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# White Paper on Human Rights in North Korea



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2011

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# Foreword

Ever since North Korea openly asked for humanitarian assistance in 1995, the international community has paid considerable and continuing attention to the human rights situation in North Korea. And yet, North Korean authorities have shown little concern for improving their citizens' standard of living, choosing instead to develop nuclear devices under the banner of "military-first politics." In an effort to maintain their system of so-called "socialism in our own style," the authorities decided to enforce tight controls over the marketplaces, which functioned as a major source of livelihood for most North Korean citizens, and exacerbated the vicious circle of poverty among the people. In order to strengthen its grip on the "people's market" and garner additional revenue, North Korea implemented a currency reform. However, this currency reform failed to attain the government's expected outcome; in addition, many people lost the basis of their livelihood in the wake of the currency reform and prices of essential commodities soared overnight.

In the wake of North Korea's sinking of the South Korean warship Cheonan, international sanctions on North Korea tightened and North Korea's economic situation deteriorated further. Amid this turmoil, North Korea convened a Party Congress on September 28, 2010 to formalize Kim Jong-eun's status as the hereditary successor to the leadership. Subsequently, North Korea sought to relax the frozen inter-Korean relations by shifting

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## ***White Paper on Human Rights in North Korea***

• **2011**

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gears and offering to hold another round of inter-Korean “separated family reunion” meetings. Surprisingly, however, on November 23rd North Korean forces launched an unprovoked artillery attack on Yonpyong Island, one of the islands off South Korea’s west coast. This long-range artillery attack drove the already tense inter-Korean relations into their worst phase since the end of the Cold War. Many specialists believed that the military provocation was perhaps designed to galvanize North Korea’s internal solidarity by creating inter-Korean tension.

Every year, the United Nations General Assembly has adopted a resolution calling on North Korea to improve its human rights situation. In the face of continuing and repeated pressure from the international community, however, North Korea refused to comply, protesting that they were the victims of a conspiracy to humiliate and degrade the “loftiness of our system.” Despite its claim of “loftiness,” North Korea has not taken any steps to enhance the “human dignity.” On the contrary, North Korea has been tightening control and surveillance over its population so that a stable atmosphere for the “third hereditary succession” may prevail. Despite their thorough-going controls, however, the number of defectors has continued to rise due to the persistent food shortage. In fact, more than 21,400 North Korean defectors have fled to South Korea as of May 2011.





# Foreword

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In the face of North Korea's persistent attempts to develop nuclear weapons and its repeated military provocations, South Korea has been patiently grappling with the difficult tasks of encouraging North Korea to open and reform, on the one hand, and calling on North Korea to improve its human rights situation, on the other. In the face of these ongoing challenges, it is all the more important for us to equip ourselves with accurate and objective data and information on the human rights situation in North Korea if international pressure is to produce an effective outcome. Indeed, fact-based investigations into North Korea's human rights violations have already produced solid information which can be used to persuade North Korea to adopt measures for the improvement of human rights, however limited they may be.

The Korea Institute for National Unification (KINU) in Seoul established its North Korean Human Rights Research Center in December 1994 for the purpose of managing various data and source materials related to the human rights situation in North Korea in a systematic and professional way. The Center has also periodically conducted systematic and professional in-depth personal interviews with North Korean defectors in South Korea to ascertain the reality of the human rights situation behind the walls of North Korea. Based on the information obtained through our research and investigations we have built an extensive computerized database, and

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***White Paper on Human Rights in North Korea***

**• 2011**

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since 1996 we have published this “White Paper on Human Rights in North Korea” every year in both Korean and English. In order that we may better grasp the North Korean realities on the ground, the contents of this White Paper are based on in-depth personal interviews with North Korean defectors in South Korea, with emphasis on recent arrivals, as well as on various reference materials, reports, and scholarly analyses on North Korean human rights that have been published here and abroad.

Despite various unavoidable limitations, it is my hope that this White Paper will help enhance interest and concern about North Korean human rights at home and abroad, and that this volume, as an essential source material, will contribute to the on-going domestic and international debate over improving human rights in North Korea.

Last but not least, I would like to thank Prof. Lee Jung-ha of GSIS, Korea University, for his translation and copy-editing of this English edition.

Taewoo KIM, Ph. D.

President,  
Korea Institute for National Unification  
August, 2011



# Contents

Executive Summary	12
<b>I. Human Rights and the Characteristics of the North Korean System</b>	49
1. Human Rights and Characteristics of the North Korean Regime	50
2. North Korea's Concept of Human Rights	58
3. The International Human Rights Regime and North Korean Human Rights	63
<b>II. The Reality of Civil and Political Rights</b>	73
1. The Right to Life	74
2. The Rights to Liberty and Personal Safety	111
3. The Right to Due Process of the Law	173
4. The Right to Equality	215
5. Civil Liberties	244
6. Freedom of Religion	302
7. The Right of Political Participation	330
<b>III. The Reality of Economic, Social, and Cultural Rights</b>	337
1. The Right to Food	338
2. Social Security Rights	351
3. The Right to Work	368
4. The Freedom to Choose One's Job	373
<b>IV. The Reality of Minority Human Rights</b>	383
1. Women's Rights	384
2. The Rights of the Child	410
3. Care for the Disabled	436
<b>V. Human Rights in Major Issue Areas</b>	453
1. South Koreans Abducted and Detained in North Korea	454
2. Human Rights Abuses on Korean War POWs	482
3. Human Rights Abuses on Defectors	488
Major North Korean Human Rights Events in 2010	530
<Appendix 1> Public Executions in North Korea Since the Currency Reform	542
<Appendix 2> Major Figures Publicly Executed in the Last 5 Years	544

