but the authorities at the center arbitrarily extended his term to two years. The trial proceeded based on documentary evidence, and no defense attorney was present at the trial.²¹³

Defector XXX served his term at Jeungsan Correctional Center from July 12, 2003 to December 24, 2004. He was charged with crossing the border illegally and attempting to flee to South Korea. He, too, was sentenced to a one-year term based on documentary evidence and without a trial. At the correctional center, however, the guards(or "safety officers") told him, "Although you are due to serve only one year, we will try to hold on to

211_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

212_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

213_ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

contaminated people like you much longer.” In fact, he had to serve out his term of one year, plus five months and 12 days more before he was released.²¹⁴

Defector XXX was caught while attempting to cross the river, and was sent over to Hweryong Security Agency where his case was investigated for one month. Then, he was turned over to the City Security Agency. Subsequently, it was decided to send him to Jeungsan Correctional Center. Since they processed defection cases based entirely on documentation, he never received any trials.²¹⁵

The above cases would indicate that some trials were conducted based on documentary evidence only, and the correctional center was able to extend service terms.

Divorce proceedings begin with an interview with a lawyer (in this case, the lawyer’s name was Hong Myung-chol). Documents requesting divorce are then drafted and signed. There is a pretrial hearing in front of a judge. The pretrial hearing is designed to encourage the couple to reconcile. After the pretrial hearing, there will be a chance to meet with the chief judge of the court.²¹⁶

Trial of Political Criminals and Military Tribunals

North Korea continues the policy of strictly separating political crimes from ordinary crimes and punishes the political offenders under different terms. So-called anti-State crimes committed by anti-revolutionary hostile elements in opposition to the people’s regime and the Korean Workers’ Party are treated as political crimes, and the State Security Agency handles their investigation as well as the preliminary examination(Articles 122 and 124 of the Criminal

²¹⁴_ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

²¹⁵_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

²¹⁶_ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

Procedure Law). Unlike ordinary criminal cases, the provincial and major city courts function as the primary (first level) court for all political crimes (Article 127, Criminal Procedure Law). The jurisdiction on the investigation and preliminary examination is strictly defined and practiced under the criminal procedure law. If the People's Safety Agency or the prosecution (or any other agency) has arrested a spy or an anti-party, anti-system criminal, it is required to transfer the case to the SSA.

SSA will investigate and conduct 'preliminary examinations' in all political crime cases, but the court will conduct the trials. Some defectors have testified that the Agency will also conduct trials. Defector XXX, who previously worked at the agency, testified that if a Provincial Security Agency found a political crime, it would report it to the Prosecution Bureau of SSA. If the bureau confirmed the crime, trials would be conducted in the province where the preliminary examination was conducted. A prosecutor from the Prosecution Bureau will then hand down the sentence in the name of the Central Court in a closed-door court session and in accordance with the "sentencing guidelines." During this session, the security agency will also decide whether to imprison the criminal for life and whether the criminal's family will also be sent with him. There are no established guidelines for making this decision, however. The prosecutor, the security agent, and other officials will confer and determine the scope and duration of detention for the accused.²¹⁷ Defector XXX, who previously performed related work at the Security Agency, has testified that as soon as the preliminary examination is over, a prosecutor from the Prosecution Bureau of SSA will come to the local area and hand down the sentence. He also testified that a prosecutor from

²¹⁷ Testimony of defector XXX during an interview in Seoul on Apr. 19, 2005.

SSA would come down to the Provincial Security Agency for sentencing (at the City Security Agency in the case of Nampo City and at the Provincial Security Agency in the case of other cities and counties). In any case, political crimes are not referred to formal trial procedures.²¹⁸ Defectors who previously worked for SSA have all testified that the Agency's Prosecution Bureau would perform the court's role.

Defectors testified that trial procedures are followed in the case of military tribunals (that is, court martial). Defector XXX testified that he was arrested for going AWOL while serving at the General Bureau of the Protective Force. While undergoing preliminary examination for four months at the detention point of the Security Agency of the Protective Force, he tried to flee again. In the process, he was shot in the leg, caught, and subsequently tortured. He had to undergo a military tribunal(court martial), which sentenced him to a term of 15 years in prison. A prosecutor and a defense attorney were present at the trial. He was imprisoned in a sub-unit of No. 4 Correctional Center in Hyongjesan District, Kangdong County, Pyongyang City. While serving out his sentence there, he witnessed inmates serving anywhere from one to 18 years. Meanwhile, the maximum service term was reduced from 20 to 15 years when the penal code was revised in 1992, automatically shaving five years off all inmates' terms. His term was also reduced by five years, so he was released upon completion of 10 years.²¹⁹ As this case shows, there seems to exist a wide disparity in actual application of the law from region to region.

²¹⁸_ Testimony of defector XXX during an interview in Seoul on Oct. 10, 2005.

²¹⁹_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

Appeals, Petitions, and Law Suits

Even North Korea's Criminal Procedure Law stipulates "emergency appeals" procedures if the court decision were to exceed the legal boundary (Article 384). Such appeals procedures are defined in Article 353 of the law. However, under Article 359, appeals are not allowed after the lower court decision (of the central or federal courts) and the appeals court (or emergency appeals court) decision. Under Article 403, North Korea has also installed an appeals system to remedy mistaken court decisions or decisions based on new crimes. Therefore, North Korea does maintain an appeals system, but people are said to avoid these appeals procedures because they are most likely to end up with heavier punishment as a result. Also, it would take much longer to go through the appeals procedures, which would mean a longer and more painful period of detention in jails. Under these circumstances, many prefer to serve in correctional centers instead.²²⁰

North Korean authorities insist that they have appeals regulations and guarantee citizens' rights to appeal for compensation in the event their rights and interests are infringed by law enforcement agencies. North Korea did revise its Petition Law in 1998, 1999, and 2000, respectively. Article 250 of the revised penal code mandates punishment for officials who intentionally ignore or mishandle petitions. In the process of reviewing North Korea's second regular report on human rights, the UNHRC asked if North Korea had an independent organization that would handle appeals. North Korea replied, "People can freely make appeals verbally or through documents, in person, or through an agent, and from the lowest levels of organization or workplace to the highest sovereign

²²⁰ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

authority.”

Despite these institutional apparatus, however, petitions in North Korea are certain to bring enormous harm to the petitioner(s). Defector XXX testified that so-called personal appeals are a constitutionally guaranteed system for a person who has been unfairly prosecuted. However, as the appeals move upward from the county, city and provincial level, they are usually ignored as officials fear that they might be blamed. Initially, officials pretend to listen sympathetically to the appeals, but ultimately they will hand down penal judgments, saying that the content of the appeals violated the “unitary ideological system(that is, Kim Il Sung thought, also referred to as the “monolithic ideology of the Party).”²²¹ In light of these realities the UN Human Rights Committee, in its concluding observation, urged North Korea to establish a national human rights commission.

North Korea also has a clemency system called the Great Amnesty. Article 53 of North Korea’s penal code reads, “The pardon of the convicted shall take two forms of ‘special amnesty’ and ‘general amnesty,’ and the decisions for amnesty shall be made by the SPA presidium.” North Korea’s Central Broadcasting Station reported on December 27, 2001 that the Presidium of the Supreme People’s Assembly decided to issue an order of Great Amnesty on the occasion of the 90th anniversary of Kim Il Sung’s birth, which is the greatest festival of the North Korean people. The report stated the Presidium would implement the order effective January 1, 2002 for those who were sentenced to labor rehabilitation.²²²

²²¹_ Testimony of defector XXX during an interview in Seoul on Sept. 9, 1998

²²²_ *Yonhap News*, Dec. 27, 2001.

Amnesty (Pardon), Suspension of Sentence, and Parole

In fact, defectors have testified that there is a system of general amnesty (pardon) in North Korea.

- Defector XXX testified that there are general amnesties (pardons) every three to five years or on occasions like Kim Il Sung’s birthday. More than 80 percent of the prisoners are released based on these benevolent gestures. However, certain criminals, like those who were charged with the crime of striking Party officials, would not benefit from such gestures.²²³
- In another testimony, the mother of defector XXX was said to have been sentenced to seven years in prison for smuggling goods from China. She was imprisoned in Jeungsan Correctional Center, but benefited from the general amnesty, which reduced her term by two years.²²⁴
- Another defector also said his term was reduced by two years by general amnesty in August, 1998. He said that economic criminals often benefit from general amnesty, but offers of general amnesty are rare for murderers and human traffickers.²²⁵

From these testimonies, it is clear that general amnesty is granted based on the type of crime.

North Korea also has a “suspended sentence” system as defined in Articles 51 and 52 of the Penal Code. Article 37 of the Court Sentence and Decision Implementation Law (sentencing guidelines) stipulates that “The enforcement of suspended sentences

²²³ Testimony of defector XXX during an interview in Seoul on May 16, 2001.

²²⁴ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

²²⁵ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

will be carried out by the agency, which received copies of decisions or notifications, by sending the inmate to the directed agency, workplace or organization for labor duties.” The suspended sentences are carried out in the form of labor training at a court-directed place or location. The reasons for suspension are also spelled out. Article 299 of the 1999 Criminal Procedure Law stipulates that “Sentences may be suspended if a person sentenced to ‘correctional labor’ is mentally unstable or suffering from a serious illness. Pregnant woman undergoing ‘correctional labor’ may have their sentence suspended three months before and seven months after childbirth. The local People’s Security Agents will supervise those inmates who have been released for hospital or home treatment.” As an example, defector Chang X testified that he was due for detention at the Hoeryong Market Correctional Center, but released for reasons of illness. According to him, one released for reasons of illness can receive treatment at a hospital, and is normally free to move around within the district; the MPS, however, will supervise one’s movement.²²⁶ Through the testimony of Chang X, it is fair to assume that in most cases the provisions concerning suspended sentences are carried out.

B. The Right to an Attorney

The right to an attorney’s assistance throughout the trial process is an important right in that it is the individual’s last chance to protect his rights against the state. The fairness of trial procedures ultimately depends upon whether the individual’s right to choose an attorney is legally and actually guaranteed. In most civilized countries, the right to get help from an attorney and related

²²⁶ Testimony of defector XXX during an interview in Seoul on Oct. 12, 2005.

methods and procedures are stipulated in detail in the constitution, criminal procedure law, and attorney law.

Furthermore, the question of whether a defense attorney's role of protecting the human rights of the accused can be effectively carried out depends on an attorney's independence from the state. Ultimately, the fairness of a trial depends on whether an individual is allowed to select a conscientious and able attorney, who is independent from the state, and who is able to provide assistance throughout the trial.

In North Korea, Article 158 of the Constitution stipulates that "Court cases are heard in public and the accused is guaranteed the right of defense. Hearings may be closed to the public as stipulated by law." Article 106 of the Criminal Procedure Law also stipulates that "In criminal cases, the suspect's right to an attorney is guaranteed." Article 327 specifically illustrates necessary procedures: "The defense argument should include the motives, objectives, levels of danger, and the suspect's remorsefulness, as well as the level of punishment." Article 121 further allows the right to an appeal: "If a defense attorney found out that the suspect's rights are not fully protected, he could appeal to the prosecutor or the court."

Despite the legal guarantee of a right to an attorney, many people have testified that most North Koreans do not have the opportunity to exercise their right to an attorney during the trial process.

The problem seems to be the overall lack of understanding about the role of attorneys. Attorneys are generally perceived as propaganda agents of the Party: An "attorney should endeavor to impart the legitimacy of the Party's enforcement policies and should strive to protect the Party's policies. And, he is responsible for proving the seriousness of the crime and analyzing the motives

and causes of crime so that the suspect will deeply repent his crime before the people and the fatherland.” In this respect, the attorney is not an agent working to uphold the suspect’s rights, nor is he in a position to protect and defend the suspect.²²⁷ For these reasons, the attorneys in North Korea are responsible under the law for the protection of government and party policies, rather than individual rights.

Article 11 of the Legal Representation Law provides that an attorney’s responsibility is to “explain the nation’s laws and regulations to the people, and to help the people obey these laws and regulations.” This indicates that the duties of an attorney in North Korea are to make sure that the policies of the party and government are understood and carried out by the people. Lawyers usually attempt to persuade defendants to confess their crimes. Therefore, the attorney will try to persuade or induce his “client” to confess the crime, rather than defending the client in the case. In North Korea, Article 6 of the Attorney Law guarantees the attorney’s activities but at the same time Article 8 stipulates that “Attorneys shall discharge their work under the guidance of the Attorney Association(Bar Association).” The Bar Association is responsible for the supervision and control of lower-level associations and the attorneys’ activities(Article 30, Section 3). In short, the attorneys work within the framework of an official association rather than as independent individuals. Suspects also may forfeit their right to an attorney. Suspects may voluntarily give up their right to an attorney, and in that case the trial will proceed without the participation of an attorney(Article 276 of the Criminal Procedure Law).

All attorneys belong to various levels of attorney associations,

227_ Lee Jae-do, *The Criminal Procedure Law* (Pyongyang: The Kim Il Sung Univ. Press, 1987), pp. 76, 207.

and if an attorney not belonging to an association is chosen, his selection is subject to approval of the prosecutor or the court(Art. 112, Criminal Procedure Law).

In their testimonies, recent defectors said they saw ‘attorney’s office’ signs at the office buildings next to the court building since 2006.²²⁸ Defector XXX said he/she received attorney’s assistance during the divorce proceedings, and said there was an attorney’s office inside the courthouse building.²²⁹

Many defectors have testified that they did not benefit from legal assistance from attorneys as the trials were conducted based solely on documentary evidence.

- Defector XXX said no defense attorney was present during his trial and the trial was conducted based solely on documentary evidence.²³⁰
- Another defector served his term at Jeungsan Correctional Center from July 12, 2003 to December 24, 2004 for crossing the border illegally and attempting to flee to South Korea. He, too, was sentenced to a one-year prison term based on documentary evidence and without a trial.²³¹

Many defectors have also testified that even in formal trials, defense attorneys were not present in most cases.

- Defector XXX was captured while attempting to flee from a labor training camp in Pohang District of Chongjin City in January, 1998. At the Pohang District court, a prosecutor and a judge tried him as he stood in front of them alone.²³²

²²⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

²²⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

²³⁰_ Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

²³¹_ Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

²³²_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

Many defectors also said that even when defense attorneys do participate in the trial process, most North Koreans do not fully understand the role of these defense lawyers.

- Defector XXX said because his brother had faced trials, he was aware that there was an attorney system in North Korea; but he also testified that most trials are conducted without the presence of attorneys, and that even if an attorney was present, their defense was usually ineffective.²³³
- In another testimony, it was said that the defense attorney system is only nominal. The defector also stated that he had never seen a defense attorney actually defend his client in the court of law.²³⁴
- Another defector testified that North Korea did not have lawyer qualification examinations, and attorneys, judges, and prosecutors are appointed by the state from among the university law school graduates, and that the attorney's role is to explain and make the accused understand what the law is rather than defending him.²³⁵
- A third defector testified that on December 28, 1999 he (the defector) was sentenced to 15 years in prison by the Musan County Court. At the trial, a judge, prosecutor, defense attorney, and the accused were present, but he said the attorney did not provide any legal assistance for the accused.²³⁶

Consequently, even those who are aware of the attorney

²³³_ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

²³⁴_ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

²³⁵_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

²³⁶_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

system do not exactly know the role of lawyers; even if they thought the lawyer knew the accused as well as his own family, they would not expect the lawyer to play a positive role in protecting their human rights.

Some defectors have testified that they received legal assistance from attorneys during divorce proceedings. He said he received legal assistance from a lawyer named Hong Myong-chol when he drafted and signed legal paperwork requesting divorce.²³⁷

However, other people have testified that attorneys in North Korea do in fact defend their clients, at least formally, during the trial procedures. According to defector XXX, the prosecution had called for a 13-year prison sentence at the time of initial indictment. After a consultation among the judge, prosecutor, and attorney, the attorney performed a nominal defense, asking for a reduced sentence for the defendant as a gesture of fairness. The judge then said he was reducing the sentence, specifically indicating that the reduced sentence was due to the attorney's active defense work.²³⁸

²³⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

²³⁸_ Testimony of defector XXX during an interview in Seoul on Oct. 12, 2005.



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The Right to Equality

Because all people are endowed equally with sanctity and value they should all receive equal treatment under law. The principle of equality requires that all people be treated equally. It is based on a belief in non-discrimination and the principle of equal opportunity.

Article 6 of the Universal Declaration of Human Rights provides that all people, regardless of their nationality, have the right to be recognized as human beings, and Article 7 of this declaration further provides that all people are equal before the law and have the right to be protected by the law without any type of discrimination. Articles 14 and 26 of the Human Rights Covenant B stipulates that “All persons shall be equal before the courts and tribunals. . .” and “All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.”

The right to equality under the law is an indivisible civil right that provides that one will not be discriminated against by the state, and allows one to demand equal treatment from the state. The right of equality under the law is not a right granted by law; rather, it is a natural, universal human right.

In the political arena, everyone is entitled to the right of moral self-conduct and the security of the person. In the economic arena, no one should be discriminated against in terms of employment, wages, working conditions or taxation. In the social sphere, it means that there should not exist any discrimination based on one's family background, gender, or other reason that would preclude one from participating in social groups or pursuing one's career. Culturally, it means that all citizens must be guaranteed the freedoms and rights to participate equally in all social activities, including cultural activities and educational opportunities.

A. Social Discrimination Based on Family Background

Project to Classify the People According to Family Background

Article 65 of the 1998 Constitution of the DPRK recognizes, at least nominally, citizens' rights to equality, stipulating that all citizens shall have equal rights in all sectors of social life of the nation. It is asserted that equal here means equality in realizing the rights provided by the constitution. In its second report, North Korea insisted that the citizens of the DPRK, in accordance with inter-national covenants, enjoyed equal rights and were not discriminated against for reasons of race, color, sex, language, religion, political beliefs or opinions, national or social origin, property, birth or status.

Despite this argument, the regime strictly classifies every individual according to his or her family background(or class origin) and degree of loyalty to the regime.

Having completed socialist institutional reforms by August,

1958, the DPRK began in December of the same year to classify everyone according to their family background with a view to converting everyone into workers to facilitate socialist construction. This policy was part of the socialist class policy designed to control the people more effectively by surmising everyone's political inclinations based on their family background and social activities, then categorizing them by their degree of loyalty to the regime.

The loyalty surveys were conducted in phases. They included an intensive guidance program by the central party staged from December, 1958 through December, 1960; a residents re-registration program between April, 1966 and March, 1967; a project from April, 1967 through June, 1970 to classify the people into three classes and 51 sub-classes; a program to classify naturalized foreigners and defectors from the South from January through October, 1980; and a program to classify repatriates from Japan from January through April, 1981. In the 1980 project to classify naturalized foreigners and defectors, conducted in accordance with Kim Jong Il's instructions, 13 sub-classes were added to the list.

Former KWP Secretary Hwang Jang-yop, who defected to South Korea in April, 1997, has testified that after the Korean War the North Korean authorities organized special resident's registration groups and conducted background checks on all residents eight times. Meanwhile, North Korea is reported to have conducted a new personal background investigation project under the pretext of promoting Kim Jong Il's broad-base politics and allegedly to relax the personal background policy and embrace the complex masses. However, the exact nature of the project remains unknown (See Table II-7).

Since many groups of people have been newly labeled or unlabeled, as the case may be, in the process of the staggered

implementation of the inhabitants' background investigation project, it is rather difficult to accurately know all the classifications used for inhabitant categories. For example, the national capitalists and landlords formerly classified as part of the basic masses and complex masses appear to have been abolished. In addition, new social groups are apparently being added to the list specific to a given period. It also appears that since the mid-1980s when Kim Jong Il began to assume the leadership role, all unnecessary classifications that still remained to that point were either abolished or consolidated in accordance with his instructions to relax the personal back-ground policy.

<Table II-7> Family Background Investigation Projects

Project	Period	Description
Intensive guidance by the Central Party	Dec. 1958– Dec. 1960	Exposing, punishing and forcing relocation of impure elements to remote mountain villages
Re-registration of the people	Apr. 1966– Mar. 1967	Classification based on family background to arm a million-man Red Army (investigate three direct generations and all relatives of the wife and mother that are removed up to the 6th degree)
Division into 3 classes and 51 sub-classes	Apr. 1967– Jun. 1970	Based on the re-registration project all people are to be classified as being part of the Core Class, Basic Class, or Complex Class, and then further classified into one of the 51 sub-classes
Understanding the People Project	Feb. 1972– 1974	Investigate and determine the inclinations of people based on discussions concerning North-South relations and then classify people based on those whom everyone can believe, those whose beliefs are somewhat dubious, and those believed to be renegades
Civic Pass Inspection Project	Jan. 1980– Dec. 1980	To expose impure elements and increase control, inspection, and renew citizens. Certificates according to Kim Jong Il's orders
Project concerning naturalized foreigners and defectors from South Korea	Apr. 1980– Oct. 1980	Divide those from the outside who entered North Korea such as those who defected to North Korea into 13 categories and update monitoring data

Project	Period	Description
Project concerning those compatriots who were repatriated to North Korea	Jan. 1981– Apr. 1981	Segment the data on former Korean residents in Japan who were repatriated to North Korea and reduce material monitoring of recent scientific activities
Citizenship Identification Card Renewal Project	Nov. 1983– Mar. 1984	Renewal of citizen's certificates and revision of documents for all residents
Inhabitants Re-registration Project	Mar. 1984– Oct. 1989	Review and re-indexing inhabitants registry, Develop background data on separated families
Renewing Citizenship Cards	Feb. 1998– Oct. 1998	Change passport style to credit card style

Source: Ministry of Unification, *An Overview of North Korea 2004* (Seoul: Ministry of Unification, 2003), p. 327.

Classifications of North Korean Inhabitants

North Korea classifies the entire population into three groups: Core Mass (core class), Basic Mass (basic class) and Complex Mass (wavering class and hostile class)(See Table II-8-10). Defectors have testified that this classification, along with the background discrimination policy, has an important impact on the daily lives of the people in terms of political and social status, education opportunities, jobs, and marriage. According to the testimony of defector XXX, all North Koreans are classified into one of seven categories depending on their personal background. These records are maintained at province or MPS. People in categories 1-3 are known as the “core masses,” while category 4 includes factory managers and party workers. The rest of the general public are known as “bastards” or low people.²³⁹ In some cases, people attempt bribery to alter their records(i.e., background) if it interferes with their social advancement.²⁴⁰

²³⁹_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

²⁴⁰_ Testimony of defector XXX during an interview in Seoul on Oct. 27, 2003.

The core class, comprising about 28 percent of the population, is the ruling class that spearheads the North Korean system. Included in it are the family members and relatives of Kim Il Sung and Kim Jong Il, high level cadres, estimated to number about 200 thousand or one percent of the population, and mid-level cadres who account for about 26-27 percent of the population. The mid-level cadres comprise mostly anti-Japan partisan fighters and their families, and the families of those killed during the Korean War. For the education of children of the core class, North Korea operates various special schools including the Mankyongdae and Kang-bansok Institutes for the bereaved children of revolutionary martyrs.

High-level cadres live in luxurious residences, send their children to special schools, and possess modern home appliances. They may also use the cars registered with the company as their own. They own private telephones, and are allowed to read foreign publications and listen to foreign broadcasts. Most of them live in Pyongyang and other major cities, enjoying privileges such as party membership, or administrative or military positions. In effect, they form a feudal hereditary class entitled to benefits in education, promotions, food rations, housing, and medical services. Since the food crisis, the level of public discontent has been rising against Kim Jong Il and the system. However, the core class supports and protects Kim Jong Il. The vanguard class (about 10 percent of the population) prefers the current system and enjoys favorable treatment.²⁴¹ Former medical doctor XXX testified that different levels of medical service were provided to people depending on their status and background. Large hospitals maintained special units for the treatment and care of party officials.²⁴²

²⁴¹ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

²⁴² *Ibid.*

The so-called basic class comprises a near majority of the North Korean population. This group is made up of ordinary workers, technicians, farmers, office workers, teachers and their families who do not belong to the core class and who are not party members. They represent about 45 percent of the population. Members of the basic class are provided with meager incomes and food rations. These people usually become technicians or low-level officials. They maintain a living on irregular wages and individual vending efforts. Most of them live in small cities and in rural areas. For them, health benefits are insufficient. However, some of them, depending on the quality of their loyalty and contributions, can improve their personal status and become members of the core mass. Many defectors have testified that during the economic hardship there appeared to be some weakening of class distinctions, as bribery increased and people at low levels could get promotions through bribery.²⁴³

The complex class consists of national enemies, those branded as impure elements, and reactionaries. They are alienated from the rest of society and their human rights are often abused. The complex class accounts for about 27 percent of the population. This class is composed of the families of those who owned land and businesses prior to the communist take over, public officials under Japanese rule, religiously active persons, and those who collaborated with the advancing South Korean forces during the Korean War. They are denied the right to receive college education, join the party, or to become an officer in the military.

The “personal background policy,” a policy of discrimination, sometimes suppresses the social mobility of the persons belonging to the basic masses, but those in the category of the complex

²⁴³ Testimony of defector XXX during an interview in Seoul on May 24, 2000.

mass suffer most directly. Those classified as part of this class are discriminated against in all aspects of their lives including hiring, education, housing, medical benefits, and criminal punishment. In general, members of the complex class are limited to laborious and hazardous manual work. For society management purposes, they are classified as either dictatorial targets, isolation targets, or absorption and indoctrination targets. Dictatorial targets are held separately from society, isolation targets live in society but are kept under close, round-the-clock surveillance. Recruitment and indoctrination targets are intensively indoctrinated for possible absorption into the system. Defector XXX testified that those belonging to the complex masses are now allowed to live in Sinuiju, which is a border city, but the ratio of their number living in cities across the nation is very low.²⁴⁴

〈Table II-8〉 The 3 Classes and 51 Sub-classes

3Classes	51 Sub-classes	Treatment
Core Class (28%)	People from the families of laborers, hired peasants(farm servants), poor farmers, and administrative clerical workers during the Yi Dynasty and Japanese occupation, Korean Workers' Party cadre members; bereaved families of revolutionary (killed in anti-Japan struggles); bereaved families of patriots (killed as noncombatants during the Korean War); revolutionary intellectuals (trained by North Korea after liberation from Japan); families of those killed during the Korean Wars; families of the fallen during the Korean War; Servicemen's families(families of active People's Army officers and men); and families of honored wounded soldiers(family members of service members wounded during the Korean War).	<ul style="list-style-type: none"> - Recruit as staff of party, government or military. - Set apart from individuals of other class, and offer special privileges (in matriculation, promotion, rations, residence, treatment and other areas).

244_ Testimony of defector XXX during an interview in Seoul on Aug. 21, 1997.

3Classes	51 Sub-classes	Treatment
<p>Basic Class (45%)</p>	<p>People from the families of small merchants, artisans, small factory owners, small service traders; medium service traders; unaffiliated persons hailing from South Korea; families of those who went to the South (1st Category); families of those who went to the South (2nd Category); People who formerly were medium-scale farmers; national capitalists; families of those who went to the South (3rd Category); those who repatriated from China; intellectuals trained before national liberation; the lazy and corrupt; tavern hostesses; practitioners of superstition; family members of Confucianists; people who were previously locally influential figures; and economic offenders.</p>	<ul style="list-style-type: none"> - Employ as low-level managers or technicians. - Promote a limited number to the “core masses” class.
<p>Complex Class (Wavering and Hostile Class) (27%)</p>	<p>People from the families of wealthy farmers, merchants, industrialists, landowners, or those whose private assets have been completely confiscated; pro-Japan and pro-US people; reactionary bureaucrats; defectors from the South; members of the Chondoist Chongu Party; Buddhists; Catholics; expelled party members; expelled public officials; those who helped South Korea during the Korean War; family members of anyone arrested or imprisoned; spies; anti-party and counter-revolutionary sectarians; families of people who were executed; anyone released from prison; and political prisoners; Members of the Democratic Party, capitalists whose private assets have been completely confiscated.</p>	<ul style="list-style-type: none"> - Assign to dangerous or heavy-duty labor. - Block and suppress from school admissions, matriculations, and party membership. - Classify as subjects of control, surveillance and persuasion. - Control: By forcible relocation, separate accommodation. - Surveillance: Place under constant surveillance of movements. - Persuasion: Intensive reeducation. Reclassify very limited numbers (ex. Children)

* The following is a sample of the 1970 classification based on the results of a citizen registration project conducted at that time. Source: Ministry of Unification, An Overview of North Korea (2000), p. 420.

〈Table II-9〉 Categories of Personal Background

Special Class	Families of Revolutionary Fighters and Patriots(1-2 percent)
Core Masses	Party members; families of war-dead(if death is confirmed); families of honorees and rear-area military families; rich/poor farmers, clerks, and workers
Basic Masses	KWP party members, clerks, workers, families of honorees, South Korea volunteers to People's Army, and new intellectuals
Complex Masses	Intellectuals; South Korean refugees and voluntary entrants; returning POWs; families of defectors(to South Korea); small/medium merchants and skilled workers; former waitresses and families of shamans; former Confucian scholars and the rural area(bourgeois) leaders; former intellectuals; economic criminals
Under Surveillance	Families of former landed class, entrepreneurs, bourgeois farmers; families of former pro-Japanese, pro-American activists, and staff of enemy organizations; religious practitioners; former inmates, party members(dropped from membership), persons fired from jobs, families of inmates, and those under arrest.

* This table is based on the testimony of defector XXX.

〈Table II-10〉 Categories of the Complex Masses

Dictatorship targets	These are the people who are trying to overturn the current North Korean system and regime. They should be segregated from the ordinary inhabitants and moved to the so-called "safe zones" such as coal mine areas or mountainous highlands.
Isolation targets	These are very dangerous people who will participate in or are likely to support the South Korean causes should the circumstances warrant. They will be exposed to the basic masses for purposes of collective surveillance.
Inclusive education targets	These people include those belonging to potential disturbance groups. Their level of misdemeanors is so minor as to warrant inclusion in the system and ideology. These are fluid groups of people who show possibilities of returning to the fold if they underwent intensive ideology education.

Emphasis on Family Background in Recruiting Core Cadres, and the Reality of Discrimination

North Korean authorities consider one's personal background as the most critical factor when selecting candidates for positions

in the Party or law-enforcement agencies. The authorities assume that people who harbor an extreme enmity toward the system do not change, nor do their families, even after three generations. This policy has been especially apparent since the defection of former KWP Secretary Hwang Jang-yop in 1997. Immediately after his defection, the personal background of candidates for promotion and various other selection processes were checked more carefully.

When appointing military officers, party officials, or officials for the judiciary, people with an unfavorable personal background are fired or reassigned to other positions. In extreme cases, even vehicle drivers at party or judiciary organizations have been fired because of a poor personal background. In the military, people with unfavorable backgrounds are excluded from officer ranks, although such action does not extend to non-commissioned officers. Defector XXX testified that after graduating from the Ryuhyon High School in Pyongyang he joined the army and was working as a singer at the Army Performance Unit. However, due to his personal background, he was forcibly reassigned to an artillery unit. In North Korea, if a person fails to qualify for party membership while in the military, they are not treated as human beings. Because of one's family background, a person cannot join the KWP, and is discharged from the army. In this case, the stated reason for discharge was "psychological,"²⁴⁵ but the real reason was "life discharge."²⁴⁶²⁴⁷

In other testimony, defector XXX insisted that in North Korea job assignments are determined from birth, that is, background and contacts are crucial for education and job assignments.²⁴⁸ In his case, he belonged to the core class and served as an officer at the

²⁴⁵_ Unfit for military life.

²⁴⁶_ Undisciplined attitude in barracks life.

²⁴⁷_ undisciplined attitude in barracks life.

²⁴⁸_ Testimony of defector XXX during an interview in Seoul on Sept. 20, 2004.

Security Agency after graduating from college.

Most North Koreans would prefer to work for powerful agencies like the Party, security agency, and People's Security Agency. However, background checks are thoroughly conducted before anyone can be assigned a security-related job. This practice is indistinguishable from social discrimination. For example, to work for the MPS, a very thorough background check is mandatory, extending to and including one's second cousins. No relatives up to and including one's second cousins can have served in correctional centers (much less have been traitors). To work for the SSA, background checks include investigation of an applicant's third cousins, because workers at this agency handle many classified materials. Party officials and Protection Agency officials always place emphasis on documentary evidence (resumes). Even if one lacks competence, selection is assured with an impressive resume.²⁴⁹ There is testimony that resumes are important for positions of Central Party, SSA, or MPS, but MPS is recently relaxing such requirements.²⁵⁰

- Defector XXX testified that the family background check has been significantly relaxed, but people who have personal or family background stemming from South Korea are not able to get positions in the Party.²⁵¹
- Another defector claimed that personal background is still an important factor for admission into first-rate universities.²⁵²
- A third defector's testimony corroborates this, as he testified that he was able to matriculate into a communist university thanks to the fact that his father was a retired

²⁴⁹ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

²⁵⁰ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

²⁵¹ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

²⁵² Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

soldier. People with questionable background are not accepted, since it is an institution reserved for the education of Party cadres.²⁵³

- A fourth testified that even though money has become important in North Korean society today, internal Party documents (on one's background) are so solid that money can play only a limited role when it comes to internal Party business.²⁵⁴
- “My family was discriminated against socially because my uncle had fled to South Korea. Initially, I did not know it very well. I thought my father had some problems, so I used to blame my father rather than North Korean authorities. I could not join boy scouts when I was young and could not become chairman at the Social Labor Agency when I grew up. In any event, I have worked hard. Ultimately, however, I could not move up to the Party, law enforcement, or safety agent positions. The best I could achieve was a manager at an enterprise. Because I am from the “complex class,” I needed five “guarantors” [who could certify my integrity] to apply for Party membership.”²⁵⁵
- In the case of a factory manager, the District Party Branch would usually examine the resume closely. Today, however, the district party would not look into the paperwork closely. Sometimes, rich people will provide cash bribes to district officials to take the job away from the person already designated for the position. So, many have

²⁵³_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²⁵⁴_ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.

²⁵⁵_ *Ibid.*

testified that rich people will usually get the managerial positions.²⁵⁶

- The returning Korean-Japanese were not allowed to become Party staff, administrative staff, or any high level positions. Recently, however, they could get the administrative staff positions.²⁵⁷
- In the past, the personal(family) background was an important admission criterion to enter the Kim Il-sung University, Foreign Language School, or Music School. Recently, however, individual talents have become the most important factor. This is a result of so-called “Wide-embracing Politics.” Under this policy, talented students who happened to have a flawed background can now move on to good schools.²⁵⁸
- Unless the student comes with a very bad background, such as an espionage family background, he or she can now advance to such top schools as Kim Il-sung University or Kim Chaek Polytech College, which previously accepted only ‘good background children.’ Even the children of returning Korean-Japanese can advance to these schools if their academic records are good.²⁵⁹

Other defectors have testified that background still matters in North Korea. A man who defected had excellent academic credentials and recorded top scores in city or provincial examinations, but the children of the rich and powerful would always move ahead of him. Only after he advanced to high school

²⁵⁶_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

²⁵⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

²⁵⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

²⁵⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

did he realize that he was discriminated against because his family had someone in South Korea. In his case, his school appealed to the authorities, arguing that he was too excellent not to advance to college. He was admitted to Chongjin College of Commerce, but he declined to go because it was not one of the best schools.²⁶⁰

Crime by Association According to One's Family Background: A Means of Control and Punishment

North Korea utilizes “crime by association” as a major tool to maintain its ruling system. Guilt is a system by which family members of individuals convicted of political or ideological crimes are also punished. This system works horizontally to include all members of one's immediate family, and vertically to affect one's children and grandchildren. The government still maintains these records and uses them as a means to maintain firm control over the people.²⁶¹

One way to see the extent to which the regime controls the people through this system is to examine the forced relocation of families. For example, North Korea has classified a significant portion of its population(25-30 percent) as members of separated families, whose relatives are classified as traitors who defected to South Korea. They are therefore relegated to the hostile class. These people are dispossessed and disadvantaged because of the behavior of their ancestors or for events that occurred during the Japanese occupation or the Korean War. A person could be banished to a remote area, or to a coal mine or lumber mill, to do unbearably hard

²⁶⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 11, 2008.

²⁶¹_ The UN Special Rapporteur, Vitit Muntarbhorn, “Question of the Violation of Human Rights and Fundamental Freedom in Any Part of the World: Situation of Human Rights in the Democratic People's Republic of Korea” (Jan. 11, 2005), p. 11.

physical labor if a family member had participated in police duties in South Korea during the Korean War or if the family member was a former POW. POWs formerly held by South Korea have had to endure various forms of repression. Their spouses and children are placed under constant surveillance. Additional disadvantages related to social advancement also exist. But essentially what exists is a systematic conferring of discrimination to these people's children and grandchildren based on family background.²⁶²

According to defector XXX, the crime-by-association system is applied strictly to political prisoners. With respect to this, there are some articles addressing crime by association in the policies of the State Security Agency. For example, if the husband's relatives were found in violation, the wife would be automatically divorced from her husband and sent home. However, if the wife's relatives are found in violation, the husband(or, the son- in-law) is exempt from punishment.²⁶³ As economic hardship worsened, the people's complaints increased and the number of so-called "verbal reactionaries" also increased. Under the circumstances, the North Korean authorities did not impose severe punishments so long as the complaints were not "politically motivated." Even in cases of "serious verbal" violations, they sent only the person directly involved to the political concentration camp, showing that the practice of "guilt by association" was being relaxed.²⁶⁴ Reportedly, there is a "principal violators only" political concentration camp in Chongjin City, North Hamkyong Province; still, the practice of "quilt by association" persists.²⁶⁵

Officially, North Korea does not admit to any social

²⁶² Testimony of defector XXX during an interview in Seoul on May 23, 2000.

²⁶³ Testimony of defector XXX during an interview in Seoul on Oct. 19, 1999.

²⁶⁴ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

²⁶⁵ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

discrimination based on family background. North Korea has maintained this policy since the mid-1980s when Kim Jong Il instructed officials to relax the background policy. Nevertheless, the discriminatory practice persists in North Korea, and many people are deprived of their political and social rights due to the background check policy.

For criminals facing the death penalty, this is particularly crucial, for a final judgment, that is, whether or not to reduce a sentence, may depend upon the person's family background. Criminals having inferior backgrounds or birth origins, including orphans, are usually sentenced to death without hesitation or consideration. People who have witnessed executions and various other sentencing express that they are unfair and arbitrarily decided by authorities based on one's background.

Defector XXX testified that if a criminal act became clear in the Security Agency's investigative process, then the criminal's family registry would be brought from the local Security Agents. The family registry is used in the process of determining the terms of punishment. In short, the family background serves as a basis of consideration in determining the level of punishment. The idea behind this is that if there were many Party members among the detainee's family, he could be "reformed" since the family environment is favorable for re-education. In this connection, the Security Agency maintains a set of guidelines for handling the cases: for example, if there were more than nine Party members in the family as many as three years would be reduced from the sentence. Considered for reduced sentences are also the recipients of the Kim Il Sung Citation and other decorations.²⁶⁶ However, due to the limited level of information available, more research will need

²⁶⁶ Testimony of defector XXX during an interview in Seoul on Oct. 10, 2005.

to be done and more information collected on how “class” status affects the process of handling criminal cases. In particular, it is necessary to examine the basis of “discretionary judgments,” such as offers of “social education” rather than legal sanctions.

Personal background also affects marriages. Men with unfavorable personal background have little chance to overcome the class barriers unless fortunate enough to marry a woman with a good personal background.²⁶⁷ If one’s background is unfavorable, control apparatus such as the Security Agency will often systematically interfere with personal affairs. According to XXX, who defected after being abducted, he was denied permission to marry ten times, even though he had favorable personal interviews with prospective brides, because the agents from the Security Agency or Factory Party Committee members secretly and intentionally spread the word that he came from South Korea and had anti-regime inclinations.²⁶⁸ In another case, Han Jongnam(female) graduated from Heisan Arts College in 1998 and was teaching at Heisan Teachers’ College. She could not become a Party member or get married because her background on her father’s side was bad. Her married sisters were all divorced and had to live with her father.²⁶⁹ When she got married, her husband was a student at Kim Chaek Polytech College and his father was an ordinary person. But her father granted the marriage, saying that the young man was sharp and articulate.²⁷⁰

²⁶⁷ Testimony of defector XXX during an interview in Seoul on Jan. 7, 2004.

²⁶⁸ Testimony of XXX, who had been kidnapped and later returned home, during an interview in Seoul on Jan. 7, 2004.

²⁶⁹ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

²⁷⁰ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

Discrimination in Residence and Housing According to Class

North Korea assigns housing to people according to their background and forcibly relocates people from one place to another. North Korean authorities fear the possibility that those people whose backgrounds are regarded as bad, primarily from South Korea or who once belonged to the landlord or capitalist classes might escape from North Korea because they secretly admire South Korea. For that reason North Korean authorities limit the areas where these people are allowed to live. For example, people having bad backgrounds are not allowed to live in Pyongyang, Nampo, near the coast, and in other sensitive areas.²⁷¹

Even people with good backgrounds are frequently expelled from urban areas like Pyongyang to secluded places in the mountains because of mistakes made by their family members or relatives. These people who are forcibly relocated due to their backgrounds are prohibited from serving as salaried members of the KWP or from holding important positions in administration. Instead, they can only be promoted to low ranking public service positions. These people frequently gather together to sympathize with one another, complain about their situations, and express resentment against the North Korean authorities.²⁷²

The North Korean authorities forcibly relocate criminals, defectors, and families with bad backgrounds to remote and secluded places in the mountains. According to defector XXX, people who are ostracized and forcibly relocated to remote places are called the Pyongyang evacuees.²⁷³ These people are acutely despised

²⁷¹ Defector XXX was born in Pyongyang, but his father was originally from South Korea. He was accused of some mistakes at work and had to relocate to Shinuiju. Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

²⁷² Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

²⁷³ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

and discriminated against by the local population. Instances of discrimination against expelled individuals can be easily found.