# Tables & Graphics Contents

<Table II-1>	Required Elements for Crimes subject to Capital Punishment in North Korea's Revised 2009 Penal Code	75
<Table II-2>	Rules for Capital Punishment in the Penal Code Annex (on Ordinary Crimes)	77
<Table II-3>	Public Executions Based on Defector Testimonies	101
<Table II-4>	Confinement Facilities	116
<Table II-5>	Types of Crimes and Corresponding Place of Detention	118
<Table II-6>	Status of Closed Camps	155
<Table II-7>	The Reality of No. 14 Gaechon Management Center	161
<Table II-8>	Types of Penalties and Behaviors Subject to Sanctions	211
<Table II-9>	Personal Background Surveys and Citizen Control Measures	218
<Table II-10>	The 3 Classes and 51 Sub-classes	222
<Table II-11>	Categories of Personal Background	223
<Table II-12>	Categories of the Complex Masses	223
<Table II-13>	Status of Foreign Travel Denials	260
<Table II-14>	The Status of Religion	307
<Table III-1>	North Korea's Total Grain Output and Demand	341
<Table IV-1>	Handicapped Children by Age	437
<Table V-1>	Statistics of Persons Abducted in Wartime	456
<Table V-2>	Age Distribution of Wartime Abducted Persons	457
<Table V-3>	Status of Abducted and Detained Persons	463
<Table V-4>	Number of Abducted Persons by Year	464
<Table V-5>	Status of Abducted Persons Who Have Returned Home	464
<Table V-6>	List of Additionally Confirmed Abducted Persons	471
<Table V-7>	List of Abducted Persons Reportedly Detained in Political Concentration Camps (22 persons)	474
<Table V-8>	Status of Abduction Damage Applications Received	481
<Table V-9>	Status of Decisions on Consolation Payments for Abduction Victims	481
<Table V-10>	Status of South Korean POWs	482
<Table V-11>	Status of Returning Korean War POWs by Year	483
<Table V-12>	Cases of Human Rights Violations against Forcibly Deported Pregnant Women through the Testimonies of North Korean Defectors	513
<Table V-13>	Cases of Actual Punishments against Defectors	521
<Table V-14>	Cases of Forcible Banishment of Defectors and Their Families	523
<Table V-15>	Punishments Recorded for Human-Trafficking	524
<Graphic II-1>	Proclamation of the Ministry of People's Security (formerly the People's Security Agency)	83
<Graphic II-2>	Political Concentration Camps	155
<Graphic II-3>	System of Special Control Districts	158
<Graphic V-1>	Photograph of Abducted South Koreans	469
<Graphic V-2>	Photograph of Abducted South Koreans	470



# Executive Summary

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## I. Human Rights and the Characteristics of the North Korean System


The poor human rights situation in North Korea is closely related to the nature of its political system. North Korea has all the characteristics of a totalitarian “garrison state,” imposing strict controls over its political, economic, social, and cultural sectors in the name of national security. Consequently, the fundamental human rights of its citizens have to contend with the powers of the state and the Party, which systematically abridge or breach the basic rights of citizens. Since the collapse of the former Soviet Union and the Eastern European socialist regimes, North Korea has experienced chronic economic stagnation. Despite these adverse circumstances, the Kim Jong-il regime has made a series of poor choices in its policies for the distribution of resources, such as prioritizing military reinforcements, which in turn have exacerbated its economic malaise. As a result, North Korea has become a “failed state” that cannot even guarantee its people’s rights to life and sustenance.

Chairman Kim Jong-il, who has sought to secure regime stability through nuclear development, suffered a stroke and had to undergo a surgical operation in August 2008. As uncertainties mounted over the health of Chairman Kim, North Korea began to contemplate the succession issue. In the course of preparing for a succession, North Korea felt it necessary to maintain a hard-line policy stance and decided to conduct a second ‘nuclear

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test' on May 25, 2009, prompting international sanctions in accordance with UN Security Council Resolution No. 1874. As a result, North Korea's economic activities have suffered a further contraction. Under the circumstances, the North Korean authorities decided to enact a currency reform on Nov. 30, 2009 to strengthen their control over the "marketplaces" in hopes of boosting revenue. Contrary to their expectations, however, the currency reform drove up prices of commodities (including rice) and foreign exchange rates. As public discontent mounted, the authorities had to back down and relax the tight controls over the market.

On March 26, 2010 a North Korean submarine torpedoed and sank the Cheonan, a South Korean warship operating in South Korean territorial waters. The attack killed 46 South Korean sailors. This unprovoked attack immediately hardened inter-Korean relations. Despite the deteriorating South-North relationship, North Korea decided to formalize its "hereditary succession" by appointing Kim Jong-eun, Kim Jong-il's third son, to the position of Deputy Chairman of the Party's Central Military Commission at the third KWP Party Delegate's Conference on Sept. 28, 2010. Shortly thereafter, on Nov. 23, 2010, North Korea launched another unprovoked attack on South Korea by firing a barrage of artillery shells on Yongpyong Island, killing at least two civilians and destroying a number of buildings on the island. By perpetrating these unprovoked attacks on South Korea, North Korea was apparently attempting to maintain a



state of tension in inter-Korean relations in order to reinvigorate internal solidarity around the new leader, Kim Jong-eun. However, their military adventurism had the opposite effect, driving the economy into a further downward spiral and provoking a widespread outcry from the citizenry. North Korea may have taken this hard-line posture in its external relations to secure a stable environment for the hereditary succession at home, but such policies had the effect of alienating the international community, and North Korea's human rights situation has further deteriorated as a result.

## II. The Reality of Civil and Political Rights

### 1. The Right to Life

Some time after April 2009 North Korea made a major revision to its Penal Code. In this revision North Korea expanded the categories of crimes subject to capital punishment to include the crime of “disloyal (treacherous) destruction.” in addition to the existing capital crimes listed in the Penal Code such as conspiracy to overturn the state, terrorism, treason against the fatherland, treason against the people, and premeditated murder. The addition of this new category of capital crime signifies a deprivation of the citizens’ right to life. In the 2009 revision stipulated a 20-year statute of limitations for capital crimes; this change should be considered a positive move. On December 19, 2007, North Korea added an “Annex” to the Penal Code involving “ordinary crimes.” According to this Annex, which consisted of 16 articles, capital punishment can be applied to such crimes



as dealing and using narcotics and smuggling. In the Universal Periodic Report (UPR) submitted to the UN Human Rights Council, North Korea did not officially mention the addition of this Annex (on ordinary crimes) to its Penal Code in connection with capital punishment. Perhaps North Korea thought it could avoid international criticism by omitting mention of its expansion of capital punishment categories through the addition of this Annex to the Penal Code.

The practice of “public execution,” which is clearly a breach of citizens’ “right to life,” persists to this day. In this connection, the revised 2009 Penal Code streamlined various provisions essential for the maintenance of the regime and reinforced the levels of punishment. The Penal Code also increased the punishment for defection and added various measures to cut off or block the inflow of “capitalist culture.” These measures appear to be part of an attempt to consolidate internal controls to facilitate a smooth power transition to Kim Jong-eun, the son of Kim Jong-il. According to defector testimonies, incidents of “public execution” have been on the decline since the year 2000 and are less prevalent now compared to the “Arduous March” period in the 1990s. But some defectors testified that incidents of public execution have increased since 2007, and others said that new instructions encouraging the enforcement of public execution had been handed down from high places. According to personal interviews with defectors conducted in 2009 and 2010, incidents of public execution have begun to increase in recent years. This new trend is apparently related to the addition of the “Ordinary Crimes” Annex to the Penal Code in 2007 and the Penal Code revision of 2009, as well as the official appointment of Kim Jong-eun as the successor.