While the local populace is allowed to assault these people, the relocated are not allowed to assault or inflict damage on the locals. It is routine for supervisors belonging to the MPS to publicly beat and torture these expelled individuals. These people are also forced to work the most physically demanding jobs, such as logging and mining. Regardless of their effort, they are rarely promoted to staff positions in the workplace. Rather, they are often stripped of their houses and private gardens and are forcibly relocated to inferior housing.

This discrimination between locals and exiles extends to other areas as well. For example, locals marry only among themselves. In cases where a local and exile are caught collaborating in crime, the local is set free without suspicion while the exile is punished. These and other forms of discrimination leave these people feeling extremely alienated.

Discrimination against Citizens of Pyongyang

North Korean authorities decide, based on a person's background, whether or not they are eligible to live in Pyongyang. Even residents of Pyongyang face discrimination by classification. For the most part, citizens of Pyongyang are divided into three categories. The first and second categories are comprised of those people who do not have any clear "defects" in terms of their background. These people account for almost 80-90 percent of the entire population of Pyongyang. The third category, however, includes people repatriated to the North, people from South Korea, and people whose relatives are listed as missing persons. The segment comprising these people is between 10-20 percent of the total. People belonging

to the third category are not eligible to attend various political events. For instance, people belonging only to the first and second categories are mobilized when the heads of foreign governments visit Pyongyang. People belonging to the third category are always restricted and can only participate in general mass rallies. People in the first and second categories can sit in the front seats while people from the third category must stand in the most rear areas while being supervised by members of the State Security Agency.

Those belonging to the third category constantly live in fear and are acutely aware of their alienation, as they do not receive the benefits entitled to ordinary citizens of Pyongyang. Although they desperately try to gain admission to the KWP, the discrimination against them based on their background is not easily changed.

B. Discrimination against the Physically and Mentally Challenged

According to a recent estimate, there are about 500 million disabled persons worldwide, and North Korea has a significant number of physically challenged (or disabled) persons. Because it is a closed society, it is difficult to collect accurate information on the number and reality of these people. The World Milal is an international evangelical group that has been helping the physically challenged around the world. In 1999 the association released a “survey of disabled persons in North Korea” that it had obtained from the Korean Supportiy Disabled. According to this survey, there are a total of 763,237 disabled persons, or about 3.41 percent of the population. The survey showed that 296,518 persons, or 38.3 percent of the total, had physical disabilities, 168,141 persons were hearing-impaired, 165,088 vision impaired(i.e., blind), 68,997

were suffering from multiple disabilities, and 37,780 were mentally disabled. About 1.75 percent of the Pyongyang population was disabled persons. Also, it was said that 64 percent of all physically challenged persons were living in urban areas, while 35.4 percent were living in farm villages.²⁷⁴

In its Second Report on “International Covenant on economic, social and cultural rights.” North Korea reported that the disabled persons are provided with jobs appropriate for their capabilities and Constitutional rights. North Korea also insisted that the government was paying special attention to disabled children, and that pre-school children were receiving treatment at special hospitals, while school-age children were getting special consideration to enable them to receive treatment so that they could continue their school education. North Korea said it was maintaining 3 specialized schools for blind and deaf-mute children, and 9 schools for children with speech-impairment. A total of 1,800 physically challenged children were attending these schools at primary and secondary levels to learn specialized skills tailored to their individual needs. The report said these children were receiving government scholarships and living in school dormitories built especially for them. However, after reviewing North Korea’s second regular report on Covenant A in 2003, the UN Committee on Economic, Social and Cultural Rights, in its concluding observations, expressed concern about the fact that disabled children were excluded from the normal educational process.

Even though North Korea insisted in its second regular report on Covenant-A that it was protecting disabled persons, the North Korean defectors who came to South Korea have testified that the North Korean authorities were discriminating against these people.

²⁷⁴ Yonhap News, Apr. 9, 2006 and Nov. 23, 2006.

The most serious case of discrimination is the operation of segregation facilities for midgets and forced sterilizations on them.

- According to Hwang Jang-yop’s testimony, Kim Il Sung instructed in the 1960s that midgets not be allowed to reproduce, and that they be rounded up and relocated. Subsequently, a concentration camp for midgets was established at Jungpyong County, South Hamkyung Province.
- Defector XXX testified that there is a sanatorium for the children with birth defects and deformity in Youngkwang County, South Hamkyung Province.²⁷⁵
- Other defectors agreed with Hwang Jang-yop that there were midget concentration camps in the 1960s and 1970s.²⁷⁶
- Defector XXX testified that two midgets were admitted to the hospital he was working at in 1993. They told him that they were there to receive sterilization.²⁷⁷
- Defector XXX testified that his relative XXX was forced by the government to be sterilized in the late 1980s because he was a midget.²⁷⁸
- Defectors XXX and XXX testify that the so-called midget detention camps exist. Marriages at these camps are permitted but having children is not.²⁷⁹
- Defector XXX has also testified that there was a midget camp in Bujon County, South Hamkyong Province, and

²⁷⁵_ Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

²⁷⁶_ Testimony of defector XXX during an interview in Seoul on Feb. 15, 2003; Testimony of defector XXX during an interview on Jan. 31, 2007.

²⁷⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²⁷⁸_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

²⁷⁹_ Testimony of defector XXX during an interview in Seoul on Jul. 6, 2002; Testimony of defector XXX during an interview in Seoul on Oct. 12, 2002.

that the authorities have performed “neutering” operations there.²⁸⁰

- Defector XXX testified that midgets are separately detained in the detention camps. He heard all male midgets are castrated. But he also heard that they were released during the 1998, 1999 period due to pressure from the international human rights community.²⁸¹

In addition to the above testimony about the release of midgets, there were testimonies stating that the midget camps have been abolished.

- Defector XXX said when he was young he had heard about the story of sending off the midgets to a remote location, but he believed that there is no such midget camps today.²⁸²
- Defector XXX said that the government would not bother midgets or people with birth defects, and that he saw a midget in Kaesong.²⁸³

Many North Korean defectors have testified that the authorities restrict the area of residence for disabled persons. North Korean authorities strictly prohibit them from living in the special district of Pyongyang and other cities like Nampo, Kaesong, and Chongjin where visits of foreigners are frequent. With the exception of talented individuals, ordinary disabled persons are not allowed to live in Pyongyang or other places where foreigners visit frequently

²⁸⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2006.

²⁸¹_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

²⁸²_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

²⁸³_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2001.

because they are said to give a bad impression of the country.²⁸⁴ Although some disabled may not be transferred on a permanent basis, they are sent away to other areas whenever the authorities wish, such as during special events.²⁸⁵

- Defector XXX said that a family had been relocated from Pyongyang to his hometown in 1980 because of a mentally retarded child.²⁸⁶

However, some defectors and people who visited Pyongyang recently testified that there are disabled persons living in Pyongyang.

- One defector claims that physically challenged persons are now living in Pyongyang, while in the past they were picked up and sent to the countryside.²⁸⁷
- Another defector testified that he saw disabled persons in Pyongyang. The child of a high-ranking official he used to know was suffering from infantile paralysis. He saw the child until he(the defector) left North Korea.²⁸⁸
- Defector XXX, who used to live in Pyongyang, testified that the government did not allow people with physical deformity to live in Pyongyang. In the 1970s and 80s the government had forcibly relocated all those with physical deformity, such as midgets, blind persons, humped backs, etc, to remote places, and if one was seen in Pyongyang, they were not Pyongyang residents but visitors from outlying provinces.²⁸⁹

²⁸⁴_ Testimony of defector XXX during an interview in Seoul on May 18, 1999;
Testimony of defector XXX during an interview in Seoul on May 23, 2000.

²⁸⁵_ Testimony of defector XXX during an interview in Seoul on Feb. 15, 2003.

²⁸⁶_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

²⁸⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

²⁸⁸_ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

²⁸⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

- Meanwhile, the Lighthouse Foundation(South Korean) is in the process of constructing a “welfare center for the disabled persons” in Pyongyang. In fact, its activities have been instrumental in transforming the prejudiced views of North Korean authorities.²⁹⁰

In the face of rising international concerns over the disabled, North Korea has introduced an institutional framework for the protection of the disabled by enacting the “Disabled Persons Protection Law” in June 2003. Article 2 defines “Disabled persons” as “Those who have lost or have limited physical and mental functions, and whose normal activities as citizens are impaired over a long period of time. And, their human dignity shall be respected. And, their political and social rights, as well as interests shall be guaranteed as equally as normal persons.” This law provides for overall protection of the disabled persons in the areas of livelihood, rehabilitation, jobs and education. For this purpose, the law requires operation of an ad hoc “committee for the protection of the disabled” within the cabinet, and stipulates the terms of criminal and administrative penalties for those individuals and staff who neglected or breached the protection of the rights of the disabled.

This law has also provided an occasion to expand recognition and acceptance of disabled persons as “members of the society” by guaranteeing them rights equal to other members of society. Under the law, the disabled are entitled to equal and free treatment at medical facilities(Art. 10). Middle schools must include special education for the disabled as part of the regular curriculum. Also, they are not to be discriminated against in college entrance

²⁹⁰ Testimony of a welfare worker at Lighthouse Welfare Foundation during an interview in Seoul on Feb. 20, 2008.

opportunities(Art. 15-20).

According to a 2005 survey, there were a total of 3,639 disabled children in North Korea - 2,176 boys and 1,463 girls.

〈Table II-11〉 Disabled Children by Age Groups

unit(%)				
0-4 (years old)	5-6	7-10	11-17	Total
11,6 (percent)	11,2	30,2	47,0	100

North Korea's National Commission on the Rights of the Child (NCRC) has established a plan to survey the status of disabled children in North Korea. Participating in the plan included the Korea League for Protecting Disabled, the Central Statistical Bureau, and the Ministry of Health. The Ministry of Health has recently built a rehabilitation center in the Kim Man-hiu Hospital with a view to conducting rehabilitation researches for the disabled children.

In addition, there is an organization designed for the promotion and protection of rights of the disabled. A non-governmental organization called the "Korean Association for Supporting Disabled" was formed in July, 1998. In July 2005 it was said to have been expanded and reorganized into the "Korean League for Protecting Disabled" with branch committees at county, city and province levels. This League is carrying out various important roles, such as conducting surveys on the status of disabled persons, improving health and living conditions, and developing action programs to enhance social awareness on disabled persons. Describing this league, the Chosun Shinbo(the official mouthpiece of the General Association of Korean Residents in Japan) reported that the "league is working actively with 20 full-time workers and 4,000 volunteers at various organizations and committees at province, city and

county levels.” The League has also established the Cultural League for the Disabled. In addition, the Disabled Art League, the Disabled Children’s Fund, and a trading company supporting disabled persons have jointly established a welfare promotion program for disabled persons. And, a ‘comprehensive action plan 2008-2010 for disabled persons’ has been established.²⁹¹

In an interview with a monthly periodical, *The Chosun*, in March 2006, the deputy chairman of the league, Kim Young-chol, emphasized that the league was concentrating on education and rehabilitation of disabled persons. Deputy chairman Kim introduced major activities of the league in detail. For example, the league has rebuilt and modernized the Hamhung Orthopedic Surgical Hospital and Shijungho Sanatorium in Tongchon, Kangwon Province, for the treatment and recuperation of the disabled, including wounded soldiers. It has also added a new polypropylene rehabilitation equipment line at the Hamhung Rehabilitation Equipment Factory for the production of wheelchairs, crutches, and hearing aids. He said the league was also promoting a project to build a “recuperation (rehabilitation) center” for the disabled in Pyongyang. The league was also extending support for the rebuilding and improvement of the School for the Hearing Impaired in Wonsan. In addition, the league is providing “sign language books and dictionaries” to schools for the hearing impaired all over North Korea.²⁹²

Spearheaded by this league, North Korea is promoting cooperative relations with South Korea and the international community to assist the disabled. The two Koreas are promoting medical cooperation projects. According to the *Chosun Shinbo*(in

291_ “The 3rd and 4th Periodic Reports of the Democratic People’s Republic of Korea on the Implementation of the Convention on the Rights of the Child,” Nov. 2007, Pyongyang, DPRK, (CRC/C/PRK/4).

292_ *Voice of the People*, Apr. 5, 2006.

Japan), North Korea is also conducting research at Pyongyang Medical School and the Genetic Medicine Research Institute for the purposes of preventing genetic diseases and reducing incidents of birth defects and deformities.²⁹³ As part of a mutual support project for the disabled, an inter-Korean seminar on rehabilitation science was held at Yangkangdo Hotel in Pyongyang on December 19, 2006. A delegation from South Korea's Daegu University and a delegation from North Korean Red Cross Hospital have participated in the seminar to discuss rehabilitation treatment and special training, as well as the outcome of their medical research.²⁹⁴

“The Lighthouse Foundation,” which is an evangelical group in North Korea, is promoting various projects with South Korea's aid groups to protect the disabled in North Korea.

With the support of the Lighthouse Foundation, an independent rehabilitation center for the disabled called the “Botongkang Comprehensive Welfare Center for the Disabled” was built along the main Red Avenue of Botongkang District in Pyongyang. The Lighthouse Foundation has also provided various daily necessities, classroom supplies for students, special instructional aids, and agricultural equipment to various schools for the disabled children all over North Korea, including eight schools for the hearing impaired(1,035 students) and three schools for the blind(84 students).²⁹⁵ There are so many disabled children around the Botongkang Welfare Center at the present that it is difficult to believe Pyongyang is free of disabled persons. The Foundation has even contributed an article to the Pyongyang Times on Dec. 1, 2007, which was The International Day of Disabled People. The article,

²⁹³_ *Yonhap News*, Oct. 23, 2006.

²⁹⁴_ *Yonhap News*, Dec. 22, 2006.

²⁹⁵_ *Yonhap News*, Oct. 23, 2006, and Feb. 26, 2007.

entitled “For More Rights of the Disabled,” was the first-ever article on the human rights of the disabled persons in North Korea.

The Lighthouse Foundation also arranged for a 3-person North Korean delegation from the central committee of the Korean Association for Protecting Disabled to attend the 9th FESPIC conference held in Kuala Lumpur, Malaysia, on November 25, 2006.²⁹⁶

Evidenced by these activities, it is obvious that North Korea is taking various measures to protect the disabled. It is also clear that the testimonies of defectors concerning discrimination against the disabled are based on their observations before the appearance of the ‘disabled protection law.’

²⁹⁶ Yonhap News, Nov. 23, 2006.



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Civil Liberties

The most important aspect of human rights is to limit totalitarian power and guarantee individual freedoms and equality. Together with equal justice under law, freedom is an important factor in human rights and is a fundamental necessity for all people to enjoy a happy life. Freedom has historically been a great human concern. Civil liberty as a fundamental right is a positive and defensive public right that should be free from state interference or infringement of one's individual livelihood. Freedom and equality are supra-national rights of humankind.

The most important part of the Universal Declaration of Human Rights and “human rights Covenant B” is the guarantee of rights to various freedoms.

Article 1 of the Universal Declaration of Human Rights declares that “All human beings are born free and equal in dignity and rights.” The declaration also states that “everyone has the right to life, liberty and security of person(Art. 3).” Article 13 specifies, “Everyone has the right to freedom of movement and residence within the borders of each state.” Under Articles 18-20,

it is stipulated that “Everyone has the right to freedom of thought, conscience and religion... Everyone has the right to freedom of opinion and expression... and the right to freedom of peaceful assembly and association.” Covenant B also provides for broad freedoms. For example, Article 9 guarantees everyone the right to liberty and security of person. Article 12 provides for the right to liberty of movement and freedom to choose one’s place of residence. Article 18 specifies the rights of freedom of thought, conscience and religion. Article 19 guarantees the right to hold opinions without interference, and Articles 21 and 22 guarantee the right to peaceful assembly and association.

A. Freedom of Residence and the Right to Travel

The freedom of movement and residence concerns the right to independently determine where one chooses to live, to be able to relocate freely from that place, and not to be relocated against one’s will. As a fundamental freedom throughout human history, by expanding a person’s area of activity, the freedom of residence and relocation allows the creation of a forum for free human exchanges which contributes to the development of individuals. By contributing to development and human growth this freedom maintains and develops human sanctity and value.

Article 13 of the Universal Declaration of Human Rights stipulates, “Everyone has the right to freedom of movement...to leave any country...and to return to his or her country.” Article 12 of the Covenant B specifically guarantees that “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. Everyone shall be free to leave any country, including his own. . .

No one shall be arbitrarily deprived of the right to enter his own country. And, (these) rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order, public health or morals or the rights and freedoms of others.”

The international community repeatedly raised the issue of freedom of travel and residence and the UN subcommittee on human rights adopted a resolution on North Korean human rights. With this pressure, during the revision of its constitution in September, 1998, North Korea decided to introduce a new provision: “Citizens shall have the freedom of residence and travel(Art. 75).” The reality, however, shows a serious gap between the law and practice. North Korea has always enforced a system of strict control over the people’s residence and movement(travels). The rationale for this system was that under the Socialist economic structure the inhabitants should register at their current residences to benefit from the nationwide ration system. The real purpose of restricting citizens’ movement is to prevent potential assemblies, protest rallies, and external contacts.

Domestic Travels

All North Koreans must, in principle, carry travel permits even when traveling within the country. In accordance with Article 6 of North Korea’s Travel Regulations, people must obtain travel permits before taking any trip. In answer to a written question from UNHRC during the second regular report on the implementation of Covenant-B, North Korea said, “Travel permits are necessary to protect our people from external threats and for national security reasons. The permit system does not impose any restrictions and does not hamper people’s freedom to travel.” The most fundamental

reason North Korean authorities are trying to restrict free travels and people's movement is to prevent them from taking anti-regime positions based on information they might obtain from external sources. The traveling public could obtain information from other regions and make comparisons, which in turn could lead to a critical attitude against the regime.

In principle, all North Korean citizens must carry travel permits when they travel outside of their own county or city of residence.²⁹⁷ Underage persons too young to have citizenship IDs cannot obtain travel permits and must be accompanied by an adult who has obtained a travel permit. In principle, those who plan to attend a funeral or wedding of their closest relatives may travel as far as the city or county of the event, but personal added travel to any neighboring region is not allowed. If, however, one is on official business, he or she may travel to all destinations indicated in the permit. If a soldier, government employee, or factory worker has a business trip order from their office, he or she can travel anywhere in the country, according to the travel order. If a patient has a diagnostic document, he can travel to a major clinic or hospital in the city or province of his residence, or, he can choose to travel to a residence of his close relatives who can help take care of the patient's illness.

Those who do not have Pyongyang Citizen IDs or Temporary Resident Cards²⁹⁸ are not allowed to enter the capital city of Pyongyang unless they carry with them travel permits issued by Section 2 of the Province People's Committee bearing the approval

297. Lee Keum-soon, *Residence and Movement of North Koreans: Current Status and Prospects for Change* (Seoul: KINU, 2007).

298. The "temporary resident cards" are issued to college students from outside Pyongyang(provincial towns), provincial students who are admitted to the No. 1 Pyongyang High School, soldiers stationed in Pyongyang, government officials on temporary duty, and enterprise workers. The duration of these cards will of course vary depending on the purpose and duration of duty or work.

number issued by the Pyongyang City Government. To travel to cities and counties that share the same jurisdictions with the Tuman River and the Apnok River, people must carry travel permits issued by the province of their residence bearing approval numbers endorsed by one of the Provincial People's Committees of North Pyongan, North Hamkyung, Jakang, or Yangkang Province.

Travel permits are also required of those residents of border provinces along the Tuman and Apnok Rivers even if they desired to move from one point to another within the same province. The relevant Provincial People's Committee will issue these permits.

North Korea still has in place travel restrictions on special areas, along with its travel permit system. Those wishing to travel to the border regions or military areas must obtain an approval number from the Security Guidance office.²⁹⁹ People planning to travel must submit an application to their factory or office boss through the Accounting Section two weeks in advance. The approval will depend on a review of the applicant's ideology and on his or her "voluntary labor contribution" records. After this preliminary procedure, one has to apply again three days in advance at the Permit Section of local People's Security Agency(Police). The Agency will review the applicant in terms of whether the applicant is a dangerous person, under surveillance, or has any criminal records, etc. After overall confirmations by the local Security Agency, the applicant would be issued a travel permit through the party secretary at his or her place of employment. However, most defectors testified that they received travel permits from Section 2 of the *inminban*(neighborhood unit) through their place of work. The application would take the following route: Supervisor at work

²⁹⁹ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003; Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

to the Statistician at work(Date of birth; Destination; Purpose, etc.) to the Travel Clerk at work³⁰⁰ to Section 2 of the inminban. Each region(province) is supposed to issue a certain number of travel permits a year. All travel permits carry a serial number, and the security agents check this number against those on his list of numbers to see if the permit is genuine.

Those who do not have jobs must get travel permits through their inminban. In this case, they must get the approval of the local branch of People's Safety Agency(police), plus a guarantor. One defector said he told the authorities that he was getting married to a person living in Musan. A guide at the local branch of the People's Safety Agency signed for the guarantee so he could travel from Kaesong to Musan.³⁰¹

Usually, travel permits to restricted areas take 7-15 days to process, while permits to non-restricted areas take only 2-3 days. However, there is absolutely no guarantee that a permit will be issued.³⁰² At the central government level, there may exist established procedures, but in the provinces different sets of procedures seem to exist, depending on agencies and localities. Unlike ordinary travel permits, special control areas issue permits with unique numbers. Furthermore, the color of diagonal lines on the pass will vary from region to region, and the authorities will frequently change the color of those lines, presumably to prevent fake passes or forgery.

The "travel permit" system is actually restricting the citizens' freedom of travel and movement. This is demonstrated by the fact

³⁰⁰ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 30, 2007.

³⁰¹ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

³⁰² Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005; Testimony of defector XXX during an interview in Seoul on Jan. 23, 2006.

that violators are thrown into a detention facility(i.e., “collection centers”). Article 17 of the Social Safety Control Law specifically requires orderly travels by stipulating that “The Social Safety Agency shall enforce orderly travels, including orderly travels on foot.”

After arrival, the traveler must report to the head of the local neighborhood unit or *inminban*, register on the travel roster, and get his or her travel pass stamped by a local MPS official. A travel pass carries the date of return, and a traveler can purchase a train ticket only after applying at the railway station security office four days beforehand. Permits are issued by the next day in smaller cities and counties, while they can take 5 to 7 days in Pyongyang or along the border regions.³⁰³

A defector testified that travels to and from the Rajin-Sonbong region(a special foreign investment zone) are strictly controlled and people are required to obtain permits from six different agencies to travel to the area.³⁰⁴ The number of travel permits for the Rajin-Sonbong area is limited, and it is difficult for ordinary citizens to get travel permits to that area.³⁰⁵ Moreover, high-voltage wires have been installed around the area to prevent unauthorized traffic. Some people have died while trying to cross over the wired fences.³⁰⁶ Meanwhile, the inhabitants in the border regions need to obtain the approval signature of a local Security Agent to get travel permits issued.³⁰⁷

Defectors have testified that even though the travel permit system is officially maintained, economic hardship has significantly

³⁰³_ Testimony of defector XXX during an interview in Seoul on Sept. 17, 2004;

Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

³⁰⁴_ Testimony of defector XXX during an interview in Seoul on Sept. 8, 1998.

³⁰⁵_ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

³⁰⁶_ “A workshop with defectors” sponsored by KINU on Dec. 23, 2005.

³⁰⁷_ Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

changed actual travel patterns. Despite official regulations, it appears that controls over travel are becoming less restrictive due to the deteriorating economic situation and food shortages. For example, it was said that one could obtain a travel permit even if he or she did not have a job. The travel clerk at work would, for a fee(bribe), take advantage of his or her position and obtain a permit in the name of his or her workplace, of course, one would need a contact person for the purpose. Sometimes, a clerk may try to make some money by “selling” travel permit application forms.³⁰⁸ There was an unconfirmed report to the effect that someone had purchased a travel permit on the marketplace in Pyongyang and was able to travel to the border regions.³⁰⁹ In principle, domestic travel permits are issued free of charge. Since the Kiyowon, or “clerk,” will help fill out the application forms and get the approval of various sections, people usually provide gifts or bribes to him or her. If the clerk does not get the gift, processing is often delayed. The nature of the gift also varies depending on the applicant’s purpose and destination of travel. Sometimes, the applicants have to submit bribes not only to the clerk but also to the higher staff members at the local People’s Security Agent. If the person who receives the travel permit were to flee from North Korea, or to commit crimes during the travel, not only the clerk but also other Security and Safety agents would be held responsible. Therefore, if the applicant has a defector in his family(or presumed defector due to a long absence) or a missing person, or, if the purpose of travel is unclear or inappropriate, people will attempt to bribe the agents. The amount of the gift in these latter cases is said to run about 1-3 times the amount of a normal gift to the clerk.

³⁰⁸ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007;
Testimony of defector XXX during an interview in Seoul on Dec. 30, 2005.

³⁰⁹ Testimony of defector XXX during an interview in Seoul on Feb. 6, 2007.

Since the year 2000, people have begun to prefer buses or cars to trains as a means of transportation. People's perception about the necessity of travel permits has also begun to change. Since it is difficult and takes time to get travel permits and permits tend to reveal details about one's personal trips, many people will often forgo travel permits and rely on various means of bribery to avoid penalties if caught.

To travel by train, a travel permit is essential. However, security agents on the train will often take money from passengers who lack proper travel papers. Many security agents aboard Pyongyang bound trains are known to maintain their living by taking bribes or confiscating items of passengers. They frequently inspect luggage and consistently find dozens of passengers in violation of some rule. People with extra cash avoid inspections by bribing the security agents with cigarettes or wine; others, however, have no choice but to follow the routine procedures.³¹⁰

As the number of peddlers has increased, the number of train passengers also has increased, with tickets being sold on the black market.

When traveling by train, one needs to have a travel permit because security agents will frequently check the papers. However, when traveling on foot within the province during the stark days of the food shortages, travel permits were practically meaningless. Since the 1990s, the mobility of the North Korean citizens has tremendously increased, and the situation has reached a stage where the authorities have had to condone the development. Inspections are still conducted on trains, so people usually travel on foot without travel certificates. For this reason, it is common to observe people trying to hitch a ride in the streets of North Korean cities.

³¹⁰ Good Friends, "North Korea Today," No. 25 (Jun. 14, 2006).

Such a ride usually costs about 100 won per 40 kilometers.³¹¹ One defector testified that he had spent 600 won on his trip from Heisan to Bukchong, another 600 won from Bukchong to Sinpo, 400 won from Sinpo to Wonsan, and an additional 400 won from Wonsan to Kosung, for a total of 2,000 won.³¹² If one does not have travel permits, one cannot purchase transportation tickets, which in turn requires a substantial cash substitute,³¹³ so people still prefer to get travel permits before departure.³¹⁴

An alternative method of travel in North Korea is the so-called bus “whips” who will help fill a bus or a truck. Anyone trying to get transportation between Hamhung and Sariwon is bound to come across “whips” who try to fill up a vehicle. Once a vehicle is full with passengers, a whip will be paid anywhere from 5,000 to 8,000 won in cash. Each bus or truck will hire one to three whips to get more people on.³¹⁵

The travel permit system still exists, but the practice of bribery seems to have had the effect of relaxing all travel restrictions, except for travels to or near the security-sensitive areas. Strict restrictions are still imposed on special areas, but due to the recent economic hardship and increased corruption among officials, people can obtain travel permits to almost all areas, except to Pyongyang and areas designated as “off-limits.”

As the number of traveling public increased, there was no alternative public transportation except the trains. Many agencies and enterprise units responded by begging to offer automobile transportation for a fee. Known as “servi-cars” they are not a

³¹¹ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

³¹² Testimony of defector XXX during an interview in Seoul on Dec. 23, 2005.

³¹³ Testimony of a humanitarian worker during an interview in Seoul on Jan. 2004.

³¹⁴ Testimony of defector XXX during an interview at KINU on Nov. 11, 2003.

³¹⁵ Good Friends, “North Korea Today,” No. 35 (Aug. 30, 2006).

publicly authorized transportation service but a privately offered transportation service operated by individual enterprise units for profit. They will transport people to specified points near large cities for a fee. Even government agencies, like People's Security Agent and the Military are known to operate "servi-car" service for extra income.³¹⁶ If one has a travel permit, he or she prefers travel by train because using "servi-cars" is very expensive.³¹⁷

As the number of people traveling in search of food or peddling increased, inspectors would sometimes waive travel permit requirements if a person was accompanied by a legitimate business traveler. This seems to be a practice designed to accommodate the increasing number of travelers by allowing companions to those whose identity has been established. Travel permits are often issued for purposes quite different from the actual use. Therefore, if one has a solid job, he or she can easily obtain travel permits.³¹⁸

North Koreans are not only subject to inspections en route but also to inspections at the place of overnight stay. The military

³¹⁶ Good Friends, "North Korea News," No. 1 (Sept. 17, 2006).

³¹⁷ *Ibid.*, If you have a travel permit, the fare between "Chongjin-Pyongyang(or, east coast-west coast)" would be about 1,200 won. If you used "servi-car," the fare would be 3-4 times higher than this. The servi-cars are more mobile and convenient, but the fare is much higher due to high gas prices. And yet, the number of users is on the increase. The bus fare between "Sariwon-Eunpa" in 2001 was 1,000 won, but the fare for the same sector by military vehicle today is reported to be 10,000 won. The trip from Sariwon to Haeju will take two hours by train and two and a half hours by bus. And, bus fare for this section is 1,000 won if you bought off the street. The "servi-cars" will take about four hours to run between Sariwon and Pyongyang, with a fare of 1,500 won. Traffic conditions between Sariwon and Pyongyang are pretty good.

³¹⁸ My husband was a "cell secretary" of the work unit he used to belong to. I was working as a hairdresser at XX Farm, so I was able to get travel permits from Section 2 of Hweryong City, North Hamkyung Province. I said the purpose of my travel was to procure necessary supplies for the job(such as chemical agents for "Cosmo perm"). And, I was able to travel from Hweryong, North Hamkyung Province to Hamhung, South Hamkyung Province three times for about 10 days each in 1995, 1997, and 1998.

“safety units” and local security agents conduct “bed checks” on the other’s sectors. If anyone staying at private homes failed to register the stay, or if anyone is staying without citizen IDs, the officials book the person for further investigation. These inspections are usually conducted during a “special alert” period, and during this period they are conducted every day.³¹⁹ Also, if there is a special event scheduled for the area or if there is a deserter or fugitive in the area, the inspectors will target the town. Bed-check inspections are routinely conducted along the border regions.

Overseas Travels

North Koreans make overseas trips mostly for long-term stay for official business or employment or short-term travels and visits to relatives living abroad. Long-term overseas stays are on the increase as overseas employment opportunities continue to increase. However, this type of opportunity is granted very selectively and only to those whose ideological integrity has been proven beyond any doubt. In most cases, people make overseas trips to China to visit with their relatives or for purposes of vending and peddling. Overseas travel is possible only with a border-area travel permit or a passport. The Security Agencies of North Korea and China have been enforcing strict controls over the movement of their people along the Korean-Chinese border under a “mutual agreement on cooperation for the maintenance of national security and social order along the border regions.” Section 3, Article 3 of

319. The “special alert” periods include the following dates: New Year’s Day, Lunar New Year’s Day, birthdays of Kim Jong-il(Feb. 16) and Kim Il-sung(Apr. 15), Korean Armistice Day(Jul. 27), Youth Day(Aug. 28), Government Anniversary(Sept. 9), and KWP Party Anniversary(Oct. 10). Good Friends, *North Korea Today, North Korea Tomorrow* (Seoul: Good Friends, 2006), pp. 140-141.

the agreement stipulates, “The security agents and city and county immigration agencies of the two countries along the border regions will issue one-month travel permit “B” to the border area residents who want to visit relatives on the other side of the border. On these “border travel permits” each side will affix regulation stamps on the permits. And, the border-area residents’ visits to their relatives shall be carefully examined, and the permits will be issued only in case there are close relatives actually residing on the other side.” If the border-area residents wanted to visit relatives who are not very closely related, then permits shall be issued based on “letters of invitation.” As for the definition of “close relatives” and the format of “letters of invitation” they will be determined at a bilateral security agency chief delegates meeting. In addition, the chief and deputy chief delegates will issue travel permit “A” valid for one year to those officials engaged in official business along the borders of the two sides. The vehicles involved in cross-border trips must display “Vehicular Border Passes” and must use only the pre-designated routes; and when in the other nation’s area the vehicles must operate only along the designated roads and areas.

Article 2 of North Korea’s Immigration Law enacted in 1999 stipulates, “All citizens and foreigners entering or leaving DPRK must carry passports, visas, overseas resident cards, or sailor IDs.” Article 9 further stipulates, “All citizens may leave or enter the country on official as well as personal business. Citizens wanting to travel abroad must obtain a “certificate of exit/entry” from the Foreign Ministry, or relevant agencies or organizations in charge of exit/entry affairs.”

North Koreans are allowed to visit their relatives in China only, and personal information of the relative should be recorded in the traveler’s personal file(official file), including the relative’s name,

address, and so on. Currently, anyone over the age of 45 who has a citizen ID and no criminal record can apply for a passport for the purpose of visiting his or her relatives in China. Meanwhile, the city and county security agencies are reported to be maintaining internal regulations prohibiting overseas travels by family groups and by people over the age of 70.³²⁰

North Korea submitted the following status report on overseas travel applications and the number of denials(see Table II-11) to the UN Human Rights Committee during the committee's review of North Korea's second periodic report. North Korea explained that the number of denials were due to the lack of approval of the destination countries.

〈Table II-12〉 Status of Foreign Travel Denials

Year	Number of Applications	Number of Denials
1998	17,440	65
1999	29,875	104
2000	35,650	91

The UN Human Rights Committee, in its concluding observation, strongly urged North Korea to consider abolishing its domestic travel permit system. It also recommended that North Korea abolish the exit visa requirement for foreign residents in North Korea. It recommended that North Korea limit the permit system to cases that fit the terms set out in the international covenants.

Defectors have testified that the people who have relatives in China are often allowed to travel. In the past, the government

³²⁰ Database Center for North Korean Human Rights, "The Travelers' Circumstances in North Korea," (2007 Closed documents).

restricted travel to China based on age, family background, etc. Upon instructions from Kim Jong-il in December of 2003, the policy has changed, and now anyone, from anywhere in North Korea, is allowed to visit his or her relatives in China, including those along the border regions, who enjoyed special privileges.³²¹ The ‘border region travel permits’ are issued to those living along the border regions whenever they want to visit their relatives in China. The river-crossing permits are issued without letters of invitation from the Chinese relatives, but passports are not to be issued without such documentation. Some defectors testified that a letter of invitation was essential to get such travel permits. Since 2005, those who had relatives in China were required to register their names. If your Chinese relative is not registered he or she could not meet with his or her North Korean relative unless the name was registered in North Korea’s electronic list (and the North Korean could not travel to China, either.) In case the border region North Korean resident wanted to visit China on a short trip, a “river-crossing pass” would be issued. For anyone engaged in a cross-border trade, a 24-hour or 48-hour pass will be issued. This pass is provided without any “letter of invitation” from your Chinese counterpart. For a visit to China, the effective duration is three months, but North Korean authorities provide a stamp for only one month. If an extension is needed, Chinese public security will grant a one-month extension.³²² A significant amount of money is needed to get a permit to visit China.³²³ In addition to official fees, to the traveler must provide gifts or bribes to the officials or pay “express fees” to expedite the process. Consequently, those North Koreans who are in China with

321_ Testimony of defector XXX during an interview in Seoul on Jan. 20. 2006.

322_ Testimony of defector XXX during an interview in Seoul on Feb. 2. 2007.

323_ Testimony of defector XXX during an interview in Seoul on Jan. 20. 2006.

permits try harder to make up the money he or she had spent to obtain the permit.³²⁴ If the North Korean cannot get help from his relatives in China or has no way of making up the money, he might voluntarily decide to remain in China illegally to make up for the losses. Usually, however, when a North Korean visits China on a pass(visiting relatives) they return to North Korea after one or two week's stay in China.

North Korea issues three types of passports: diplomatic, official, and traveler's passports. Diplomatic passports are issued to officials of specific agencies, such as Party officials and operational agency officials. Quite often, Party officials or other operational agents will carry diplomatic passports when they travel abroad.

Officials making overseas trips for government business carry official passports, which require a fee of about \$300. Passports are known to remain valid for three years, five years, or seven years, but testimony on this point is not uniform.

Defector XXX testified that for a trip to inner parts of China, passports valid for three years are issued.³²⁵ However, another defector claimed the validity of a passport is five years.³²⁶ Unlike other countries, North Korean citizens are required to turn in their passports upon return to North Korea even though their passports are still valid.³²⁷

In the past, officials staying abroad on official business could be accompanied by one of their children. From July 2003, however, officials were allowed to take two children on condition they had the capability to support them. Under the new policy, college-age children are not permitted to accompany their parents, but up to

³²⁴ *Ibid.*

³²⁵ Testimony of defector XXX during an interview in Seoul on Feb. 2. 2007.

³²⁶ Testimony of defector XXX during an interview in Seoul on Jan. 24. 2007.

³²⁷ Testimony of defector XXX during an interview in Seoul on Feb. 15. 2007.

two middle school-age children are allowed.

However, in 2007 North Korean officials decided to recall home all children who had accompanied their parents abroad, causing adverse feelings and significant resistance.

The Reality of Residence and Forced Relocation

As in the case with travel permits, North Koreans are not permitted to freely move to a new residence, and must obtain permission from the authorities to do so. Individuals who change residence without permission are unable to obtain a citizenship card, hence they face extreme restrictions in social activities, including finding jobs and obtaining food rations. As defector XXX testified, those released from indoctrination camps are subject to constant surveillance and their employment and residence options are restricted. However, since the economic hardship in the 1990s, and as the private economic sector has expanded, the authorities often tacitly overlook and indirectly permit some freedom of residential relocation. Simultaneously, off-the-record house sales among the rich and powerful has increased.³²⁸

The most obvious breach of the freedom of residence is forcible relocation. North Korea forcibly uproots and relocates people who are considered politically suspect. Forced transfers of political prisoners and anti-regime complainants have become a routine phenomenon. In addition, North Korea forcibly relocates people according to the needs of the regime as evidenced at special economic zones like Rajin-Sonbong and newly developed industrial or coal mine regions in Jagang and Yanggang Provinces. The former secretary of the KWP, Hwang Jang-yop, stated that after the Korean

³²⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 20. 2006.

War North Korean authorities conducted evacuation exercises in Pyongyang every 3-4 years as part of war preparations and for population adjustment purposes. According to his testimony, at the time of the abduction of the USS Pueblo in 1968, a large number of Pyongyang residents who were identified as bad elements were relocated to other regions. In addition, after the Panmunjom axe-murders in 1976, a sizable number of Pyongyang residents were moved out of the city under the pretext of war preparations. In 1994, when the identification cards of Pyongyang citizens were renewed, many citizens who were identified as having committed punishable crimes, exhibited bad behavior, or frequently changed jobs, were evicted to other provinces.

A defector testified that she saw XXX, who was living at 109 Unit, Musan County, forcibly relocated to another area in April 2005, because his wife had illegally crossed the river into China.³²⁹ A friend of the defector's husband was banished on illegal border crossing charges from Poong-in District, Onsung County, North Hamkyung Province to Shinhung County, South Hamkyung Province.³³⁰ In 2005, a defector's family was "group-expelled" from Kumya County to Yoduck Province, both in South Hamkyung Province.³³¹ In October 2005, a total of 124 households, who were direct families of "river-crossing criminals," were forcibly expelled from Musan County to Jangjin County, both in South Hamkyung Province.³³²

In another case, three members of Kim Hyung-ju's family were charged with transfer of state property(copper) to China, and were banished in November of 1998 from Unit 3, Songbong-dong,

³²⁹ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

³³⁰ *Ibid.*

³³¹ *Ibid.*

³³² Testimony of defector XXX during an interview in Seoul on May 26, 2007.

Heisan City, Yangkang Province, to Kapsan County, Yangkang Province.³³³

Furthermore, there are reports that some North Korean inhabitants are expelled through a town meeting called “open decision conference.” The newsletter *North Korea Today*, published by Good Friends, a South Korean human rights group, reported that on August 20, 2006 an “open decision conference” was held in Hoeryong City. Attending the conference held at the city stadium were factory workers, *inminban*(neighborhood unit) members, students, and people off the street. At the conference, narcotics dealers, smugglers and people who made illegal river crossings were put on trial. It was also decided that a total of 13 families would be banished to farm villages. Powerful families with contacts in Pyongyang were able to avoid banishment, but other families were forcibly expelled from the town.³³⁴

People expelled to the countryside are isolated from the local people as they are subject to surveillance. Once a family is banished, they are virtually excommunicated from society.³³⁵

B. Freedom of Speech and Press Freedom

The freedom of speech and press freedom signify the freedom to freely express oneself and publish one’s opinion. A broader meaning includes not only the freedom to publish an opinion, but also the people’s right to know; the right to access, use, or refute information of a press institution or to establish a new one; and procedural freedoms such as the right of the press to report, edit,

³³³_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³³⁴_ Good Friends, “North Korea Today,” No. 36 (Sept. 6, 2006).

³³⁵_ Testimony of defector XXX during an interview in Seoul on Apr. 26, 2003.

and compile information.

In Article 19 of the Universal Declaration of Human Rights, it is guaranteed that “Everyone has the right to freedom of opinion and expression; this right includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media regardless of frontiers.” The International Covenant on Civil and Political Rights, too, stipulates in Article 19, “Everyone shall have the right to freedom of expression; this right shall include the freedom to seek, receive and impart information and ideas of all kinds regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice.”