## 2. The Rights to Liberty and Personal Safety


In its 2009 UPR to the UN Human Rights Council, North Korea insisted that its Criminal Procedure Law strictly prohibits torture and confessions obtained under duress and claimed that victims of torture or forced confessions would receive due compensation. In addition, law enforcement officer training institutes are taking the necessary steps on a regular basis to inform officers not to seek or rely on forced or induced confessions. Prosecutors' offices are also taking all necessary measures to prevent torture and the inhumane or degrading treatment of suspects. However, witness testimonies have continued to mount regarding inhumane treatment such as beatings and torture at various detention and correctional facilities, including detention centers, collection points, correctional centers, and labor-training camps. Under the North Korean Penal Code, the "labor-training" penalty is supposed to be handed out after a trial, but many suspects are routinely sent off to labor-training camps without trial, although some exceptions are also reported. Beatings and harsh treatment are usually carried out by a group of fellow inmates at the behest of security agents, although the agents will often beat the inmates also. Beatings, torture, and other inhumane treatment in detention facilities inevitably lead to serious injuries and illnesses. Many North Koreans are forced to suffer from torture and the unspeakably poor quality of food, medical help, and nutrition in the detention facilities, and these factors in combination often lead to death.

There are six political concentration camps in North Korea, where an estimated 150,000 to 200,000 political prisoners and their families are forced to live a "sub-human" existence. With

the 2009 Penal Code revision, North Korea made it possible for courts to hand down capital punishment for “treacherous destruction,” a crime against the state, and broadened the scope of crimes against the state by allowing punishment of those who fail to report “crimes against the people.” In short, North Korea has reinforced the level of punishment for crimes against the state and the people through the 2009 revision of its Penal Code. It appears that North Korea is trying to carry out its “succession plan” through tighter controls over its political prisoners, which from the human rights point of view represents a step back. Since 2005 there have been a growing number of cases in which people caught contacting South Koreans or attempting to flee to South Korea have been locked away in political concentration camps (under charges of espionage). Some defectors testified that many people are sent off to political concentration camps for attempted defection or possession of South Korean videos. The Penal Code revision of 2004 tightened provisions designed to block the influx of outside information. It appears that these revised provisions have been applied in recent cases of video possession and South Korea-related misconduct. With the 2009 revision North Korea further tightened provisions designed to cut off the flow of foreign information. Accordingly, many more North Koreans attempting to obtain outside information are likely to end up in political concentration camps across North Korea.

### 3. The Right to Due Process of the Law

North Korea streamlined its trial procedures in May 2004 with a major revision of its Criminal Procedure Law and made partial revisions in July 2005 and October 2006. However, vari-



ous problems persist in its criminal trial procedures. Under North Korea's criminal law, a judge and "people's jurors" must participate in all trials. But in many cases the level of punishment is determined during the pre-trial or investigation stage, precluding formal trial procedures as well as judges and people's jurors. Some defectors testified that many trials are conducted based on documents only, and very often the right to a speedy trial is violated during the investigation or pre-trial stages. On the other hand, there are some cases in which criminal trial procedures are carefully followed as stipulated in the Penal Code, Criminal Procedures Law, Court Composition Law, and other laws. The right to a speedy trial is also sometimes observed during the trial, pre-trial or investigation stages.


In an attempt to prevent crimes and keep the masses alert, the North Korean authorities continue to enforce a unique practice known as "on-site public trials." A typical example of this system is the so-called "public execution" practice. Naturally, this type of trial procedure opens up possibilities for flagrant violations of human rights. Most North Koreans do not know that they are entitled to the participation of judges, prosecutors, and people's jurors at "public trial" procedures. In many cases, a decision is made before the actual "on-site public trial," and only the sentencing is carried out "on-site." The "public trials" are by definition a form of human rights violation. They are all the more inhumane since the accused is not provided with legal assistance from an attorney. During public trials, defense attorneys participate as a formality. In most cases the defense attorney does not defend his client, and in some cases the attorney even emphasizes the client's criminality or reveals additional crimes. As for the frequency of "on-site public trials," the defector testimonies

were not consistent. Some defectors testified that “on-site public trials” have noticeably declined since 2001, while others testified that such trials and public executions have increased since late September 2007 when Chairman Kim Jong-il issued special classified instructions to “let the gunshots ring out to cope with unruly behavior.”

Sometimes the authorities are known to accept appeals and petitions, although such cases are exceptional. In North Korea, appeals or petitions could potentially have an adverse impact on the petitioner, often resulting in heavier penalties.

North Korea’s Constitution and the Attorney Law guarantee citizens’ right to legal assistance. In reality, however, the right to an attorney is not guaranteed. In many cases, trials are conducted based on documentary evidence, making it impossible to get legal assistance, and even at actual trials it is common place for defense attorneys to be absent. Recently, however, many North Korean defectors testified that in most trials today defense attorneys do participate in trials. Even when they participate, however, they seldom assist their clients, nor do they actively provide legal advice. It is not surprising that most North Koreans are unaware of the proper role of attorneys at trials.

North Korea’s Administrative Penalty Law stipulates a variety of penalties, including warnings, stern warnings, unpaid labor, labor education, demotion, resignation or termination from one’s job, suspension, reparation, confiscation, suspension of qualifications, reduced pay, and removal of qualifications. In many cases, demotion, resignation, unpaid labor, and fines are imposed. In recent years, criminal penalties such as correctional labor and labor training have been imposed in connection with the use of mobile phones, video circulation, illegal vending, etc,



but in minor infraction cases fines are the most commonly imposed penalty.

#### 4. The Right to Equality

North Korea's Constitution stipulates "equality under the law." But discrimination based on "personal (family) background" persists throughout North Korea. Some defectors have testified that cases of discrimination based on personal background have significantly diminished in recent years. They say that money, rather than background, has become more important, and if you have money you can handle almost anything in North Korea today. Other defectors testified that personal background still influences many facets of life. One's personal background is still important in order to become a Party member or to get a staff-level promotion, and discrimination still persists in these sorts of sensitive areas. But there is less discrimination in college admissions, job assignments, and promotions at workplaces. However, this is not to say that equality is guaranteed in these areas; rather this apparent relaxation of discriminatory practices is due to the prevailing social preference for money and bribes.


Discrimination is still practiced against former inmates of political concentration camps, illegal river-crossing criminals, defectors, former South Koreans, Korean War POWs, and the families of defectors to South Korea. Some people are discriminated against for having relatives in China or for having returned home after defecting to China. If a family member has fled from North Korea or become a missing person, the remaining family members become ineligible for military service. Discrimination is

most apparent in the cases of former South Koreans and Korean War POWs and their families, along with those who have relatives in South Korea. The families of defectors to South Korea are also discriminated against in joining the Party or the military, and even in college admissions and marriage. The same is true if you have relatives in China or if one or both of your parents were Chinese citizens. The North Korean authorities also discriminate against “returning Koreans” (repatriated Koreans from Japan) in matters like job assignments and Party membership. “Returning Koreans” are not be allowed to join the Party or become staff administrators, but some defectors testified that in recent years they can be appointed to various administrative jobs. Chinese residents in North Korea are also discriminated against, but there are no specific institutional arrangements against them, perhaps because they usually have financial clout.

## 5. Civil Liberties

The freedom of movement and residence is an essential element for the maintenance and development of human dignity and values. Yet North Korea imposes harsh penalties on citizens caught traveling without “travel permits.” The authorities restrict citizens’ freedom of movement to preclude the possibility of internal disturbances and to cut off the flow of dangerous influences from without. Fearing that the recent “Jasmine Revolution” sweeping across the Middle East might permeate into North Korea, the authorities have further tightened the restrictions on citizens’ freedom of movement.

As economic hardship has deepened, however, restrictions on free movement have gradually been relaxed. Normally, no fee



is required to obtain travel permits. But people provide bribes such as cigarettes to the agents in charge to expedite the procedure. In fact, travel permits are openly sold in the marketplaces. One must undergo lengthy and complicated procedures to obtain a travel permit. In addition, travelling on an official permit means that one's "footprints" are visible to the authorities. So many people attempt to travel without permits, and if caught by an agent they try to bribe their way out of trouble.

There is literally no public transportation in North Korea except for trains, although the demand for movement has been increasing. As a consequence, many agencies and enterprises offer transport on their cars or trucks to make some extra money. These vehicles are known as "servi-cars" (service cars); they are not authorized for use as taxis, but individual units or agencies operate them as such in order to make extra money on their own.

All travelers are subject to "spot-checks" and "bed-checks" en route and at their destinations. Bed-checks are conducted by military security agents, who search local civilian-operated "boarding houses" looking for people traveling without citizen cards or travel permits or people who neglected to register with the local authorities. Fines are imposed on those who violate the "boarding order," and a penalty of up to two months of "labor education" may be imposed on a boarding house owner who has accepted money or other gifts and in exchange for letting someone stay overnight illegally.

As in the case of 'freedom of travel,' North Korean citizens have no 'freedom of relocation' without the permission of the authorities. Should anyone relocate to a new address without permission, he/she will not obtain a citizen card and his/her




social activities, including jobs, will be extremely limited. A typical example of a breach of individual freedom of movement is ‘forcible banishment’ (from one’s hometown). The North Korean authorities forcibly banish those whom they believe to be politically unfaithful. Generally speaking, ‘political criminals’ and people with grudges against the system are often forcibly banished to coal mines or newly developing industrial sites in Jakang and Yankang Provinces. Since the economic hardship of the 1990s, a variety of new reasons for banishment have appeared as patterns of illegal behavior and deviance have diversified.

Forcible banishment is also carried out in connection with defection. If the authorities discover that one member of a family has defected to South Korea, the remaining family members are forcibly banished to a remote area. The penalty of forcible banishment applies to most cases of smuggling, human trafficking, selling or viewing South Korean CDs, using mobile phones, and circulating foreign information. Other “crimes” subject to forcible banishment include assisting in river-crossings, arranging for “family reunion” meetings, and other unlawful acts involving South Korea. Some North Korean defectors said that forcible banishment also applies as a punishment for religious activities and other “major” infractions.

Without exception, all North Korean news media concentrate on political propaganda promoting the “Juche” ideology and the idolization of Kim Il-sung and Kim Jong-il. In addition, North Korea uses the news media as a tool for reforming the entire population as communists. In North Korea, therefore, ordinary citizens are never free to express their personal opinions.

The North Korean authorities enforce strict controls over all means of communication to block the inflow of outside infor-



mation. All radio frequencies in North Korea are fixed on one channel, the Central News, which is North Korea's official broadcast. If the official seal on the radio has been torn off, the owner of the device is accused of listening to foreign broadcasts including South Korean radio programs and is punished as a political criminal. The most feared inspection team is known as the "111 Security Agency" team. Nevertheless, incidents of people discreetly accessing TV and video programs have been on the rise since the mid-1990s. It is reported that residents in some areas have been watching South Korean news and even some drama programs.

The fact is that anyone can install land-line telephones, but the authorities conduct wire-taps to cut off the information flow among the people. Mobile phone service began in North Korea in 2001. According to the 2010 annual report of Orascom Telecom, about 300,000 North Koreans have subscribed to mobile phone service as of the end of 2010. Use of Chinese mobile phones is prohibited in principle, and if detected, the user will be sent off to a correctional center. As the economic hardship has spread, security agents and border guards are also feeling the pinch. So they will often overlook incidents of mobile phone use upon receiving some bribes.


The North Korean authorities enforce strict control over the flow of information via illegal recordings and other video materials. In the 2004 Penal Code revision, North Korea added new provisions concerning the import and circulation of depraved cultural items (Art. 193) and a ban on depraved activities (Art. 194). Accordingly, heavy penalties will be imposed on those who bring in foreign items without permission, such as drawings, music, dance, photos, publications, videos, or CD-

ROMs depicting depraved or sexual scenes, as well as those who have seen or listened to these items. If convicted, in most cases perpetrators are locked up in labor-training camps, educational labor camps, or correctional centers.

North Korean defectors testified that despite the on-going surveillance and inspections by the “109 squads,” discreet viewing of South Korean CDs is on the rise throughout North Korea. Some defectors said that some branch office chiefs and security agents even join in the viewing of South Korean videos. Published materials are also an important means of ideological education, so the Party (KWP) directly supervises all published materials, censoring and regulating them.