Article 67 of North Korea’s 1998 constitution provides that “Civilians shall have the freedom of press, publication, association, demonstration and assembly.” Yet, the North Korean press disregards the proper function of the press, such as providing critical commentary and providing objective information to citizens. It instead focuses on the propaganda of Kim Il Sung based on the Juche ideology and upon indoctrinating the population. The press is used as a tool to turn North Koreans into “good communists.” Freedom of the press is only guaranteed to the extent that it helps the masses participate even more vigorously in the construction of socialism.

Therefore, the press in the DPRK is an advertiser, instigator, and organizer for the KWP designed to help achieve its goals and it exists only as an educational tool. Under no circumstances may the North Korean press engage in any type of criticism of the leadership or the instructions of the great leader Kim Il Sung.

Every single issue of a North Korean publication or broadcast service contains something that eulogizes Kim Il Sung and praises

Kim Jong Il. Reports on the two Kims occupy the front pages of newspapers, and their names are printed in special bold fonts. All news is written for the express purpose of embedding the supremacy of the North Korean system in the minds of the people. There are no critical reports or discussions of sensitive issues regarding the system. However, news on negative aspects of the United States or South Korea is normally dealt with in a straightforward manner.

Media and Information Control

In North Korea, the right to freely express one's opinion is also subject to strict controls. The North Korean penal code, as revised in April, 2004, stipulates that people who systematically listen to broadcasts opposing the Republic, or who have collected, retained or disseminated their contents, shall be punished by up to two years of labor training, even if anti-state intentions were not involved. In serious cases, up to five years of correctional labor can be imposed(Art. 195). Article 222 specifies that anyone found spreading unfounded lies that could contribute to the distrust of the state, even without anti-state aims, or spreading inaccurate rumors that could create social confusion, would be punished by up to two years of labor training. Even though the severity of punishment has been reduced compared to the previous punishment of up to one year of correctional labor, the duration has been extended. In short, an individual's rights to freedom of opinion, or to communicate with others, remains suppressed.

North Korean authorities are controlling all means of communication to completely cut off the information inflow from external sources. All radio dials are fixed to the DPRK official broadcasting service channels and sealed. An official of the MPS

visits each home every three months; if a seal is found broken, the person involved is assumed to be guilty of listening to South Korean or other foreign broad-casting services and treated as a political criminal. These controls are ongoing. Defector XXX testified that people must register their radios, televisions, and tape recorders, and the frequencies must remain firmly fixed at all times.³³⁶

Despite the surveillance and control, incidents of watching foreign television broadcasts and listening to foreign radio programs are on the increase.

- Defector XXX testified that in 2004 a family of three(head of household was about 40 years of age) living in Masadong, Nampo City, was caught by a public security agent while watching a South Korean TV program. The defector witnessed the family’s subsequent banishment by the Nampo Security Agency.³³⁷
- Defector XXX testified that he listened to South Korean radio programs at night even though radio dials are fixed.³³⁸
- Defector XXX testified that from 1997 to listened to South Korean broadcasts at night even though the radio dials are sealed. He said some people even watched South Korean TV programs secretly.³³⁹
- Defector XXX said there were people who would videotape and sell South Korean TV dramas. He testified that he watched such popular South Korean TV drama series as the *Hoteliers*, *Eve’s Morning*, *Winter Sonata*, and *Autumn in*

³³⁶_ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003.

³³⁷_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

³³⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

³³⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

*my Heart.*³⁴⁰

- Defector XXX testified that he watched lots of South Korean videos. He could still remember a program entitled “The Trap of Youth.”³⁴¹

Telephone installations are restricted in North Korea, but rich people install telephones at any time.

- Defector XXX testified that his father used to install telephones for high-ranking officials and for the enterprise staff. He said one could have a telephone installed if he had money.³⁴²
- Defector XXX testified that individuals could have a telephone installed at a cost of 200 thousand won.³⁴³
- Defector XXX testified that maintaining a telephone would cost a lot of money, including installation fees, user fees, etc. So, business people would usually install telephones.³⁴⁴
- Defector XXX testified that he had installed a telephone in his home at a cost of 150 dollars.³⁴⁵
- In addition to prohibiting the use of mobile phones, North Korean authorities issued instructions throughout the nation to limit the use of fiber-optic cable telephones.³⁴⁶
- During the current inspection process by the “non-Socialist Group,” North Hamkyung Province has issued instructions to recover or confiscate all direct telephone

³⁴⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

³⁴¹_ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

³⁴²_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

³⁴³_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

³⁴⁴_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

³⁴⁵_ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

³⁴⁶_ Good Friends, “North Korea Today,” No. 95 (Oct. 24, 2007); Good Friends, “North Korea Today,” No. 96 (Oct. 31, 2007).

lines installed by individuals, city or county party offices, enterprises under direct control of Central Party, and military units. In an effort to prevent information leaks, the authorities ordered all telephone calls to be made only through switchboard operators.³⁴⁷

- Recently, North Korea has begun to enforce strict controls over telephone calls, especially direct lines. Long distance calls can only be made through switchboard operators. In military installations, no direct calls to the outside are allowed.³⁴⁸

Ordinary citizens are not allowed to own a cell phone; only certain levels of people are allowed to own cell phones. They are selected based on the type and level of their job.³⁴⁹ Recently, control and surveillance over the use of mobile phones has been tightened due to the regime's anxiety over the increasing circulation of information.

Control over cell phone use is particularly intensive in the cities and counties along the borders. The security agencies and People's Army units have conducted extensive joint searches for cell phone users. The number of security agents along the border areas has been tripled and 50 cell phone detection devices have been deployed for the conduct of widespread searches. The People's Army has also deployed a battalion of troops for the endeavor.³⁵⁰

- Defector XXX testified that in September 2005, Mr. Shin Ki-hoon, who was working for Musan Mine Company(Poong-in District, Onsung County, South

³⁴⁷_ Good Friends, "North Korea Today," No. 90 (Sept. 19, 2007).

³⁴⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

³⁴⁹_ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

³⁵⁰_ Good Friends, "North Korea Today," No. 24 (Jun. 7, 2006).

Hamkyung Province), was detained for six months in the “detention point” of Onsung Security Agency for having used a cell phone.³⁵¹

- Owning a personal computer is also prohibited in North Korea. Even if the possession of one is granted, Internet access is restricted. However, some people do own personal computers in North Korea.
- Defector XXX testified that one could own a personal computer in Shinuiju after registration, but Internet access was denied.³⁵²
- All along the border regions, including Hweryong and Onsung, authorities are trying to locate mobile-phone users by deploying long distance cell phone detection devices. The detection device is said to be so good that it can detect cell phone users from 500 meters and is capable of pinpointing the mobile phone’s location if within 200 meters of the user.³⁵³
- As the control over mobile phones became tighter, illegal cell phone users, if caught, received the expulsion penalty the first time and prison terms the second time.³⁵⁴

North Korean authorities are enforcing tight controls over all circulation of videotapes and CDs, as well as other electronic information flows.

- A female professor at Kim Hyung-jik Teacher’s College was sanctioned for having used a “South Korean slang” during her class. She was known to have frequently watched

³⁵¹_ Testimony of defector XXX during an interview in Seoul on Mar. 17, 2007.

³⁵²_ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

³⁵³_ Good Friends, “North Korea Today,” No. 66 (Apr. 4, 2007).

³⁵⁴_ Good Friends, “North Korea Today,” No. 56 (Jan. 24, 2007).

South Korean movies, and TV drama CDs. She got into trouble when she made a joke during the class using some South Korean expressions.³⁵⁵

- The authorities have also issued public “proclamations” in Pyongyang, Pyongsung and Wonsan areas, warning the public that severe penalties will be issued to those who tried to watch, own, or circulate illegal CDs. The authorities are particularly sensitive to the fact that South Korean movies are gaining wide popularity among North Korean young people. This has also led to authorities raising the level of punishment.³⁵⁶
- In accordance with the government policy, Shinuiju City has launched an extensive campaign to clean up and purge those responsible for the circulation of illegal CDs and videotapes. In areas like Hweryong, Onsung and Musan in North Hamkyung Province the authorities posted proclamations in the evening of July 4th and until the early morning of July 5th large groups of security agents conducted extensive “search and arrest” campaigns, going through each “people’s unit” in the area. The inhabitants suffered through a scary and sleepless night while the agents were searching for mobile phones, illegal CDs, and videotapes. A People’s Security Agency “proclamation” stipulated: “This is a sweeping operation to prevent the intrusion of anti-Socialist ideas and cultures. In order to prevent the circulation of anti-Socialist ideas, we will absolutely destroy all related facilities such as electronic multimedia, computer rooms, electronic game

355. Good Friends, “North Korea Today,” No. 103 (Dec. 29, 2007).

356. Good Friends, “North Korea Today,” No. 90 (Sept. 19, 2007).

rooms, and “sing-along” joints. If necessary, the State Publication Supply Bureau will authorize the sale and use of such equipment. All types of for-profit “service restaurants,” sing-along joints, electronic game rooms, and computer rooms are ordered closed immediately. All violators after the posting of this proclamation shall be penalized by banishment or expulsion to remote locations and confiscation of all personal property. Government agents and officials involved shall also be subject to stern punishment.”³⁵⁷

- Electricity is in short supply in North Korea, and very often the lights will go out unannounced. And, the security agents will take advantage of this chance and descend on suspected homes precisely during the period of electric outage. It is easier to catch those who had been watching illegal videotapes, since there is no way the tapes can be removed from the machines while the electricity is out.³⁵⁸
- In Pyongyang, agents would intentionally cut off the electric supply and spot check suspected homes for illegal videos. If caught by the agents, citizens often try to avoid prosecution by bribing the agents. Sometimes, however, people are banished to remote areas or sent to correctional centers.³⁵⁹

Despite these strict enforcement measures, many defectors testified that secret viewing of South Korean movies and TV dramas is rapidly spreading all over North Korea. North Koreans usually purchase inexpensive VTRs or VCRs made in China. This is one

³⁵⁷_ Good Friends, “North Korea Today,” No. 80 (Jan. 16, 2008).

³⁵⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

³⁵⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

reason there are so many black market video dealers, and people then discreetly borrow or take turns viewing the tapes. If caught by security agents, people pay them off to avoid criminal charges.³⁶⁰

- North Koreans began to view South Korean movies like “Wife Is Mafia Boss” from about 2002.³⁶¹
- Soldiers, too, are discreetly viewing South Korean videos. Soldiers in rear-areas, in political sections, and administrative sections close the doors and view the videotapes. Soldiers view alone, or together with close friends. A defector testified that he began to view South Korean tapes in 1998 when he was still in the military.³⁶²
- A defector testified that she personally saw two students being sharply criticized during a “student harmonious living” session and ultimately expelled from the Kim Jong-sook Teacher’s College for having viewed South Korean videos. When she came home late one night close to her graduation, she found her parents watching a videotaped South Korean TV drama, so she also watched the drama.³⁶³
- People can purchase videotapes discreetly on the marketplace. There are female salespersons with “CD Sale” signs in the market, and illegal videotapes are usually available from or through them.³⁶⁴
- Inexpensive Chinese-made VTRs and VCRs are available in North Korean markets, but even new ones break down frequently, so VCR repairmen are well paid in North Korea.³⁶⁵

³⁶⁰_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

³⁶¹_ *Ibid.*

³⁶²_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2008.

³⁶³_ Testimony of defector XXX during an interview in Seoul on Jan. 11, 2008.

³⁶⁴_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

³⁶⁵_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

Freedom of the Press

Publications are used as a means for ideological education and the party directly manages, censors, and controls all publication materials. Publications are an important means of connecting the party and the masses and are a strong organizational weapon used to mobilize the laboring masses to work for the construction of politics, economics, and culture of the party. Therefore, all publications support the Juche ideology and the unitary ideological system of Kim Il Sung. Publications have promoted the establishment of the Kim Il Sung/Kim Jong Il hereditary succession and have fostered participation in the construction of the North Korean-style life in “our-style” socialist economy. Freedom of the press is guaranteed in Article 67 of the constitution but only under the guidance and control of the party and the state. The North Korean press serves as the mouthpiece of the KWP.

Any writing or literary work must be ultimately censored by the KWP Propaganda Department. A North Korean publishing something in violation of censorship could be punished with up to five years of correctional labor, and in serious cases, from 5 to 10 years of correctional labor under Article 61(Crime of Anti-State agitation). In reality, it is impossible to publish any criticism of Kim Il Sung/Kim Jong Il or the Korean Workers’ Party. In fact, as one defector testified, it would be difficult for foreign ideas to penetrate society through books since the joint censor teams consisting of MPS, SSA, and Party officials conduct censorship reviews of all books and printed matter three times a year.³⁶⁶

North Korea regulates literature and the arts as a means of educating workers in the communist way and for turning the

³⁶⁶_ Testimony of defector XXX during an interview in Seoul on Apr. 26, 2003.

entire communist society into a working class. Literature and art in North Korea is an important ideological tool utilized to attain a complete socialist revolution. It functions as an important device for ideological mobilization, a device that functions with military precision at the orders of the party. Since the formation of the All Korea League for Literature and the Arts(AKLLA), North Korea has faithfully adhered to the principle of strictly following the party's lines and policies in the literary and creative works, including the fact-based socialist creative methods and the upholding of the "party-class-people" principle. In addition, the government has further demanded that the contents of all art and literary works designed to deify Kim Il-sung should depict themes centered around "revolutionary tradition", "conduct of war", "construction of socialism," and "unification of fatherland."

A 1966 meeting of KWP delegates had called for arming the North Korean society with Juche ideology. Responding to the call, writers and artists produced a literary and artistic theory based on the Juche. The Juche theory of literature and the arts, therefore, sets forth as its first task the depiction of Kim Il Sung as the proto type of the quintessential communist. In addition, the Juche theory assumes and demands absolute deification of Kim Il-sung as a sacred duty.

North Korea exercises full control over its literary sector. This control is implemented through the AKLLA, which is an external organ of the KWP. Publication of literary works and performing arts, in particular, are strictly controlled and supervised. All literature and arts are permitted for publication and performance only upon approval of the KWP and the Ministry of Culture. No publication is allowed without their seal of approval. The same is true of music and art work. Article 226 of the Penal Code of the

DPRK stipulates that violators of these provisions are subject to punishment by labor training for a period less than two years, and in serious cases three years of correctional labor is imposed.

Unlike with videotapes, anyone caught reading South Korean books will be seriously penalized with espionage charges. Chinese or South Korean books are absolutely not allowed under any circumstances.³⁶⁷

Despite such tight controls, many defectors have testified that foreign books are being sold discreetly in the marketplace.

- Defector XXX said that there were bookstands in the marketplace where foreign books were sold secretly. However, American books could never be sold openly. Even foreign novels were discreetly sold. She said she saw her brother read success stories of American business tycoons. They were in Korean translation, presumably illegal copies, she said.³⁶⁸
- Defector XXX said he frequently visited bookstands in the market because of his daughter who was attending a foreign language college.³⁶⁹
- Around the year 2003, he saw many printed or copied American and Japanese language books, though not legal or legitimate translations.³⁷⁰
- A defector testified that he/she saw foreign storybooks like “Swan Lake”, “Peter Pan,” and “Frog Prince,” being sold discreetly in the market.³⁷¹

³⁶⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

³⁶⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

³⁶⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

³⁷⁰_ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2005.

³⁷¹_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

Addressing freedom of press and expression, North Korea answered during the UN review of its second report that there have been 30 cases in the past three years in which publication and dissemination of materials were prohibited. North Koreans insisted that the contents of the prohibited articles generally contained state and military secrets. The number of stop-print orders and revisions in the process of printing was approximately 27 or 28 cases mostly involving encyclopedia, maps, and magazines; and 3 or 4 cases involving military books and pamphlets. Despite these statements, the UN Human Rights Committee, in its concluding observation, recommended that North Korea specifically list the reasons for prohibiting certain magazines from distribution, and refrain from barring subscriptions to foreign newspapers. It further urged North Korea to ease foreign travel restrictions on North Korean reporters and not to abuse or misuse the concept of national security, for it could then be used for repression of the freedom of expression.

C. Freedom of Association and Assembly

Freedom of association and freedom of assembly permit a large number of people to gather freely and unite for a common goal. If freedom of speech and press freedom could be considered an individual type of freedom of expression, then the freedom of association and assembly could be considered a type of freedom of expression, but in the broader context of expression carried out by a group.

Article 20 of the Universal Declaration of Human Rights guarantees, “Everyone has the right to freedom of peaceful assembly and association. And no one may be compelled to belong to an association.” The International Covenant on Civil and Political

Rights also stipulates, “The right of peaceful assembly shall be recognized(Art. 21), and everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of their interests(Art. 22).” Hence it is quite clear that the freedom of assembly and association is a civil and political right in its truest sense to protect one’s own interests.

Article 67 of its Constitution states that the citizens have the freedom of association and assembly. The state guarantees this condition for free activities of democratic parties and social groups. In reality, however, only the assemblies and associations required by the Korean Workers’ Party are permitted. In its second periodic report to the UNHRC, North Korean authorities stated that there were very few public demonstrations. They did report that many assemblies and rallies had been held in response to the needs of individual organizations, factories, and organizations, and that central, provincial, city, and county governments had sponsored some events. This description indirectly reflects the fact that these meetings and assemblies are called at the needs of the KWP.

Unauthorized assemblies and associations are regarded as collective disturbances that will cause social disorder. In its recently revised penal code, North Korea stipulates that those who have caused extreme social disorder or who collectively have refused to follow the instructions of the state shall be punished by up to five years of correctional labor(Article 219). This approach has strongly suppressed demonstrations of any kind. Relative to freedom of assembly, North Korea in its second report on Covenant-A offered the following explanation: To stage a rally, the organizers must notify the local *Inminban*(neighborhood unit) or local branch of the PSA three days in advance in accordance with the rules guaranteeing assemblies and rallies. The notifications must include

the purpose, day of the week, time, place, the name of the organizer, and the size of the assembly or rally. The *Inminban* or PSA branch must guarantee various conditions necessary for the assembly or rally and cooperate for the maintenance of safety and order. The assemblies or rallies that could disturb social order or national safety can be controlled according to methods and procedures set forth in the Public Safety Management Law.

Again, relative to freedom of association, North Korea in its second report stated the following: “In order to organize a democratic public association it is necessary to register the association with the government 30 days in advance.” In North Korea, there are dozens of democratic public organizations, such as the Workers’ Union, Farmers’ and Working Masses’ Cooperatives, Youth Alliance, Women’s Alliance, the Federation of Literary and Artists’ Union, Democratic Attorneys’ Association, Christians’ Alliance, Buddhists’ Alliance, Anti-nuclear Peace Committee, and Association for African-Asian Coalition.

In its second periodic report on ‘Covenant A’, North Korean authorities asserted the following position regarding the formation of job leagues: The workers at state organs, factories, and enterprises are not simple employees but owners participating in the planning, administration and management of their own organs, factories, and enterprises. Therefore, with the exception of personal complaints, problems such as collective bargaining with the enterprise owners, labor disputes or demonstrations for the protection of workers rights are not raised. However, workers employed at foreign enterprises have to depend on the labor unions to protect their rights and interests, their working environment and the terms of contract with foreign firms and their implementation. Thus far, however, there has not been any labor dispute in connection with the activities of

labor unions in North Korea.³⁷² In its “concluding observations” presented in 2003 after reviewing the second periodic report on North Korea’s performance involving Covenant A, the UN Committee on Economic, Social and Cultural rights expressed concern over the fact that the only professional union in North Korea is under the control of the Korean Workers’ Party and its rights are subservient to the authority of the National Security apparatus. Furthermore, the UN committee pointed out that the union did not recognize the freedom of demonstration.

Despite the information in this report, North Korean citizens do not have any organizations or institutions that can protect their individual rights because the only permitted assemblies and associations are those formed in response to Party instructions. Independent agencies or associations are not allowed in North Korea, and all organizations and associations are subject to absolute control by the authorities, including women’s organizations, labor unions, religious associations, and political parties.

All North Koreans are required to join various organizations from the age of six to retirement. This includes kindergarten, youth corps, various educational institutions, the Socialist Workers’ Youth Alliance, Chosun(Korea) Employees’ Alliance, Chosun Agricultural Workers’ Alliance, Chosun Democratic Women’s Alliance, Korean Workers’ Party, etc. But social organizations are not interest groups or pressure groups in the Western sense. They are instead, as explained in Article 56, Part 9 of the party by-laws, party auxiliary organizations that faithfully fulfill the orders of the KWP, and function as transmission belts between the party and people.

The main purpose of social organizations is to support the

³⁷² North Korea submitted its Second Regular Report on Covenant-A in May 2002. <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2_d030_c1256c5a0038d8f0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2_d030_c1256c5a0038d8f0?Opendocument)>.

party and to facilitate loyalty to Kim Il Sung and Kim Jong Il. Consequently, all social organizations in North Korea play the role of external arms of the Party, which will speak for the rights of their members, and carry out the duty as the frontline organizations of the Party's ideology education. These social organizations act as primary control mechanisms over the people and also serve as a means of mobilizing people for mass rallies and marches at national events(i.e., movements to accomplish the goals of authorities; movements to increase productivity, such as the Chollima--flying horse--Movement; and the birthdays of Kim Il Sung and Kim Jong Il). What the defectors most disliked in North Korea was the lack of individual freedom. All citizens were required to join various organizations, including the one in his workplace, and they had to attend collective life or political education sessions twice a week. Being absent from these meetings resulted in reprimands, and in extreme cases banishment to the provinces.³⁷³

The Korean Workers' Party is responsible for the supervision of all mass organizations. The KWP controls the people's voluntary ideas and collective actions through a system of mutual surveillance, criticism, guidance, and the like, and trains the partisans and supporters through various social organizations. In its second report, North Korea argued that there are no specific laws relating to organization of political parties, because the existing party was formed prior to the birth of the Republic and has been functioning for over 50 years, and that there has in fact never been any public demands for the formation of a new party. The existing political parties are the Korean Workers' Party, the Korean Social Democratic Party, and the Korean Chundokyo(heaven's way) Youth Party. But these political parties, as satellite organs, are nothing but faithful

³⁷³ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

supporters of the KWP, complying completely with the KWP's statute.

In connection with human rights organizations, North Korea insists that the government does support the establishment of organizations that seek to promote human rights. The procedures for establishing such organizations are the same as the administrative requirements for any public organization. North Korea reported that there are currently many human rights organizations, such as the Human Rights Research Institute, the Association to Assist Disabled Persons, the Lawyers' Association, and Democratic Attorneys' Association. In addition, North Korea has reported that many organizations are freely engaged in human rights activities, including the Workers' Union, the Farmers' Working Masses Union, the Youth League, the Women's League, the All Arts and Literature League, and the Committee for the African-Asian Coalition. During the second report review session, the UN Human Rights Committee members demanded explanations about why they were not able to obtain any information from non-governmental organizations in North Korea. A North Korean delegate replied that it was because the activities of North Korea's non-governmental human rights organizations were not robust, and said he would transmit the details of the discussion at the UN session to North Korea's non-governmental organizations on human rights.

The UN Human Rights Committee in its concluding observations demanded that North Korea provide additional information on the requirements to hold public assemblies, even though the North Koreans reported that freedom of assembly and association was fully guaranteed. In particular, the committee demanded to know under what circumstances public assemblies are denied, and in the event of denial, whether or not appeals

are allowed and in what manner. The North Korean delegation maintained that in reference to the spirit of Article 25 of Covenant B, which defines the right of political participation, no social demand existed in North Korea for the formation of new political parties nor any legal procedures for that purpose. Mindful of these explanations, the committee recommended that North Korea faithfully refer to the committee's general recommendation No. 25 in fulfilling the terms of Article 25 of Covenant B that defines the right of political participation.

D. The Right to Privacy

The guarantee of the right to privacy exists so that individuals can maintain their human dignity. The purpose of privacy protection is to protect the content, honor, and credibility of one's private life from interference. From a different perspective, privacy exists so that the formation and enjoyment of freedom is guaranteed. Therefore, the right to privacy is an inviolable right that exists primarily to protect the legal development of individual character, which is crucial for the respect of the sanctity and dignity of human beings as well as for legal stability.

Article 17 of the International Covenant on Civil and Political Rights guarantees, "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honor and reputation. And everyone has the right to the protection of the law against such interference or attacks."

Article 79 of the North Korean constitution stipulates that "Citizens are guaranteed inviolability of the person and the home and privacy of correspondence. No citizens can be placed under control

or be arrested nor can their homes be searched without a legal warrant.”

The revised criminal procedure law of May, 2004, deleted Article 137 of the criminal procedure law of September, 1999, which said, “In the event some unrelated private confidential information came to light in the process of criminal investigation, it should not be made public.” The new law in Article 223 instead specifies that “Documents and items related to the crime under investigation shall be seized.” This apparently is a weakening of the earlier provision, but a minimum legal protection appears to continue in place for the protection of privacy. North Korea makes an exception to the principle of open and public trial by allowing closed trials in cases where confidential information of individuals or the state needs protection, or in cases when the trial procedures would have a negative impact on the society.

In addition, preliminary examination agents, during any attempt to investigate a crime or criminal, must obtain prior authorization of a prosecutor to seize letters or cablegrams. The authorization must be based on sufficient evidence and then executed only in the presence of a representative of related agencies or the postal service (Articles 217, 218 and 221 of the revised criminal procedure law).

In 2003, North Korea’s International Communication Bureau launched an international e-mail service, and said it has begun the service, guaranteeing a normal speed of transmission and the confidentiality of private communication.³⁷⁴ However, these legal provisions have little to do with actual life. The right to the protection of privacy that North Korea describes is entirely different from that of the West. The invasion of privacy and private life is taking place almost everywhere in North Korea. One of the most

³⁷⁴ Korea Central News Agency, Nov. 28, 2003.

well known examples is the wiretapping of homes to eavesdrop on inhabitants. The North Korean authorities are invading people's private lives through mutual surveillance systems, such that wiretapping devices are installed in the residences and automobiles of high-ranking officials, military officers, and party leaders.

Former high-ranking KWP official and defector Hwang Jang-yop testified that North Korean intelligence agencies conduct much closer surveillance over the Party cadres than over the general public, and that eavesdropping devices are mobilized to monitor the cadres every word and every move. He explained that one of the reasons the high-ranking cadres were watched so closely was that they had the highest potential to rebel against Kim Jong Il. Defectors XXX and XYZ also testified that North Korean authorities are setting up eavesdropping devices in the houses of major Party cadres and in public places in order to prevent any anti-regime activities from taking place. Defector XXX testified that "eavesdropping" activities are conducted by Bureau 13 of the National Security Protective Agency.³⁷⁵

Also, North Korea is strengthening its surveillance of people who have relatives living abroad. It is reported that North Korea is recording the attitudes of those people by classifying their words and moves into positive or negative categories, based on record cards kept since 1995. This is done because it is thought that people who have relatives abroad tend to have an illusion of the outside world and so behave strangely and differently from ordinary people. In addition, the State Security Agency has strengthened its surveillance over people who have recently traveled overseas, according to XXX.³⁷⁶

³⁷⁵ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

³⁷⁶ Testimony of defector XXX during an interview in Seoul on May 18, 1999.

In order to systematically control people's lives and to effectively implement Party policies, North Korean authorities have been enforcing the so-called "harmonious life" system from the society's top to bottom. The "harmonious life" sessions are held once a week on average, and consist of "self-criticisms" and "cross criticisms."

However, the inhabitants do not engage in mutual criticisms in earnest, even though they formally conduct the "harmonious living" sessions.³⁷⁷ Everything is becoming formalistic, and no one wants to make critical comments on others since every one will try to concentrate only on his or her personal lives. Mutual criticisms have become a matter of formality.³⁷⁸

North Korea routinely utilizes the security network to violate personal privacy. The Overnight Inspection Group at the MPS visits each family and carries out inspections between midnight and 3:00 a.m. to prevent such activities as unauthorized stays and adultery. This group frequently visits and searches homes without warning under the pretense of inspecting for illegal stays. In other words, "bed-checks" by security agents take place quite randomly.³⁷⁹

Shinuiju City, North Pyongan Province, has launched a massive "search and arrest" campaign against "foreign spies." North Hamkyung Province has also tightened inspections along the border regions. Recently, there are daily inspections all across the border regions of North Hamkyung Province. The inspection units consist of two Province Security Agents and one Safety Agent. The unit will first inspect the home of the "people's unit" leader; then accompanied by the leader, the inspection unit will inspect every family of the "people's unit." Inspections continue twice a day, once

³⁷⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

³⁷⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

³⁷⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

at 7 p.m. and once at 12 midnight. In most cases, the inspectors receive tips about various violations from the “people’s unit” leaders.³⁸⁰

North Korea also utilizes *Inminban* or “neighborhood unit” system. Ostensibly to prevent fires or unexpected accidents, workers must give their house keys to the leaders of their people’s neighborhood unit. These leaders in turn visit families without notice and inspect the sanitary conditions, as well as portraits and books related to Kim Il Sung and Kim Jong Il. Moreover, during census surveys, uninvited officials from the county or city district enter and inspect houses. A “people’s class” consists of 15 to 25 families and is under the control of a class leader. The leader is authorized to pay visits to the families at any time, and, accompanied by Social Safety agents, inspect the number and types of people staying at each home. The purpose is to conduct surveillance of suspected ideological divergence and certain family situations, as well as for labor mobilization and collective living. The class leader conducts routine surveillance, but there are also many secret informants, Social Safety agents, and the local party secretary. This creates double and triple rings of surveillance around the people.³⁸¹

Some defectors have recently testified that the surveillance activities of *Inminbans* have become tighter since the economic hardship. Defector XXX said the control of the *Inminbans* has been tightening because controlling itself was becoming harder in recent years.³⁸² Defector XXX has also testified that the control of *Inminbans* was growing more intensive.³⁸³

³⁸⁰ Good Friends, “North Korea Today,” No. 87 (Aug. 29, 2007).

³⁸¹ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

³⁸² Testimony of defector XXX during an interview in Seoul on Jul. 9, 2007.

³⁸³ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.



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Freedom of Religion

Article 18 of the Declaration guarantees, “Everyone has the right to freedom of thought, conscience and religion; this right includes the freedom to change religion or belief, and freedom, either alone or in community with others, and in public or in private, to manifest his religion or belief in teaching, practice, worship and observance.” Article 18 of the International Bill of Rights also declares that “This right shall include the freedom to have or to adopt a religion or belief of one’s 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.” Article 18 of the Human Rights Covenant B also stipulates, “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. . . [And this freedom] may be subject only to such limitations as are prescribed by law. . . [And shall be respected] for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”

Since the founding of the regime and pursuant to Kim Il Sung's statement that "Religion is the opiate of the masses," the DPRK has consistently persecuted religiously active people. It explains religion as a tool for the ruling class to exploit the masses. The North Korean dictionary on philosophy states, "Religion historically was seized by the ruling class to deceive the masses and was used as a means to exploit and oppress, and it has recently been used by imperialists as an ideological tool to invade underdeveloped countries."³⁸⁴

According to official statistics, North Korea's total population when Korea was liberated in August 1945 stood at 9.16 million. About two million, or 22.2 percent were religious practitioners, including about 1.5 million Chondokyo (or "heavenly way," an indigenous religion of Korea) followers, 375 thousand Buddhists, 200 thousand Protestant Christians, and 57 thousand Catholics.³⁸⁵

Many religiously active people in North Korea have been branded as disloyal and brutally tortured or executed for their beliefs. Most religiously active people were categorized as anti-national and counter revolutionary hostile elements and subjected to ruthless persecution. Christians in particular were purged because they were regarded as tools of imperialist aggression. In particular, immediately before and during the Korean War, large numbers of religious people were arrested and executed or banished. Taking advantage of the anti-American sentiment in the wake of the Korean War, North Korea began to persecute religious people. Through the background checks on its people, North Korea identified and began to persecute religious persons and their families, calling them "anti-revolution elements."

³⁸⁴ The Dictionary of Philosophy, *The Academy of Social Science* (Pyongyang: The Academy of Social Science Press, 1985), p. 450.

³⁸⁵ Korea Central News Agency, *The Chosun Central Annual 1950* (Pyongyang: Chosun Central News Agency, 1950), p. 365.

Religious practitioners have nearly disappeared as a result of the central party's intensive guidance program that began in 1958. Only 60 out of a total of 400 or so Buddhist temples have survived. The 1,600 monks and nuns and their 35 thousand Buddhist followers have been either killed or forced to recant their faith. In addition, some 1,500 Protestant churches and some 300 thousand followers, three Catholic dioceses and 50 thousand Catholic followers, and 120 thousand followers of Chondokyo have been eradicated or forced to recant their faith. In a speech made at the MPS in 1962, Kim Il Sung stated the reason for their extermination:

(We) cannot carry such religiously active people along our march toward a communist society. Therefore, we tried and executed all religious leaders higher than deacon in the Protestant and Catholic churches. Among other religiously active people, those deemed malignant were all put to trial. Among ordinary religious believers, those who recanted were given jobs while those who did not were held at concentration camps.³⁸⁶

In the 1970s when inter-Korean talks began, North Korea began to externally propagandize by reorganizing religious organizations and revising constitutional provisions. In legal terms, North Korea added Article 54 during the 1972 revision of its socialist constitution, stipulating that "Citizens shall enjoy the freedom of religion and freedom to launch anti-religious campaigns." Legally, and in reality, this latter freedom of "anti-religious campaigns" served to deny the former. North Korea has also created new religious organizations by reviving defunct religious organizations, such as the "Chosun Christians League," the "Chosun Buddhist League," and the "Chosun Chondokyo Central Guidance Committee." Through

³⁸⁶_ Koh Tae-woo, *North Korea's Policy on Religion* (Seoul: Minjok Cultural Pub., 1989), p. 79.

these bodies, North Korea has sought to form a “united front” with progressive South Korean religious leaders to promote its unification formula and anti-South Korean position. In short, North Korea is using religion as a tool for political propaganda against South Korea.

Since the 1980s, the international community has criticized North Korea sharply for its lack of religious freedoms. As North Korea’s contacts with foreign religious groups increased, it began to relax its anti-religious policies.

The transformation of religious policy began with the Constitutional amendment. In the 1992 revision, North Korea stipulated in Article 68, “Citizens have freedom of religious beliefs. This right is granted by approving religious ceremonies and the construction of religious buildings. No one may use religion as a pretext for drawing in foreign forces or for harming the State and social order.”³⁸⁷ The provision allowing the freedom of anti-religious propaganda under Article 54 of the 1972 Constitution was deleted. The revised North Korean constitution shows some progress. Legal steps have been taken, however superficially, allowing the freedom of religion, construction of religious buildings and observance of religious ceremonies. Legally speaking, North Korea is still capable of restricting religious freedom, because it continues to believe that foreign influences can use religion as a conduit to disrupt national and social order.

Religious Buildings

In accordance with its constitution, North Korea is in the process of building religious facilities. North Korea finished con-

³⁸⁷ In the revised 1998 constitution, the only phrase deleted was “whosoever.” As a result, the 1992 provisions for religious freedom have been essentially preserved in the revised constitution.

struction of Bongsu Church and Jangchoong Cathedral at the end of 1988 and Chilgol Church in 1989. Chairman Kim Jong Il paid a visit to a Russian Orthodox church during his tour of the Russian Far East in August 2002. Subsequently, North Korea began construction of a Russian Orthodox Church in June, 2003. On August 13, 2006, the “Jungbaik Church,” a Russian Orthodox Church, was completed in Jungbaik-dong, Nakrang District of Pyongyang. In April, 2003, four North Koreans began studies at the Russian Orthodox Seminary in Moscow to serve upon dedication of the Orthodox church in Pyongyang.³⁸⁸ Currently, two of the four have been baptized as church fathers, and are serving at the church.

In addition to these religious facilities, new religious facilities are being rebuilt or under construction with the support of South Korean religious groups. So, it appears that North Korea is taking positive steps by permitting South Korean religious groups to reconstruct or newly construct various religious facilities in North Korea. In November, 2005, the Pyongyang Jeil Church was dedicated with the joint support of South Korean Presbyterian churches. In addition, the Bongsu Church (rebuilt in 1988) is undergoing expansion and reconstruction. The Buddhist temple restoration projects, such as Shinkesa and Youngtongsa temples, are also under way as part of an effort to preserve traditional Korean culture. Since December, 2002, massive redecoration projects have been under way at 59 Buddhist temples across the country.

It would, therefore, be desirable to examine the reality of religious freedom the North Korean authorities have reported. In 2001, a North Korean delegate to the session reviewing North Korea’s second periodic report to the UNHRC submitted the following data on religion in North Korea (Table II-13).

³⁸⁸ Chosun Central Broadcast, Jun. 25, 2003; *Yonhap News*, Jun. 24, and Jun. 27, 2003.

〈Table II-13〉 The Status of Religion

Religion	Churches/temples	Pastors/monks	Congregation
Christian	2 (500 "family service" sites)	20 (Pastors)	12,000
Catholic	1 (2 assembly sites)	—	800
Buddhist	60	200	10,000
Chundokyo	800 (secret prayer sites)	—	15,000

North Korea claims that religious educational facilities have been established and are in operation. According to the second periodic report, a department of religion was newly installed in Kim Il Sung University in 1989. It is running a Buddhist school. The Chosun Chondokyo Central Guidance Committee operates a Chondokyo middle school. The report stated, "There are religious educational facilities run by religious organizations. The Chosun Christian League operates the Pyongyang Theological Seminary and the Chosun Buddhist League Central Commit, and the Chosun Catholic Association Central Committee also teaches students." In 2003 North Korea sent graduates of Kim Il Sung University to Moscow to study Christian teachings.³⁸⁹

Religious Ceremonies

North Korean authorities have begun to permit religious ceremonies. Buddhist temples are allowed to conduct formal ceremonies on Buddha's birthday, as well as on major Buddhist holidays. Sometimes, even Buddhist ceremonies of a political nature-such as the Buddhist Prayer Meeting for the Unification of Fatherland-have been permitted. When the United States designated North Korea as a nation persecuting religious freedom,

³⁸⁹ Yonhap News, Mar. 31, 2003.

North Korea complained and responded through articles carried in the *Chosun Shinbo* (in Japan), pointing out that 200-300 Christians were attending church services at Bongsu Church every Sunday and church services were being observed in the form of “family churches” in 500 locations across North Korea every Sunday.³⁹⁰ As inter-Korean religious exchanges have increased, joint religious services are being held on a regular basis. Since 1997, joint inter-Korean Buddhist ceremonies are held every year, attended by the Buddhist leaders of South and North Korea, as agreed to by the two sides. Since the joint Easter Prayer Service in 1997, the Christian communities of South and North Korea have been conducting religious exchange activities on a regular basis. In August 1998, the South Korean “Catholic Fathers for the Realization of Justice” have visited North Korea and conducted a Commemorative Mass Service on August 15. Since then, joint inter-Korean Catholic activities have been held under the leadership of the “Fathers for Justice,” including joint mass service at Keumkang Mountain. Finally, leaders of Chondokyo in South Korea also established service contacts with North Korean Chondokyoists when South Korean superintendent Kim Chol paid a visit to North Korea in 2001. Since then, the two sides have observed various joint ceremonies, including the “Open Skies Day” ceremonies. Since the June 15, 2000 inter-Korean summit meeting, South and North Korean religious leaders have been allowed to attend the “March First(independence movement) National Rally” in 2003.

³⁹⁰ Ministry of Unification, “Weekly North Korean Trends,” No. 569 (Seoul: Ministry of Unification, 2001), pp. 9-10.

Religious Organizations

Various religious groups have been organized and are operating in North Korea today. North Korea has been emphasizing that freedom of religion is guaranteed, especially in connection with the freedom of assembly and association. In its second report on Covenant B, North Korea insisted that there were no restrictions for religious practitioners who wanted to form associations or religious activities as they were guaranteed under Article 67, Section 2: “The State shall guarantee conditions for the free activity of democratic political parties and social organizations.” North Korea also insisted that under freedom of association many religious organizations were engaged in religious activities. A list included the Chosun Christian League, Chosun Buddhist League, Chosun Catholic Association, Chosun Chondokyo Central Guidance Committee and Chosun Association of Religious Practitioners. The North Korean delegation boasted that religion was completely separate from the state, and no religion was discriminated against or interfered with. People were free to choose and freely practice the religion of their choice. Among the North Korean religious organizations, the most well-known are the “Chosun(Korean) Buddhists League”, “Chosun Christian League”, “Chosun Catholic Association”, “Chosun Chondokyo Central Committee”, “Chosun Russian Orthodox Church Committee,” and the umbrella organization for these groups called “Chosun Religious Practitioners Association.” However, it is not known whether any central religious organization is maintaining branches in the provinces. In the interviews conducted in preparation for a religious report, all defectors interviewed said they were unaware of any religious organization that has branches in the provinces.³⁹¹

³⁹¹ David Hawk, “Thank you Father Kim Il Sung,” U.S. Commission on International Religious Freedom (2005), p. 88.

North Korea is allowing religious organizations to engage in exchanges with their international counterparts. In the 1990s, North Korean religious organizations sought to establish contacts with their South Korean, European, and American counterparts. In 1995, as part of an effort to improve relations with the United States, American missionary organizations were invited to Pyongyang, and a North Korean Christian delegation led by Reverend Kang Young-sup, chairman of its central committee, toured the United States for a month.³⁹² The Chosun Buddhist League also sent delegates to the Asian Buddhist Peace Conference held in Laos.³⁹³ These religious organizations have been organized primarily as counterparts to foreign religious organizations or international aid agencies, rather than as instruments to guarantee and support religious activities. The reason North Korea is changing its religious policy in terms of legal and institutional arrangements is to maintain religious repression internally amid deteriorating food shortage, the death of Kim Il Sung, and the unruly social environment, while expanding contacts with the international community through various religious channels. In short, North Korea is utilizing religion as a means of gaining foreign currency.