North Korean authorities consider all unauthorized assemblies and associations as potential causes of social disturbance. As a result, the North Korean people do not have any assemblies or organizations that will speak for their inherent rights, because only assemblies held at the behest of the Party or associations meeting the needs of the Party are permitted. All assemblies and associations including women’s organizations, religious assemblies, labor movements and political parties are under the control of the authorities, and no independent (civilian) agencies or organizations exist in North Korea.

Every North Korean citizen from the age of 6 until retirement is required to join one or more of the following organizations: kindergarten, the Boy Scouts, all levels of educational institutions, the Kim Il-sung Socialist Youth League, the All Chosun Jobs League, the Chosun Farm Workers’ League, the Chosun Democratic Women’s League, or the Korean Workers’ Party. All inhabitants must enroll in various units including work-place units, and must participate once or twice a week in



“lifestyle review meetings” and “political education” sessions. Anyone absent from these sessions is criticized publicly and in extreme cases may be banished to a remote area. Consequently, many defectors reported that the “organized life” requirements were very demanding. Due to the deteriorating economic situation, however, people can be excused from attending these meetings by paying money or by participating via telephone.

Privacy is not protected in North Korea. The authorities censor all incoming foreign mail and wire-tap devices are installed everywhere, even in the homes and cars of high-ranking Party, government, and military officers, not to mention private citizens. Thus personal life and privacy are thoroughly breached through a system of ubiquitous watch-dog mechanisms.


The North Korean authorities enforce a system of “lifestyle review meetings” sessions at all levels of society, from top level organizations to local “People’s Units,” for the purpose of systematically controlling the daily lives of the people and effectively implementing Party instructions down the line. At these “lifestyle review meetings” sessions, which are conducted about once a week, self-criticism and reciprocal criticisms take place. North Korean defectors testified that since the economic hardships began the sessions have simply become a formality, and “reciprocal criticisms” are rare since everyone is going through enough hardship and no one dares to criticize others under the already painful economic difficulties. Thus most “reciprocal criticisms” turn out to be very superficial.

For the purpose of watching over private lives, the so-called “people’s unit” system is widely used. Each “people’s unit” is composed of 15-25 neighboring families and is under the con-

trol of a “unit leader,” The leader will watch over various activities of his/her neighbors, including their ideological orientation and family lives. The leader is also responsible for occasional labor-mobilization and “lifestyle review meetings” sessions. In short, surveillance and control over local inhabitants begins with the People’s Unit leaders. They are in fact resident “spies” or whistle-blowers for the security and safety agencies.

## 6. Freedom of Religion

Kim Il-sung has said, “Religion is an opiate of the people.” Following this teaching faithfully, the North Korean authorities have persistently enforced religious persecution since the founding of the regime. North Korea claims that religion is the “imperialists’ tool of aggression” which only protects the interests of the ruling class in a class-based society. Due to this type of distorted perception of religion, many religious practitioners have been classified as people of bad personal background and have been tortured or executed. In most cases, religious practitioners are persecuted as anti-revolution, anti-people hostile elements. Christianity, in particular, has been regarded as a “spiritual tool” of imperialist aggression, and hence there has been a massive purge of Christians. Taking advantage of anti-American sentiment during the Korean War, North Korea launched a major campaign of religious persecution. Through a survey of its citizens’ background, North Korea singled out and took various oppressive measures against religious persons and their families. North Korea teaches its people that religion is superstition and is like a narcotic. Anyone found engaging in religious activity is sent off to a “management center” (a state-run penitentiary).



One of the reasons religion cannot thrive in North Korea is the campaign for deification of Kim Il-sung. North Korea has deified Kim Il-sung and has enforced this bogus ideal through its so-called “10 Principles for the Party’s Sole-Ideology System.” This “10 Principles” document stipulates that people must devote unconditional loyalty to Kim Il-sung and absolutely embrace his instructions. Some defectors said that the “10 Principles” are like the “10 Commandments” of Christianity. However, as daily living has become more difficult under the economic hardships, most ordinary citizens pay less attention to these principles, although they would not dare to violate them.

Since the 1980s the international community began to criticize North Korea for depriving its people of religious freedom. As contacts with foreign religious organizations increased, North Korea began to relax its policy on religion and took some reassuring actions such as building religious structures, allowing religious ceremonies, and operating religious educational institutions. However, most North Korean people are not aware of the existence of religious organizations in Pyongyang.

Meanwhile, fortune-telling is spreading widely in North Korea. Rumors widely circulate regarding which fortune-tellers are renowned for great accuracy and so forth. Ranking officials do not visit such practitioners, but some of their wives have been known to visit them to solicit predictions on matters that concern them.

## 7. The Right of Political Participation

At least formally, North Korea guarantees secret ballots based on general, equal, and direct voting principles. However, in

the candidate selection process, citizens are required to cast “yes/no” votes on a single candidate nominated by the Party (KWP). Elections are conducted under the strict control and supervision of the National Safety Protection Agency. Consequently, the citizens’ perception of elections is very negative. The North Korean people consider participation in elections not as a right but as a duty forced upon them. Anyone failing to vote is branded as a “reactionary,” so everyone participates in voting unless faced with unavoidable circumstances. For fear of political retaliation, no one would dare to cast a negative vote on a candidate.

In order to show off a high level of support for the Party, the authorities try to achieve the highest possible voting rate by providing mobile ballot boxes for infirm and old voters who cannot come to the polling stations. As a result, all North Korean elections show 99.9% voter participation with 100% of votes being affirmative.

### **<Overall Assessment>**

In 2010 the condition of civil and political rights in North Korea remained as serious and precarious as ever. North Korea made revisions to its Penal Code at some point after April 2009. Most of the revised provisions had to do with protecting the political system and intercepting external sources of information. These actions were retrogressive in terms of promoting human rights. The 2009 Penal Code revision was noteworthy in light of the official anointment of Kim Jong-eun as the “successor-designate” in September 2010. In an attempt to stabilize the domestic scene in preparation for the hereditary succession, the North Korean authorities are certain to reinforce internal controls. In the process, abuses and violations of the rights and liberties of



citizens are bound to increase, along with incidents of public executions, on-site public trials for law-breakers, and sentences of labor-training and correctional labor. Some North Korean defectors testified that these phenomena are already on the rise.

First, although the frequency of public executions has declined since 2000 under strong criticism and pressure from the UN and the international community, from 2007 public executions appear to have increased, especially in 2009 and 2010. It is believed that this development is the result of the Annex (on ordinary crimes) added to the Penal Code in the 2007 revision which in defined a new set of crimes subject to capital punishment, and the reinforcement of internal controls for the protection of the regime through the 2009 revision of the Penal Code.