Testimonies on the Reality of Religious Freedom

Under its socialist constitution, North Korea is taking a number of positive legal and institutional steps, such as allowing religious freedom, building religious facilities, permitting religious ceremonies and operating religious educational institutions. According to the testimonies of defectors, however, religious

³⁹²_ Kim Byung-ro, *Changes of North Korea's Policy on Religion and Realities of Religion* (Seoul: KINU, 2002), p. 48.

³⁹³_ *Korean Central News*, Feb. 10, 2003.

freedom is still not granted in reality.

First, no churches or cathedrals exist in North Korea except in Pyongyang. Furthermore, most defectors have confirmed that North Koreans living outside Pyongyang are not aware of any religious facilities anywhere. Even Pyongyang citizens, who are aware of these facilities, are known to believe they are restricted areas. Defector XXX testified that he knew about the existence of Bongsu Church and Jangchoong Cathedral. However, he understood them to be symbolic structures for foreigners and restricted areas for ordinary citizens.³⁹⁴ Defector XXX said there was a temple in the Myohyang Mountains, but he thought it was a sightseeing spot rather than a religious facility. He also did not see any images of Buddha there, but saw an image of Buddha on a TV screen.³⁹⁵

As for the “family churches” that North Korea said existed across North Korea, it is questionable how freely they are allowed to practice religious activities in the provincial towns, even if a church existed. In all the personal interviews with defectors from North Korea, not one person was aware of a “family church” anywhere in North Korea.³⁹⁶ However, David Hawk has reported that in the course of his personal interviews regarding religion, he had heard of a total of eight churches in North Korea: five churches in Pyongyang, one in Kaesong, one in Sunghon, and one in South Hwanghae Province.³⁹⁷

Second, most experts doubt if the freedom of worship is fully granted even at the two churches and one cathedral in Pyongyang. North Korea is utilizing churches, cathedrals and temples for

³⁹⁴ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007; Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

³⁹⁵ Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

³⁹⁶ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007

³⁹⁷ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005; David Hawk, *Thank you Father Kim Il Sung*, pp. 87-88.

external propaganda and political purposes by allowing foreign religious leaders and other occasional visitors to these religious facilities. Local citizens are strictly barred from entry or use of the facilities. Unsurprisingly, ordinary citizens generally perceive these religious places as “sightseeing spots for foreigners.” In the case of Bongsu Church in Pyongyang, which was built in September 1988, only the building supervisor and his family live there. When foreign guests come to visit, however, several hundred carefully selected 40 to 50-year-old citizens are gathered to conduct phony church services. Foreign Christians testified that, while in Pyongyang, they had visited the church on Easter Sunday without prior consultation with the authorities and found the church doors firmly shut.

Third, all defectors consistently testified that one would be certainly persecuted for practicing religion on a personal level. The fundamental reason for North Korea’s difficulty in guaranteeing the freedom of religion in accordance with the socialist constitution stems from its belief that religions are a means of foreign encroachment and would inflict harm on North Korea’s social disciplines. Even when a large number of the population was forced to roam around in search of food during the grain crisis in the 1990s, North Korea had tried to suppress the promotion or propagation of Christianity in the belief that Christianity was detrimental to the integrity of the North Korean regime. Since 1997, State Security Agents have instructed the North Korean people to prevent Christian missionary activity. The instructions tell citizens of the necessity of searching out missionaries and provide methods of finding them.³⁹⁸

³⁹⁸ North Korea has been encouraging the inhabitants to report on persons who were reading the Bible. Testimony of defector XXX during an interview in Seoul, May 31, 2000.

Punishment for Religious Activity

It is assumed that freedom of religion is restricted even at the locations where it is officially sanctioned. This becomes obvious when one observes how North Korea handles forcibly repatriated defectors. In the 1990s, as the food shortage became exacerbated and as the number of defectors rapidly increased, North Korean authorities began to relax punishment for those defecting to China in search of food (the so-called “economic defectors.”) Authorities continue to impose heavy penalties on those who have had contacts with religious South Koreans in China. However, it would appear that North Korean authorities are no longer treating religion-related defectors automatically as political criminals.

Anyone found in possession of a Bible during the defector investigations, would definitely be punished. A defector said, “I was detained for a month at a security agency detention center in Yangkang Province in December, 2005. A funeral clerk showed me a bible and said one person was arrested for its possession.”³⁹⁹

- Defector XXX said her sister was deported to North Korea because she had contact with South Koreans in a church in Yanji.⁴⁰⁰
- Defector XXX testified that he was arrested by the security agency because one of the fellow defectors reported that he was familiar with Christianity.⁴⁰¹
- Defector XXX said a defector called Johann (John) was sentenced to three years of correctional labor on charges of making contacts with Christians in China.⁴⁰²

³⁹⁹_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

⁴⁰⁰_ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

⁴⁰¹_ Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

⁴⁰²_ Testimony of defector XXX during an interview in Seoul on Sept. 7, 2002.

- About 60 people living in Eunduck County had heard that they would be able to get about 15 kilograms of corn if they signed up to become Christians. They went to sign up and security agents found out about it. They were all sentenced to 15 years in prison.⁴⁰³
- Defector XXX testified that when he was deported to Hoeryong Security Agency in October 2002, a 19-year-old young man was brought in on religious charges. He overheard a ‘guard’ saying that the boy would be transferred to the province security agency and ultimately be sent to a concentration camp.⁴⁰⁴
- A defector said he had heard that in 2001 a 55-year-old Christian woman was arrested while trying to recruit new Christians in Kangseo County, South Pyongyan Province.⁴⁰⁵
- Another defector testified that in April 2003 a Chinese person was arrested and locked up in Onsung County Detention Center on charges of possession of a Bible(He personally witnessed the person’s detention on July 31, 2003).⁴⁰⁶
- A defector testified that her friend, Lee Bock-soon, was imprisoned for six months in Musan Security Agency from October 2000. She was brought in on charges of having attended a church in Rogahyang in the Chinese city of Hwaryong, Jirin Province.⁴⁰⁷

⁴⁰³_ Testimony of defector XXX during an interview in Seoul on Jun. 29, 2002.

⁴⁰⁴_ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

⁴⁰⁵_ Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

⁴⁰⁶_ *Ibid.*

⁴⁰⁷_ Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

It is difficult to confirm the fact that North Korean authorities do not permit individuals to enjoy religious freedoms, but this fact is indirectly confirmed through the testimonies that reveal the existence of underground churches. Many defectors have testified that Christians practice their religion in underground churches, because North Korean authorities restrict religious freedoms.

- Defector XXX testified that in 1996 he conducted investigations for three years in an effort to uncover the existence of an underground church.⁴⁰⁸
- Defector XXX testified that in Sariwon, Wunsan County, North Pyongan Province, a daughter-in-law reported a family church service. Four family members were subsequently executed and the rest were sent to a political concentration camp.⁴⁰⁹
- One defector, who used to work at North Korea's State Security Agency, testified that in the early 1990s a total of 86 underground Christians were arrested in Anak County, Hwanghae Province. Some of them were executed and others were sent off to political concentration camps.⁴¹⁰
- Defector XXX testified that Bang YZ was the sister of his friend, Bang XX, and she married a man in Nampo City. In 2001, he heard she and four others were caught trying to promulgate religion and were executed by firing squad.⁴¹¹
- Defector XXX testified that he had heard in 2004 that there was a secret(underground) church in North Pyongan Province.

⁴⁰⁸_ Testimony of defector XXX during an interview in Seoul on May 22, 2000.

⁴⁰⁹_ Testimony of defector XXX during an interview in Seoul on May 24, 2000.

⁴¹⁰_ *Yonhap* News, Jun. 15, 2001.

⁴¹¹_ Testimony of defector XXX during an interview in Seoul on Apr. 26, 2003.

Despite these testimonies, it is difficult to verify the existence of underground churches. Some Christian organizations have been operating “mission home” in China for the North Korean defectors and are reportedly trying to expand their activities into North Korea. However, defector XXX said that some defectors would copy portions of the Bible on the North Korean-made notebooks to “prove” that they had been doing missionary work inside North Korea.⁴¹²

It is reported that North Korea will punish without exception people involved in activities related to superstition or the supernatural, including fortunetelling.

- Defector XXX testified that North Korea was absolutely a society of no religion, and even fortunetellers would be arrested if known.⁴¹³
- Defector XXX testified that North Korea strongly enforced its anti-occultist position in 2002.⁴¹⁴
- Defector XXX testified that North Korea would repeatedly warn its people through public lectures not to indulge in superstition including palm-reading.⁴¹⁵
- A defector testified that superstition is widespread in North Korea, and people would often talk about who a good fortuneteller is.⁴¹⁶

The statements in the last two testimonies are corroborated by the North Korean public lecture entitled, “Let us crush the enemy’s concealed conspiracy to propagate religions amongst us.” In

⁴¹² Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

⁴¹³ Testimony of defector XXX during an interview in Seoul on Sept. 21, 2004;
Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

⁴¹⁴ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

⁴¹⁵ Testimony of defector XXX during an interview in Seoul on Feb. 19, 2005.

⁴¹⁶ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

July, 2005, the text of this lecture was released by a South Korean human rights group, Good Friends.

- North Korea has been denouncing the North Korean Human Rights Act of 2004 of the United States and the Voice of Free Radio Asia, which received two million dollars of U.S. funding. North Korea complained that through these instruments of religious propaganda the United States was trying to contain and isolate North Korea and increase international pressure on the country.
- North Korea denounced South Korea for trying discreetly to smuggle Bibles, religious publications, cassette tapes, and videos into North Korea by bribing the tradesmen, frequent travellers, and people crossing the border illegally.
- North Korea further denounced that the religious propaganda agents “were taking advantage of innocent children who would not easily forget what they see and hear in early ages, and would provide them with ‘alert religious education.’” North Korea contends that these children would then be sent back across the border so they could spread religion to their parents, which in the long run would be very useful in organizing underground religious groups.
- North Korea regards religion as a means of “toppling national systems,” as a “breach of national self-reliance,” and a “violation of human rights.”
- North Korea has proclaimed that the struggle to prevent religious penetration was not simply a practical issue but seriously a “great ideological battle for the political and ideological protection of Our Revolutionary Leader and Beloved General Kim Il Sung.”

The text of this lecture also contains actual cases of punishment for illegal practices of religion.

Case 1.

A woman living on social welfare in Musan County went on a personal trip to a neighboring country in May 2004. A South Korean intelligence agent disguised as a religious practitioner bribed and instructed her to spread religion in North Korea. Our customs officials uncovered a Bible and a note containing methods of prayer concealed in her belongings.⁴¹⁷

Case 2.

In a border county, we have arrested a woman who had illegally crossed the border in May 2004. Bribed by a South Korean intelligence agent, she received intensive religious education for three years for the propagation of religion inside North Korea, and returned with a spy mission to organize an “underground religious group.”⁴¹⁸

Case 3.

In a city in a neighboring country in 2004, a South Korean missionary named XXX(an intelligence agent) brought together a number of illegal North Koreans at his home for religious education. Public security agents of that country arrested him just as he tried to smuggle them out to South Korea for professional espionage training and for specific instructions for ‘underground religious organization.’⁴¹⁹

The Ten Principles for Unitary Ideology

As the text of public lecture mentioned above reveals, North Korea has proclaimed all religious activities a “serious and great

⁴¹⁷_ Good Friends, “North Korea Today,” No. 16 (Apr. 14, 2006).

⁴¹⁸_ *Ibid.*

⁴¹⁹_ *Ibid.*

ideological battle for the political and ideological protection of Our Revolutionary Leader and Beloved General Kim Il Sung.” So the pivotal factor that prevents religious freedom in North Korea is the cult of personality surrounding Kim Il Sung/Kim Jong Il and the unitary ruling system. One of the most important reasons for North Korean’s perception of religion as a source of foreign intrusion and exploitation is the antithetical nature of religion vis-à-vis the unitary ruling structure. Religion worships an all-powerful entity. This is diametrically opposite to, and clashes with, the stature of Kim Il Sung and Kim Jong Il who, under the Juche ideology, must be revered as all-powerful entities. Juche ideology demands exclusive worship of the *Suryong* (“the Great Leader,” Kim Il Sung) as an all-powerful entity based on the “theory of socio-political organism.” Consequently, it is absolutely impossible to permit another all-powerful entity to challenge the unitary ruling structure of the leader(s). In reality, in North Korea it would be impossible to conceive of worshipping any other entity but the *Suryong*.

The worship of Kim Il Sung and Kim Jong Il is specifically stipulated in the Ten Great Principles of Unique Ideology. The principles of being unconditionally loyal to Kim Il Sung and adopting Kim Il Sung’s instructions for absolute guidance are provided for in the Ten Great Principles of Unique Ideology. Since its announcement in 1974, the ten great principles have been utilized more than the constitution or any laws or regulations as a means of exercising control over North Koreans, as well as deifying the “Great Leader Kim Il Sung.” The principles are treated as prescribed laws and are applied in criminal cases.⁴²⁰

⁴²⁰ Ten Great Principles are as follows:

1. Struggle with all your life to paint the entire society with the one color of the Great Leader Kim Il Sung’s revolutionary thought.
2. Respect and revere highly and with loyalty the Great Leader Kim Il Sung.

Since interpretation of the ten principles is arbitrary, they are routinely used to frame political dissenters as perpetrators of political and ideological crimes. For example, two entire families disappeared: one because a nine-year-old second grade elementary student in the family scribbled on the faces of the Kim's in his text book; another because the elderly grandmother used issues of the *Rodong Shinmun*--which contain pictures of Kim Il Sung and Kim Jong Il--as wallpaper. Both families were punished on the basis of the Ten Great Principles.

Recently, not all such cases go punished as political crimes, but the following testimony shows that the 'ten principles' are utilized as important sources for punishment.

"In March 2005 there was a fire at a security guard post of an enterprise in Hoeryong City. There was no damage to the building itself, but the guard on duty was unable to remove the portraits of Kim Il Sung and Kim Jong Il from the post. The guard was imprisoned for the negligence. The guard, in his fifties, was released after several months of detention, but he died in August of

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3. Make absolute the authority of the Great Leader Kim Il Sung.
 4. Accept the Great Leader Kim Il Sung's revolutionary thought as your belief and take the Great Leader's instructions as your creed.
 5. Observe absolutely the principle of unconditional execution in carrying out the instructions of the Great Leader Kim Il Sung.
 6. Rally the unity of ideological intellect and revolutionary solidarity around the Great Leader Kim Il Sung.
 7. Learn from the Great Leader Kim Il Sung and master communist dignity, the methods of revolutionary projects, and the people's work styles.
 8. Preserve dearly the political life the Great Leader Kim Il Sung has bestowed upon you, and repay loyally for the Great Leader's boundless political trust and considerations with high political awareness and skill.
 9. Establish a strong organizational discipline so that the entire Party, the entire people, and the entire military will operate uniformly under the sole leadership of the Great Leader Kim Il Sung.
 10. The great revolutionary accomplishments pioneered by the Great Leader Kim Il Sung must be succeeded and perfected by hereditary successions until the end.

that year due to post-traumatic causes. Unlike ordinary crimes, the penalties involving the portraits are very serious. So, most North Koreans place top priority on the portraits in the event of fire or other emergencies. Local security agents or safety officials will often overlook other types of crimes for a small bribe. But portrait-related crimes are immediately reported to higher levels, hence not subject to simple bribery. Anyone charged with mishandling the portraits would not be lightly punished. It is very difficult for those not actually living in North Korea to understand it, but it is true. From this one example, it is clear to see the effort North Korean authorities are expending to maintain the Unitary Ideology System.”⁴²¹

This inhumane practice of forcing people to sacrifice their lives to save portraits of Kim Il Sung and Kim Jong Il in accordance with the Ten Great Principles persists in North Korea. In *Stories on Revolutionary Optimism*--authored by Ahn Chang-hwan and published in 1991 by the Pyongyang Working People's Organizations Publishing House there is a story of a person named Park Young-duk who sacrificed his life to protect a portrait of Kim Il Sung. It is reported that while working in the Yellow Sea Park Young-duk drowned when his boat capsized. However, as the boat was on the verge of sinking, Park carefully wrapped a portrait of Kim Il Sung with a plastic cover, attached a heavy weight to himself, and jumped into the sea.

At a “people’s unit” meeting on Oct. 11, 2007, it was suggested that people should follow the spirit of those who had “saved” the portraits of Kim Il-sung/Kim Jong-il during the flood emergencies. There were people during the flood emergencies in Kangwon Province and South Hwanghae Province who had protected these portraits even as their house was going under water and they had

⁴²¹ Good Friends, “North Korea Today,” No. 21 (May 18, 2006).

to abandon everything. In one instance, as the story goes, a parent could not rescue her daughter from drowning in the flood because she had to hang on to the portraits. The lecturers said everyone should look up to the high level of devotion and political values of these people, and should try to follow their footsteps.⁴²²

The Organization Bureau of the Central Party issued on May 15, 2007 instructions on “Overall Inspections on How to Carry out Respect for the Portraits of “Great Suryong” and “Beloved General.”” From that day, the agents of the Party’s Organization Bureau began to conduct thorough home and workplace inspections across the nation, including major cities, provinces, Wonsan City, Kangwon Province, Sariwon City in North Hwanghae Province, Kangkei City of Jakang Province, Heisan City of Yangkang Province, Chongjin of North Hamkyung Province, Hamhung City of South Hamkyung Province, and Pyongyang. This time around, not only the homes of party officials but also the homes of ordinary citizens were to be thoroughly inspected. If the portraits have not been respectfully taken care of or if dust was found on them, the person’s name was to be recorded on the “black-list.” Subsequently, the security agency would call the offenders in and give lectures about how to handle the portraits. In some cases, people will have to spend two or three days in jail.⁴²³ If one admitted mishandling the portraits on purpose, punishment would be administered, but if you told them your neglect was the result of an unconscious neglect, they would pardon your “sins.”⁴²⁴

In an effort to inspire personal allegiance to the *Suryong*, North Korea has been trying to internalize the ten principles in the

422_ Good Friends, “North Korea Today,” No. 94 (Oct. 17, 2007).

423_ Good Friends, “North Korea Today,” No. 73 (May 23, 2007).

424_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

minds of ordinary citizens through “harmonious living” sessions. At the “harmonious living” sessions of the Party, people have to read the “ten principles” before starting their session. Even in ordinary “harmonious living” sessions, they repeat relevant articles of the “ten principles” to reinforce them in the minds of everyone present.

In an effort to reinforce ideology education during the period of food crisis and economic hardship, North Korea renewed its emphasis on the “ten principles.” Recently, instructions from authorities high in the government have stressed that the more difficult the daily living the stronger the ideological unity and education should be. The instructions demand the following: “Tighten the workers. . . tighten them without providing food or clothing. Tighten the organized living.” In addition, defector XXX testified that the effort at deification of Kim Jong Il has been reinforced.⁴²⁵ Especially since 1995, the ten principles have been repeatedly emphasized at various people’s meetings. In the past the instructions of Kim Il Sung/Kim Jong Il had been stressed.⁴²⁶

Defector XXX testified as follows on the impact of the ten principles and the idolatry of the Suryong on the people’s daily lives:

“when I was in North Korea the ten principles unconsciously controlled my life. They have clearly been working as a means of repression. I was not always conscious of the ten principles, but I tried not to violate them. The ten principles have always played as stumbling blocks in our daily lives.”⁴²⁷

425_ Testimony of defector XXX during an interview in Seoul on Sept. 21, 2004.

426_ Testimony of defector XXX during an interview in Seoul on Oct. 27, 2003.

427_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.



7

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The Right of Political Participation

The right of political participation encompasses the civic right of people to participate directly in the formation of their country, to join in the election and voting process as election candidates or voting members, and to be elected to public office. Everyone should have the right to participate or not participate in the vote, and each person should have the freedom to vote for any candidate whom he or she wishes. Therefore, all persons should have the ability to freely choose to vote for a specific candidate. In addition, balloting should be fair and done in secret and should be carried out in accordance with legal procedures.

Article 21 of the Universal Declaration of Human Rights stipulates, “Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. . . The will of the people shall be the basis of the authority of government.” However, Article 21, Section 3 specifies that “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by

equivalent free voting procedures.” In Article 25 of the International Covenant on Civil and Political Rights, it states that “Every citizen shall have the right and the opportunity... without unreasonable restrictions, to take part in the conduct of public affairs, directly or through freely chosen representatives; (and) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.”

As part of its tribute to Kim Il Sung after his death in 1994, North Korea suspended for three years all events related to political participation, including the Supreme People’s Assembly, Party Congress, and elections at all levels. Kim Jong Il was not inaugurated as Party’s General Secretary until 1997. However, the North Korean citizens were deprived of their political rights because Kim was not elected but nominated to the position.

According to Article 6 of the revised 1998 Constitution, “All levels of sovereign office from the County People’s Assembly to the Supreme People’s Assembly shall be elected through secret ballot based on universal, equal, and direct suffrage principles.” Article 66 also stipulates, “All citizens above the age of 17 shall have the right to vote and the right to elective office.” Yet, elections in North Korea are used, internally, to confirm the people’s confidence in the party and to justify the single party dictatorship, while externally they are used as a propaganda tool to demonstrate that democracy is being practiced. These characteristics are obvious if one considers the manner in which candidates are nominated, registered, and elected, and the loss of suffrage rights based on one’s family background.

One candidate in each electoral district is nominated for election, and the KWP carefully selects candidates in advance. The KWP also carefully screens in advance the candidates from

the “Social Democratic Party” and the “Chung Woo Party.” For all intents and purposes the KWP controls all these candidates.

Under the principle of universal, equal, and direct voting the law requires secret ballots; in reality, however, voters are instructed to cast a yes or no vote for a single candidate nominated by the KWP. The elections are conducted under the strict surveillance of the State Security Agency, and the entire voting procedure consists of simply receiving a ballot and casting it in a “yes” or a “no” ballot box.⁴²⁸ Consequently, elections are regarded as mere celebrations to express active support for the party-nominated candidates. For this reason, electoral districts will sponsor various performances on election days as the following demonstrates.

The colorful performances of brass bands and small artisan groups that various levels of students put up in open spaces and railway station grounds are inspiring fighting spirits and revolutionary passions.⁴²⁹

According to defector XXX, the authorities would build to an upbeat atmosphere several days before the election of people’s deputies to the Supreme People’s Assembly by mobilizing students and others to sing and march on the streets.⁴³⁰ In an effort to demonstrate local loyalty to the party by raising voting rates, each electoral district operates a “moving ballot box” system for those who are unable to come to the voting booths because of illness or old age.⁴³¹ Defector XXX testified that voting supervisions recently have been relaxed so that only the currently residing voters are

⁴²⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

⁴²⁹_ *Korean Central News*, Aug. 4, 2003.

⁴³⁰_ Testimony of defector XXX during an interview in Seoul on May 25, 2001.

⁴³¹_ *Korean Central News*, Aug. 4, 2003.

allowed to participate in voting.⁴³² However, defector XXX testified that if a resident failed to vote, he would be suspected of having political motives for not doing so, and this fact remains on the person's record for years, adversely affecting him in the event he is involved in another misdemeanor.⁴³³

Free expression of opinion by citizens is practically impossible in the candidate nominating process and when casting votes. Elections where various political forces freely contend on the basis of ideas and policies are not a part of the political process in North Korea. Rather, it is part of a political mobilization to reinforce the people with a sense of political participation and provide a *pro forma and post facto* approval of the power structure and the method of elite recruitment designed by the KWP. This process was repeated during the election of deputies for the 11th Supreme People's Assembly on August 3, 2003. Through a "report," the North Korean Central Election Committee announced that a total of 687 deputies for the SPA and 26,650 deputies for the province, city and county People's Committees were elected. It further stated that "Some 99.7 percent of those listed on the eligible voter registry participated in the election and 100 percent of those voting cast 'yes' for the candidate nominated by the district."⁴³⁴ Elections of Provincial Deputies were conducted from early in the morning of July 29th until 7 p.m. in the evening. The election results showed 100 percent of the voters cast their votes in support of the official candidates. In Shinuiju City, the voting was over by 11 a.m.⁴³⁵

The North Korean authorities encourage people to vote. Every year, the same election slogans appear, and this year was no

432_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

433_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

434_ *Ibid.*

435_ Good Friends, "North Korea Today," No. 83 (Aug. 2, 2007).

exception. Some of them follow:

“Let’s all participate in the elections and solidify our revolutionary sovereignty like a rock.”

“All voters! Let’s all participate in elections like one person, and cast affirmative votes.”

“All voters! Let’s all participate in elections, and cast 100 percent affirmative votes.” ⁴³⁶

During elections, Security and Safety agents exercise strict control over the people. Whoever does not participate in the voting or refuses to vote is suspected of harboring political motives, and is treated with suspicion and discriminated against on a daily basis thereafter. The defectors who testified said for these reasons they always participated in voting.⁴³⁷

North Korean authorities have issued stern warnings, “If anyone failed to participate in the July 29th (2007) elections of Provincial Deputies, he or she would not be allowed to live in the country forever, and his family would also be expelled from the country. But, if you were to return home voluntarily, the government would grant clemency.”⁴³⁸ As the July 29th Provincial Deputy elections and August 3rd Deputy Elections for the Supreme People’s Assembly approached, the government launched a major election promotion campaign. As the campaign progressed, many people visiting China voluntarily returned home, because non-participation in the elections could bring various disadvantages to their families in the future, and depending on the situation a return home could be permanently denied.⁴³⁹

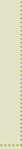
⁴³⁶_ Good Friends, “North Korea Today,” No. 82 (Jul. 25, 2007).

⁴³⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005 ; Testimony of defector XXX during an interview in Seoul on Oct. 27, 2003.

⁴³⁸_ Good Friends, “North Korea Today,” No. 79 (Jul. 4, 2007).

⁴³⁹_ *Ibid.*

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III

The Reality of Economic, Social, and Cultural Rights

1. The Right to Food 2. Social Security Rights
3. The Right to Work 4. Freedom to Choose Jobs
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1

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The Right to Food

The North Korean food crisis was first reported when North Korean authorities announced in February, 1995 that they have received 300,000 tons of grain from a foreign NGO, and asked South Korea, Japan and the United States for additional grain assistance. The North Korean grain shortage had begun from the late 1980s. In 1987, North Korea for the first time reduced by 10 percent the national grain rations, which it had maintained for over 20 years. Then, in 1991 North Korea launched the so-called “two meals a day” campaign. Then in 1992 North Korea decided to reduce all grain rations by 10 percent again, except for the soldiers and workers at heavy-duty work places.¹

The North Korean food crisis occurred more because of its system’s structural flaws. First, despite the fact that the country has relatively little arable land, North Korea has pursued energy-intensive agricultural production methods. Second, in addition to reduced energy and coal output following natural disasters, North

¹ Lee Seok, *The North Korean Famine, 1994-2000: the Onset of Famine, the Shock, and Characteristics* (Seoul: KINU, 2004), pp. 18-19.

Korea experienced a drastic shortage of energy in the wake of the collapse of the Soviet Union and East European socialist systems. Imports of strategic industrial supplies (oil, fertilizers, and other industrial goods) from these countries and China were reduced to less than 10 percent of the pre-1990 levels. This had a severe impact on all production sectors, including the agricultural, industrial, and transportation sectors.² The dominant reason for poor grain production was the shortage of fertilizer. Fertilizer production was reduced to 12 percent of the pre-1990 level, and by the year 2000 only 20-30 percent of the fertilizer required for successful farming had been provided. The most important reason for the reduction in grain output was the failure to provide sufficient amounts of fertilizer in time. Third, North Korea tried to maintain its collective production methods, preserving the inefficient agricultural cooperatives, and in so doing failed to provide sufficient incentives to farmers, thereby causing a sharp drop in agricultural output (China, which maintained a system of collective farming for decades, realized the inefficiency of such practices, and has successfully reformed its farming system). In addition to these structural factors, natural disasters contributed to sharply reduced grain output.

The massive flood damages during the years of 1995-1997 inflicted additional blows to the sharply reduced agricultural output, including grain production, which in turn contributed to the nationwide famine. According to North Korea's own announcement, the grain output in 1994 was 6.66 million tons. In 1995, it was reduced to only 3.37 million tons. In 1996 and 1997, the total output barely amounted to 2.24 million tons and 2.58 million

² Meridith Woo-Cumings, "The Political Ecology of Famine: The North Korea Catastrophe and Its Lessons," *Asian Development Bank Institute Research Paper 31* (Jan. 2002), p. 21.

tons, respectively. In order to fill the shortage, North Korea needed to import more than one million tons of grain annually from external sources. Despite strenuous efforts to feed its population, North Korean is estimated to have lost a minimum of 580 thousand and possibly as many as 1.12 million people to famine and related causes during the 6-7 year period from 1994 to 2000.³

More recently, North Korea's agricultural production capability appears to be gradually recovering. North Korea's grain output was 4.25 million tons in 2003, 4.31 million tons in 2004, and 4.54 million tons in 2005. This is the result of assistance from South Korea and the international community and other factors including the donation of fertilizer, transfer of agricultural know-how, improved operability rate of various agricultural equipment made possible by increased shipment of fuel assistance, and favorable weather conditions. Despite this trend toward improvement, North Korean still experiences annual shortfalls of about two million tons(out of an estimated annual need of 6.3 million tons). If its minimum demand were estimated at 5.1 million tons a year, it would still fall short by about 900 thousand tons a year.

In an effort to cope with the continuing grain crisis, North Korean authorities appear to be searching for new approaches in its agricultural policy. Every year in its New Year's Message, North Korea has shown strong resolve to cope with its grain shortage problems. In its 2008 New Year's Message, North Korea emphatically declared, "There is no more urgent and important problem today than the resolution of food problem for our people." However, due to the structural flaws inherent in its Socialist economy, combined with adverse external conditions, the efforts

3. Lee Seok, *The North Korean Famme, 1994-2000: the Onset of Famme, the Shock, and Characteristics*, p. 75.

of North Korean authorities have not led to increased agricultural output or significant improvement in its food shortage situation.

Most North Korean people understood socialism to be a system in which the state provides, through rations, all daily necessities, including food. Indeed, the ration system is one of the vital features of the North Korean socialist system because it previously included not merely grains and food items, but also clothing, housing, education, and medical care. North Korea's ration system is a multipurpose system. It is intended to distribute scarce grain resources efficiently and to exercise an effective control over the people. In fact, the ration system is closely related to the government policies aimed at controlling travel, residence, and job assignment.

In 1994, when the famine began in earnest, North Korea began to partially suspend national rations. By 1996, however, North Korea had to totally discontinue the ration system in certain regions. By the end of 1996, citizens had to provide food for themselves. Agencies, factories, and businesses independently began to engage in various illicit profit-making trade and ventures to earn foreign currencies. They then distributed three or four days worth of food per month to their employees. Foreign aid has helped alleviate the situation and North Korea's grain output did increase slightly in 2001. As a result, grain distribution has somewhat improved, although grain shortages are still prevalent.

It is believed that official rations have been distributed, on a priority basis, to the Party staff, National Safety Protection Agency, the Military, and military industries. According to the testimony of a defector who came to South Korea after working for ten years at a grain administration office that handled grain purchase and distribution, the grains harvested at the farms are distributed to

military units and the grains provided by the foreign sources are distributed mainly to the high-ranking officials; however, ordinary inhabitants receive 2-3 days worth of grain on major holidays like Kim Il Sung's birthday, Kim Jong Il's birthday, the Korean thanksgiving holiday, and so on.⁴ A defector who defected from Pyongyang in 2006, stated the situation was so bad that even the people in Pyongyang, which is a privileged city, received only one week's worth of "ration grain" in a month.⁵

According to the defector, it is not true that soldiers were getting sufficient amounts of rations simply because the military was supplying them on a priority basis. Food is supplied to military units on a priority basis, but officers are supplied first. The amount of food rationed to the enlisted soldiers is so limited. A former military officer who defected to South Korea after completing 22 years of service testified that even though he was a second lieutenant, the amount of his ration was so small that he too had to live on corn porridge mixed with some edible field grass.⁶ According to a defector, who used to be a woman soldier, the daily military 'regulation grain' was 450 grams, but her unit would "pre-save" a little and she used to eat about 130 grams per meal.⁷ According to defector XXX, the food situation in the agricultural areas was relatively better than the situation in provincial cities, where workers faced serious difficulties when the government discontinued grain rations.⁸ The grain situation in the farm areas was comparatively better. He also said the food shortage was most severe in remote provinces like Hamkyong, Yangkang, and Jakang,

4. Testimony of defector XXX during an interview in Seoul on Sept. 2001.

5. Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

6. Testimony of defector XXX during an interview in Seoul on Jan. 29, 2003.

7. Testimony of defector XXX during an interview in Seoul on Jan. 11, 2003.

8. Testimony of defector XXX during an interview in Seoul on May 6, 2002.

where access to transportation is poor. With a lack of energy and means of transportation, the collapse of the central ration system, and the diversion of international aid to other areas, the inhabitants there have been forced to face some severe conditions.

Once the regular rations were suspended, the people had to find food on their own. Most of them had to secure the means of subsistence through the farmers' markets, black markets, or support from their relatives in agricultural areas. In addition, due to the failure of the central ration system, North Koreans were forced to trade various coupons illegally, and housing cards on the black market. Most inhabitants who lack purchasing power face starvation, and are forced to subsist on peddling or barter trading. When the central ration system stopped operating in the wake of the food shortages, most North Koreans began to rely on marketplaces for their daily commodities, including food and grains. Under the "self-help" slogan, even the North Korean authorities encouraged the people to help themselves rather than rely on the government. However, the lives of those with little means to purchase goods at the marketplace were seriously threatened.

In the wake of the Economic Management Improvement Measures of July 1, 2002 there was a major change in North Korea's grain supply system. The ration system, which existed only nominally, was officially discontinued and a system of purchase at current market prices was launched. After the new system was implemented, the prices of daily necessities jumped 20 to 40 times what they had been, food prices went up 40 to 50 times, and the rice price per kilogram raised from 8 jon to 44 won ("jon" is the sub-unit of the won or KPW, with 100 jon equal to one won). Even though the ration system was abolished, the ration card system was maintained unchanged. This exception appears to be intended to ensure

continued state control over grain distribution inside North Korea.

In the wake of the July, 2002 measures, the wage-level has also gone up accordingly. Regular office workers got a raise from 140 won to 1,200 won and some heavy-load workers like miners received increases of over twenty times their previous wages. Other workers, farmers, and scientists got a tenfold raise and soldiers and bureaucrats received anywhere from 14 to 17 times greater pay. Official prices have also increased in tandem with the market prices. However, market prices have jumped much higher and faster.

As a result of the measures of July, 2002, the prices of daily commodities have jumped, and all taxes, including rent, electricity, education and transportation, have also risen. However, the people's purchasing power has been greatly weakened due to the poor performance of the North Korean economy. In large families and particularly for those living on pensions, the level of pain from high prices has been truly catastrophic.⁹

There are some price differences from region to region. The price of rice at the "farmers' market" in 2006 was 900 Won per kilogram. But the price had risen to 1,700 won in 2007.¹⁰ The average worker's wage level was about 2-3 thousand won a month. Since only one third of this wage is paid on time, the wage was almost meaningless. The hourly wage system never did function properly since the factories were not operating properly. In the absence of outside investment, it would be impossible to overcome the chronic shortage of daily commodities within a short period of time.

Since there were no grain rations and since they could not depend on wages from work, most North Koreans would try to find ways to engage in vending or peddling. If they engaged in

9_ Testimony of defector XXX during an interview in Seoul on Dec. 20, 2002.

10_ Testimony of defector XXX during an interview in Seoul on Jan. 29, 2008.

trading or peddling in the market, people could earn as much as 5 thousand won per day. One defector who had sold food at the market testified that on a good day she used to make as much as 15 thousand won.¹¹ Most ordinary citizens would spend the day at the market even though they were required to report to work. They would simply check the attendance (“punch-in”) and leave for the market. High officials who could not engage in private business themselves would engage in peddling through family members or receive money from the peddlers by looking after their problems.¹² According to a defector, who was a first lieutenant in the army, the military families lived in villages that were secluded from the rest of society and they could not engage in any trading or business. So their standard of living was often worse than that of ordinary citizens.¹³

Due to high prices and low wages--or no wages--most North Koreans are living extremely harsh lives, and this situation is well-shown by the following comment: “In the past, we have been able to maintain our lives even when we were out of work, but now we cannot survive unless we worked and worked very hard.” Up to this point, a social security (and welfare) system had existed, however nominally. But the complete demise of the public distribution system came as a major shock to North Koreans, who were almost completely dependent on it. As the economy stagnated, people without regular wage income suffered from the burdens of rising prices and increased taxes.

North Korea briefly resumed its national ration system in some regions in 2005. Given North Korea’s current supply

¹¹_ Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

¹²_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

¹³_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

capabilities, however, full-fledged resumption of a national ration system would appear to be impossible. Nevertheless, North Korean authorities appear to be attempting to revive the grain ration system in an effort to recover its capacity for social control. For example, there is an urgent need to control the inflow of foreign information, the movement of population, the grain supply, as well as law and order in society. Given the circumstances, the individual's right to food sources would be gravely infringed if the government could not guarantee a seamless supply of grains. The North Korean people's right to food necessarily be heavily influenced by the grain price fluctuations at the market and the average person's purchasing power. Consequently, the people's right to food will see improvement only when the market prices are stabilized at a lower level,¹⁴ and if North Korea permits the international humanitarian aid community to concentrate on its most vulnerable groups (i.e., those who have lost their purchasing power altogether).

¹⁴ According to the testimonies of defectors, the South Korean grain assistance has significantly contributed to a drop in grain prices in several regions of North Korea. For example, at the news of arrival of South Korean grain assistance ships the price of rice would sharply drop in the port cities of Nampo, Wonsan, and Chongjin. The fluctuation of grain prices was far greater along the border regions than in inner regions of North Korea.



2

Social Security Rights

The right to social security is an individual's right to demand compensation from the state to maintain his or her dignity and when one is in need of assistance or protection due to unemployment, sickness, disability, or old age.

From North Korea's constitution and social security laws, North Korea appears--at least institutionally--to be striving for a welfare state that offers comprehensive social security. Article 72 of the Constitution of the DPRK stipulates that "Citizens shall have the right to free treatment and children, the old, and the infirm are entitled to material assistance, and that these rights are guaranteed by the free medical system, medical facilities, state social insurance and the social security system."

In reality, North Korea's social welfare system can be divided into the following three categories. The first is the State Social Insurance and the State Social Welfare, which are the two pillars of North Korea's social welfare system. The second is the food, clothing and shelter supply system, which is a typical public support system. Under this form of income guarantee system, there

are cash payments and in kind payments. The third is the free treatment system(i.e., health care and medicine). And, in the case of free treatment, the government does not provide doctors and hospitals with payments in cash or other commodities, but in the form of “medical payment(medical supplies).”

These three are the primary social safety net. The Industrial Accident Compensation System is a type of secondary social safety net, and is a form of state social insurance.

As part of the social security system, North Korea enacted an Insurance Law in 1995 and revised it twice, in 1999 and in 2002, respectively. Article 2 of the law contains two major types of insurance: 1) health related insurances such as life insurance, casualty insurance, insurance for children, and passenger insurance; and 2) property related insurances including fire insurance, maritime insurance, agricultural insurance, liability insurance, and credit insurance. Article 5 of the law mandates that both insurance companies and the state insurance management agency will manage the insurance sector. Therefore, a nominal insurance system does exist in North Korea. North Korea also has a pension system. According to the “Socialist Labor Law(enacted in April 1978, revised in 1986 and 1999),” male citizens reaching the age of 60 and females reaching the age of 55 are entitled to a retirement pension if their years of service allow them to qualify(Art. 74). In addition, public assistance is extended to those who fall under special categories, such as livelihood protection, casualty relief, and veterans. Included in the living subsidy program are those with national citations, military families, retired soldiers, deported Koreans from Japan, and defectors from South Korea.

North Korea claims that its social security system is ahead of other advanced nations. However, there is a wide gap between

the law and reality because the system does not function properly owing to the country's lack of necessary resources. Above all, the most fundamental means of living, the ration system, is not working, except in Pyongyang and a few select areas. Nothing more need be said for those who have lost the ability to work, such as the old and the infirm. For the retirees the pension system is near perfect, legally and institutionally, but in reality people never fully receive what is entitled to them by law.

The situation had seriously deteriorated when North Korea announced the July 1st measures, abolishing significant portions of social security benefits. Although the previous system is nominally maintained, the nature of operating principles and benefit payments changed after July, 2002. In other words, the government has, with the announcement of July 1 Measures, practically given up its responsibility as the supplier of food, clothing, and shelter for the people. Due to the many flaws in the welfare payment systems that is specified in the State Social Insurance and the State Social Guarantee, the people(subscribers) had to pay for various social expenses from their own funds. As a result, the function and role of the social safety nets that North Korea's social welfare system had anticipated has been greatly reduced. In short, welfare responsibilities were transferred from the state to individuals.

In addition, the levels, nature, and functions of cash payments have changed. Under the July, 2002, measures, the responsibility to pay various welfare obligations do not depend on whether one has a job, but are determined by the workers' skills, contribution to finance(taxes), and individual income levels. In particular, the increasing price of rice, which is a major form of in-kind payment, has seriously undercut the State Social Insurance and the State Social Welfare systems' ability to support and guarantee life. As a

result of these realities, the burden on the various welfare program recipients has greatly increased.

Since the measures of July, 2002, the responsibilities of the state for the people's welfare have been minimized, and maximum responsibility has been placed on the individual and family. In fact, the economic reform measures of July, 2002, could be regarded as a North Korean style of "social welfare reform." The North Korean social welfare system was distorted and has been inoperative since the 1990s. The authorities finally were forced to recognize the flaws in their system and make revisions to reflect the realities.

The testimony of defectors fully documents these developments. According to the testimony of XXX, who was a retiree when he defected, retirees are entitled to 600 grams of grain and 60 won of pension, but they never receive either benefit. The pension money is disbursed to individuals and registered in a personal account, but no one is allowed to make a withdrawal for personal use. The defector also said that it is impossible to depend on one's children. Thus, once a person retires, his or her life becomes very difficult to manage.¹⁵

Under "military-first politics" priority is placed on soldiers. However retired soldiers are not even assigned a housing unit. Defector XXX, who retired as a first lieutenant after 22 years of military service, was not given any housing after retirement nor any place to work. Instead he had to stay at his sister's house at Daehungdan-gun. He made several trips to China, and then decided to defect to South Korea.¹⁶ This testimony is an example of the reality of North Korea's public support system. Under this system, basic necessities are no longer supplied, leaving children, senior

¹⁵_ Testimony of defector XXX during an interview in Seoul on Nov. 13, 2002.

¹⁶_ Testimony of defector XXX during an interview at Seoul on Jan. 29, 2003.

citizens and people with various ailments to suffer the most.

One feature of social welfare that North Korea is most proud is its system of free medical care. Article 56 of the Constitution of the DPRK stipulates that the state shall strengthen and develop the free medical care system, and by promoting the district doctor system and preventive medicine, the state shall protect the lives of the people and promote the health of the workers.

The objective of North Korea's medical policy is to prevent diseases through its district doctor system, which in turn operates as part of the free medical care system. People in a district are expected to receive systematic health care from the district doctor. But the system does not appear to function properly, because (a) the quality of the district doctor's diagnostic skills are poor, (b) their medical qualifications are not sufficient, and (c) each doctor is charged with providing care for up to 4-5 districts, or up to 4 thousand people.

Medical facilities are not in abundance in North Korea. In the theoretical structure, there should be one university hospital and one central hospital in areas where people's committees exist; one to two people's hospitals where city and county people's committees exist; one hospital and one diagnostic center in workers' districts, and one combined diagnostic center each for groups of smaller villages. However, very few North Koreans have access to medical facilities above people's hospitals at the city and county levels because there is a severe shortage of hospitals relative to the number of people.

In addition to the poor quality, discrimination at medical facilities exists as well. All hospitals have a list of pre-determined levels of treatment for patients determined by rank, and people who are not on that list will not be admitted. In North Korea, there are "hospitals for the senior staff(ranking officials)," and there are

“senior staff sections” in most general hospitals. The “staff section” is maintained at all levels of hospital, from Pyongyang to City and County levels.

For example, the Bonghwa Diagnostic Center in Pyongyang is exclusively for Kim Il Sung and Kim Jong Il and their family members, as well as people with the rank of minister or above in the Party and the military. The O-eun Hospital is for colonels and generals and the Namsan Diagnostic Center is for vice-ministers and above, as well as for some prominent persons such as “people’s actors/actresses” and deported Koreans from Japan. These hospitals are for a special class of people only and do not treat average citizens. The average citizen must go to their local diagnostic center or to city, county, or district hospitals to receive treatment.

North Korea maintains that its so-called universal medicare system still operates. However, the realities of economic hardship reveal otherwise. For example, doctors will provide free diagnoses and prescriptions for patients, but the patients are responsible for obtaining the necessary medication because there is little medication in the hospital. The patients must go to the black market or to individuals introduced to them by the doctor to purchase the necessary medication. While this is the reality in the provinces, the situation in Pyongyang is said to be somewhat better.¹⁷

Following is a set of testimonies collected from various sources, including the members of international organizations and NGOs who have visited and observed North Korea’s medical reality firsthand: reporters who have visited there; a defector who practiced medicine for 30 years as a physician; and a party secretary assigned to a hospital. Their testimonies are highly consistent and therefore very credible. They all agree that there exist significant differences

17_ Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

between the hospitals in Pyongyang and those in regional cities and farming towns. There are major qualitative differences between the “staff hospitals” and “ordinary hospitals.”

The WHO mission chief in North Korea, Eigil Sorensen, testified at an interview with South Korean reporters in January, 2004, that the level of medical service in North Korea was so inadequate as to call it a crisis.¹⁸ According to Sorensen, hospital hours are limited due to the shortages of electricity and running water, and that very frequently patients needing urgent care could not be treated in time. He also noted a complete lack of heating in the patient wards in winter months.

Norbert Vollertsen is a German doctor who provided medical service in North Korea between July, 1999, and December, 2000, when he was expelled. He testified that in most North Korean hospitals there were no antibiotics or bandages, nor such simple operating equipment as surgical knives. However, hospitals that were used for treatment of high-ranking military officers and the elite were almost as modernly equipped as German hospitals. Their inventory included MRI, Ultra-sonar, EKG and X-ray cameras. He testified that an enormous inequality existed between the two levels of hospitals.¹⁹

In its annual report on global disaster areas, released on June 28, 2000, the International Red Cross reported that North Korea was suffering from a serious shortage of medicine and medical equipment of all types. Over 70 percent of medicine dispensed by North Korean hospitals consisted of traditional herbal medicine, the reason being that there was a shortage of Western medicine. Communicable diseases were on the rise and about 40,000 new

¹⁸ *Yonhap News*, Jan. 29, 2004.

¹⁹ Norbert Vollertsen, “The Prison State,” *Wall Street Journal*, Apr. 17, 2001.

tuberculosis patients were reported annually.

The testimonies of defectors consistently and repeatedly confirm these assessments of the international community of North Korea's medical situation. Defector XXX(a pediatrician at XX city hospital, North Hamkyung Province) provides the following well-organized testimony on the reality of North Korean hospitals. He graduated from a North Korean medical school in 1968 and practiced medicine for 30 years in North Korea until he defected to South Korea in 1998. According to him, North Korean medical service became paralyzed about 1990. The most important medical policy is preventive medicine, but most children in North Korea don't receive preventive vaccination, and the BCG vaccines have disappeared after 1992. The only preventive vaccination still given is against cholera and Japanese influenza. But this vaccination is given only to a small minority such as security agents and staff members who frequently travel. Because children are not vaccinated at proper stages, all varieties of contagious diseases and illnesses are rampant. A majority of cases are communicable diseases like cholera and liver diseases, particularly the type-B liver infections, usually spread by the repeated use of syringes. Defector XXX, who defected in August 2002, testified that an increasing number of North Koreans are dying from liver infections and tuberculosis.²⁰

The most serious problem at hospitals is the shortage of medical equipment. Without equipment, hospitals cannot fulfill their functions. At Danchon City Hospital in North Hamkyung Province there should be in its inventory a minimum of 200 syringes and 2,500 hypodermic needles, but there were only about five of each and the cylinders on those were so worn that the syringes were seriously defective. Doctors did not have their own

²⁰ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003

stethoscopes. Because blood-testing equipment is not available, doctors cannot properly diagnose the condition of their patients.

Many abnormal situations are occurring due to the lack of medicine and medical equipment. Since there are no medicines at hospitals, doctors simply diagnose and prescribe medication for the patients to buy themselves in the market²¹ Once the patients obtain the medicine, the doctors instruct them on how to take or apply the medicine. According to XXX, who used to practice medicine in Chongjin City, North Hamkyung Province until 1999, doctors in North Korea merely write prescriptions for the patients because there is no way they can treat them. Some children suffering from simple indigestion died for lack of treatment at the hospitals. Besides the lack of medicine at hospitals in Chongjin, there was only one blood-pressure gauge and one body temperature gauge for every six doctors.²² The small amount of medicine supplies in hospitals is dispensed only to ranking officials, not to ordinary citizens. Since medicines are in such short supply, doctors provide appropriate medicines only to ranking officials or to the doctor's acquaintances; all other patients get consultations only. For this reason, medicine is the most frequently desired item North Koreans request of their overseas relatives or of those traveling outside the country. One of the primary reasons hospitals do not have enough medicines is that they are smuggled onto the black market where their value is greater. Another reason is because the pharmaceutical factories are not operating properly. If and when medicines become available, they are smuggled onto the black market by ranking officials and the nurses in charge of medicine.

With the shortage of medicine and lack of equipment being

²¹ "A Workshop for the Defectors," sponsored by KINU, Jan. 20, 2006.

²² *Yonhap News*, Jul. 3, 2002.

quite serious for the majority of hospitals, the patient's family becomes responsible for administering treatment. According to XXX²³ formerly a low-level party secretary at a hospital, food and room temperatures for the patients in provincial hospitals are the responsibility of their families and guardians. Because there is not enough grain for patients' meals, hospitals are restricting admissions. In-patient numbers are pre-allocated to each division of the hospital, and only emergency patients are admitted. A majority of patients are suffering from cholera, paratyphoid, or typhoid. In the beginning, patients with these contagious diseases were segregated from the general population at the hospital and treated. As the numbers have increased, however, they are now being treated at their homes.

Due to the shortage of medicines, the government is encouraging the use of folk medicines. On the theory of the revolutionary spirit of self-help and anti-Japanese guerrilla-style projects, they are encouraging the construction of production bases that will autonomously produce (herbal) medicine. In order to spread the herbal treatments, they also introduced various cases of folk medicine treatment, while encouraging an "all-masses campaign" for the production and distribution of medicinal herbs.

Corruption is another problem the system faces. Doctors maintain their standard of living by accepting bribes in exchange for medicine. When the doctors treat patients at hospitals, they must do it free of charge; but when they visit a patient's home and provide treatment, they charge a fee. One person testified that doctors make money by smuggling the medicines out of the medical facility to their friends and then ask patients to purchase the medicine

23_ Testimony of defector XXX during an interview in Seoul.

they need from those friends.²⁴ Many doctors also take money for issuing false diagnosis. The patients submit the false diagnosis to their offices in order to take time off and engage in peddling in the markets. In the provincial areas, even the doctors take turns taking time off to cultivate crops on their personal patches of land to help alleviate the food shortage.

Another particularly serious problem is the poor electricity for medical facilities. Sometimes electricity will go off in the middle of surgery. In many cases, doctors will talk to representatives at the electricity unit before an operation and ask for their cooperation. But it is said that even the Pyongyang Red Cross Hospital is experiencing an electricity cut-off rate of 30 percent.²⁵

Each year, North Korea receives several hundred tons of medicine from the international community. However, it is suspected that most of it is being diverted for use by special classes of people, and there is absolutely no transparency as to the distribution and use of the medicine. According to Dr. XXX, a medical doctor and defector, some medicines do occasionally arrive at XX city hospital through international support groups, but the hospital and regional government staffs intercept the boxes, saying that they or their family members are ill. They then sell them at the black market at high prices.²⁶

24. Testimony of defector XXX during an interview at Seoul on Feb. 3, 2003.

25. Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

26. "A Workshop for the defectors," sponsored by KINU, Jan. 20, 2006.



3

The Right to Work

Article 23 of the Universal Declaration of Human Rights provides that, “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” Article 3 of Covenant-A also stipulates, “The States Members to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.” Furthermore, Article 7 declares, “the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no other considerations than those of seniority and competence; And rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.”

In Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights(Covenant A) guarantee that “The states party to the present Covenant recognize the right of everyone to the enjoyment of just and favorable conditions of work. . . [And] to ensure the right of everyone to form trade unions and join the trade union of their choice.”

Article 70 of North Korea’s constitution provides for the people’s right to work. That is, all persons with the ability to engage in labor may select occupations according to their choice and talents and are guaranteed the right to a secure job and labor conditions. People are supposed to work based on their abilities and receive allocations based on the amount and quality of their labor. However, the “right to work” in North Korea, in reality, is not a right but a duty to respond to mobilized labor.

Article 83 of the constitution states, “Work is noble duty and honor of a citizen.” Article 31 says, “The minimum working age is 16 years old. The State shall prohibit child labor under the stipulated working age.” Therefore, in North Korea, labor is the responsibility of all people because labor is not for the individual’s benefit, but, based on collectivist principles, is a group activity for the benefit of everyone. One can find further support for this interpretation in the various sections of Article 1(Fundamental Principles of Socialist Labor) of the Socialist Labor Law enacted by the Supreme People’s Assembly in April 1978. Under these provisions, all North Koreans above the age of 16 are obligated to work at a workplace until the age of legal retirement(that is, 60 years of age for men, 55 for women).

Moreover, free labor unions that protect and represent the interests of laborers do not exist in North Korea. The only labor union that exists is the General Federation of Korean Trade Unions,

but it does not have the right to collectively organize, bargain, or strike. The Korean Workers' Party is solely responsible for representing the interests of laborers, and the trade union exists merely as a formality. Following the Ninth Plenum of the Fourth Party Central Committee held in June 1964, the trade union's role of monitoring and controlling corporate management was abolished, and the interests of the laborers have been placed under the control of the party. The General Federation of Korean Trade Unions merely acts as a transmission belt that links the KWP with the labor classes, and an active supporter that strictly and unconditionally seeks to fulfill the directives of the *Suryong* (i.e., "the Great Leader," Kim Il Sung).

North Korean authorities severely oppress the activities of labor cooperative bodies through the penal code. Relevant provisions for labor unions are contained in Chapter 5, Section 1 of the revised 2004 Penal Code, entitled "Crime against Government Properties and Properties of Social Cooperative Organizations." These provisions make voluntary labor movements basically impossible. There are no provisions to prevent coercion at the work place.

In addition, Article 71 of the constitution provides that people have the right to rest, and Article 62 of the Socialist Labor Law adds that laborers have a right to rest. Article 65 of the same law stipulates that "Workers, office workers, and workers on cooperative farms are entitled to 14 days of annual leave. Depending on their line of work, an additional leave of 7-21 days may be granted." The government does not control annual leaves. They are granted to individual workers upon request.

The constitution states in Article 30 that workers shall engage in eight hours of work a day. However, Article 33 of the Labor Law

specifies that “The State shall enforce the principle of an 8-hour workday, 8-hour rest, and 8-hour studies in the lives of all workers.” Of course, the “8-hour rest” principle is often ignored. North Korean workers rarely have eight hours of rest in a day. This is because, in addition to their basic workloads, people are mobilized for additional labor mobilization programs and must attend various study sessions. Labor projects are planned on daily, monthly, and quarterly schedules. To surpass the goals of these plans, socialist work competition movements such as the “Speed Creation Movement” have been established. Under these circumstances, extended work hours are inevitable.

For North Koreans, work is not a right but a duty. Yet, a majority of North Korean industrial workers are unemployed. The average rate of factory operation is only 20-30 percent due to the deteriorating economy and dilapidated infrastructure, and workers cannot find places to work. Since many factories are not operating, even if workers do report for work, they soon find themselves venturing out on the street to engage in street vending or other personal profit-seeking activities. Kim Jong Il has issued instructions, twice, in December, 2005, and March of 2006, in which he said, “Eliminate the phenomenon of individuals working on their own, and make them report to factories and enterprises and let them join in collective work.” Despite these instructions, however, the phenomenon appears to be permanent.²⁷

27. Good Friends, “North Korea Today,” No. 56 (Jan. 24, 2007).



4

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Freedom to Choose Jobs

Article 23 of the Universal Declaration of Human Rights provides, “Everyone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment.” Furthermore, Article 6 of the International Covenant on Economic, Social and Cultural Rights stipulates that “The states party to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which one freely chooses or accepts, and will take appropriate steps to safeguard this right.”

Article 70 of the North Korean constitution provides, “People have a right to the choice of employment according to their desire and talent.” However, employment decisions do not respect individual choices but are made according to manpower needs as determined by the party and state institutions. Workers are assigned to their jobs according to the central economic plan and the demands of individual sectors, and individual talents or wishes are secondary considerations.

In North Korea, the Party(KWP) exercises full and exclusive

control over all “job assignments” for the people. Various departments share this authority depending on the level and position of persons subject to reassignment. The departments include the Central Party Organization Guidance Dept., Senior Staff Dept., Provincial Party Organization Dept., and Military Party Organization Dept. For example, the Central Party Organization Guidance Dept. will handle the appointment(assignment) of all “chief secretaries” at all senior positions in the Central Party and Provincial Party headquarters, as well as party positions in the military. But, the military staff committee will handle the assignment of section chiefs of military administrative committees and workers below the level of “guidance officers.” For ordinary workers, the Workers’ Dept. of the province and city/county people’s committees handle various assignments.

The Party’s criteria for job assignments include Party loyalty, personal background and family background rather than individual talents or professional qualifications. Students with bad or unfavorable backgrounds are assigned to positions requiring menial labor such as collective farms and coal mines. A bad personal background, for example, would include the following cases: If any relatives violated the “Sole-Leadership Ideology” if one’s family fled to the South at the time of Korean War or a family member had joined the “voluntary security police” against the North Korean regime; or if one’s family was classified as a “landlord class.” Conversely, the children of Party and Government officials are given good jobs regardless of their ability or qualifications. Reassignment from one position to another also depends on the decision of the Party, based on one’s background, irrespective of one’s talents.

In North Korea, the most common example of violations of individual rights to choose jobs is that most job appointments

take the form of group allocations. This means that people are assigned their jobs on a group basis to work places, factories, mines, or various construction facilities based on what the Party believes necessary. Recently, as North Koreans began to avoid hard labor, North Korean authorities began to sponsor loyalty resolution rallies and to send handwritten letters from Kim Jong Il to discharged soldiers and graduates of high schools before group assigning them to coal mines and construction sites. In September, 2001, high school students and soldiers being discharged from the military were group assigned to the Pyongyang Textile Factory located deep inside the lumbering fields in Rangrim County, Jagangdo Province, and to the Ranam Coal Mine Machine Company Collective in Chungjin City, North Hamkyung Province, from where the “Ranam Torch Movement” originated. North Korean authorities awarded service medals and gave colorful send-off ceremonies, but the defectors testified that the authorities, independently of individual wishes, were in fact sending them off forcibly.²⁸ A defector has testified that in 2002 about one thousand young discharged soldiers were “group assigned” to a collective farm in the Daeheungdan County.²⁹

The group assignments are carried out upon the approval of KWP general secretary Kim Jong Il, thus no one dares refuse to comply. Since they are very strictly controlled, even the children of powerful and wealthy families cannot hope to avoid assignment. If it was revealed that someone was missing from a group assignment, the responsible staff would be subject to severe punishment, while the missing individual would be returned to the original group assignment. To prevent evasions from group assignments, the

²⁸ *Yonhap News*, Dec. 13, 2001.

²⁹ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

authorities collect such vital documents as the grain ration card, inhabitant registration card, and KWP partisan membership card, and ship them ahead of the person to the unit of assignment. They then register their residence with the local county office en masse.

Because rations are suspended if one does not report to work because of refusal to obey a group assignment, no one can refuse to report to work. Once assigned to a workstation, it is very difficult to change positions, regardless of one's aptitude for the job, because whoever leaves the workstation without permission will be excluded from all rations, including grain and daily necessities. The North Korean authorities are not allowing movement between workstations to prevent man-hour losses resulting from these manpower flows. Authorities continue to carry out the planned economy systematically through a tight control on manpower. This system permits the authorities to institutionally control the inhabitants through their work places and to maintain psychological subservience and loyalty to the Party. Due to the recent food shortage, however, government rations are not guaranteed and corruption is pervasive everywhere. The government will now rarely make "group assignments." One defector testified that the government had "group assigned" one thousand veterans(discharged soldiers) to the Daeheung-dan work site, but all of them have subsequently deserted the place.³⁰

Despite strict labor laws and ration systems, recent significant changes have been taking place in the existing job market and in people's attitude toward jobs. Bribery is routine in job assignments and people change jobs frequently. For example, people can bribe their way to positions in trading companies engaged in foreign currency earning. For these reasons, most North Koreans believe

30. Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

that their living conditions were deteriorating due to these “bribe assignments(appointments)” or “personal contact assignments.”³¹

A defector testified that as the government has recently completed its “personal background project,” middle school graduates are mostly assigned to their appropriate jobs at factories and enterprises without much concern about Party loyalty or family background. And college graduates are able to get any jobs they wanted if they had powerful or wealthy parents.³² One defector, a former returning Korean-Japanese, testified that the Korean-Japanese who had returned to North Korea could never get a job with the Party or the government. Recently, however, they can sometimes get administrative jobs.³³

Anyone having money and talent can register with the company engaged in foreign currency earning and engage in foreign currency business by paying a set amount to the company. If that company happened to be operating under the Party or Security Agency, it will facilitate the worker’s business and travels. The companies operating as part of powerful agencies are better for the purpose of making foreign currencies. According to a defector who used to work for such a company, he used to pay in about US\$100 to his company every month.³⁴ However, managers and workers at these companies are so often involved in illicit operations that they usually end up in correctional centers. So, people joke about “foreign currency earning” as “earning correctional jobs.”³⁵

People who for lack of money and talent cannot secure a job at the foreign currency companies go into peddling jobs. They pay

31_ Testimony of defector XXX during an interview in Seoul on Feb. 3, 2003.

32_ Testimony of defector XXX during an interview in Seoul on Jan. 11, 2008.

33_ Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

34_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

35_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

their bosses to make up for their absence from work, so they can continue vending and peddling. Anyone absent from work risks being sent to “labor-training camps,” but in most cases people can avoid going to the camps by paying bribes. These people are called the “8.3 workers.” A defector said he used to make 600 thousand won a month and had to pay 200 thousand won to his boss at the assigned workplace.³⁶ Another defector said he resigned from his former job as a teacher giving personal reasons, registered at an enterprise, and engaged in vending in the market. He earned anywhere from 5-10 thousand a day, but he had to pay about 40-50 thousand won to his boss at the nominal workplace.³⁷

These “8.3 workers” not only do not work at their nominal jobs but they also do not attend the “harmonious life” sessions. They live independently of their nominal jobs. Some people will bribe their way to resign from work giving false excuses such as illness, and begin their vending or peddling business. In North Korea today, more and more people change jobs and get into personal business. Picking one’s own job has become relatively easy. What is interesting in North Korea today is that instead of being paid by the workplace, many North Koreans pay to get away from their assigned jobs in order to engage in vending and peddling.

In North Korea, people are not allowed to change jobs without government permission. However, anyone fired from a job may get another job elsewhere. In this instance, the worker becomes a temporary worker, and must obtain an authorization number from the city the worker is moving to, along with a number of documents, such as a government dispatch order, Party branch

36. Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008

37. Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008

affiliation, ration card, military record, and change of residence.³⁸ In order to change jobs, one needs to obtain the approval of the Party secretary. This is very difficult unless one is able to bribe the guidance officer.³⁹ Another defector stated he had a number of different jobs. Finally, he rented a fishing boat, and then decided to defect to the South.⁴⁰ Since the food shortage, it is clear that in North Korea today, the system of job assignment by the central government is weakened and under stress.

³⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004.

³⁹_ Testimony of defector XXX during an interview in Seoul on Nov. 11, 2003: Another defector XXX testified during an interview in Seoul on Jan. 29, 2003 that sometimes people can change jobs by providing cartons of cigarette or a TV set to the Army's Workers' Section.

⁴⁰_ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.



IV

The Rights of Minorities

1. The Rights of Women 2.The Rights of the Child





1



The Rights of Women

A. Gender Equality and Women's Social Participation

Article 3 of human rights “Covenant B” provides that the signatories must guarantee that men and women will equally enjoy all the civil and political rights specified in the declaration. The declaration also emphasizes the importance of gender equality. Article 3 of the Convention to Eliminate All Forms of Discrimination Against Women (CEDAW) stipulates that “States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.”

Looking simply at current laws and systems, it is possible to think that North Korean women are enjoying equal civil and political rights with men, and their social status and roles have

seen a significant improvement.¹ In February 2001, North Korea joined the UN Convention on the Elimination of All Forms of Discrimination Against Women and established a National Coordination Commission in September of the same year in an effort to implement the terms of CEDAW. In its first progress report submitted in September 2002, North Korea said that “We have tried to abolish discrimination against women throughout our history, and gender equality is fully reflected in our policy and legislation. We place more emphasis on women, going beyond assuring simple equality for them.”

In reality, however, the roles and social status of North Korean women have not seen as much improvement as the North Korean government asserts. Social discriminations against women based on the feudalistic and paternalistic traditions are still pervasive all over North Korea. In this connection, North Korea also admitted in its first progress report on CEDAW that “The implementation of the terms of CEDAW was possible because we already had various legislative and institutional framework in place, although there was room for improvement.”

The policies of women’s social participation and socialist reforms in household chores pursued during its founding years were motivated by the class theory and the need to mobilize the labor force for growth of the economy, rather than for the liberation of women. Since the 1970s, for political reasons and purposes of succession, North Korea has emphasized the importance of family,

¹ Before the regime’s inception, North Korea enacted the “law concerning the equality of men and women,” and after the inception North Korea tried to guarantee women’s political and social roles by enacting various laws, including the “constitution,” the “law on children rearing and education,” “socialist labor law,” and “family laws.” It also sought to encourage women’s social participation and improve their status by abolishing the family registry system, and pursuing institutional reforms such as the socialization of household chores and a national nursery system for children.

paternalism, and patriarchy. As a result, there developed an enormous gap between the ideal of women's liberation and the reality that North Korean women experience.

In connection with women's political participation, about 20 percent of the people's deputies at the Supreme People's Assembly have been women, and 20-30 percent at lower levels of people's assemblies have been women since the 1970s.² This level of political participation by women is almost equal to that of countries in the West. The difference is that delegates in North Korea are not elected through free elections, but are instead arbitrarily assigned by the Party due to political considerations. Furthermore, assembly delegates serve only a symbolic purpose and the delegates do not perform important functions or supervisory roles in the affairs of state. The political power of North Korean women is not as strong as the number of delegates to the Supreme People's Assembly would suggest. In fact, only a very small number of women are appointed to cabinet positions that offer political and administrative powers and responsibilities. On average, women occupy only 4.5 percent of the more powerful Party's Central Committee positions. In addition, during the UNHRC review session of North Korea's second regular report(The second regular report on International Convention on Political and Civil Rights) of July, 2001, a North Korean delegate clearly admitted that, in connection with the effort to improve women's social status, "The fact that only 10 percent of our central government officials is women is clearly unsatisfactory in terms of achieving gender equality." He then promised to consider

2. In its initial report on the CEDAW Convention, North Korea has reported that in the 11th general elections(Aug. 2003) for the Supreme People's Assembly about 20.1 percent of all the deputies elected were women which was the same in the 10th general elections(Jul. 1998).

improvement measures.³ As a follow-up, North Korea submitted in September, 2002, its first progress report on the CEDAW convention. In the report, North Korea said, “In order to enhance the social status of women, the government has increased the ratio of women staff in the public sector. For example, the ratio of female judges is 10 percent and diplomats 15 percent.” In this context, the UN Commission on the Elimination of All Forms of Discrimination Against Women has expressed concern over the relatively small number of women in decision-making positions in political and judiciary sectors of the North Korean government. The commission has also pointed out the quite low ratio of women in decision-making positions within the Foreign Ministry. The commission recommended North Korea take necessary measures to increase the number of women in decision-making positions in all sectors, including the ratio of women in the Foreign Ministry and foreign missions. In his report released in February of 2008, the UN Special Rapporteur on North Korean Human Rights, Vitit Muntarbhorn, pointed out that a majority of North Korean workforce consists of women, but the ratio of women in high decision-making positions was very low.⁴

North Korean women may move up to higher positions in the “North Korean Women’s League(or, Women’s League),” and Women’s Sections of various People’s Committees and Document Divisions of City and County governments.⁵ Since it’s easier to

3_ Lee Won-woong, “An Observer Report on the UN Human Rights Committee’s Review Session on North Korea’s Second Regular Report on Human Rights,” at a seminar sponsored by the Citizens’ Alliance for North Korean Human Rights in Seoul, Oct. 3, 2001.

4_ Report of Mr. Vitit Muntarbhorn, Special Rapporteur on the situation of human rights in the Democratic People’s Republic of Korea, “Human Rights Situation that Require the Council’s Attention.” United Nations General Assembly, A/HRC/7/20, 15 February 2008.

5_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

move up to staff positions if a woman is a Party member, many women choose to serve in the army. Becoming a Party member as a civilian is not easy, but in the army one may become a party member as a matter of privilege.⁶ Recently, the number of woman soldiers in the military has been increasing.

In the economic field women's participation has been encouraged to fill the woeful shortages of labor that has existed throughout the process of socialist nation-building and postwar reconstruction. During this period, the Party and government organizations arbitrarily assigned most women between the ages of 16-55 to specific posts in accordance with the workforce supply plans of the State Planning Commission. Once assigned to a work site, they were then forced to perform the same work as men on the basis of equality, irrespective of the difficulty or danger factor of the work.

As postwar rehabilitation and collective farm projects progressed, and as numerous administrative measures were taken to expand the participation of women in a variety of economic activities, discrimination against women emerged in the form of differentiated pay scales and inequality in the types of work. Under the guidelines, men would be assigned to important, complicated, and difficult jobs, while women would be assigned to relatively less important and lower paying jobs. Subsequently, the sexual criteria in employment became more pronounced. As a result, a new phenomenon developed in which women were assigned to special fields where a "woman's touch" was required, such as in the light industries, agriculture, commerce, communications, health, culture, and education. According to official North Korean statistics from 2001, the percentage of administrative staff in the health-children-

6. Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008; Testimony of defector XXX during an interview in Seoul on Jan. 11, 2008.

nursery-commerce sector who were female was 70 percent.⁷ One hundred percent of nurses and 86 percent of school teachers were also women.⁸ According to a “consolidated performance report(3rd and 4th)⁹ on the Rights of the Child Convention” submitted by North Korea in November of 2007, the ratio of female instructors to all instructors in North Korea was 57 percent as of 2007. Kindergartens had 100 percent female instructors; elementary schools 86 percent; middle schools 58 percent; colleges 23 percent; and universities 19 percent. Even though women constitute 50 percent of North Korea’s economically active population,¹⁰ the ratio of women is higher among workers and farmers, the two largest categories of manual labor. For example, some 75 percent of the employees are women at the Pyongyang Textile Factory, which is one of the largest and best-known textile factories in North Korea. Considering that over 65 percent of all office workers, in the government and elsewhere, are men, the exploitation of women’s labor in North Korea is extremely serious. In connection with this reality, the UN Commission on CEDAW in July 2005 reviewed North Korea’s first progress report and expressed serious concern over the traditional and stereotypical prejudices against women. The UN Commission expressed concern that such practices would have a derogatory impact on women in their daily lives, particularly the

7_ North Korea’s first progress report on the CEDAW convention.

8_ These were the numbers given by the North Korean delegation to UNHRC during the review process of North Korea’s second report on the implementation of Human Rights Covenant A in Nov. 2003.

9_ The 3rd and 4th Periodic Reports of the Democratic People’s Republic of Korea on the Implementation of the Convention on the Rights of the Child. November 2007, Pyongyang, DPRK, <<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.PRK.4.pdf>>.

10_ During the July 2001 UNHRC review of North Korea’s second regular report on human rights, North Korea reported that currently the ratio of women was as high as 48.4 percent of the total number of workers engaged in the people’s economy.

discrimination in jobs and education. During the current economic crisis, the roles and diminutive benefits imposed on women redouble the hardship on them and represent a multidimensional discrimination against them.

The North Korean Democratic Women's League ("Women's League") is an organization that North Korean women between the ages of 31 and 60 must join if they have no other specific affiliations. However, this is not a voluntary organization for the promotion and protection of women's rights, and it does not exercise any critical or political influences as a social organization. It is simply the party's external arm charged with responsibilities of mobilizing women for the construction of a socialist economy. Its main task is to inculcate state ideology in women. Due to the continuing food shortage since the 1990s, women's burdens in the family have become heavier, which seemed to contribute to the weakening of the role and activities of "Women's Leagues." However, some recent defectors reported otherwise. They said the disciplines of Women's Leagues are relatively strong, and the supervision over non-Socialist behaviors of women has been strengthened, along with ideology education.¹¹ Some women's leagues actually take family violence cases directly to enforcement agencies like the security agency and file petitions on behalf of victimized women.¹² Many defectors, however, agreed that most women's leagues would not get involved in family violence issues. In fact, they do not handle family violence issues in most instances. In July 2005, the UN Commission on CEDAW also expressed concern over the lack of women's human rights groups and independent human rights advocacy groups that could monitor North Korea's implementation of the terms of CEDAW.

¹¹ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008; Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

¹² Testimony of defector XXX during an interview in Seoul on Sept. 13, 2007.

B. Women's Status and Role at Home

The status of women in the home also reveals serious divergence from the socialist principle of equality between men and women as proclaimed by the regime. In the early days of the regime, North Korea declared that the then existing male-centered and authoritarian Confucian traditional family system was not only a hurdle to a socialist revolution but that it also oppressed women politically and economically. Therefore, it adopted as an important task at that stage of its anti-imperialist, anti-feudal democratic revolution to liberate women from the colonial and feudalistic yoke of oppression and to guarantee them equal rights with men in all realms of social activity. Though superficially legal and institutional measures were taken to provide socialist equality between men and women, in reality the traditional patriarchal family structures were maintained in families. Moreover, as the sole leadership of Kim Il Sung and Kim Jong Il was solidified in the 1970s, pre-modern traditions in family life began to be emphasized again. Furthermore, the family law, promulgated in 1990, codified various elements of pre-modern, patriarchal family order, providing overall family support.

North Korean authorities have always insisted that they guaranteed an environment for the equal social participation of women through such measures as the socialization of family chores and the rearing of children. Contrary to their claims, however, emphasis was placed on the traditional role of women in the family. Because North Korea still retains the deep-rooted traditional concept that family chores and the rearing of children are the natural responsibilities of women, and because women have to participate in society as equal workers with men, North Korean women shoulder a dual burden. In connection with women's role and mission in the family, North Korea mandates, "A woman is a housewife and a

flower that enables a warm and healthy atmosphere to overflow in the family. It is the woman in the family who will take good care of old parents in their late years of life, and it is the wife who, as a revolutionary comrade, will actively assist and support her husband in his revolutionary projects. Women will also give birth to and raise sons and daughters, and women are the primary teachers who will prepare the children as trustworthy successors of the great revolutionary tasks.”¹³

Worse still was the fact that as the economic situation deteriorated after the 1980s the demand for women workers dwindled drastically. One result was the reduction of various socialization measures related to domestic chores and child rearing. This change in the status of women is also reflected in the North Korean constitution. Article 62 of the 1972 Constitution of the DPRK had stipulated that “Women shall enjoy the same social status and rights as men. . . The State shall liberate women from the heavy family chores and guarantee all conditions for them to advance in the society.” But Article 77 of the 1998 constitution stipulates that “Women shall enjoy the same social status and rights as men. . . The State shall provide all conditions for them to advance in the society.” Here, the clause “liberate women from the heavy family chores” has been deleted. This clearly indicates that the policies to “socialize” family chores and child rearing have been weakened or cancelled during the food crisis and economic hardship. Since sharing the burden in terms of household chores and child rearing is not practiced in most North Korean families, most women have been suffering from the burden of excessive workload. Their workload inside and outside their homes, particularly in connection

¹³ Park Young-sook, “Revolutionizing Families and Women’s Responsibilities,” *The Korean Women Magazine*, No. 3 (Pyongyang: Labor Organization Press, 1999), p. 15.

with securing food, has tremendously increased.

According to the results of questionnaires and personal interviews with defector women, the “voices” of North Korean women have become more influential in the family as their “economic capabilities” increased through peddling and vending. But most North Korean women are said to believe that supporting their husbands as masters of the family is the best way to keep family peace and therefore they do not resist the traditional pattern of male-dominant family life. They also generally accept without resistance the common belief that all family matters, including earning a livelihood, are the responsibility of women. In its first progress report on the CEDAW convention, North Korea said, “The traditional concept of division of labor between the sexes has disappeared. However, customary differences still persist; for example, calling husband the external master and wife the internal master, or heavy duties for man and minor chores for woman.”

Even though women for all practical purposes assumed the leading role throughout the food crisis as the role of husbands diminished, the traditional patriarchal attitude has remained in most North Korean families. The source of this enduring perception of family can be traced back to the pre-modern “superior man/inferior woman” idea. North Korea defines the traditional concept of men being superior to women as the remnants of a feudalistic Confucian idea that should be rooted out, or as the reactionary moral precepts of an exploitative society. Contrary to the official North Korean position on this issue, it is reported that the belief in the superiority of men is still strong among the inhabitants of North Korea. Along with the traditional patriarchal system, this belief in inequality is yet another factor that constricts the life of women in North Korea. Article 18 of North Korea’s family law clearly

states, “Man and wife shall have the same rights in family life.” In reality, however, the husband is the center of family life in North Korea. The husband, who is called the “household master,” wields absolute authority in all family affairs, including matters concerning children. The defectors who came to South Korea in 2006 testified that the paternal authority is still strong in most North Korean families. But, divorce cases have been increasing because of family violence, the husband’s incompetence as a wage earner, and the growing power of young housewives (in the 30s).¹⁴ One defector added that the relationships between young couples in their 20s and 30s was rapidly changing due to this new trend and to the government’s public education.¹⁵

C. Sexual Violence

Under the strong influences of patriarchal perception and the pre-modern “superior man/inferior women” idea, sexual violence is commonplace in North Korea, although women rarely complain about it. The misguided “man-centered” idea of sex is pervasive in North Korea, while at the same time women are expected to maintain sexual integrity. Sex education is absent in the schools. Since the food crisis in the 1990s, sexual violence against women has significantly increased in North Korea. Also increasing rapidly were cases of human trafficking and activity in the sex-slave business.¹⁶ During the review of its second regular report to the UNHRC in July 2001, a North Korean delegate flatly denied that

¹⁴_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008; Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

¹⁵_ Testimony of defector XXX during an interview in Seoul on Sept. 13, 2007.

¹⁶_ Testimony of defector XXX during an interview in Seoul on Sept. 13, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

trafficking of women occurred. The delegate emphatically stated that the sex business was absolutely banned in North Korea, and had not existed in North Korea in the past 50 years. He also stated that trafficking of women is an activity that is completely inconsistent with North Korea's laws and systems, then he added, "Even though we do not know what activities are taking place along the border areas." This comment would seem to indicate that North Korean authorities were aware of human trafficking activities along the borders.

Human trafficking involving North Korean women takes several different forms including forcible abduction, enticement through go-betweens, and volunteering to support the family. Human trafficking is known to continue today along the Korean-Chinese border regions. Due to their illegal status, North Korean women who were "human trafficked" to China are reportedly enduring very painful and harsh conditions, including sexual violence, hard labor, fears of arrest and deportation.

In the past, sexual assault of North Korean women occurred at work places where the supervisor or party official would induce the woman with promises of promotion or party membership. Usually in exchange for sex, a party official would promise membership to the party, or a supervisor at work would promise reassignment to a better position. People said that in most cases where a single woman became a party member, sex was involved.¹⁷ On military bases, male officers would often sexually assault enlisted women.¹⁸ In North Korean society, sexual harassment of women usually is not an issue because most North Koreans are not conscious of the problem. Generally, women are treated as inferior

¹⁷_ Testimony of defector XXX during an interview in Seoul on Jan. 7, 2004.

¹⁸_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

to men, so women have little recourse even if sexually harassed or assaulted. If a sexual assault of a woman were revealed in a workplace, it would likely be the woman that would be humiliated and mistreated rather than the man who had assaulted her. Often the victimized woman would rather remain quiet.

However, if sexual violence is publicly reported, the Security Agency will get involved and handle the case according to the law.¹⁹ North Korea's Penal Code revised in 2004 stipulates that raping a woman through the use of force, intimidation, or other circumstances shall be subject to five years of "correctional labor" penalty(Article 293). And, if a person in a superior position demanded sex of a woman under his supervision(command), he would be sentenced to up to two years of "labor-training" penalty, and if the crime was particularly onerous, he would receive up to two years of "correctional labor" penalty(Art. 294). Article 295 also stipulates that persons having sex with children under the age of 15 shall be penalized with up to five years of "correctional labor."

Sexual assault of women became more widespread after women assumed the burden of family support during the food crisis and economic hardship. Compared to the past, sexual assaults related to the granting of party membership or promotions have declined, while "chance assault" cases have increased. For example, security agents at the market, safety conductors on the train, and soldiers demand sex when a woman has committed some minor violation. More disturbing is the routine sexual assault of women who have crossed the border to China and are then forcibly deported back to North Korea. Many women crossed the border to China during the food crisis. When they were caught and deported to North Korea, they would routinely be detained and tortured or

¹⁹ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

mistreated. Male inspectors would search naked women for money, concealed letters or other items. In extreme cases, they examined wombs, or applied electrocution techniques to specific body parts of naked women.²⁰ In this connection, the UN CEDAW committee has reviewed North Korea's first progress report in July, 2005, and recommended North Korea "extend support for the protection of human rights of those women, who have returned home after defection for economic reasons, so that they may be able to reunite with their family and the society."

Family violence is another serious category of sexual assault of North Korean women, specifically, the wife-beating habits of North Korean husbands. Normally, family violence is not regarded as a problem in North Korea. When the Women's League intervenes in a family violence case, rather than resolving it according to legal procedures, and although they may occasionally criticize the man, they most often conclude it is a family matter.²¹ A female defector testified that her husband had a bad habit of beating her severely, so she petitioned to the Security Agency and the County Party Office, but the case was closed when her husband submitted a statement of self-criticism, because it was a "family matter."²²

According to women defectors in South Korea, husbands' habits of drinking and wife-battering became more frequent in many families as more women began to earn income for the family through peddling in the markets. In many cases the wives who could no longer tolerate the battering would abandon the family altogether. There are no statistical data on wife-battering cases in

20. Good Friends, *Human Rights in North Korea and the Food Crisis* (Seoul: Good Friends, 2004), pp. 102-105; Testimony of defector XXX during an interview in Seoul on Jan. 21, 2005.

21. Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

22. Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

North Korea, which would seem to indicate that incidents of wife-beating or family violence are not perceived in North Korea as a serious violation of fundamental human rights of women. In this connection, the UN Committee on CEDAW expressed concern in July 2005, saying that “North Korea was not fully aware of the seriousness of family violence, and so was not taking any protective measures or violence-preventive measures for women.” It has also asked North Korea to “investigate all incidents of violence against women, including family violence, as well as their frequency(ratio), causes and results, and include them in North Korea’s next regular report.” The Committee has also recommended North Korea (a) legislate detailed laws against family violence, (b) penalize acts of violence on women and young girls as serious crimes, (c) provide effective protection and immediate relief for the female victims of violence, and (d) indict and punish the assailants against women.