Second, North Korea imposes criminal penalties for the use mobile phones or the circulation of videos, such as unpaid labor, fines, and other “administrative penalties,” in addition to labor training and labor education. A defector testified that someone was even sent to a political concentration camp for this kind of minor infraction.

Third, beatings, torture, and other forms of inhumane treatment seem to persist in North Korea’s detention and correctional facilities such as collection points, detention centers, correctional centers, and labor training camps. Furthermore, the inmates suffer from injuries and illnesses due to such inhumane and degrading treatment. The human rights abuses in the detention and correctional centers may be closely related to the deteriorating economic situation and the lack of medicine and medical equipment. Rapid improvement of North Korea’s economic situation and medical infrastructure will be hard to achieve. In the meantime, many inmates will inevitably succumb to the terrible



mistreatment and severe malnutrition in the various detention facilities.

On the other hand, there are a few positive signs as well.

First, in connection with criminal court procedures, there are some cases in which the prescribed time limit for interrogations and pre-trials has been duly observed in accordance with the criminal law rules and regulations. In the past, labor training penalties were imposed without trials, but many defectors testified that they are now imposed through formal trials. Some defectors testified that defense attorneys provided the accused with some legal assistance during the trial process. Other defectors testified that appeals and petitions were sometimes accepted for review. In North Korea, criminal procedures are not routinely followed, defense attorneys are not fully functional, and petitions often end up resulting in heavier penalties, so it is not yet possible to conclude that North Korea's criminal procedures have improved based on these recent testimonies. Nevertheless, these reported improvements seem to indicate that the legal awareness of North Korean citizens has made some progress. Furthermore, these developments seem to show that North Korea has been trying to accommodate international critics of its human rights situation to some extent, however passive it may be.

Second, discrimination based on personal background appears to be easing. Personal (family) background is still critical to Party membership and staff promotions, but this criterion appears to be weakening in the areas of college admissions, job assignments, ordinary promotions, and marriage. Yet this does not necessarily mean that a sense of equality is spreading among North Korean citizens. Rather it appears to be a reflection of the widespread bribery and corruption in North Korean society



today.

The current status of North Korean citizens' right to liberty may be summarized as follows:

First, North Korea continues to suppress its citizens' right to liberty in order to maintain its *suryong* (leader) system. Harsh punishments imposed on anyone who attempts to travel, relocate, assemble, or publish without the permission of the authorities. But as economic hardship has worsened the level of corruption has increased among low-level officials, and consequently citizens have become able to travel, communicate, and relocate through illegal means.

Second, as economic difficulties mount, contacts and exchanges with China have increased, and "illegal" outside information has been flowing into North Korea through the frequent use of Chinese mobile phones. Despite potential penalties, South Korean CDs continue to circulate, and hence information about South Korea has begun to flow into the country, contributing to an improved image of South Korea among North Korean citizens. Of course, other outside information is also flowing in, such as news about China and other international issues (including the Jasmine Revolution in North Africa).

Third, religious freedom remains firmly blocked. Except for a small number of Pyongyang citizens, most North Koreans have never seen any religious facility. The citizens' right to vote is permitted, but elections are conducted under the absolute control of the government. No one is allowed to cast a negative ballot due to tight surveillance. This situation is unlikely to improve any time soon.


### III. The Reality of Economic, Social, and Cultural Rights

#### 1. The Right to Food

North Korea's grain crisis has persisted since the 1990s without any noticeable improvement. The crisis was exacerbated by the massive natural disasters in the mid-1990s, resulting in a famine among the North Korean population. The famine began to ease off around the year 2000 thanks to humanitarian assistance from South Korea and the international community, as well as more favorable weather conditions. However, North Korea's annual grain output for the year 2010 still fell short of normal demand by about one million tons. Furthermore, the adverse impact of the currency reform enacted in late 2009 caused the price of grain to shoot up, presenting the North Korean people with another round of food shortages.

The fundamental problem with North Korea's grain and food supply can be attributed to the structural vulnerability of its ineffective "collective farm system." In addition, the reduced coal production in the wake of natural disasters and the suspension of energy assistance from China, Russia, and the former Eastern European bloc countries had a very negative impact on North Korean industry in general, and agricultural output in particular.

The North Korean people have always received their grain and all daily necessities from the state through the central ration system. From 1996 on, however, central rations were completely suspended in some areas. The official ration network does not function properly, and many citizens have had to find their own means of survival. To make the situation worse, the government began to enforce tighter controls over its citizens' spontaneously



created “marketplaces” in the wake of the 2009 currency reform. When popular discontent mounted, the government began to partially relax these market controls from early February of 2010.

Even though the grain shortage was dire, the grain donated by various outside sources were not adequately distributed to ordinary North Korean consumers. One North Korean defector testified that local inhabitants received beef rations provided by UN agencies, but after the UN personnel finished photographing the distribution and departed from the scene, the people were forced to return the entire beef distribution to the distribution center (store). Most defectors testified that rice sent as foreign aid never reached ordinary citizens. Most of the rice aid went to military installations, and some of that rice eventually flowed out to the marketplaces where citizens could purchase some of it.

## 2. Social Security Rights


North Korea’s Constitution stipulates, “Citizens shall have the right to receive free medical care, and persons who are no longer able to work due to old age, illness, or physical disability, as well as children who do not have caretakers, shall have the right to receive material assistance. This right shall be guaranteed by the medical care system, the continuously expanding medical facilities including hospitals and sanitariums, and the state social insurance and social security systems.” (Art. 72) Based on this provision, the North Korean authorities advertise that in the area of social security systems North Korea is ahead of other advanced countries. However, there is a wide gap between North Korea’s social guarantee policies and realities. Due to the lack of neces-

sary funds, its social security system is not functioning properly. Needless to say, social security benefits for the infirm and the elderly who have lost the ability to work are woefully insufficient, and grain rations, the most basic means of sustenance, are not forthcoming to ordinary citizens, except for those living in certain areas like Pyongyang. For example, the pension system for retirees is perfectly set up legally and institutionally. But under the weight of economic hardship, none of it is implemented.