Article 261 of Penal Code as revised in 2004 stipulates that anyone who has repeatedly engaged in prostitution shall be subject to up to two years of labor-training penalty, and anyone who is habitually engaged in prostitution shall be subject to up to two years of “correctional labor” penalty. And a severe penalty would be administered to sex offenders and prostitution involving under-aged children.(Art. 295, Penal Code)²³ However, due to the severe food shortage persisting since the 1990s many North Korean women are reportedly involved in the practice of prostitution. Defectors said most sex-for-money was for the purpose of sustenance. Cases of under-aged prostitution were also increasing as the food shortage worsened.²⁴ There were many cases of prostitution under duress.

²³_ Testimony of defector XXX during an interview in Seoul on Sept. 13, 2007.

²⁴_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008; Testimony of defector XXX during an interview in Seoul on Jan. 11, 2008; Good Friends, “North Korea Today,” No. 83 (Aug. 2, 2007); Good Friends, “North Korea

Recently, sex-for-money cases have been increasing, especially because of demand from high-ranking officials or their adult children.²⁵

D. Deteriorating Health

Another serious problem for North Korean women is their deteriorating health, brought on by severe malnutrition and exacerbated by pregnancy, childbirth, and childrearing. Due to malnutrition, the childbearing and childrearing abilities of North Korean women have markedly declined.²⁶ Pregnancies occurring under conditions of severe malnutrition result in abortions, stillborn babies, and premature or underweight babies, as well as harm to the mothers. According to the consolidated 3rd and 4th annual performance report, North Korea has established “the DPRK Strategy for the Promotion of Reproductive Health, 2006-2010” in order to protect and promote the health of North Korean women and children, including mothers. North Korea explained that this strategy contains specific approaches and goals, including the reduction of mortality rates of mothers and children, management of women’s nutrition, and treatment of various maternal diseases. However, according to the “State of World Population Report, 2007” published jointly by the UN Fund for Population Activities (UNFPA) and the Population Health and Welfare Association, the ratio of maternity death due to pregnancy, delivery, and related

Today,” No. 89 (Sept. 12, 2007); Good Friends, “North Korea Today,” No. 94 (Oct. 17, 2007).

²⁵ Testimony of defector XXX during an interview in Seoul on Sept. 13, 2007; Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

²⁶ According to North Korean women defectors, since the food crisis many North Korean women have been experiencing irregular menstrual periods or none at all.

complications was 67 out of 100 thousand, placing North Korea at No. 60 in the world.²⁷ The infant mortality rate, owing to malnutrition of pregnant mothers, was also high. According to the 2007 UNFPA report, North Korea's infant mortality rate (under one-year old) was 42 per thousand.²⁸ The infant mortality rate was high, but the birth rate was low. According to the 2007 report, the total average pregnancy rate of North Korean women (the number of deliverable babies during the entire span of potential pregnancy) was 1.94, which was lower than the global average of 2.56.²⁹

Due to economic hardship, the medical supplies system has collapsed, making safe abortions impossible. Many expectant mothers attempt ill-advised abortions, risking their own lives and the lives of babies in the process.

Premarital, as well as extra-marital sex is subject to punishment in North Korea. Sexual prejudice against women has been undergoing change since the 1980s with the influx of foreign culture. Accordingly, prostitution as a means of survival has increased, and pregnancies owing to premarital sex, extramarital sex, and prostitution have also been increasing. Women who became pregnant for these reasons try to avoid punishment or embarrassment by seeking an abortion, hence increases in illegal abortion. Since the food crisis, the infant mortality rate as well as the death rate of young children, has significantly increased. In an effort to encourage women of childbearing age to have babies, North Korea held the 2nd Mothers' Rally in 1998. Kim Jong Il himself issued an "instruction on childbirth." For these reasons, it has become impossible to obtain contraceptives or go to hospitals

27_ UNFPA, "State of World Population, 2007," p. 87, <http://www.unfpa.org/swp/2007/english/notes/indecators/e_indicators1.pdf>.

28_ *Ibid.*

29_ *Ibid.*

for abortion procedures. The result has been a widespread increase in illegal abortions. Sometimes, pregnant women bribe doctors or secretly attempt illegal contraceptive procedures at their homes. Because anesthetics are not used in these cases, the women not only suffer severe post-procedure pain but also seriously harm their health. In many cases, they become permanently sterile. According to the defectors who came to South Korea in 2006, OB/GYN doctors were frequently performing illegal abortions for those women who became pregnant from prostitution activities.³⁰

The health problems of North Korean women stemming from years of starvation are not confined to malnutrition, pregnancies, childbirth and child rearing. During the food crisis, most North Korean women had to initiate vending, peddling, and trading to support their families. They operated under constant threat and fear of being pilfered, pick pocketed, mugged, robbed, human trafficked, sexually assaulted and sexually harassed by soldiers and safety agents at the markets and on the trains. Furthermore, long distance travel, constant walking and ever-present hunger exacerbated the mental anguish and physical exhaustion. In addition, the psychological and emotional strains stemming from the responsibility for providing food for the family was almost unbearable.

Since the grain shortage crisis, the number of North Korean women suffering from various illnesses, such as cervical cancer, breast cancer and diabetes, has significantly increased. Many women suffer from venereal diseases due to sexual activity or prostitution, but they are unable to receive medical attention at hospitals. The best remedy available to them is home treatment

30. Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

with Chinese medicine they purchase at the market.³¹

Due to the torrential rains in August and typhoons in September of 2007, the gynecological condition of many North Korean women has worsened. Many women who could not afford to get proper feminine hygiene had to go through extreme personal difficulties leading to health hazards. In addition, many post-delivery mothers went through numerous illnesses due to malnutrition and poor baby-delivery facilities under the persistent food shortages.³²

³¹ Testimony of defectors XXX and XXX during interviews in Seoul on Apr. 16, 2004.

³² Good Friends, "North Korea Today," No. 86 (Aug. 22, 2007); Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.



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The Rights of the Child

Article 25, Section 2 of the Universal Declaration of Human Rights stipulates that all children in their childhood are “entitled to special care and assistance.” The Convention on the Rights of the Child(hereinafter, the Child Convention)³³ in its preamble also emphasizes, “the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,” and that “the child should be fully prepared to live an individual life in society and brought up in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.” Article 24 of the International Covenant on Civil and Political Rights also stipulates, “Every child shall have, without any discrimination as to race, color, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.”

³³ Article 1 of the Child Convention stipulates, “For the purpose of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child maturity is attained earlier.”

Article 12 of North Korea's Child rearing Guideline Law reads, "The State and social cooperative organizations shall guarantee all necessary measures for child rearing under the principle of 'best things for the children.'" Article 6 of its Family Law stipulates that "Protection of special interests of children and mothers is a consistent policy of DPRK. The State shall pay primary concerns on guaranteeing conditions in which mothers can rear and raise children in a healthy manner."

North Korea joined the Child Convention in September of 1990, and submitted a ten-year "National Action Plan" for the survival, protection, and development of the child to the World Summit Conference held that same year. It also established the National Committee for the Rights of the Child (NCRC) in April 1999 to carry out the terms of the Child Convention, and it adopted the second National Action Plan for 2001-2010. North Korea submitted its first Rights of the Child Performance Report in February 1996 and its second report covering the period of 1995-2000 in May 2000, describing its efforts to fulfill the terms of the Child Convention. On June 1, 2004 the UN Committee for the Rights of the Child reviewed the North Korean report.

In its second performance report on the Rights of the Child Convention, North Korea reported that it had experienced numerous difficulties owing to a series of natural disasters and the extended economic sanctions. It further stated that poor nutritional management for the children and the shortage of medicine, as well as poor school and medical facilities, were hampering its performance. However, North Korea reported that it had invested a significant amount of its budget during the 1995-2000 period in the child-benefit sector in areas such as public hygiene, welfare, and education. It stated it has also taken various legal measures to ensure

a living standard appropriate for the survival and development of children, including the Medical Practice Law(1997), the Epidemic Prevention Law(1997), and Education Law(1999).

In addition, North Korea declared that it has provided grains and medical treatment free of charge to all children. In November of 2007, North Korea submitted a consolidated report on the 3rd and 4th year of implementation of the Rights of the Child Convention, which covered the period from 2001 to 2007. In this report, North Korea insisted that the government's policies for the children were consistent with the principles and demands of the Convention, and that North Korea has newly enacted or revised existing laws to fully implement the terms of the Convention. For example, North Korea said it has enacted the Inheritance Law(2002), the Disabled Persons Protection Law(2003), the State Budget and Revenue Law(2005), the Cigarette Control Law(2005), the Law on Chosun Red Cross Society(2007), the Revision of Penal Code(2004), and the Revision of Family Law(2004). Furthermore, in an effort to perfect legal structures for the protection and promotion of the rights of the child, North Korea said it has fully reflected various principles and requirements contained in the Rights of the Child Convention in the course of revising the education law, narcotics control law, the law on food hygiene, the law on disease control, the criminal procedure law, and the environmental protection law. In addition, North Korea said it established in 2002 a "National Plan of Action on Education for All, 2003-2015" in order to promote the children's right to education and to offer equal opportunities for them. North Korea further said in its consolidated report that it established in 2006 the "DPRK strategy for the promotion of reproductive health, 2006-2010." The consolidated report further said North Korea has taken positive steps to strengthen the roles and expanded the

scope of activities of its National Commission for the Rights of the Child (NCRC), and said North Korea was teaching various principles and regulations contained in the Rights of the Child Convention to its school children during the “Socialist Ethics” and “Socialist Law and Morality” classes, which have been introduced to the Elementary and Middle School Curriculum since 2005.

In its 2nd implementation report on the International Covenant on Economic, Social, and Cultural Rights submitted in April 2002, North Korea said that it has developed a variety of children protective laws and policies, including in its Constitution, with a law on raising and educating children, an education law, a family law, a law related to medicine, and civil law. North Korea said that these laws are designed to rear the next generation as physically healthy and morally sound children under the principle, “All best things for our children.” Despite various efforts to improve legal and institutional structures and to fulfill the terms of international covenants, the quality of life and the living environment of North Korean children has been deteriorating due to the persistent food shortages and economic difficulties present since the mid-1990s.

A. The Right to Food and Health

A great majority of North Korean children are not guaranteed their fundamental right to food, and they live under the constant threat of chronic hunger and malnutrition. The 2002 UNICEF/WFP survey showed some improvement in conditions since the 1998 survey, but still some 20.15 percent of 6,000 North Korean children surveyed were under weight, 39.22 percent were suffering from chronic malnutrition, and 8.12 percent from acute malnutrition. In a 2004 survey of 4,800 children below the age of six, some 23

percent were underweight, 37 percent were suffering from chronic malnutrition, and seven percent suffered from acute malnutrition. According to the 3rd and 4th consolidated report, some 19.5 percent of all North Korean children were underweight, 34.0 percent were suffering from chronic malnutrition, and 6.1 percent of them were experiencing acute malnutrition. These rates did show some improvement over the statistics for the year 2000. As economic conditions worsened nurseries, kindergartens, schools and other educational and child protective facilities were not able to perform their proper functions. This situation clearly illustrates that North Korea has been unable to fulfill the terms spelled out in the Child Convention, specifically Article 6, section 2, which mandates that “States Parties shall ensure to the maximum extent possible the survival and development of the child.” North Korea has also failed to meet the terms of Article 27, which specifies, “All States Parties recognize that all children are entitled to enjoy the standard of living adequate for the physical, mental, intellectual, ethical and social development.”

Article 24 of the Child Convention illustrates various measures to be taken for the fulfillment of health rights of children. They include measures “to diminish infant and child mortality; to ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care; to combat disease and malnutrition, including within the framework of primary health care, through (among others) the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution; and to ensure appropriate pre-natal and post-natal health care for mothers.”

In its 2nd implementation report, North Korea stated there were no cases of infringement of the rights of children to be provided with public medical service. The report further stated that due to the extreme natural disasters the material and technical foundations of health service for children had been weakened and the children's health indices showed lower numbers but thanks to the active efforts of the government and the people working to overcome the impact of the natural disasters, along with international cooperation, the health of North Korean children was gradually improving, and the health service had recovered to the level of the early 1990s. In its 3rd and 4th year consolidated report, North Korea said it has secured legal guarantees for the protection and promotion of children's health by revising and updating the law on the prevention of communicable diseases, the law on food hygiene, and the environmental protection law, and by adopting the law on herbal medicine, the narcotics control law, and the cigarette control law. It also said that the "reproductive health strategy (2006-2010)" and the "AIDS Prevention Strategy(2002-2007)" were also part of its policy to protect and promote children's health. However, the fact remains that North Korea's medical services have collapsed due to the food crisis and deepening economic hardship, and most North Koreans have not been able to receive even the most basic of medical treatment. Moreover, due to the absence of epidemic prevention and disinfectant measures, contagious diseases such as typhoid, paratyphoid, cholera, malaria, and tuberculosis have spread among the population since the mid-1990s, killing many children. Lack of clean water and the unsanitary living conditions have been the main culprits. According to the 3rd and 4th consolidated report, the most common communicable diseases among North Korean children were dysentery and acute.

Recently, bronchitis, measles, and high fever have swept across the northern regions, including Heisan, Yangkang Province, and Musan, Hoeryong, and Chongjin of North Hamkyung Province. One in three infected children was dying, and the death rate for infants was particularly high.³⁴

In its consolidated report, North Korea said the infant mortality rate has been improving since 2000, and as of 2005 the mortality rate for children under the age five was 40 per thousand. However, the “State of World Population, 2007” report said the same mortality rate stood at 56 per thousand for boys and 49 for girls. For comparison, the same rates for South Korean children stood at five per thousand for boys and five per thousand for girls.³⁵ The UNESCO’s Annual Report on the “State of the World’s Children, 2008” has reported North Korea’s mortality rate for children under the age of five to be 5.5 percent, placing North Korea 65th of 189 countries in the world.³⁶

According to a joint survey on the nutritional levels of North Korean mothers and children conducted by UNICEF and WFP in 2002, one third of mothers surveyed were suffering from anemia and the under-nutrition of mothers was the main cause of poor nutrition of newborn babies. A 2004 survey also revealed that one third of the sample mothers were suffering from malnutrition and anemia.

34_ Good Friends, “North Korea Today,” No. 57 (Jan. 31, 2007).

35_ UNFPA, “The State of World Population, 2007,” p. 91

36_ UNICEF, “The State of the World’s Children, 2008,” p. 113, <<http://www.unicef.org/sowc08/>>.

B. The Right to Protection against Physical and Mental Abuse

Article 19 of the Child Convention stipulates, “States Parties shall take all measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse” Article 20 provides, “A child temporarily or permanently deprived of his or her family environment shall be entitled to special protection and assistance provided by the State.” On this issue, North Korea declared in its 2nd performance report that it was taking various measures to provide family environments for children who lost parents and it was paying great attention to child rearing at both the family and society levels. North Korea declared that since 1996, it has been devising a variety of means to solve the problem of children on the streets. Most of them have been sent to vocational schools or to institutions where they could receive government protection. In its 3rd and 4th year consolidated report, North Korea said it had sustained extensive damages to the children’s facilities at the time of the floods and typhoons in August and September of 2007, but was putting top priority on restoring various children’s facilities so the affected children could return to normal daily lives at the earliest possible date. In accordance with Articles 16 and 17 of “Human Rights Covenant A,” North Korea submitted its second report in 2002. In the report, North Korea stated it was providing special protection to children who had lost their family or were in a poor environment. The report affirmed children without a means of livelihood had the right to receive material assistance under Article 72 of the DPRK Constitution. Article 18 of the Childrearing Guideline Law stipulated that children not under state or family protection would be cared for by the nurseries and orphanages.

But according to defectors, during the food crisis many parents abandoned their children when divorce or the death of one parent, put a heavier burden on the remaining parent. Children who were abandoned or whose parents had died or who had ventured out on their own out of extreme hunger lived on the streets and at markets as *gotchebbi* and engaged in begging or stealing.

North Korean authorities established and operated so-called “9.27 facilities” to house and protect *gotchebbi*. The effort, however, is known to have failed as authorities soon found out that they could not feed the children so housed. The so-called “9.27 facilities” refer to a Central Party decision on September 27, 1997 to collect the street children and others who had lost their support sources, and put them in empty rooms at nurseries, kindergartens, local inns, and apartment units so they could be managed and supervised.³⁷ North Korean authorities are operating the so-called “flower-swallow centers(or, centers for food-snatching children)” at city and county levels. But, due to the strict internal rules and continuing hunger, many children attempt to escape from the centers.³⁸ Meanwhile, North Korean authorities encourage individual families to take these “swallows” into their families and raise them, saying such practice is a model of social life.³⁹ In the “consolidated report,” North Korea said that as of 2006 a total of 2,528 North Korean families were taking care of these “homeless children.”

Article 22 of the Child Convention mandates, “States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee shall receive

³⁷. Good Friends, *Human Rights in North Korea and the Food Crisis*, p. 83.

³⁸. Good Friends, “North Korea Today,” No. 66 (Apr. 4, 2007); Good Friends, “North Korea Today,” No. 112 (Feb. 20, 2008); Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

³⁹. Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

appropriate protection and humanitarian assistance.” Addressing this in its 2nd report North Korea stated that no child had been regarded as a refugee or had sought refugee status for political or other reasons. North Korea insisted that the question of protecting or assisting a refugee child has never been raised. In its “consolidated report,” North Korea stated that it was not in a state of war, that there were no racial disputes or socio-political conflicts or contradictions. Therefore, North Korea argues, there are no refugees or displaced children in North Korea. But it is widely known that numerous North Korean children under the age of 18 lead lives as gotchebbi, begging and sleeping in the streets under constant fear of arrest. Most of them suffer from severe malnutrition and various illnesses such as skin rashes. They are constantly be subjected to humiliation, beatings, and verbal abuse. Some become involved in violence, larceny, and human trafficking.

In its 2nd implementation report, North Korea said it was carrying out the terms of Article 35 of the Child Convention, declaring that prostitution and illegal sexual behaviors were strictly prohibited under its penal code. In its “consolidated report,” North Korea insisted that there was never a case of sexual abuse involving children, nor a case of kidnapping or human trafficking of children in North Korea. As is widely known, however, a large number of human trafficking cases have been reported out of North Korea and China since the food crisis; and since the late 1990s it has been reported that teenage girls have been trafficked. According to a defector, her relative, a 16-year-old girl, was sold to a Chinese man in a deal brokered by North Korean and Chinese intermediaries.⁴⁰ As the food shortage worsened, cases of sex-for-money involving under-age girls were known to take place in North Korea.

40_ Testimony of defector XXX during an interview in Seoul on Apr. 16, 2004.

C. The Right to Nationality and Justice

Regarding the rights of the child stipulated in Article 37 of the Convention, North Korea in its 2nd report, as well as in its 3rd and 4th consolidate report, stated that North Korean law enforcement authorities would not in principle arrest, detain, or imprison any child, and that only in unavoidable circumstances would the authorities detain a child after school hours in his or her home or specified facility with the approval of a prosecutor and in accordance with Articles 189 and 190 of Criminal Procedure Law. Even in this case, the period of detention could not exceed one month. The North Korean report also stated that North Korean laws have been revised to comply with international agreements, especially the standards spelled out in the Child Convention. For example, the age for assessing the death penalty for young people has been raised from 17 to 18, and during the reporting period North Korea did not experience a single incident in which a child was tortured or otherwise mistreated or punished in a cruel or inhuman manner. In its consolidated report, North Korea said there were no cases of mistreatment of children, such as torture or inhuman and degrading treatment, during the entire reporting period(2001-2007). However, the young people who returned to China after experiencing deportation to North Korea and life in the detention camps testified that they were shouted at, beaten, and tortured upon their return to North Korea. Once in the detention camp they suffered from beating and hunger in addition to the hard labor of felling and dragging lumber taller than their own height.

In 2004, two members of the UN Committee on the Rights of the Child visited North Korea for the first time. During their visit, they vigorously pointed out various problems concerning the economic exploitation of children, human trafficking, violation

of the judicial rights of the child involving torture, and the mistreatment of children returning from China.

Regarding Article 7 of the Child Convention on the nationality of the child, North Korea stated that children would never be without a nationality. If either one of a child's parents was Korean, the child would be given North Korean nationality. But the facts are that children of North Korean women defectors in China could not be officially registered because the mothers were illegal aliens. North Korean women who are married to Chinese or Korean men in China are not entitled to protection because their marriages are not legal; rather they are considered arranged live-in cases based on human trafficking, or "common law" marriages through informal intermediaries. The result is that their children become stateless. The children are not guaranteed the right to any nationality or educational opportunity even when they reach school age.

D. The Right to Education

Article 29 of the Convention on the Rights of the Child stipulates, "Education of the child shall be directed to the development of the child's personality, talents and mental and physical abilities to their fullest potential." However, the most important objective of education at North Korean schools is to teach political ideology, and imparting of knowledge, universal values, or good personality is generally neglected. This stipulation is contained in North Korea's education laws and the fundamental principles of Socialist education, which the schools are trying to fulfill. In fact, the elementary and middle school curricula have placed relatively heavy emphasis on the education of Communist ideology and deification of Kim Il Sung, Kim Jong Il, and Kim Jung Sook. For

four years of elementary school, North Korean children study the “younger years” of Kim Il Sung, Kim Jong Il, and Kim Jung Sook. During the six years of middle school, they study the “revolutionary activities” and “revolutionary history” of Kim Il Sung, Kim Jong Il, and Kim Jung Sook. During their vacation, the students are required to visit revolutionary battlefields and historical sites.

Article 13, Section 1 of the International Covenant on Economic, Social, and Cultural Rights stipulates that education should be directed to the development of good personality and respect for the dignity of man. Article 29, Section 1 of the Rights of the Child Convention stipulates that “The education of the child shall be directed to the development of the child’s personality, talents and mental and physical abilities to their fullest potential.” However, due to the mandatory regimentation of their daily life--such as through the Chosun(Korean) Boy Scouts and Kim Il Sung Socialist Youth League--North Korean young people are deprived of the opportunity to develop normal personality through education, and their development of personality, talents and mental and physical abilities to their fullest potential is seriously hampered. In addition, uniformity and regimentation characterize their educational activities, and ideology education is forced on the students. All of these mean that North Korean young people are not guaranteed the right to study subjects of their own choice.

Article 32 of the Rights of the Child Convention stipulates that “States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.” North Korea’s Socialist Constitution(in Article 31) and Socialist Labor Law(in Article 15) also stipulate

the age of 16 as the legal working age and prohibit child labor under that age. In reality, however, North Korean young people are mobilized for work at farm villages or Socialist construction sites in accordance with a national plan and in the name of revolutionary training or implementation struggle. In order to put into practice the principle of combining education with experience and under the pretext of practicing the spirit of love for work, the young people are mobilized for “mandatory labor” and utilized to the fullest extent. According to a defector who previously taught at a middle school, North Korean middle school students are mobilized for work for four weeks in the spring. High school students are mobilized for work for eight weeks (four in the spring and four in the fall). They work on farms or at construction sites. Their workload is so heavy that it often interferes with their education.⁴¹

One of the serious problems the international community has identified in connection with North Korea’s child education is the mandatory military training imposed on North Korean young people. North Korean students receive two weeks of military training in the “Red Youth Guard” during their fifth grade of middle school. They also receive “shooting” training on the firing range for two to three days.⁴² Because of this practice, the Committee on the Rights of the Child in its second recommendation expressed “serious concern over the students’ participation in the military camp during the summer vacation, including the weapons assembly training (Section 56).”

Article 28, Section 1 of the Rights of the Child Convention stipulates, “States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity. . . [They shall] make

41_ Testimony of defector XXX during an interview in Seoul on Jul. 14, 2005.

42_ Testimony of defector XXX during an interview in Seoul on Aug. 11, 2005.

higher education accessible to all on the basis of capacity by every appropriate means.” In terms of equal opportunity for education, Article 48 of North Korea’s Education Law stipulates, “Individual capacity shall be the basis of determining gifted and talented students and higher education opportunities.” North Korean young people are institutionally and equally guaranteed “Eleven years of free, compulsory public education.” In March, 1980, North Korea introduced a “college entrance qualification examination(National Board Exam),” and in principle all middle school graduates are given the opportunity to matriculate to colleges. However, college admissions are based more on students’ family background and Party affiliation(or, the evaluation of organized-life) than fair competition among the applicants. This selective admission policy based on personal background is particularly noticeable in the cases of Kim Il Sung University, Kim Chaek Polytechnical College, and the Teachers’ Colleges. In the case of Kim Il Sung University, which educates North Korea’s elite, students with a missing family member(for unknown reasons) are never admitted regardless of family background or Party membership.⁴³ College applicants, who are relatives of Kim Il Sung or children of “anti-Japan fighters(Group 11),” are admitted to the college of their choice. Those who were selected in their fourth and fifth grade of middle school for government service through the Central Party screening, for example, ‘honorary guards(inspection, reception),’ Group 6⁴⁴ or

43. Testimony of defector XXX during an interview in Seoul on May 12, 2005.

44. They are selected from among the graduates of girls’ middle school based on family background, economic level, looks and talents, and family status. They were classified under “Group 5” in the past, but they were recently re-classified under “Group 6.” Once a girl is selected to “Group 6,” she is most likely to be assigned a good job such as a guide at Keumsoosan Memorial Palace, an usher at the Party Central Committee Building, a hotel receptionist, or a waitress at a North Korean restaurant in China. Most girls are known to prefer selection into “Group 6”; Testimony of defector XXX during an interview in Seoul on Nov. 8, 2005.

‘palace guards’ for Kim Jong Il, are assigned to appropriate colleges according to the national demand.⁴⁵

Since the 1990s, however, family background or Party membership has become less important for college admissions than individual’s academic achievements, parents’ influence, and financial capabilities. In particular, natural science colleges place priority on individual academic ability. Students with less impressive family backgrounds are able to advance to natural science colleges if their academic records are impressive. Since the economic hardship, children of families with substantial amounts of foreign currency often receive college admissions via bribery. “Since the period of hardship march, money became more important than the family background,” and “College education would be unthinkable without money.”⁴⁶ In particular, the children of high-ranking officials bribe their way into admission to foreign language colleges and colleges of music and ballet.⁴⁷

In its first progress report on CEDAW submitted in September, 2002, North Korea stated the ratio of female students to all students at grade schools and colleges was 48.7 percent and 34.4 percent, respectively. These numbers seem to indicate that opportunities for higher education are offered differently for each gender. On this point the UN Committee on the Rights of the Child has recommended in Section 55b that North Korea, “provide female students with as equal opportunity to get higher education as male students.” In its consolidated report, North Korea insisted that there was no sex discrimination in children’s education in North Korea.

Since September, 1975, North Korea has been offering 11

45_ Testimony of defector XXX during an interview in Seoul on Aug. 12, 2005.

46_ Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

47_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

years of free, compulsory education in accordance with the law. North Korean schools are known to have poor educational facilities and educational aid materials, but according to defectors, North Korea had implemented the compulsory, free education policy rather effectively until the economic hardship. As the economy began to experience a sharp downturn during the 1980s, the supply of educational aid materials began to slow down. From the 1990s onward, however, school supplies, which the government previously provided every semester, were provided once every 3-5 years. After the economic hardship worsened supplies were cut off entirely. In addition, repair orders were not properly carried out.

However, the situation at the special schools in Pyongyang is different. A defector who went to school in Pyongyang said that, in regards to textbooks, there was no shortage of supply, and the students only had to purchase school supplies from the market.⁴⁸ Today, most North Korean students are known to purchase their textbooks and school supplies from the market.

As the government's budget for schools began to decrease after 2002, parents had to provide for about 70 percent of educational expenses. And school authorities asked students and their parents to pay not only for pencils, papers, and other school supplies, but also for the construction of school buildings, their management; even firewood for classrooms in the winter.⁴⁹

Students from poor families were faced with the heavy burden of increasing school expenses, including, in addition to general school expenses, classroom beautification projects, assistance to the people's army, assistance to construction sites,

⁴⁸. Testimony of defector XXX during an interview in Seoul on Aug. 12, 2005.

⁴⁹. The North Korea Research Center, Dongguk University, *A Survey on the Reality of North Korean Human Rights through the Defector Testimonies* (Seoul: North Korea Research Center, Dongguk University, 2005), p. 111.

firewood expenses, and more. In the case of firewood, for example, students must pay cash in elementary schools, but in middle schools they are required to bring firewood from nearby hills, which often are barren of trees and where firewood is not easily available. In many instances parents collectively refused to send their children to school.⁵⁰ Many kindergartens are known to operate based on cash or in-kind crops collected from parents.⁵¹

As economic conditions deteriorated, many North Korean young people suffered from the inferior educational environment and the poor quality of education. This is clear from student attendance records. With regard to the sharp drop in students' attendance, the UN Committee on the Rights of the Child expressed "concern over the seasonally low attendance record of 60-80 percent and the long-term absentees due to the extended economic difficulties(Section 54a)." The committee also recommended that North Korea "take necessary measures to reduce and prevent student absenteeism and provide classroom heating in the winter season(Section 55a)."

Since 2000, when the "hardship march" ended, the attendance rates at all levels of school have been improving, and the attendance rate in North Hamkyung Province has been recorded as high as 70-80 percent in recent years.⁵² However, in most provincial towns, unlike Pyongyang and large cities, many students have quit school to join their parents in peddling in the market or farming on patches of land along hillsides.⁵³

50_ Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008; Good Friends, "North Korea Today," No. 99 (Nov. 21, 2007); Good Friends, "North Korea Today," No. 111 (Feb. 13, 2008).

51_ Testimony of defector XXX during an interview in Seoul on Jan. 11, 2008.

52_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008; Good Friends, "North Korea Today," No. 83 (Aug. 2, 2007).

53_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008;

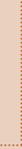
North Korean schools are known to have poor educational facilities and educational aid materials. As the economy began to experience a sharp downturn since the 1980s, the supply of educational aid materials began to slow down. Since the onset of economic hardship in the 1990s, the supply had completely stopped and repair orders were not properly carried out. Even North Korean authorities have admitted this situation. In its second progress report on human rights Covenant-A in 2002, North Korea said it has experienced difficulties in realizing the right to education since natural disasters struck North Korea. The report said the 1995 floods destroyed 2,290 schools and 4,120 kindergartens. In addition, educational tools and facilities had been washed away. Also destroyed were paper mills and education-related production facilities. As a result, the report said, North Korea was experiencing enormous difficulties in the field of education.⁵⁴ In recent years, school facilities and educational equipment have significantly improved thanks to the contributions of students' parents.⁵⁵ However, the educational environment in most North Korean schools, except for those in Pyongyang, remains very inferior. The system has not recovered from the destruction of educational facilities and equipment washed away during the torrential rains of August of 2007 and the typhoon that followed on in September. The 'consolidated report' North Korea has filed said a total of 316 schools sustained total or partial destruction by these natural disasters.

Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008;
Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

54. DPRK, The Second Progress Report, op. cit. above, (DPRK: The Second Progress Report on International Covenant on Economic, Social, and Cultural Rights, Apr. 9, 2002).

55. Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

White Paper on Human Rights in North Korea 2008





V

Other Human Rights Violations

1. South Koreans Abducted and Detained in North Korea
2. The Human Rights of South Korean POWs Held in North Korea
3. Human Rights Violations on North Korean Escapees





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South Koreans Abducted and Detained in North Korea

A. South Koreans Abducted during the Korean War

The exact number of South Koreans abducted by North Korea during the Korean War is not known at this time. There are considerable differences in the numbers cited in various published documents and statistics. For example, the Statistics Bureau of South Korea's Ministry of Public Information listed the number of abducted Seoul citizens to be 2,438.¹ The Family Association for the Korean War Abducted Persons had published a list in 1951, containing the names of 2,316 abducted persons.² In 1952 the South Korean government published a list of names of 82,959 abducted persons during the war,³ but the 1953 Statistical Almanac listed

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1. This list contains three categories of names: killed, abducted, and missing, and describes personal identifications, including name, sex, age, job, company and position, date and place of abduction, types of abduction, personal history and address at the time.
 2. This list was compiled by the family association during the war in 1951. Most of the victims were from Seoul, and the list contains personal information, including name, job, age, address, and date of abduction.
 3. This five-volume data source is compiled by region contain names, sex, age,

84,532 names. The Police Headquarters of the Ministry of Internal Affairs had a list of 17,940 abducted persons,⁴ and the Korean Red Cross had 7,034 names listed in its 1956 report.⁵ Many names appear on different lists, indicating that they were clearly abducted by the North during the war.

<Table V-1> Number of Abducted Persons during the Korean War

Category	Source	Number abducted
Abducted Seoul citizens	Korean Statistics Almanac(1950), Statistics Bureau, Ministry of Public Information	2,438
South Koreans abducted during the Korean War	Korean Statistics Almanac(1952), Statistics Bureau, Ministry of Public Information	82,959
South Koreans abducted during the Korean War	Korean Statistics Almanac(1953), Statistics Bureau, Ministry of Public Information	84,532
South Koreans abducted during the Korean War	Police Headquarters, Ministry of Internal Affairs(1954)	17,940
List of dispersed persons as registered by the family	South Korean Red Cross(1956)	7,034

According to the Korean War Abductees's Family Union (hereinafter, KWAFU),⁶ Kim Il Sung had written an article in 1946

occupation, company and position, date and place of abduction, and address.

4_ This is a two-volume list compiled by the Police Headquarters, Ministry of Internal Affairs. It contains names, sex, age, occupation, date and place of abduction, the circumstances at the time of abduction, and address at the time. The "family association" surmised that the reason the number of abducted persons was much smaller on this list was because the names of young people who had been drafted as "volunteers" in the People's Army have been removed. In view of the fact that the names that did not appear in the 1952 list re-appeared on this list, the number of abducted persons would be much greater than the 82,959 names appearing in the 1952 list, said the association.

5_ This "registration" list contains very valuable primary evidence, because it is the only such list containing the descriptions of circumstances at the time of abduction.

6_ <<http://www.korwarabductees.org>>.

entitled “About Fetching Intellectuals from South Korea.” In line with this instruction and to solve the manpower shortage, North Korea abducted a large number of South Koreans(88.2 percent of all abducted persons) during the first three months of the war(July, August, and September of 1950).⁷ By region, Seoul and the Greater Seoul Metropolitan Area had the highest ratio of abducted persons(42.3 percent), followed by Kyunggi and Chungchong Provinces. Kangwon Province showed the highest ratio of abducted persons even though it had a relatively smaller population, perhaps due to the mountainous regional characteristics, which made it difficult for anyone to flee.

Most of the abductions were carried out by North Korean soldiers who showed up at the homes of individuals with specific names and identification in hand. Some 80.3 percent were taken away from homes(72.1 percent) or near their homes(8.2 percent). This is an indication that the abductions were carried out intentionally and in an organized manner. Most of the abducted persons⁸ were men(98.1 percent), but their job categories varied. Most of them were intellectuals, such as government officials, policemen, soldiers, lawyers, prosecutors, national assemblymen, journalists, students, professors, and teachers. Among the abducted persons were 20 foreigners(19 men, one woman), including Americans, French, and Germans. Six of them were Christian missionaries. The U.S. CIA documents declassified in April 2007 have confirmed these abductions. The U.S. CIA documents indicated some of the abducted persons were turned over to China.⁹

7. Kim Myong-ho, “A Study on the Evidence-based Analysis of the Reality of Korean War Abducted Persons,” *A Collection of Materials on the Korean War Abducted Persons* (Seoul: The Korean War Abductees Research Institute, 2006), pp. 1114-1149.

8. As for the profile of Korean War Abducted Persons, see Monthly Chosun, *The 82,959 Korean War Abducted Persons* (Seoul: Monthly Chosun, 2003).

9. According to an intelligence report on “How North Koreans handled POWs in

No one abducted during the Korean War has been officially confirmed to have returned to South Korea. This is quite unusual given the large number of abducted persons. One theory is that they were forced to adjust to the North Korean system during a wartime situation. Despite the large number of defectors during the food crisis, no one abducted during the Korean War was able to flee from North Korea. This may have been due to their advanced age or perhaps because they chose not to reveal their past to their North Korean family members.

On September 1, 1951, the Family Association for the Korean War Abducted Persons(or “Family Association”) was organized. The Family Association had compiled a listed of abducted persons and submitted the list to the then Speaker of the House, Shin Ik-hee. In accordance with the terms of Korean Armistice Agreement, there was an exchange of dispersed persons on March 1, 1954, but North Korea decided to return the 19 foreigners without returning any South Korean abducted persons. The Family Association subsequently appealed for the return of the South Korean abducted persons through the United Nations and International Red Cross. The Korean Red Cross also compiled a list of 7,034 abducted persons based on a registration drive it conducted from June 15 to August 15, 1956. The Korean Red Cross submitted its list to the International Red Cross, requesting that negotiations begin with the North Korean Red Cross. The North Korean Red Cross did propose a meeting with its South Korean counterpart on February 26, 1957, but no meeting took place. Later, the North Korean Red

Manpojin,” dated Aug. 8, 1951, a former Korean independence fighter, XXX, played a major role in abducting 4,600 important South Koreans to the North in September 1950. The abducted persons arrived in Manpojin on Oct. 19, and most of them were detained in a detention center there. However, some important persons were transported across the Yalu River and handed over to the Chinese Public Security. *Yonhap News*, Apr. 13, 2007.

Cross responded, on November 7, with a letter entitled “A Reply based on a Survey of Dispersed Citizens,” containing the names of 337 abducted persons, along with their addresses and jobs. On December 3, the North Korean Red Cross sent a request to its South Korean counterpart through the International Red Cross, asking to know the status of 14,132 North Koreans who came to the South during the war. Meanwhile, the Family Association paid three visits to the Armistice Committee, which was compiling a list of abducted persons, and submitted its regular reports. However, the Family Association ceased its activities on June 30, 1960.

The issue of abducted persons during the Korean War could not be properly discussed during the era of the Cold War. And it has remained problematic given the South-North systemic confrontation, also the events occurred during the chaotic wartime and because it was difficult to know precisely whether the persons in question were abducted or voluntarily fled to the North. The “missing persons issue” has only complicated the life of the remaining family members and contributed to their mental anguish.

On November 30, 2000, a “Family Group for the Korean War Abducted Persons” was organized, and on September 6, 2001, the group renamed itself into the “Korean War Abductees’s Family Union,” and began actively to re-focus on the issue. In March 2002, the KWAFU began anew to compile a detailed list called the “List of Korean War Abducted Persons.” The list contained 94,700 names with eight items of detail, including the name, sex, age, job, company and position, date and place of abduction, and address at the time. In June, 2005, the family union revised and updated the list. It also established the “Korean War Abductees Research Institute” and developed a computer database and began to operate

a webpage, along with a collection of witnesses' testimonies.¹⁰ Through these activities, KWAFU hopes to confirm the status of these people as early as possible.

During the 4th Inter-Korean Red Cross meeting held in September, 2002, the two sides agreed to discuss and resolve the status and addresses of "those who went missing during the wartime." During the 15th Inter-Korean Ministerial Meeting(June 21-24, 2005) the two sides agreed to "consult humanitarian issues," including the confirmation of status of those who went missing during the wartime.(Section 3, Joint Press Release) During the 6th Inter-Korean Red Cross meeting(August 23-25, 2005) and the 16th Inter-Korean Ministerial Meeting(September 13-16, 2005), the two sides again agreed to continue their consultations on confirming the status of those who went missing during the war. During the 13th Family Reunion meeting held on March 22, 2006, an attempt was made to include the families of abducted persons. For that purpose, a request was made to confirm the whereabouts of four abducted persons, but none was confirmed. Only one person(Lee Kyung-chan) was able to meet with the bereaved families(an aunt and a cousin) of his uncle(who had formed a new family in North Korea). During the 14th Family Reunion meeting in June 2006, eight families of abducted persons had requested a meeting. North Korea confirmed the status of one living person(Lee Bong-woo, husband of Yoo Jung-ok), but two weeks later said it was the wrong person, so the meeting could not take place. Thereafter, eight families of abducted persons received notice from the North that it was unable to confirm the status of their family members.

During the 15th Family Reunion meeting in May 2007, four families of abducted persons requested confirmation of the status

¹⁰ <<http://www.kwari.org>>.

of their family members. North Korea confirmed two had died, but was unable to confirm the status of the others. However, the(South Korean) family of the deceased was able to meet with the bereaved family members from the North.

B. The Abducted Persons in the Postwar Years

Since the Korean Armistice in 1953, a total of 3,795 people have been abducted and taken to North Korea. Many of them have been forcibly detained in North Korea contrary to their wishes, partly because North Korean authorities found their knowledge and manpower useful to them.¹¹ A total of 3,315 of them(or 87 percent) have returned to South Korea. Six persons have recently returned to the South, leaving a total of 480 persons still in the North. Among those kidnapped were five high school students who were reportedly brought to North Korea by a North Korean espionage agent in the late 1970s. This fact was revealed in the process of examining the Choi XX and Kang XX espionage case of 1997.

〈Table V-2〉 Status of Abducted and Detained Persons

Division	Total	Fishermen	Korean Air	I-2 boat	Other	
					Domestic	Overseas
Abduction	3,796	3,696	50	24	6	20
Detention	480	427	11	24	6	12

Source: Humanitarian Cooperation Bureau, Ministry of Unification, Seoul, Sept. 20, 2007.

¹¹ Lee Jae-geun who returned to South Korea after abduction to North Korea, testified that the 27-men crew of boats Bongsan No. 21 and No. 22 were transferred from Haeju to Pyongyang. They were interrogated to ascertain whether or not they were spies. In the process, they picked seven healthy and educated(10-years of education or higher) individuals, and gave them special training in Chongjin. The North released the rest of the crew back to South Korea.