In fact, a large part of the social security system was abandoned with the so-called “July 1 Economic Improvement Measures” (July 1, 2002), and the gap between the ideal system and the reality has widened. Although the previous system remains in place on paper, the nature of welfare payments and the operating principles of the system have changed due to the July 1 Measures. In other words, through the July 1 Measures the government basically abandoned its role as the supplier of food, shelter, and clothing for the people. Also, despite the various welfare payment systems stipulated in the National Social Insurance and National Social Security Laws, the responsibility for the welfare of North Korean citizens has been transferred from the state to individual citizens. In short, the role of “social safety net” which the national social welfare system aspires to has drastically shrunk.

### 3. The Right to Work

North Korea’s Constitution stipulates, “Citizens shall have the right to labor. All citizens who are able to work shall choose occupations according to their wishes and talents, and shall be guaranteed secure jobs and working conditions. Citizens shall



work according to their abilities and shall be paid in accordance with the quantity and quality of their work.” (Art. 70) However, the “right to work” is more akin to an obligation to respond to labor mobilizations.

In fact, work for North Koreans is not a right but a duty. (Article 2 of the Socialist Labor Law says, “Work is the sacred duty of all citizens.”) Today most North Korean industrial workers are in a state of unemployment. Due to the economic problems, the factory operating rate is only 20-30%, and workers have no place to work. Most workers will attempt to set up vending ventures when their factory is not in operation. Even though Chairman Kim Jong-il issued instructions to “Try to eliminate individual work and let the workers collectively report to work at factories and enterprises,” individual vending efforts persist since people have to make a living everyday.


#### 4. The Freedom to Choose One’s Job

In North Korea, individuals choose jobs based not on individual preferences but on the Party’s manpower supply/demand situation. The job assignments of citizens are implemented according to the central economic plan and allocated according to the demands of individual sectors. Thus individual wishes, talents, and abilities are secondary. The criteria for the Party’s job assignments are based on one’s Party loyalty and personal and family background rather than individual talents or adaptability for the job. Individuals with undesirable family backgrounds are assigned to jobs requiring heavy physical exertion like coal mining and collective farming. Individuals falling in this category include people with family members who, for example, violated

the “Sole Ideology” system, fled south during the Korean War, joined the South Korean para-military forces during the Korean War in opposition to the North Korean regime, or belonged to the bourgeois class. Children with good family background, such as the children of ranking officials of the Party or government, are given good assignments regardless of their abilities. Transfer to another job after the initial assignment also depends on the decision of the Party based on personal background rather than the individual’s abilities.

The most flagrant violation of the right to choose jobs in North Korea is the case of “group assignment.” This term refers to the assignment of groups of workers, at the direction of the Party, to worksites such as coal mines, factories, or construction sites that require considerable manpower. As the tendency to avoid hard work spread in North Korea in recent years, the North Korean authorities came up with this idea of group assignment. Before group-assigning high school graduates and discharged soldiers to coal mines and construction sites, the authorities would send “hand-written letters” from Chairman Kim Jong-il and host “loyalty rallies.” There the authorities would award merit citations and host colorful “send-off” ceremonies. But North Korean defectors testified that “These events in fact were one-sided decisions forced on people by the government without regard to personal wishes.”

Even “group-assigned” workers are not guaranteed grain rations due to the grain shortage and rampant corruption. For example, hundreds of discharged soldiers were group-assigned to coal and mineral mines in the past. However, many of them escaped from the mines. So in recent years groups have been assigned to workplaces near their home towns as much as possi-



ble. Another example of corruption in job assignment is the offering of bribes for job assignments and job transfers. An example of “bribe assignment” or “face” assignment (a.k.a. “the buddy system”) is when individuals are assigned to “good” trading agency jobs where they can make some foreign currency income. Some defectors deplored this type of corrupt business dealing by ranking officials. They said there are many who believe that this type of corrupt practice has driven North Korea’s economy deeper into the mire, and this perception is widespread among the people.

## IV. The Reality of Minority Human Rights

### 1. Women’s Rights

The social status and roles of North Korean women have not seen as much improvement as North Korea claims. Discriminatory attitudes toward women, first formed in an era of feudalism and male-dominant family tradition, remain dominant in North Korean society today. In its first report to CEDAW (the Convention on the Elimination of All Forms of Discrimination against Women), North Korea admitted, “Some progress was made in our efforts to implement the terms of CEDAW convention, and this was possible as we had legislative and institutional organizations. However, we admit that there is room for further improvement.” The status of women in the family is significantly different from the gender equality asserted by the North Korean Constitution and various systems. Despite the superficial legal and institutional arrangements for socialist gender equality, actual



family life still follows the traditional male-dominant family structure, and the “traditional role” of women is emphasized. In its first report to CEDAW North Korea stated, “Typical division of labor between the sexes has been largely removed, but the customary discrimination still persists in North Korea.” In a society where paternalism and the concept of “men dominating over women” still persist, sexual harassment and sexual assaults against women are quite commonplace. North Korean women themselves generally lack a sense of urgency on this issue. Sexual violence against North Korean women has been a serious social problem since the 1990s, particularly since the famine. Of particular importance is the rapid increase in cases of human trafficking and forcible prostitution. The most serious consequence of malnutrition in North Korean women is their precarious health condition in times of pregnancy, childbirth, and child-rearing.

## 2. The Rights of the Child

Due to the economic hardships that have persisted since the mid-1990s, a great number of North Korean children are not guaranteed even the basic right to food, and their right to life is in serious jeopardy due to chronic starvation and malnutrition. The major threat to the health of North Korean children in recent years is “ice” (methamphetamines). In its “Concluding Observations” on North Korea’s 3rd and 4th period combined report, the UN Committee on the Rights of the Child expressed serious concerns (Section 61). There are a significant number of *gotchebbi* (literally “flower-swallows”, or food snatchers), children who struggle to survive from day to day by begging or stealing food, having left their homes because their parents passed away



or abandoned them.

North Korean young people are being involuntarily mobilized for work at collective farms or “socialist construction sites” according to the state’s plans and in the name of “revolutionary training through on-site struggles.” In the name of putting education into practice and realizing the “spirit of love for work,” the legally authorized “mandatory labor mobilization” of young people is utilized to the fullest extent. In its “Concluding Observations” on the North Korean report, the UN Committee pointed out that North Korean children were being mobilized for work as part of their normal school activities, and such activities far exceeded the objective of job-training, being the kind of work that demands tremendous physical exertion (Section 59). As North Korea’s economic hardships have deepened, its educational facilities and equipment have deteriorated. Since the economic hardships set in, school repairs have not been properly carried out and school supplies have not been forthcoming.