〈Table V-3〉 Status of Abducted Persons by Year

Year	Number detained	Total	Year	Number detained	Total
1955	10	10	1973	8	392
1957	2	12	1974	30	422
1958	23	35	1975	31	453
1964	16	51	1977	3	456
1965	19	70	1978	4	460
1966	4	74	1980	1	461
1967	42	116	1985	3	464
1968	127	243	1987	13	477
1969	19	262	1995	1	478
1970	36	298	1999	1	479
1971	20	318	2000	1	480
1972	66	384			

〈Table V-4〉 Status of Abducted Persons Returning to South Korea

Name (age)	Date of birth	Date abducted	Occupation	Date of defection	Date returning home
Lee Jae-geun (70)	Sept. 6, '38	Apr. 29, '70	Fisherman on Bongsan 22	Aug. 30, '98	Jul. 23, '00
Jin Jung-pal (68)	Dec. 14, '40	Apr. 12, '67	Fisherman on Chundae 11	Sept. 3, '01	Oct. 30, '01
Kim Byung-do (55)	Jan. 10, '53	Nov. 24, '73	Engineer on Daeyoung-ho	Apr. 21, '03	Jul. 12, '05
Ko Myung-sop (64)	Jul. 27, '44	Aug. 17, '75	Fisherman on Chunwang-ho	Mar. 23, '05	Jan. 16, '07
Choi Wook-il (68)	Jun. 20, '40	Aug. 17, '75	Fisherman on Chunwang-ho	Dec. 26, '06	Jan. 16, '07
Lee Han-sup (60)	Jan. 5, '48	Aug. 17, '75	Fisherman on Chunwang-ho	May 25, '07	Sept. 10, '07

Source: Humanitarian Cooperation Planning Division, Ministry of Unification, Seoul, Sept. 20, 2007.

Since the forcible abduction of 10 fishermen aboard the “Daesung-ho” on May 28, 1955, North Korean authorities have

abducted a total of 3,696 fishermen. Subsequently, they decided to return 3,264. Since six of them have recently returned home to South Korea on their own, a total of 427 fishermen are still held in North Korea.¹² As recently as May 30, 1995, North Koreans kidnapped eight fishermen aboard the No. 86 Woosung-ho. Three of the eight were killed as they struggled with their kidnappers. They were returned through Panmunjom on December 26, 1995. In some cases, the crew insisted that their captain voluntarily went north under the guise of abduction, which automatically put them in the “voluntary” category rather than “abduction” category when they returned to South Korea later. A North Korean patrol boat, while engaged in fishing, sank the Suwon No. 32 boat in 1974. The whereabouts of the crew remain unknown, and their names are still on the list of the abducted. In the cases of some of the kidnapped fishermen, they worked on boats without reporting or recording their names. Their names are not included in the list of kidnapped or abducted persons. In 2007, a South Korean, who previously worked for the Ministry of Defense and had been listed as a defector to the North, was reclassified as an abducted person as a result of petition his son filed with the National Ombudsman Commission. Mr. Cho Byung-wook, who was a 7th grade clerk at Defense Ministry, was working as a repair chief at the Army’s Third Repair Unit in Jinhae City, South Kyungsang Province. He was classified as a defector to North Korea because he flew to the North together with a pilot aboard a two-seater light airplane on Oct. 21, 1977. His son filed a petition to the Ministry of Unification, which in turn requested re-investigation of the case to the Ministry of Defense. After reviewing the military records at the Judge Advocate’s

¹² A total of six persons defected and came to South Korea, but some of them have not been included in the list of abducted persons.

office, it was determined that Mr. Cho had no reason or intention to flee to the North; hence it became a case of abduction.

In addition, North Korea has forcibly detained a South Korean Navy I-2 boat and her 20-man crew since their abduction on June 5, 1970, as well as a civilian Korean Airlines plane and the 11 people aboard, hijacked on December 11, 1969. North Korea has also been detaining a South Korean schoolteacher, Ko Sangmun, since his abduction in April, 1979 in Norway, and Full Gospel Church Reverend Ahn Seung-wun since his abduction in July, 1995 at Yanji, China. In January, 2000, South Korean Reverend Kim Dong-shik was kidnapped in Yanji, China by a special kidnapping unit of eight or nine agents, including four or five agents from the state security detachment in North Hamkyong Province, Korean-Chinese agent Ryoo XX, and three others. Reverend Kim was handed over to the Chief of the Security Agency named XXX at Goksan(cigarette) factory in Hoeryong City, North Hamkyong Province. According to the Citizen's Coalition for Human Rights of Abductees and North Korean Refugees(hereafter CHNK), Reverend Kim was detained in Mankyungdae Visitor Center in Pyongyang in November, 2000. In the process of interrogation, the captors asked him to defect to North Korea and cooperate with them. When he refused conversion, he was tortured. Suffering from malnutrition and claustrophobia, as well as dehydration, he is reported to have died in February, 2001.¹³ Secretary general Doh Hee-yoon of the CHNK announced that "We have learned through foreign information sources that Reverend Kim was buried in the garrison district of No. 91 military training base located in Sangwon-ri near Pyongyang"

Five persons who were abducted were newly identified in

¹³ *Yonhap News*, Jan. 6, 2005.

1977, Kim Young-Nam, Hong Keon-pyo, Lee Myung-woo, Lee Min-kyo, and Choi Seung-min, had previously been regarded as missing persons. Kim Young-Nam (being in Kunsan Technical High School at that time) was reported missing from Kunsan Seonyudo Beach on August 5, 1978. Hong Keon-pyo (a student at the Cheonnam Commercial High School at the time) and Lee Myung-woo (a student at the Cheonnam Agricultural High School at the time) were found to be missing from Hongdo Beach in Cheonnam Province on August 10, 1978. Lee Min-kyo and Choi Seung-min (students of the Pyeongtaek Taekwang High School at the time) were also found to be missing from Hongdo Beach in August, 1977. A North Korean espionage agent on his way back to the North kidnapped these five high school students, who were enjoying themselves at the beach during their vacation.

According to the testimonies of North Korean defectors and former abducted persons who have returned to the South, there are many abducted persons in North Korea; their names, as well as the circumstances of their abductions, are unknown to the South Korean authorities. “The Association of Families of Abducted South Koreans (hereinafter, the “Association of Families”)” has been releasing additional names of kidnapped persons based on testimonies of defectors who had earlier been kidnapped. On February 1, 2005, the group also released a picture, taken in 1974, of 36 kidnapped persons (abducted in 1971 and 1972) during a group tour of Myohyang Mountain north of Pyongyang. Former abducted fisherman, Kim Byung-doh, who defected in 2003, testified that he had met Chung Hyung-rae (of the fishing boat Odaeyang No. 62), Kim Ok-ryul, Park Young-jong, and Park Yang-soo (of Odaeyang No. 61) during a 3-month re-orientation in Wonsan City in 1981.¹⁴

¹⁴ *Joong-Ang Ilbo*, Feb. 3, 2005.

On December 2, 2007, the Family Association for the Abductees to North Korea has made public two letters and two photographs of 5 fishermen who had been abducted in 1972 aboard the “Yoopoong-ho” boat. The photograph was taken somewhere in North Korea on Nov. 9, 1972, five months after the abduction. Inscribed on the back of a photograph were names of the five fishermen(Nam Jung-ryol, Bae Min-ho, Lee Su-sok, Lee Won-je, and Kim Gil-jung) and a line saying, “A photograph commemorating the advancement into Socialism, Nov. 9, 1972.”

〈Table V-5〉 List of Unconfirmed Abducted Persons

Name	Age at the time	Place of birth	Occupation at the time
Park Sung-man	50	Youngdo, Busan	Captain (Kilyong-ho)
Lee Duk-hwan	56	"	First Officer (")
Kim Kwang-sup	49	Joongku, Busan	Engineer (")
Lee Saeng-ki	53	"	Fisherman (")
Lee Go-tae	22	Youngdong, Busan	"
Yang Hyo-geun	48	Tonyoung, KN prov.	"
Kim Doo-suk	36	Youngdo, Busan	"
Nam Jung-sik	33	"	"
Suh Il-yong	29	Saha, Busan	Radioman (")
Jeong Bok-sik	40		Fisherman (")
Suh Tae-bong			"
Kim Bun-nam			Fisherman (Hiyoung-ho)
Lee Min-woo			Captain (Daeyoung-ho)
Kim Yang-hoon	53		Fisherman (")
Kim Young-du	51		"
Cho Min-chol	54		"
Kim Dong-ho	50		"
Kim Chang-bae*			
Tak Jae-yong*			
Chun Geuk-pyo*			

* Based on the testimony of formerly abducted Kim Byung-do(Fisherman on Dae young-ho)

〈Graphic V-1〉 Photograph of Abducted South Koreans



Source: The Association of Families of Abducted South Koreans, February 1, 2005.

Amnesty International released the names of 49 political prisoners on July 30, 1994, and the names of abducted persons appear on the list. When the AI list drew international attention, both Ko Sang-mun(August 10, 1994) and Yoo Sung-keun(August 11, 1994), whose names were included on the list, were made to confess their voluntary entry into North Korea. A defector, who came to South Korea in 1993, testified that the South Koreans who had been kidnapped by North Korean espionage agents were engaged in spy training.

Some of the abducted South Koreans are being used in broadcasts to South Korea or in espionage training. The Korean Airliner stewardesses Sung Kyung-Hee and Chung Kyung-sook have been used in broadcasts to South Korea. Other detainees are used as instructors for North Korean espionage agents sent to the South. According to the testimonies of defectors who came to South

Korea in 1993, about 20 unidentified abductees from South Korea were working as spy instructors at the “Center for Revolutionizing South Korea” located in the Yongsung district of Pyongyang. This center is a replica of South Korea designed to teach and train graduates of the Kim Il Sung Political Military College (renamed as such in 1992) how to adjust to life in South Korea. The center is under the direct control of the Operations Division in Building No. 3 of the Central Party, which is responsible for training espionage agents to infiltrate the South. According to the testimonies of former kidnapped fisherman Lee Jae-geun, who defected from North Korea in June, 2000. Some of his colleagues were also engaged in “South Korea projects” after undergoing a period of special training, Lee said, and he himself received some espionage training.¹⁵

The remainder of the abducted, whom North Korea presumably did not find useful, are in all probability detained in various concentration camps. Some abducted individuals from South Korea are detained in the detention camps and can be identified from the AI report above. In a special report entitled “New Information on Political Prisoners in North Korea,” published in 1994 by AI, the names of abducted individuals, who had probably been detained in the now defunct concentration camp at Seunghori, were included in the report. South Korea’s National Security Planning Agency also reported that 22 South Korean abducted individuals, including Lee Jae-hwan, were detained in a political prisoner detention camp.

Meanwhile, in a Red Cross statement on September 24, 1996, North Korea insisted that the Reverend Ahn Seung-wun, who was abducted in July 1995, was not forcibly kidnapped but instead voluntarily entered North Korea. Significantly, however, the

¹⁵ Testimony of defector XXX during an interview in Seoul, Jan. 7, 2004.

Chinese government on September 13, 1996, sentenced Lee Kyung-choon, who was one of the two suspects involved in kidnapping the Reverend Ahn, to a two-year of imprisonment for illegal detention and unlawful border-crossing and banished him from China. By its action the Chinese government effectively confirmed that the Reverend Ahn incident was a kidnapping perpetrated by North Korea. Accordingly, the South Korean government requested the Chinese government to restore the case status quo ante, and demanded that North Korea immediately return Reverend Ahn. However, North Korea is still refusing to return Reverend Ahn to South Korea.

North Korea has not changed its previous policy of refusing to confirm the existence of abducted and detained people from South Korea. For example, during the second group of South-North Separated Family Reunions(November 30-December 2, 2000), a South Korean sailor, Kang Hee-kun of the fishing boat Dongjinho, which had been seized by the North on January 15, 1987, met with his mother from South Korea in Pyongyang. But he was told to identify himself as having voluntarily entered North Korea. A stewardess of the Korean Airlines, Sung Kyung-hee(Dec. 11, 1969) was also forced to tell her South Korean mother, who came to Pyongyang to meet her, that she came to North Korea voluntarily. In early 2001, North Korea informed the South of the whereabouts of 200 family members in North Korea in preparation for a reunion with families from the South. North Korea revealed that one of the persons named, Lee Jae-hwan, who was abducted in 1987, was dead. His family and organizations in South Korea wanted to know the date and cause of Lee's death and requested the return of his remains to the South. But North Korea refused both requests. During the 5th separated family reunion(September 13-18, 2002),

Captain Chung Jang-baik of the Changyoung-ho, which was seized by the North on April 17, 1968, met with his mother from South Korea. In 2003, during the 6th family reunion(February 20-25), 7th reunion(June 27-July 2), and 8th reunion(September 20-25), the crew of the Odaeyang No. 61(seized December 1972) Kim Tae-jun, the crew of the Changsung-ho(seized May 23, 1967) Yoon Kyung-gu, the crew of the Dongjin-ho(seized January 15, 1987) and Kim Sang-sup, met their mothers from South Korea.¹⁶ During the 9th family reunion in 2004(March 29-April 3), kidnapped person Yoo Sung-keun met with his elder brother Yoo Hyung-keun. The younger Yoo is known to have been working as a researcher at a “unification research center” for the past 20 years. Three more kidnapped persons were known to have met their Southern families during the 10th family reunion(July 11-16). During the 12th family reunion meeting(November 5-10, 2005), the abducted South Korean Chung Il-nam was able to meet with his South Korean family.

In 1977, the Association of Families had requested the South Korean and Japanese governments to verify personal information on Kim Chol-jun, who was married to an abducted Japanese woman, Yokoda Megumi. The association believed that he was one of five South Korean high school students who had been abducted to the North in 1977-1978. Based on a DNA test, the Japanese government announced that Megumi’s daughter, Kim Hae-kyung, was probably related to Kim Young-nam, who was abducted from Seonyu Island in 1978. Subsequently, the families of Megumi and Kim Young-nam have met together. North Korea decided to include the families of Kim Young-nam in the 14th family reunion meeting. Kim Young-nam’s mother and sister have met with Kim Young-

¹⁶ Youn Mi-ryang, “The Process and Results of Negotiations Concerning the Abducted Persons,” Human Rights of the Abducted Persons and Possible Solutions (Seoul: the National Human Rights Commission Public Hearing Proceedings, Dec. 19, 2003).

nam and Megumi's daughter. In a news conference on June 29, 2006, Kim Young-nam said his situation was "neither abduction nor voluntary defection [to the North]. It was simply a chance-happening in the era of confrontation." At the time, he had gone to the beaches on Seonyu Island. He had encountered his high school senior, who had beaten him up. So he ran away from him. When he reached the waters, he found a small wooden boat. He got on it, and it floated out to sea, then he was rescued by a North Korean boat in the middle of the sea. He said that is how he ended up in North Korea. Through the 16 rounds of "Family Reunion Meetings" since the year 2000, South Korean Red Cross has requested confirmation of the status of 97 South Koreans who had been forcibly held in North Korea since the Korean War. The North Koreans informed the South that 15 of them were alive, 19 dead, and 63 unable to confirm. Fourteen of the 15 living in the North have met with their South Korean families. All 14 had spouses and children in the North. Altogether, 73 persons from 16 families were present at the reunion meeting.

The Association of Families reported on July 31, 2006 that Lim Kuk-jae(abducted in January 1987 aboard the Dongjin-ho) was detained in Susong Correctional Center in Chongjin City after his third attempt to defect from North Korea. North Korea has been refusing South Korea's demand to discuss the abduction issue, saying there were no abductees in the North. The South Koreans they were holding in the North were those South Koreans who had crossed over into North Korea "voluntarily" and by their personal choice. This "abduction" issue is an urgent problem that needs early resolution not only because South Korea is under obligation to protect its own citizens but also because it is a case of flagrant violation of human rights for the abductees and their families.

In an effort to resolve this humanitarian issue, South Korea has been calling on the North for cooperation on both the separated family and Korean War POW issues through Red Cross talks and other forums. As a result, consultations on these issues have begun between the two sides. Because North Korea continuously denied the existence of either “abductees” or “former POWs,” a new concept of “missing persons during the war time” was introduced during the bilateral discussions. During the Fourth South-North Red Cross Talks in September 2002, the two sides agreed at North Korea’s suggestion to consult and resolve the problem of confirming the status and addresses of those who lost contact during the period of the Korean War. Subsequently, the two sides agreed “to consult humanitarian issues including the current status of the ‘missing persons’ during the war time” at the 15th Inter-Korean Ministerial Meeting (June 21-24, 2005). At the 6th Red Cross talks (August 23-25, 2005) and the 16th Inter-Korean Ministerial Meeting (September 13-16, 2005), South Korea repeated its call for an early resolution of the two issues, including a pilot project on the status and whereabouts of the missing persons. In response, North Korea proposed that the project be limited to the confirmation of status of “missing persons during the war time” without civil-military distinctions and to have the overall results included in the “family reunion framework.” In short, North Korea is still refusing to admit any cases of abduction of South Korean civilians in the postwar years. At the 7th Red Cross talks (February 21-23, 2006), the two sides officially agreed to consult and resolve the issue by including the status confirmation of “those missing during and after the war” within the framework of family reunion meetings, thus allowing discussion of the abduction issue.

South Korea’s National Assembly enacted on April 2, 2007,

the “Law for the Victims of Abduction to the North in the Postwar Years(or, the law concerning the assistance and compensation for the abducted persons since the Korean Armistice Agreement).” Based on this law, the abducted persons, upon return to South Korea, will be entitled to receive assistance and the returning person himself or herself and their family members will be entitled to compensation for the human rights infringements sustained during the period. On October 16, 2007, the government, in a cabinet meeting, approved the implementation decree of the law, and the ‘Committee for the Compensation of the Victims of Abduction to the North’ was formed.



2

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The Human Rights of South Korean POWs Held in North Korea

A total of 41,971 South Korean soldiers became missing-in-action during the Korean War. Most of them were believed to be in the North. A total of 8,726 have returned as part of POW exchanges. Some 13,836 have been determined as killed-in-action based on reports and other materials. To date, the status of 19,409 soldiers has not been confirmed. Since they were not included in the POW exchange negotiations at the end of the war, a more accurate assessment on their whereabouts would be possible only when the relevant materials from China and North Korea were made available. In view of the POW negotiation process, there is a strong possibility that more POWs are held in North Korea than the South Korean Defense Ministry estimates.

〈Table V-6〉 Status of South Korean POWs

Total	POW exchange	Assumed killed-in-action	Missing-in-action
41,971	8,726	13,836	19,409

Source: Provided by the Ministry of Defense upon special request.

From an analysis of various testimonies, it is possible to assume that as many as 560 former POWs are still alive in North Korea. In light of the fact that some of the recently returning POWs had been listed as “killed in action,” the actual number of POWs still alive in North Korea could be higher than the best estimates of South Korea’s Defense Ministry.

Since the return of Lt. Cho Chang-ho(a former POW) in 1994, the number of Korean War POWs returning to South Korea has continued to increase every year. As of April 2008, a total of 73 former POWs have returned to South Korea, accompanied by a total of 157 members of their family.

〈Table V-7〉 Status of Returning Korean War POWs by Year

Year	'94	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	총계
No. of POWs	1	1	4	2	9	6	6	5	14	11	7	4	3	73
No. of Family Members	-	2	5	8	9	12	9	10	34	18	32	13	5	157

Source: Humanitarian Cooperation Bureau, Ministry of Unification, Seoul, As of April 2008

According to the testimonies of defectors and returning POWs, many POWs were re-enlisted into the People’s Army during the war, and after the war, between 1954 and 1956, they were “group assigned” to coal mines, factories, and farm villages for rehabilitation projects. According to a U.S. Defense Department document¹⁷ declassified on April 12, 2007(“A Report on the Transfer of Korean POWs to the Soviet Region”), several thousand South Korean POWs were transferred to Okhotsk and other Soviet Far Eastern ports

17_ This report was written on Aug. 26, 1993, as part of the investigative activities of the “Joint U.S.-Russian Committee for POWs and MIAs,” which was formed after the Cold War to confirm the status of Korean War U.S. POWs in Russia and the return of their remains.

between November, 1951 and April, 1952. They were then detained in Kholima Detention Center near Yakutsk.¹⁸ The number of POWs transferred to the Chukutsi Sea region was at least 12 thousand. As they were mobilized for difficult road and airfield construction work, their death rate was high, the report said. Related to this issue, South Korea's Defense Ministry announced on Dec. 18, 2007, that it was unable to confirm or discover any evidence concerning the transfer of South Korean soldiers(POWs) to the Russian Far Eastern Province. The ministry said it had interviewed a large number of people, including the person who wrote about it at the US Defense Department, the son of Soviet Army General Kang Sang-ho, who had insisted on transferring them to the Soviet Union; about 10 Korean-Russians who had participated in the Korean War; former POWs who have returned to South Korea; and about 100 North Korean defectors staying in Russia. The ministry has also visited a Russian institute of military history.

Most South Korean POWs were believed to have been assigned to coal mines in North and South Hamkyung Provinces. At the time, North Korea was in great need of manpower for its coal mines, and ordinary North Koreans were reluctant to work in them. Furthermore, in the mines it was easy to control and supervise all individuals.

South Korean POWs were given citizen ID cards and released to the society from collective detention centers, but most of them were assigned to coal mines near their old collective detention centers, since the authorities needed their manpower. In addition, they were constantly subjected to oppression and discrimination, particularly in terms of their choice of jobs and residence, because of their background as former POWs. Since their personal

¹⁸ *Yonhap News*, Apr. 13, 2007.

background was certain to impact the lives of their children, many of them chose not to tell their children about their past personal life. Notwithstanding that fact, the children of former POWs have been discriminated against in their careers, including Party membership, college admission, and jobs.

Most of the POWs are old enough to qualify for the old-age pensions, but, since implementation of the July 1 Measures of 2002, all social services are subject to cash payments and market prices have increased so rapidly that old-age pensions are not enough to pay for the basic sustenance. Many North Koreans facing this situation and living along the border regions began to defect, and many former POWs decided to return to South Korea, accompanied by their families. Information about South Korea's generous policy toward former POWs was also circulating among them and encouraged their departure from the North. The assistance of many NGOs, engaged in humanitarian work was also very helpful. In December 2004, former POW Han Man-taek was arrested by Chinese security while attempting to return to South Korea. He was deported to North Korea. After this unfortunate incident, it was reported on August 31, 2006 that South Korea and China had previously reached an agreement pertaining to former POWs in April, 2006. Henceforth, the agreement said South Korea would, in similar cases, turn over former POWs to Chinese authorities for a two-week investigation, after which China would release them to travel to Seoul.

During the 2nd to the 16th Family Reunion Meetings jointly sponsored by South and North Korean Red Cross Societies, South Korea has requested confirmation of the status of 101 POWs. North Korea has confirmed 13 alive, 12 dead, and 76 unable to confirm. Of the 13 POWs alive, 11 of them have met with their South Korean

family members. In addition, 20 POW-related families(or, 78 people) have participated in the Family Reunion Meetings.

In accordance with the “Law Concerning the Treatment of Former POWs” and related administrative orders all POWs who have returned to South Korea will receive full salaries and pensions, plus a support stipend from the government, determined from the date they became POWs to the date they returned to South Korea and retired from active military service(technically all the years they were held in North Korea would be counted as active duty). Family members(spouse and children) accompanying the former POW will be entitled to the stipends given to all North Korean defectors, plus “support funds for the POW families from the oppressed areas.”



3

Human Rights Violations on North Korean Escapees

A. The Life and Status of Escapees Abroad

The International Covenant on Civil and Political Rights stipulates in its Article 12 paragraph 2, “Everyone shall be free to leave any country, including his own.” Since 1990, many North Koreans have fled the country, and a large number of North Korean escapees are believed to be staying illegally in China, Russia, and other countries. The collection of accurate data on their exact number and individual situations is realistically impossible, since most of them have uncertain legal status and are unable to openly ask for help. The Tuman River region is normally used as the defection route for many North Koreans because it is easier to cross than other geographical points. Others flee their officially assigned jobs abroad, such as from the timber mills in the Russian Far East.¹⁹ In estimating the total number of North Korean escapees in late

¹⁹ It is believed that a significant number of North Koreans are living illegally in Russian Far Eastern Provinces after escaping from various timber-farms and construction sites. But, no estimate is available.

1990s, most observers have focused their attention on the number of escapees in China. Many humanitarian workers and civilian activists, as well as researchers, estimate the number of North Korean escapees in China to be between 100 thousand and 400 thousand.

As the North Korean food shortage has been alleviated thanks to the assistance of the international community, the number of defections has declined. As China tightened its surveillance activities, the number of defectors decreased further. Many observers' estimate the number of North Korean escapees in China to be between 30 thousand and 100 thousand.²⁰ For example, Secretary General Yang Cheng-ming of the Chinese Human Rights Research Association said the number was about 30 thousand.²¹ Wang Yi-sheng of the Chinese Military Science Institute said the number should be below 50 thousand, probably between 30 thousand and 40 thousand, because many of those counted were repeat offenders.²²

In February, 2005, the U.S. State Department announced that the number of North Korean defectors had reached its peak between 1998 and 1999, and said that as of 2000 the number was

20. Park Sang-bong, "North Korean Defectors in China: Status, Policy and Prospects," *The North Korean Defector Issue at a New Dimension: Approaches and Solutions* (Seoul: Korea Maritime Strategy Research Institute, 2003), p. 46. Based on its on-site surveys in China, the Refugee International has estimated the number of defectors to be between 60 thousand and 100 thousand. See Joel R. Charny, "North Korean Refugees in China: the Current Situation and Strategies for Protection," Testimony to the Senate Committee on Foreign Relations, Nov. 4, 2003.

21. Yang Cheng-ming, "The Problem of North Korean Defectors in China and its Solution," a paper presented at the International Symposium on North Korean Human Rights sponsored by the National Human Rights Commission, Seoul, Dec. 1, 2004, p.77.

22. Wang Yisheng, "Perspectives on 'North Korean Escapees' in China," a paper presented at the conference on Human Security in Northeast Asia: Focusing on North Korean Migration into and through China, Jan. 6, 2004.

somewhere between 75 thousand and 125 thousand.²³ In June and July 2005, Good Friends conducted on-site surveys in the rural areas of northeastern provinces of China, covering within a 500km radius from the North Korean border. Based on its survey results, Good Friends announced that the number of North Korean defectors in the area was about 50 thousand.²⁴ In 2006, it conducted another set of surveys on a Korean-Chinese village (about 20 thousand) in the northwestern corner of the Three Far Eastern Chinese Provinces, and in the cities of Shenyang, Dairen, and Qingtao, and their vicinities (about 30 thousand). Based on the new surveys, the association revised its estimates and said there were about 100 thousand North Korean defectors in China, plus their children, about 50 thousand.²⁵ The International Crisis Group also estimated the number of North Korean defectors to be as many as 100 thousand based on its interviews with local Chinese and Korean-Chinese, as well as other NGO reports.²⁶ Other than these estimates, however, no systematic survey has been conducted on the number of North Korean defectors in China. Recently, the number of North Korean defectors has been falling, and one analyst estimated the number to be between 20-40 thousand.²⁷ The

23_ U.S. State Department, *The Status of North Korean Asylum Seekers and the U.S. Government Policy toward Them* (The Bureau of Population, Refugees and Migration, Feb. 2005).

24_ *Yonhap News*, Aug. 21, 2005.

25_ The Good Friends sample-surveyed 135 villages along the Korean-Chinese border in January 2006. The association has found 267 children born of North Korean women and Chinese men in these sample villages. Based on the number of North Korean women living there in 1999, and assuming the birthrate of about 22 percent per 100 persons, the association estimated the number of newly born children to total about 49,500. It also estimated the total number of defecting North Korean women to have been about 225,000 over the years.

26_ International Crisis Group, "Perilous Journeys: The Plight of North Koreans in China and Beyond," *Policy Report*, No. 122 (Oct. 2006).

27_ Yoonok Chang, Stephan Haggard, and Marcus Noland, *Migration Experiences of North Korean Refugees: Survey Evidence from China*, Peterson Institute for

number of defectors staying in the Yanbian Province has largely been reduced in recent years, but the number of defectors has been increasing in Korean-Chinese villages in remote areas or in large cities located far away from border regions.

In the latter part of the 1990s most North Korean defectors were living in the ethnic Korean communities scattered around China's three northeastern provinces (Jilin, Liaoning, and Heilongjiang). As the Chinese tightened surveillance activities and as the defectors' language skills improved, they began to relocate to Chinese communities and urban areas. There are many reasons for the declining number of North Korean defectors in China. For example, the tighter Chinese surveillance, the increased border patrols, forcible deportation on a sustained basis,²⁸ the improving food situation in North Korea, increases in defection expenses, increases in lawful travel as more passports are issued for visits to China, increases in short visits for trading purposes and increases in the number of people settling in third countries like South Korea.²⁹

In addition to China, the defectors appear to be attempting to move to all regions where Korean communities flourish. Assisted by civilian organizations, volunteers and activists, defectors are seeking asylum and safe havens around the world, including in Southeast Asian countries, Australia, and the United States, EU member states, Russia and other CIS countries, Mongolia, and Southeast Asia,

International Economics, *Working Paper Series* (Mar. 2008).

²⁸ According to Jeng Sin-jo, a researcher at the Chinese Social Science Academy, the official number of forcible deportations through Yanbian Province (the Autonomous Korean Province) was 4,809 in 2002. The provincial authorities arrested and deported 3,732 of them. These statistics are contained in Jeng's article entitled, "The Impact of Korean Peninsula Situation on the Regional Development and Stability of Ethnic Koreans," in *Southern Chinese National College Journal*. KINU, *North Korean Human Rights: Trends of the International Community and North Korea's Response*, Vol. 2, No. 1, 2007, p. 46.

²⁹ *Ibid.*

including in illegal Chinese and Korean immigration communities. These countries, except for China and Russia, are basically transit points for final destinations, including South Korea, rather than choice of residence. Many Southeast Asian countries and Mongolia have become major transit countries to South Korea.³⁰ In 2004, the South Korean government decided to transport a large group of North Korean refugees in Vietnam to South Korea using a special charter plane. The Vietnamese government was faced with an uncomfortable situation vis-à-vis North Korea over this incident. Subsequently, the number of North Korean defectors via Vietnam has dropped sharply. Since 2005, the number of defectors coming into South Korea from Thailand has been on the increase.

B. The Life of Escapees in China

Because defections have been taking place for over a decade, the lives of North Koreans crossing the border into China have undergone significant changes during that period. Many North Koreans who have relatives in China cross the border to receive help from them. In 1996 and 1997, most North Koreans who had crossed returned once they obtained what they needed, as the relatives had done what they could to help. As the food shortage continued over a longer period, relatives, who were not economically well off either, began to feel it burdensome to assist their North Korean brethren. Consequently, visiting North Koreans now look for jobs in China.

In addition, many North Koreans who did not have relatives in China began to cross the border in search of food and jobs. Once

³⁰ Yoon Yeo-sang, "Local Management of North Korean Defectors Abroad and Education Programs for them: with emphasis on those in Southeast Asia" (Mar. 2002, An unpublished manuscript), <<http://www.iloveminority.com>>.

in China, these people obtain food and clothing from sympathetic ethnic Koreans in China. They stay with any sympathetic family, doing household chores or paying a small fee for a longer stay.

According to the surveys of Good Friends, the ratio of North Korean women defectors among all those who crossed the border between late 1998 and early 1999 was very high-75.5 percent. A majority of them(51.9 percent) married Chinese men in the form of “live-in” marriages. As the food shortage persisted over a long period, more North Korean women ventured into China to earn money, and the number of North Korean women in China began to increase. Many North Korean women, not only single women but also married women with husband and children, chose to “live in” with Chinese men simply to avoid the famine situation back home. These extreme cases often originated through a third party or the women would be involuntarily “sold off” to a Chinese. Some women would voluntarily enter into such a relationship, while others would be unwittingly sold. If a woman defector is forced to maintain her life as an involuntary “live-in maid,” the conditions are so inhuman and unbearable that she would try anything to run away to a distant region. Often, however, women will give up on the idea of escaping and stay on simply because they can at least expect to avoid hunger. Since most North Korean women in these situations have been “traded” like merchandise, they are usually under the watchful eyes and constant supervision of relatives and neighbors of their “masters.” Indeed, the reality in these situations is that any North Korean women who had illegally crossed the river into China would not be able to survive unless she chose to “live-in” with a Chinese man. As the North Korean women came to realize that reality, they would ultimately accept it and decide to “live-in” with a man under specified conditions.

Many North Koreans who crossed the border not having relatives in China were forced to move around to find jobs and other means to feed themselves. As their stay in China was prolonged, however, this approach had to change. Unlike during earlier phases, more North Koreans now were living in Chinese homes rather than in the homes of ethnic Koreans. As their language skills rapidly improved and as they became familiar with the Chinese environment, many defectors would rent a room of their own. Some would take jobs at an office or in the homes of South Korean businessmen in China. In exceptional cases, some women would “live in” with South Korean businessmen in China and subsequently come to South Korea.

C. Types of Human Trafficking

Human trafficking is absolutely prohibited under international law and the municipal laws of most countries. Many human rights groups are actively watching for human trafficking activities around the world, while promoting international campaigns against such activities. According to the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention on Transnational Organized Crime, “Trafficking in persons shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the

prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.” The concept of “exploitation” is critically important here. The main difference between “human trafficking” and “human smuggling” is that the “traffickers” will continue to exploit their women on an ongoing basis after “the deal(illegal border crossing)” was concluded.³¹

Over the years, the international community has repeatedly raised the issue of human trafficking of North Korean women who have crossed the border. Many international reports have pointed out serious human trafficking cases of forced marriages and prostitution involving female escapees. The U.S. State Department report placed North Korea in the third category, placing it with 16 other countries including Algeria, Oman, and Qatar. It further named North Korea as a country engaged in trafficking(or, exporting) full-aged and under-aged persons for the purposes of commercialized sex exploitation and hard labor. The report said the North Korean authorities did not acknowledge the fact of human rights abuses and human trafficking of their own people, and did not distinguish human trafficking crimes from other illegal immigration crimes.³²

The human trafficking phenomenon involving North Korean escapees has gone through several stages over the years. Thus, it is necessary to examine the changing patterns at each stage and the punitive measures the North Korean authorities have taken. The first type involves professional river-crossing guides engaged in human trafficking schemes. These “guides” will approach young

31. Norma Kang Muico, *Absence of Choice: The Sexual Exploitation of North Korean Women in China* (London: Anti-Slavery International, 2005), p. 3.

32. US Department of State, *The Trafficking in Persons Report* (Jun. 2007), <<http://korean.seoul.usembassy.gov/uploads/images/KvT6tA2qzNuoSxuRtB5Qpw/TraffickingInPersonsReportNK.pdf>>.

and good-looking young women in the marketplaces or in the railroad stations, and try to entice them, saying “If you decide to get married in China, you can eat and live well and even your family can get financial support.”³³ In the period of 1997-1998, when the food crisis was most serious, it was very important to reduce the number of mouths to feed by even one and the idea that you could help the family was a very strong incentive. Given the widespread food crisis in all of North Korea, it would be very difficult to distinguish “brokering” from simple guiding. In the latter case, guides simply helped the people searching for food to illegally cross the border, perhaps for a fee. Whether this practice amounted to “human trafficking” is difficult to say. In many cases, North Koreans themselves, or their families, have asked the guides or brokers to help them illegally cross the border into China. In later stages, the brokers would introduce the North Korean(s) to their ethnic Korean contacts in China for a fee. These “human traffickers” inside North Korea operated in close contact with ethnic Koreans in China. They have been involved in the border crossing of many North Koreans.³⁴

33_ Defector XXX(who came to South Korea in 2002) testified that he had been an eye-witness to a case in which a guide lured a women who was waiting in the rail station plaza at Daeheungdan County, Yangkangdo Province, telling her that he would provide a job and a place to stay in China. Subsequently, he turned her over to an ethnic Korean.

34_ Defector XXX(who came to South Korea in 2002) said he helped send about 20 North Korean women to China. At the request of ethnic Koreans in China, “I have sent them to China at a cost of about 4 thousand yuan per person(6 thousand yuan for a 21-year-old, 3-4 thousand yuan for women over 30 years old). And there were many women who wanted to go to China and marry. We would turn them over for about 4 thousand yuan. The ethnic Koreans would then turn them over to others for 10 thousand yuan.” Defector XXX(who entered South Korea in 2002) testified that in 1998 his mother had sent six women(living in Hogok, Sambong Work District, Musan County, North Hamkyong Province) to an ethnic Korean from China. His mother did not intend to get involved in any “human trafficking,” she simply responded to a request to introduce some women. Nonetheless, it

In some instances, North Koreans would ask for border crossing information from professional river-crossing guides or from their neighbors who had defected earlier. Many others would accompany their neighbors or relatives when illegally crossing the border.³⁵ In an exceptional case, a North Korean woman crossed the border with the help of an ethnic Korean man who was visiting her town. Later she would “live in” with the man in China.

In the early stages of border crossing, many North Koreans crossed the river without the help of professional guides. For example, some North Koreans would cross the river by themselves. Since there was no one around, people would wait until someone spotted them and approached. If the spotter showed any sympathy, the illegal North Koreans would be inclined to trust the person. Taking advantage of this situation, ethnic Koreans would turn river-crossers over to other ethnic Koreans. They would provide food and clothing for the North Koreans who had crossed the border. They would provide him or her with a ride, if necessary. They would suggest that since the border region was risky, he or she would be better advised to move inland. The illegal border crossers would agree to follow the person who was assisting them.

As the number of border crossings increased, organized rings of human traffickers began to appear to make a profit by turning the border crossers over to others. There appeared many incidents

amounted to human trafficking since she received money. He said there had been many similar cases at the time. Testimony of defector XXX during an interview in Seoul on Nov. 16, 2002.

³⁵ Defector XXX previously lived in North Hamkyong Province. She said that a 50-year-old woman suggested to her that she could provide an opportunity to do business in China. So XXX crossed the border. Later on, however, she was sold to an ethnic Korean in China. Defector XXX previously lived in Danchon, North Hamkyong Province. She testified that her uncle sent her over to China along with other women, and she was later sold to an ethnic Korean man. Testimony of defector XXX during an interview in Seoul on Jun. 28, 2003.

in which these ring members would try to capture targeted North Koreans found in rail stations or marketplaces for sale elsewhere. This type of human trafficking would usually go through several stages and pass through many hands. There are people who would lure women across the river and there are people who would receive them on the Chinese side. There are brokers involved in the deals, and the “cost” of transaction increases at every stage.³⁶ Organized human traffickers even employ violent means to kidnap North Korean women, regardless of their marriage status, and turn them over for profit. As these organized traffickers have become involved, the practice of “selling” North Korean escapees has spread to inner areas of China’s three northeastern provinces. In most cases, transactions were completed for North Korean women, but North Korean men are also traded to remote areas of China where manpower is in dire need.

As more human trafficking incidents and cases of human rights violations have been reported, the Chinese authorities have launched a massive roundup campaign targeting human trafficking rings. Subsequently, organized human trafficking rings have all but disappeared.³⁷ As North Koreans’ stays in China have become prolonged, however, the illegal North Koreans themselves become involved in the human trafficking of fellow North Koreans. For example, a North Korean woman “living in” with an ethnic Korean or a Chinese would introduce or turn over another North Korean woman to a Chinese or an entertainment establishment for a fee.

As China industrialized, women on the farms began to

³⁶_ Defector XXX testified that Kang Hak-keum (an ethnic Korean woman about 40 years old) living in Hoeryong City, Jilin Province, China, has systematically human-trafficked about 10 North Korean women. Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

³⁷_ “A Workshop for NGOs and Specialists on North Korean Defectors,” sponsored by KINU on Jun. 27, 2005.

relocate to urban areas or to other foreign lands to earn more income. As a result, there began to appear a general shortage of women in China. In turn, the demand for marriage partners and employees in the entertainment industry increased. As the demand for women increased in China, the border crossing North Korean women became the targets of transaction for “live-in” partners for Chinese men. Some North Korean women knew this before being sold, but most of them would not know where they were being taken, in most cases to a Chinese man, until the end of the deal.

In the mid-1990s when defections first began, relatives or ethnic Koreans living in the border region would introduce North Korean women as potential brides to much older ethnic Korean men. In these cases, the ethnic Korean family would offer some kind of gift to the introducing person as a token of thanks. The process of introduction was never violent or forcible. The people around the woman would usually persuade her in terms of mutual convenience and benefit, given the economic hardship in North Korea. In some cases, not only unmarried women but married women would volunteer to “be introduced” to help solve the economic hardship situation in her family. In these cases, the person arranging the introduction, also referred to as a “go-between,” would not feel guilty because they were simply helping those in dire situations. Regardless, human trafficking is illegal in China, and if detected, those involved are heavily fined. Since the “go-betweens” would usually receive money for their services, others around them began to keep their distance as soon as they learned of the go-between’s activities.

In some cases, when a North Korean woman is forcibly married to a Chinese man, the marriage could last for a long period. Often, however, if the marriage encountered trouble due to sexual

abuse, violence, gambling or drinking on the part of the husband, the woman would try to run away or would be forcibly deported to North Korea, and the relationship would end. When a North Korean woman becomes pregnant after ‘living in’ with a Chinese man, the Chinese man decides whether or not to have the fetus aborted. If the man wants to continue with the relationship, he will in most cases want the baby to be born and will provide legal status(family registry) for the woman. However, this requires that he invest a significant amount of money to secure the legal status for the woman. Even in the case of forced marriage, the husband desiring to continue the relationship with the North Korean woman is usually required to assume various expenses, like river-crossing expenses, not only for the woman but for her family members, as well.

Even if a North Korean woman voluntarily decided to “live in” with a Chinese man after she illegally crossed the border into China, her actual life could be like a forced marriage. Unable to speak Chinese, it would be impossible for her to work at any public places, for example, at a restaurant. Since she lacked proper legal papers, she would have to stay at home to avoid security checks. Therefore, “living in” would be practically the only safe choice for her.

As North Korean women stayed in China for extended periods of time, they would gradually learn simple Chinese expressions and adjust to life in China, this would then lead to decreases in the number of forced marriages. Even if forced into a marriage, the women could find ways to escape the situation. However, if a child was born to the couple, it became difficult for the mother to abandon her child, so she would continue her forced marriage. If she was lucky enough to marry a Korean-Chinese, the

marriage would be easier and likely to last longer. In fact, many Korean-Chinese men encouraged their spouses to have children, so that they could maintain the relationship on a longer term basis. But, as their stay in China is prolonged, many North Korean women chose to move on to a third country or to another location in China, even if they had given birth to a child or children in China.

Also, if a man were to propose living together, the North Korean woman could selectively accept the proposal depending on the person, conditions, etc. It has been reported that many North Korean women have restarted “live-in” relationships with friendly ethnic Koreans or South Korean men they befriended while working at places of work like restaurants. In some cases, they actively ask their partners for economic compensation, including remittances to their families back in North Korea, or expenses for their border crossing. In cases like these, the North Korean woman would likely defect again if she were forcibly deported to North Korea. She then looks for the man she previously lived with, especially if the couple had a baby born to them.

Recently, many North Korean women who were sold in China are forced to provide sex services at restaurant bars and “sing-along joints.”³⁸ In order to prevent them from fleeing, the bar operators would withhold their pay, saying they would save money for them.³⁹ It is also reported that organized criminals are operating pornographic “computer chatting” businesses in China, using North Korean women escapees.

38. A woman from Sebyol County, North Korea, was forced to provide sexual services in Heilungjiang Province, China, in December 2000. Testimony of defector XXX during an interview in Seoul on Mar. 10, 2007.

39. Testimony of defector XXX during an interview in Seoul on Apr. 6, 2007.

D. Punishment for Human Trafficking in North Korea

As the international community has expressed its concerns over human trafficking of North Korean women, North Korea has launched a strong campaign to apprehend those engaged in such practices. Individuals who sold North Korean women in China have been publicly executed, and stern warnings have been issued against any and all human trafficking activity.

〈Table V-8〉 Punishment Records for the Crime of Human Trafficking

Date of punishment	Type of punishment	Place of punishment	Name of human trafficking criminal
Fall 1996	Public execution	Musan Mine, N.Hamkyung Prov.	—
Aug. 1997	Public execution	Sambongku, Onsung, N. Hamkyung Prov.	1 woman (61)
Sept. 1997	Public execution	Poongin Mine, Onsung, N. Hamkyung Prov.	Han XX (28), ByunXX (30)
1998	Correctional center	Gaechon Corr. center	—
1998	Correctional center	—	Kim XX (Kangan, Onsung County)
1998	Public execution	Hweryong market	Choi XX (40, Yokjeondong, Hweryong City)
1998	15 years in correctional center	Onsung, N.Hamkyung Prov.	Kim XX(48, Sambong, Onsung County)
1998	15 years in correctional center	Onsung, N.Hamkyung Prov.	Uhm XX (40) (Gangan, Onsung County)
1998	Public execution	Yuson Mine, Hweryong, N. Hamkyung Prov.	Husband and wife
Spring 1998	Public execution	Sambongku, Onsung, N. Hamkyung Prov.	Two women (50s, 60s)

Date of punishment	Type of punishment	Place of punishment	Name of human trafficking criminal
Jul. 1998	Public execution	Market, Hweryong, N. Hamkyung Prov.	One woman (mid 50s)
1999	Public execution	Yuson Mine, Hweryong, N. Hamkyung Prov.	One woman, Two men
1999	8 years in correctional center	Musan, N. Hamkyung Prov.	Bang XX (55, Musan)
Jun. 1999	Public execution	Hyesan city, Yangkang prov.	One woman (45)
Aug. 1999	Public execution	Market, Musan, N. Hamkyung Prov.	–
Aug. 1999	Public execution	Chongjin, N. Hamkyung prov.	Ahn XX (34)
Fall 1999	Public execution	Susongchon, Chonjin, N. Hamkyung Prov.	Choi XX (45, Chongjin) For human trafficking 17 persons
2000	Public execution	Chongjin, N. Hamkyung Prov.	7 men
Jan. 2000	Public execution	Market, Hweryong, N. Hamkyung Prov.	One women (20s)
Jun. 2000	Public execution	Market, Musan, N. Hamkyung Prov.	Uhm XX (53), Lee XX (37)
2001	15 years in the correctional center	Onsung, N. Hamkyung Prov.	Husband of Lee XX above
May 2002	Public execution	Hweryong, N. Hamkyung Prov.	Two women
2004	Public execution	Sunam market, Chongjin, N. Hamkyung Prov.	One woman
Jan. 2005	Public trial; Executed by People's Security Agency	Miners' Hall, Musan, N. Hamkyung Prov.	One man and One woman
Aug. 2005	11 years in correctional center	Onsung, N. Hamkyung Prov.	Yoo XX (39, Jongsung, Onsung County)
Aug. 2005	18 months in correctional center	Onsung, N. Hamkyung Prov.	Kim XX (52, family of a prov. security agent)
Oct. 2005	Firing squad after a "mob trial"	Onsung labor training camp	Lee XX (37, Juon)

Date of punishment	Type of punishment	Place of punishment	Name of human trafficking criminal
Nov. 2005	Public execution	Pohang dist, Chongjin	One woman
Nov. 2005	Correctional labor	Poyang dist, Chongjin	Two women
Aug. 2006	Public execution	Namsanri, Onsung County, N. Hamkyung Prov.	Kim XX (55, Changpyongri, Onsung County)

As Table V-8 shows, North Korea has imposed extremely harsh punishment on human traffickers, but not on simple river-crossing guides. Public executions have been carried out only in cases of human trafficking, dealing in narcotics, or antiques smuggling along the border regions, and mostly in locations of frequent border traffic, such as near the cities of Musan, Hoeryong, Chongjin, and Onsung. Clearly, North Korean authorities, like the Chinese, have taken stern measures against human trafficking in response to the concerns of the international community. Since 1998, North Korea has increased the level of punishment for human trafficking. The fact that North Korea has publicly executed all human traffickers indicates that it has seriously attempted to root out the sources of human trafficking, just as the Chinese have done.

E. Levels of Punishment on North Korean Escapees

In Article 86 of the 1992 constitution, North Korea defined the most serious crime as treason against the fatherland and the people, and anyone committing treason would be strictly punished under the law. However, this provision was deleted in the revised 1998 constitution, thereby reducing the levels of punishment for escapees. Article 47 of the 1987 penal code stipulated that anyone

caught fleeing the country would be deemed as committing treason against the fatherland and be punished with a seven-year or heavier correctional labor punishment. But the revised 1999 penal code distinguished the act of border crossing with two categories: simple acts of crossing or “those crossing the border illegally” would be punished with correctional labor for up to three years(Art. 117); crossing the border “to flee from the country to another country or with the aim of toppling the Republic” would be sentenced to correctional labor for five to ten years. In more serious cases, correctional labor punishment for over 10 years or death sentences would be handed down, along with confiscation of all properties. Also, Article 233 of the revised 2004 penal code defines “border crossing” broadly as “those going and coming across the border” instead of “simple crossing.” Furthermore, the level of the mandatory sentence for the crime of “illegal going and coming across the border” was reduced from three years to two years of “labor training” punishment. Since two years of “labor training” is equivalent to one year of “correctional labor,” the level of punishment was reduced from three years to one year of “correctional labor.”⁴⁰ Article 62 of the 2004 penal code stipulates a mandatory sentence of correctional labor in excess of five years in cases of crimes involving treason against the fatherland. For example, “death sentence, or life correctional labor in addition to confiscation of all properties,” is mandatory in serious acts of treason against the state. Correctional labor punishment of five years or more for other acts of treason would be imposed on crimes such as the transfer of confidential information, or surrender, conversion, or defection to another country in acts of treason.

⁴⁰ Han In-sup, “The Contents and Meaning of Revision of North Korean Penal Code, 2004: Is it a Progress toward the Principle of No Criminality without Prescribed Laws.” op.cit.

Article 4 of the penal code, revised in 2004 stipulates that “Even if a person had committed acts of treason against the fatherland and the people, the state would not prosecute the crime if he were to demonstrate active efforts for the unification of fatherland.” Addressing this, North Korea in a letter from the frontline of fatherland took the position that South Korea’s admission of a large group of North Korean defectors in Vietnam in July 2004 was a case of kidnapping and inducement, and encouraged them to return home.⁴¹ Art. 118 of the penal code of 1999, which stipulated two to seven years of correctional labor for border patrol guards who illegally aided border-crossings, was revised and relaxed in Art. 234 of the 2004 penal code, which only imposes up to two years of correctional labor. This relaxation was perhaps inevitable given the increasing number of people crossing the border and the frequent involvement of border guards in providing “systematic” assistance to them.⁴² North Korean defectors could also face additional charges such as the crime of dealing with foreign currencies(Art. 104); or of interfering with foreign currency management(Art. 106); or of illegal transactions of goods and facilities in foreign currency(Art. 107); or the crime of smuggling historical assets(Art. 198). The DPRK immigration law(enacted in 1996, revised in 1999) also stipulates that “people visiting and returning without ‘border travel permits” would be levied penalties, and charged with heavier punishments

41_ North Korea accused that South Korea and other human rights organizations had systematically organized, induced and kidnapped the North Korean escapees under the direction of the United States, and demanded their repatriation. These demands came through its front organizations like the Fatherland Unification Committee, the National Reconciliation Council and the North Korean Human Rights Research Association.

42_ Good Friends reported that unlike earlier periods, safe border crossing would now be possible only if advance arrangements were made between the North Korean and Chinese border guards. Good Friends, “North Korea Today,” No. 2 (Oct. 6, 2004).

in serious cases(Art. 45).” Since North Korea has drastically reduced the level of political punishment for escapees, it is becoming more difficult for the escapees to obtain “refugee” status.

After transfer from border military units where they are received, the North Koreans deported from China go through an identification process and a basic investigation at the National Security Agency in the border region. Subsequently, they are transferred to the individual’s hometown. Depending on the case, deportees are sent to local agencies via the border region labor training camps or to provincial collection centers. Sometimes, they are directly sent to their hometown agency(Social Safety Agency or local labor training camp). Once in the hands of the local agency, they will be sent to labor training camps, or immediately released, or sent home on condition that they make daily reports(self-criticism) to the local Safety Agency. The punishment procedures vary from one detention facility to another. If the initial detention facilities are in the detainee’s hometown, or near it, the level of punishment is determined more quickly, and chances are that the detainee’s family can exercise some influence or offer some bribes to obtain a reduced sentence.⁴³ If, however, the detainee’s hometown is far away, the period of detention gets much longer, because the detainee’s hometown Social Safety agent has to travel to the border area detention center in person to sign out the defector. The agent also makes travel arrangements, sets up precautionary measures against unexpected flight, and notifies the immediate family.

Since 2000, few deportees appear to have been sent to a political prison camp. In most cases, deportees are sent for a 1-6 months of labor training. Today, it is rare to find any deportee spending more than a year in any detention facility from the time of

43. Good Friends, “North Korea Today,” No. 52 (Dec. 27, 2006).

deportation to final release.

The results of personal interviews with defectors in South Korea reveal that the cities of Onsung, Hoeryong, and Musan show the highest rates of border crossing, and other areas (including the cities of Heisan and Seibyol in Yangkang Province and movements by boat) show very low rates. Deportations from China usually come over the Tumen River bridges, in most cases to the Onsung, Hoeryong, and Musan areas. Deportees from the inner Chinese areas come through Dandong (China) to Shinuiju City.

The deportees are investigated at a “first-level” detention facility. The National Security Agency maintains detention centers in the border cities of Onsung, Musan, Hoeryong, and Shinuiju. The detainees go through a “naked search,” examination of personal effects, and a medical exam (including testing for AIDS). There are separate facilities for men and women, but when the number of detainees is large, both are often combined in the same facility. Many defectors have testified that the returning North Koreans use a variety of tricks to hide from the inspectors the money earned in China. The inspectors, however, employ numerous methods to find hidden money or valuables of the returnees. The inspectors thoroughly examine the detainees, including their private parts. They order naked sit-ups, and examine human waste.⁴⁴ In the early years of this practice, the inspectors confiscated the items brought in from China, but in recent years, the detention centers return

⁴⁴ Defector XXX was detained in a labor training camp in Eorang County in late March 2001. He testified that he saw camp guards burning a woman's bosom with lit cigarettes. They took her to the OB/GYN clinic and touched and looked at her body. These sexual harassment behaviors were reported to the authorities, and all three guards (the director, his secretary, and a supply chief) were banished after an investigation on Mar. 30, 2001. After this incident, similar sex harassment has disappeared. Testimony of defector XXX during an interview in Seoul on Feb. 15, 2003.

all personal items and possessions to the detainees when they are released.

The National Security Agency branch in the border area interrogates the deportees regarding information such as personal identification, address, time and place of border crossing, frequency of visits to, and activities in China concerning contacts they may have had with South Koreans or Christians; if the detainee planned to move to South Korea; whether they were involved in human trafficking; or whether they watched pornographic videos or South Korean videos of any kind. After these interrogations, the deportees are sent either to the Agency detention center or to the provincial collection center.

Under the North Korean Criminal Procedure Law, the “preliminary examination” is the stage where prosecutors establish the facts of any crime and indict or exonerate the suspect.⁴⁵ The purpose of a preliminary examination is to discover evidence, scientifically examine any proof of the commission of a crime, and charge the suspect for criminal responsibility. In illegal border crossing cases, the testimony of the suspect and other witnesses, along with the personal effects in possession of the suspect, serve as the sources of criminal evidence. According to Article 114 of North Korea’s Criminal Procedure Law, in the process of investigating or searching for criminal evidence “two independent witnesses must be present, and a female witness must be present in the case of female suspects.” Investigators try to determine every detail concerning the suspect’s activities in China, and try to obtain relevant information from other witnesses. During this phase, investigators will use blackmail, beatings, as well as abusive

⁴⁵. The Korean Association of North Korean Studies, ed., *Compendium of North Korean Laws under Kim Jong Il* (Seoul: The Korean Association of North Korean Studies, 2005), p. 180.

language. They will also persuade other deportees to report on the suspect's activities in China. The duration of a preliminary examination is two months, but can be extended two additional months for a total of four months. A new category of punishment called "labor training" was introduced in the revised penal code of 2004. The preliminary examination for the crimes subject to labor training punishment must be completed within 10 days. If the case is too complicated to finish investigation in 10 days, the detention period can be extended up to a month. The preliminary examination for crimes subject to labor training punishments can only be completed if there is sufficient evidence for the crime. Even if arrested and detained, young people are usually released without any criminal penalty, or turned over to the so-called "515 Unit."⁴⁶

Pregnant suspects should not be detained for three months before and seven months after childbirth(Art. 106 of the 1999 and 2004 Criminal Procedure Law). However, many defectors testified that National Security Agency branch officers in the border region did conduct investigations of women within 10 months of childbirth, and sometimes the guards forced these women to undergo abortions. In the face of mounting international criticism over the practice of forced abortions of North Korean women who became pregnant in China, as well as cases of willful neglect of newborn babies resulting in their death, North Korea has begun to allow the deported pregnant women to give birth to their child, but it would attempt to hand over the newborn to the Chinese father. In

⁴⁶ Defector Choi XX said he was released without any penalty in 2001 because he was under-aged at the time. But in 2003 he was turned over to "515 Unit." Testimony of defector XXX during an interview in Seoul on Apr. 7, 2007. In the case of his family, who had been deported, while trying to go to South Korea from Jiang-chun China in 2004, mother was sentenced to correctional labor punishment, but her two children, 9 and 13, were sent to a children's relief center. Testimony of defector XXX during an interview in Seoul on Apr. 29, 2007.

October 2003, there was a case in which a deported woman, at her own expense, invited a midwife into the Onsung Security Agency to assist with the delivery. However, in the year of 2004, forced abortions and willful neglect of the newborns were reported to persist in North Korean detention facilities.

A review of sentencing records shows that since 1999 most deportees received labor training sentences. This “labor training” punishment was not an option in 1999, but was introduced in the revised 2004 penal code. The labor training punishment before 2004 apparently was based on the Sentencing Guidelines and the Prosecution Supervision Law, which contains regulations concerning “labor training” and “unpaid labor.” Under this provision, to carry out sentences of labor training and unpaid training, the authorizing agency(courts) must dispatch a copy of the sentence and a confirmation notice to the implementing agency(Article 43, Sentencing Guidelines).

〈Table V-9〉 Cases of Human Rights Violations against Deported North Korean Pregnant Women

Date of event	Place	Event detail	Date of testimony
1997	Songpyong labor training camp, Chongjin	A 25-year old, 8-month pregnant woman from Chongjin was deported from Shinuiju to Chongjin labor training camp at Kangduckdong. The next month a baby was born before the due date, but he was killed when other inmates put him on his stomach upon birth.	Mar. 10, 2007
1997	Musan labor training camp	Lee XX (18, Samchonri, Musan County) was deported when 8-month pregnant. The agents forced her to run 100 laps around a track because she had a Chinese seed in her. She collapsed after 60 laps, and the baby was aborted.	Apr. 28, 2007

Date of event	Place	Event detail	Date of testimony
1998	Shinuiju security agency	The agents induced abortion by injection on a pregnant mother nearing delivery date.	Jan. 15, 2005
Jan. 1999	Prov. collection point in Chongjin	An 8-month pregnant woman from Shandong, China, gave premature birth to a baby. Another inmate took care and kept the baby alive.	Apr. 28, 2007
Nov. 1999	Hospital in Musan County	Kim XX (33) Who was 6-month pregnant got forced abortionn by injection.	March 10, 2007
Apr. 2000	People's Hosp. in Chonnae, Kangwon Prov.	Lee XX (born in 1975) was deported 7-month pregnant. The next month she had forced abortion by injection. Don't know fate of newborn.	Apr. 29, 2007
Aug. 2000	Prov. Collection Point in Chongjin	A 35-year old pregnant woman was forced to lift heavy items. She collapsed and sent to hospital.	May 26, 2007
Apr. 2001	Onsung County labor training camp	A 20-year old woman cheated her pregnancy by 2 months; and gave birth to a Korean/Chinese baby in two months. A nurse at a military people's hospital in Onsung County, N. Hamkyung Prov. gave a shot to the baby.	Jan. 14, 2005
2002	Onsung County labor training camp	Kicking a pregnant woman is a routine scene.	Apr. 26, 2003
2002	Onsung County labor training camp	An 8-month pregnant woman from Ju-on, Onsung Couty was forced to abort a child by way of hard labor.	May 19, 2007
Jul. 2002	Heisan Hospital	A 22-year old woman was deported from Hubei Prov, China. A security agent at Heisan labor training camp demanded abortion, and she had to comply.	Mar. 10, 2007
Oct. 2002	Prov. Collection Point in Chongjin	Left a newborn to die because it was a Korean/Chinese baby.	Jan. 17, 2005
Oct. 2002	Security Agency Hospital at Onsung County	Forced abortion	Jun. 2, 2007
2002	Security Agency, Onsung County	Abortions conducted for a 50 won fee if the pregnant woman wanted it done.	Mar. 10, 2007

Date of event	Place	Event detail	Date of testimony
Sept. 2003	Prov. Collection point in Chongjin	A 30-year old, 9-month pregnant woman from Kaesong experienced forced abortion due to hard labor and beating.	Jun. 2, 2007
Oct. 2003	Onsung county Security Agency	A woman from Hwanghaedo paid 700 won for a midwife and gave birth to a boy	Mar. 17, 2007
2004	Correctional center at Oro	Shin XX (born in 72) from Poongin, Onsung County, got forced abortion	May 19, 2007
Jan. 2004	Prov. Collection point in Changjin	A pregnant woman in late 20s gave birth to a stillborn baby due to malnutrition	Jan. 17, 2005
Jan. 2004	Hweryong labor training camp	Inmates beat up a pregnant woman causing abortion	May 19, 2007
Mar. 2004	Onsung County security agency	Forced abortion	Jan. 17, 2005
Feb. 2004	Onsung labor training camp	XXX from Namyang, Onsung County got forced abortion.	Jan. 17, 2005
Feb. 2004	Onsung labor training camp	A woman naturally gave birth to a baby, but the baby was left to die.	Mar. 10, 2007
Apr. 2004	Shinuiju collection point hospital	Baik XX (30 from Sakju, N. Pyongan prov.) was pregnant when she visited hometown with husband. She got forced abortion, and her husband expelled to China after 10-day detention.	Apr. 28, 2007
Jul. 2004	Hweryong labor training camp	A 32-year old pregnant woman got forced abortion	Jan. 15, 2005
Nov. 2004	Onsung labor training camp	Would induce abortions. If on last month of pregnancy, would allow delivery and send home after the delivery.	Mar. 7, 2007
May 2005	Nongpo Prov. Collection Point, in Nanam District, Chongjin	A 4-month pregnant woman went to work on a farm in Odaejin, Nanam district. When she could not work due to malnutrition, the agent kicked and beat her. On May 14, inmates forced her to go to work-site for fear of group hazing. Criticized her during a collective session. On May 15, she collapsed at work and died during lunch break.	Mar. 10, 2007
May 2005	Prov. Collection Point, N. Pyongan Prov.	A pregnant woman deported from China gave birth to a baby at detention center. No one was allowed to approach them, and the baby died.	Apr. 7, 2007

Date of event	Place	Event detail	Date of testimony
Fall 2005	Prov. collection point(at Nongpo) in Chongjin	A 30-year old woman gave birth to a baby, but the baby was left to die.	May 19, 2007

If the sentence is set during the “first-level” investigation, the convict serves out the term of “labor training” punishment in his or her local labor training camp. Because the camp is an implementing agency and not an investigative facility the intensity of labor is very heavy and daily routines are very strict. Under the law the term of service is calculated from the date of detention. However, most deportees have testified that the term was usually calculated from the date of sentence. Many of them do not know exactly for what they were being punished nor when the sentence would finish. Some deportees are detained in the Border Region Security Agency or its nearby labor-training camps without trials or court sentences. Apparently, these cases occur when the provincial collection center is crowded with inmates and when the “safety agent” from the deportee’s hometown is unduly delayed from taking the convict to the provincial center. The detention period at a provincial collection center will also vary depending on how quickly the hometown “convoy” agent arrives at the center. The detainees whose hometowns are located in the inner-regions, like Hwanghae or Kangwon Provinces, have to stay in the center longer than others, and are exposed to life-threatening situations due to the poor and unsanitary detention facilities, because disease and hunger constantly threaten one’s health.⁴⁷

One of the reasons the court will order the suspension of service is “if the inmate sentenced to correctional labor, labor

47_ Good Friends, “North Korea Today,” No. 11 (Dec. 12, 2005).

training or non-paid labor fell gravely ill, or a female inmate is between three months before and seven months after childbirth(Art. 18, section 3 of the Decision and Judgement Law).” However, many defectors testified that the inmates who were dying of serious illness(tuberculosis, dehydration, malnutrition) would have their terms suspended and handed over to hometown safety agents. The law also prescribes when cases are suspended or terminated. Article 18 Section 3 of the Sentencing Guidelines stipulates, “If an inmate serving the labor training or unpaid labor terms fell gravely ill or a woman was three months before or seven months after childbirth, the sentence shall be suspended or terminated.” Defectors have testified that when an inmate was dying(from tuberculosis, dehydration, or malnutrition), the sentence was suspended at local safety. However, in most cases, a pregnant women(before or after 10 months of childbirth) does not have her term suspended. Quite the contrary, camp guards assigned the detainee hard labor or would beat her to induce abortion. In some cases, the detainee would be given an injection or drugs to force an abortion. The guards would also allow a newborn to die by separating it from the mother or they would ask other inmates to look after the baby, saying that she had been released from the camp on a suspended or terminated sentence.

A defector has testified that if a North Korean woman was accompanied by a baby born in China, or if she gave birth to a baby in a Security Agency detention facility or provincial collection center, the North Korean authorities would try to contact the Chinese father’s family and turn the baby over to them.⁴⁸

If a different crime subject to a longer sentence is uncovered while a detainee is serving a labor training term, the inmate is

48. Testimony of defector XXX during an interview in Seoul on Mar. 7, 2007.

transferred to the provincial collection center. The detainee goes through another investigation and is transferred to the Security Agency or Safety Agency in the area for additional punishment. Depending on the time and place, different sentences have been handed down for crimes involving border crossings. In some cases the perpetrators are detained in their respective local labor training camps or Social Safety Agency detention centers.

North Korean authorities have been relaxing the level of punishment for simple border-crossings. However, it has been reported that since 2007 they have begun to raise the level again.⁴⁹ It was reported that on Feb. 20, 2008 a group of 15 people (two men and 13 women, including defectors and river-crossing guides) have been publicly executed in Juwon District, Onsung County, North Hamkyung Province.⁵⁰

F. North Korean Defectors in South Korea

Since 1994, the number of defectors coming into South Korea has rapidly increased. 312 defectors came to South Korea in 2000, 583 in 2001, 1,139 in 2002, 1,281 in 2003, and 1,894 in 2004. The number in 2005 showed a slight decrease, 1,383 from the previous year. The reasons for this decrease may be attributed to the tightening of control and surveillance activities in China and the less active involvement of individuals and NGOs who previously assisted defectors' entry into South Korea. A total of 2,019 North Korean defectors came to South Korea in 2006, and 2,553 in 2007, showing an increasing trend. In 2007, the rate of entry into

⁴⁹ From March 1, 2007, the prison terms for those who were caught while trying to flee North Korea, or those who were deported from China, have been raised up to 5-7 years.; Good Friends, "North Korea Today," No. 114 (Mar. 5, 2008), p. 4.

⁵⁰ *Ibid.*, pp. 3-4.

South Korea of North Korean defectors has significantly increased. They were either accompanied by their family members (from South Korea) or receiving assistance from their families in South Korea while staying in China or North Korea. The planned entry attempts through foreign missions or foreign facilities in China have decreased since 2004. Attempting to travel to South Korea through China would normally take as long as one and a half years, so there were rapid increases in efforts to come to South Korea through Mongolia or Thailand.

As the number of North Korean defectors entering South Korea rapidly increased, South Korea became more aware of the changing motivations, defection types, ages, and occupations these North Koreans had. An examination of the types of North Koreans coming into South Korea in 2007 show that 78 percent of them were women. Most of them were also from North Hamkyung Province (85 percent).

In the past, most were last resort cases under circumstances of extreme background discrimination and/or human rights violations.

The reasons for increases in family defections include (a) the increasing risks due to tightened Chinese surveillance activities, (b) increases in information about South Korean society, (c) economic assistance from defectors who entered South Korea, and (d) increasing activities of professional intermediaries and business-type agencies.

As family unit defections increased, the age groups of defectors began to show an even distribution. There were also cases in which earlier defectors planned and assisted the defection of their families from the North. Defectors' occupations also vary widely. They range from high officials (such as Hwang Jang-yop), diplomats,

and medical doctors, to soldiers, foreign currency handlers, students, teachers, workers, and peasants.

Recently, some North Korea defectors who came and settled in South Korea with full settlement benefits and South Korean nationality have moved to the United States or United Kingdom and applied for political asylum there. Other defectors re-enter North Korea, live with their family in North Korea, re-defect from the North and re-enter the South, whereupon they are arrested and punished for violation of South Korea's National Security Laws. The defector "Kim Cheon-il's" case is an interesting one. Kim came to South Korea, but it was revealed that his father was a foreigner with Chinese nationality. As a result, he was classified as a Chinese and sent off to China. However, the Chinese Government determined that Kim could not be considered a Chinese citizen, and sent him back to South Korea, whereupon he became a "stateless person." Subsequently, Mr. Kim has filed a petition with South Korea's National Human Rights Commission.⁵¹

G. Protecting the Escapees

The predominant view in the past has been that North Korean defectors should be given "refugee status" because political persecution and heavy penalties under Article 62⁵² of the DPRK

⁵¹ The Citizens Alliance for North Korean Human Rights has also filed a petition with the National Human Rights Commission on behalf of the defector Kim Cheon-il on August 22, 2008. In the petition, the Coalition argued that the Justice Ministry and the National Intelligence Agency should "offer another opportunity to re-examine and review Kim's case, and amend related law provisions."

⁵² Article 62 of North Korea's 2004 Penal Code stipulates, "A person who betrays the fatherland and flees to another country, surrenders, changes allegiance or turns over confidential information(to the enemy), shall be sentenced to a 'correctional labor' sentence of five years or longer. In particularly serious cases, he will be sentenced to death or an unlimited term with confiscation of all of his/her

Penal Code were waiting for them upon deportation. However, there seem to be some practical difficulties in demanding “mandatory refugee” status for all North Korean defectors in light of the terms defined under the refugee convention and its protocols and in view of North Korea’s history of relaxing punishment⁵³ for illegal river-crossing for food since 1996, and improving the manner of handling deportees during the deportation process. Since North Korea is no longer automatically bringing charges of political crimes on all deportees, there is less possibility of political persecution for most deportees. There is still social and structural discrimination against the deportees and there still exists the possibility of excessive penalties and mistreatment during investigations. Indeed, these people should not be treated like ordinary illegal migrants.⁵⁴ Because of their need to search for food under dire conditions, they were compelled to cross the border into China. Strictly, they may not qualify as “mandate refugees” under the terms of the Refugee Convention, but they do qualify as people who need international protection and support.⁵⁵

UN special rapporteur Vitit Muntarbhorn thought the North Koreans crossing the border were, in fact, “*refugees sur place*” and the international community and the concerned nations should extend necessary protections for them. In other words, even though

property.”

53. Article 233 of the revised 2004 North Korean Penal Code stipulates, “Illegal border crossing shall be punished with a ‘labor training’ sentence of two years or less. In serious cases, three years of ‘correctional labor’ sentence shall be given.”

54. Joel Charny, “Acts of Betrayal: The Challenge of Protecting North Koreans in China,” *Refugee International*, Apr. 2005. Also see Hazel Smith, *The Plight of the North Koreans: North Koreans in China* (Monterey Institute of International Studies, May 2005).

55. The Human Rights Watch in its November 2002 report has defined the North Korean defectors in China as “*Refugees sur place*,” or people who became refugees while in the host country, in view of the impending penalties they would face upon forcible deportation.

they did not cross the border with political motives, they constantly risk being arrested. They are also certain to face heavy penalties if deported. For these reasons, they should be defined as “refugees *sur place*” or someone who has become a refugee while in the country. Offering refugee status is a discretionary decision of the host country. The UNHCR can take action only in cases when the host country requests assistance or when offering the status is essential for the refugees’ survival. To be sure, defining the North Koreans who cross the border as “refugees” and extending them protection and free choice would entail an unusually heavy political burden on the host country (in this case China). North Koreans’ border crossings are occurring in so many different forms that it is very difficult to generalize them in a uniform pattern. For example, the levels of punishment assessed after deportation will vary depending on the individual’s social status, family background, hometown, and the duration of stay abroad. Their individual situations in the host country also are so diverse as to preclude a general category. Furthermore, some individuals upon deportation would still be charged as political criminals, certainly endangering their lives.⁵⁶

If protection for North Koreans as “refugees” is needed, the Republic of Korea is prepared to offer necessary protection. This urgent need to offer “refugee” status is often overlooked. However, if North Koreans attempt to obtain South Korean protection, they would be branded as “political traitors.” Further complicating the issue is if they were officially accorded “refugee status,” this decision would probably trigger mass defections from North Korea. There

⁵⁶ AI has reported that unlike ordinary citizens Government and Party personnel would be given heavy sentences if they were caught fleeing the country. See Amnesty International, “Starved of Rights: Human Rights and the Food Crisis in DPRK,” <<http://www.reliefweb.int/w/rwb.nsf/vID/6F7C02087E4E3D5C49256E240017E506?Open Document>>.

are realistic constraints in trying to define North Koreans status as “refugee.” Given the circumstances, however, various ways to offer realistic protections urgently need to be devised. According to the International Organization for Migration(IOM), even illegal migrants are entitled to basic human rights, including the right to life, freedom from slavery and forced labor, freedom from torture, freedom from inhuman treatment, right of privacy, freedom of movement, freedom of religion and ideology, and freedom of expression. Consequently, every conceivable measure should be taken to protect them against human rights violations, especially since their border crossings were an inevitable result of the desire for survival.

Chinese authorities maintain that most defections are not politically motivated but to secure food and necessary daily commodities. Consequently, it seems more realistic and effective to ask the Chinese to extend a “minimum protection,” instead of asking them to grant “refugee” status to North Koreans crossing the border into China. The assumption is that border crossers will not be penalized upon returning to North Korea when the country’s grain shortage is over. Once they are provided with temporary protection, their requests to relocate to South Korea would presumably diminish; a situation that North Korea would also welcome. If China were to extend minimum protection and treat them as ordinary illegal aliens, not subject to immediate deportation, China would be able to minimize its burden and contribute to the protection of the human rights of border crossers. This is a realistic alternative that should be considered.

It is also necessary to develop some protective measures for North Korean women who are “living in” with their unmarried Chinese domestic partners for extended periods of time. China is

known to offer legal status for the children born of Chinese and foreigners. But these North Korean women are unable to complete the necessary legal procedures due to their illegal status and the fear of deportation.⁵⁷ It would be highly desirable to take a census of these women and their children, and offer them legal status. Since the children born of Chinese and North Korean parents will need to obtain legal status before their school age, more effective and detailed measures should be developed through dialogue and consultation.⁵⁸ In some parts of China, local authorities are known to issue family registries to the children born to North Korean women and Chinese men. However, there are costs involved in obtaining necessary documents, such as hospital certificates, when registering a child. Thus poor families in particular would experience some difficulty when attempting to register a newborn child.⁵⁹

In order to improve the human rights situation of illegal North Koreans in China, the activities of various NGOs should be coordinated so they are able to monitor human trafficking and provide relief measures for the victims. Openly guaranteeing the activities of all human rights watchdog NGOs would also contribute to the prevention and reduction of other human trafficking activities in China.

As the Special Rapporteur on North Korean human rights reported⁶⁰ to the 7th meeting of the UN Human Rights Council in 2008, reuniting the North Korean defectors with their families in North Korea is an important human rights issue that requires serious attention and discussion. Thus far, it has been treated as

57_ Kwak Dae-jung, Minutes of the KINU Consultants Meeting, Jun. 24, 2005.

58_ Hazel Smith, *The Plight of the North Koreans: North Koreans in China*.

59_ Testimony of defector XXX during an interview in Seoul on Apr. 6, 2007.

60_ UN Human Rights Council, "Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Mr. Vitit Muntarbhorn," A/HRC/7/20, 15 Feb. 2008.

something that could not be helped, but the principle of “family reunion” should be fully respected as part of protection measures for the defectors living outside of North Korea.

Appendix Chronology of Major North Korean Human Rights Events in 2007

- Jan. 12 Annual Report of “Human Rights Watch(U.S.)” says the North Korean human rights situation has deteriorated in 2006.
- Jan. 17 Fisherman Choi Wook-il, who had been abducted to North Korea, returns home to South Korea.
- Jan. 18 A nine-member family of a former Korean War POW, who had defected to South Korea in 2006, have all been repatriated to North Korea.
- Jan. 22 UN Development Program suspends cash grants to North Korea.
- Jan. 26 South Korea’s National Human Rights Commission issues a stern warning to a police officer for having disclosed personal information of a North Korean defector.
- Feb. 9 World Food Programme announces that the total amount of donations it has received for grain assistance for North Korea has recorded the lowest level in 10 years.
- Feb. 10 Three North Korean defectors in Thailand admitted to the United States as refugees.
- Feb. 17 The total number of North Korean “defectors” in South Korea passes the 10 thousand mark. The total number of North Korean defectors abroad is estimated to number as many as 100 thousand.
- Feb. 22 International Red Cross reports that measles are rapidly spreading all across North Korea.
- Feb. 23 Freedom House in the US provides \$25,000 to the new broadcast, “Open Radio to North Korea.”
- Mar. 2 Twelve North Korean defectors file exile applications

- with the United States.
- A special law provision installed to facilitate divorce of defectors.
- Mar. 5 UN Development Programme suspends all North Korean projects.
- Mar. 6 US Consulate in Shenyang, China, refuses to accept the exile applications submitted by six North Korean defectors.
- Mar. 8 US State Department Human Rights Report selects North Korea as the most repressive regime in the world.
- Mar. 10 South and North Korean Red Cross resume construction of a “family reunion center” in Mt. Keumkang (in North Korea).
- Mar. 21 One North Korean defects to South Korea’s Ullungdo Island (in South Korea’s East Sea) aboard a Russian boat.
- Mar. 27 South Korea sends 300 thousand tons of fertilizer to North Korea.
- Mar. 27-29 Two Koreas resume “Video Family Reunion” meetings.
- Apr. 3 Thai authorities arrest 52 North Korean defectors.
- Apr. 4 Belgium decides to confer refugee status on North Korean defectors.
- Apr. 7 US State Department Human Rights Report says normalization of relations with the United States would be possible only if North Korea improved its human rights situation.
- Apr. 10-13 South and North Korean Red Cross hold a meeting.
- Apr. 12 Chinese authorities arrest six North Korean female defectors attempting to reach South Korea in Winnan Province near the Laotian border.

- Apr. 13 A US Defense Department report says that several thousand South Korean POWs had been deported to the Soviet Union(Soviet Far Eastern Province) at the time of Korean War.
- Apr. 26 Some 400 North Korean defectors in Thailand begin a hunger strike, demanding to be sent to South Korea.
Three young boy defectors come to South Korea from Laos.
- Apr. 30 President Bush announces that US will continue to assist North Koreans who are fighting for freedom.
- May 12-14 The 15th Family Reunion Meeting held at Mt. Keumkang.
- Jun. 2 A family of four fleeing from North Korea aboard a small wooden boat safely arrives at Fukawura Harbor in Aomori Prefecture, Japan.
- Jun. 18 The family of four who defected to Japan come to South Korea.
Fisherman Lee Han-seop who had been abducted to North Korea escapes from North Korea.
- Jun. 23 A South Korean court approves divorce of a North Korean defector couple.
- Jun. 27 South Korea sends first-batch of 400 thousand tons of rice to North Korea.
- Jul. 3 The Kwangju City Council proposes “City Ordinance for the Support of North Korean Defectors in the South.”
- Jul. 10 US House of Representatives forms a “Committee for Separated Korean Families.”
- Jul. 11 Four North Korean defectors enter the Danish Embassy in Hanoi, Vietnam.
- Jul. 12 US begins transport of heavy fuel oil to North Korea.

- Jul. 27 South Korea cancels public hearings on the proposed “Law concerning compensations for persons abducted since the Korean War.”
- Jul. 31 The German Government donates one million US dollars for North Korean grain assistance.
- Aug. 13-14 The 6th Video Family Reunion Meeting held.
- Aug. 14 Thai police arrest North Korean defectors who illegally entered through Thailand’s Chiangmai Province.
- Aug. 21 Five North Koreans enter Indonesian Embassy in Vietnam.
- Aug. 22-24 South Korea sends overland the “rice-on-loan” to North Korea.
- Sept. 14 Fisherman Lee Han-seop, who fled from North Korea June 18, returns home to South Korea.
- Sept. 21 A Defense Ministry civilian employee, who was presumed to have “fled North” reclassified as an abducted person after 30 years.
- Sept. 26 Chinese authorities release Steve Kim, a Korean-American, who was charged with helping North Korean defectors in China, after four years of detention.
- Sept. 29 President Bush orders the provision of 50 thousand tons of heavy fuel oil(\$25 million) to North Korea.
- Oct. 2-4 South-North Korean Summit Meeting held.
- Oct. 9 Seven defectors attempt but fail to enter the Korean International School in China.
- Oct. 16 South Korean Cabinet Meeting passes implementing rules of the Law concerning compensation for abducted persons.
- Oct. 17-22 The 16th Family Reunion Meeting held at Mr. Keum-kang.
- Oct. 24 China resumes rail transportation of World Food

Programme's grain assistance for North Korea.

- Nov. 5 South Korean government begins to receive applications of compensations for abducted persons.
- Nov. 7 South Korean National Human Rights Commission hosts an international symposium on "Human Rights of North Korean Defectors"
- Nov. 13 "An Association of North Korean Human Rights Groups" established.
- Nov. 14-15 The 7th Inter-Korean Video Family Reunion Meeting held.
- Nov. 18 Defector Jeong Keum-cheol refuses to apply for exile in Russia.
- Nov. 20 Defector Jeong Keum-cheol in Russia decides to go to South Korea.
- Nov. 21 South Korean Government abstains from a UN General Assembly resolution on North Korean Human Rights.
- Nov. 28-30 The 9th Inter-Korean Red Cross Talks held; agree to allow 400 "Separated Family Members" to meet face-to-face at Mt. Keumkang every year.
- Dec. 1 Members of an international coalition stage a demonstration in front of Chinese Embassy in Seoul, urging the Chinese Government to stop deporting North Korean defectors in China.
- Dec. 5 South Korea completes transportation of 400 thousand tons of "rice-on-loan" to North Korea.
- Dec. 6 Members of former Pyongyang Art Troupe stage street demonstrations in front of Chinese Embassy in Washington, DC.
- Dec. 7 Two North Korean defectors enter the Swedish Embassy in Laos.

- Dec. 18 For the first time South Korea transports by rail the humanitarian assistance materials to North Korea.
- Dec. 19 The UN General Assembly adopts a resolution on North Korean human rights for third consecutive year.
- Dec. 25 The two defectors who entered the Swedish Embassy in Laos leave for South Korea.
- Dec. 26 North Korean defectors in South Korea begin a new “Radio for North Korean Reforms.”



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