### 3. Care for the Disabled


In its 2009 report submitted to the UN, North Korea reported that based on a 2005 selective survey there were 3,639 children with impaired mobility. Of those, 2,176 were boys and 1,463 were girls. North Korea further stated that the disabled children were receiving education and treatment and were choosing jobs according to their wishes and talents. They also enjoyed cultural life and shared equal rights with others. But North Korean defectors testified that the authorities discriminate against the disabled. Some examples of discriminatory treatment toward individuals afflicted with dwarfism include segregated

facilities and forcible sterilization. Also, they face restrictions on their choice of residence. In response to international concerns over its discrimination against the disabled, North Korea enacted the “Disabled Protection Law,” consisting of 54 articles providing an institutional arrangement for the protection of the rights of the disabled. North Korea has also made various moves to protect the rights of the disabled by cooperating with South Korea and the international community and developing various legal arrangements, including the “Disabled Protection Law.” In reality, however, discrimination against the disabled has not been significantly rectified. In its “concluding observations” on North Korea’s 3rd and 4th period combined report for the Convention on the Rights of the Child, the UN Committee expressed concern that the “principle of non-discrimination” articulated in Article 2 of the Convention was not being fully respected in reality as far as disabled children were concerned. (Section 19)

## V. Human Rights in Major Issue Areas

### 1. South Koreans Abducted and Detained in North Korea

The South Korean National Assembly passed the “Bill for the Fact-Finding of Korean War Abduction Damages and Restoration of the Victims’ Honor” on March 2, 2010. Accordingly, the “Committee for the Fact-finding of Korean War Abduction Damages and Restoration of the Victims’ Honor” was launched on Dec. 13, 2010. This committee consists of 15 members headed by the Prime Minister. The rest of the committee is made up of five Cabinet members (including the Foreign Minister, the Unifi-



cation Minister, and the Defense Minister), three representatives from the abducted persons' families, and six civilian members. In the next four years, the committee will accept applications from abducted persons' families across the country and take charge of all activities concerning fact-finding and restoration of honor for the abduction victims and their families.

In 2010 the inter-Korean “separated family reunion” meetings were resumed, and the South Korean side requested confirmation of the status of five persons abducted during the Korean War. However, the North Korean side replied it was impossible to ascertain the current status of any of them.

A total of 3,835 South Koreans were abducted to the North after the Korean War. Those persons whom North Korea deemed useful, based on health, education levels, etc, were detained regardless of their individual wishes. Some 3,310 (86.5%) of them returned home within 6 months to a year. Eight of them have recently defected and returned home, but a total of 517 South Korean citizens are still detained in North Korea. The “Committee for Fact-Finding of Korean War Abduction Damages and Restoration of the Victims’ Honor” launched in November of 2007 has recently approved a total of 40 additional persons as abduction victims. These include 14 fishermen aboard the Gilyong-ho (abducted on Jan. 22, 1966), six fishermen aboard the Nampoong-ho (Dec. 21, 1967), two soldiers gone missing in Vietnam, three individuals aboard a row boat (Aug. 5, 1967), four soldiers from the Army’s 4th Division (July 14, 1962), six fishermen aboard the Daehan-ho (Jan. 11, 1968), one person each aboard the Hanhung-ho (June 4, 1967), the Jinbok-ho (Aug. 27, 1992), the Duksung-ho (July 12, 1968), and the Odaeyang-ho (Dec. 28, 1972) and one soldier from the Army’s


3rd Ordnance Depot (Oct. 12, 1967). When the inter-Korean “separated family reunion” meetings resumed in 2010, South Korea requested the status confirmation of 11 abducted persons in the post-Korean War period, but North Korea said it was impossible to confirm their status.

## 2. Human Rights Abuses on Korean War POWs

A total of 41,971 South Korean soldiers were reported missing-in-action (MIA) during the Korean War and were believed to be held in North Korea. Of those, 22,562 have been re-classified as “killed-in-action” (KIA) based on information from their families and other relevant data. Thus it is now believed that a total of 19,409 former Korean War POWs have been held in North Korea. In 1994 Lt. Cho Chang-ho successfully defected to South Korea. Since then, many former Korean War POWs have returned to South Korea. As of December 2010, a total of 80 former Korea War POWs and 211 family members have returned home to South Korea. Over the course of the 18 inter-Korean “separated family reunion” meetings held thus far, South Korea has requested status confirmations for a total of 118 former POWs. It was confirmed that 18 are still alive, 14 dead, and 84 unknown; 18 have met with their South Korean families. In addition, 25 related families (78 persons) have participated in the reunion meetings.

## 3. Human Rights Abuses on Defectors

There has been no systematic survey of the number of North Korean defectors since 2006. But it is believed that the




number of North Korean defectors living in Yanbian Province (China's autonomous region for Korean-Chinese) has significantly decreased recently. However, their numbers are increasing in large cities and “Korean villages” in remote areas away from the border. Professor Courtland Robinson of John Hopkins' Bloomberg School of Public Health has estimated the number of North Korean defectors in the three northeastern provinces of China as follows: 5,688 male (minimum 3,305-maximum 9,109); 4,737 female (minimum 2,741-maximum 7,599); 6,913 children of female defectors (minimum 3,606-maximum 11,063).

The sudden decrease in the number of North Korean defectors in China is believed to be due to a combination of several factors: First, the tightening controls along the border; second, the continuing forcible deportations; third, the decreasing number of defections due to the increasing costs; fourth, the growing number of legal visitors to China due to the relaxation of travel permit restrictions; and fifth, the increasing number of defectors relocating to South Korea (from China). Since 2009, the National Safety Protection Agency has tightened various control measures to prevent defections, including tighter surveillance on defector families and relatives; reinforcement of ideological education; tighter enforcement of “bed checks” along the border areas; and more frequent and strict inspections on “border-guard command posts.” Measures to control and watch over defector families have also been tightened since the currency reform at the end of 2009 due to fears of increased defections. In addition, the North Korean authorities have dispatched a large number of “search and arrest squads” to the Shandong and Yunnan Provinces of China, which are known as major jump-off points for defection to South Korea. On June 4, 2010, three civilians were killed and

one wounded during attacks by North Korean border guards on the residents of Dandong, China for engaging in illegal trade transactions along the Apnok (Yalu) River. In the wake of this incident, surveillance and control over defections and related crimes along the border have been further tightened. Also, the Chinese Deputy Minister of Public Security visited North Korea and signed a “Police Equipment Donation Agreement” on Aug. 12, 2010 with North Korea’s People’s Security Ministry. In June 2010 a North Korean woman was forcibly deported after failing to disguise her defection as suicide. Subsequently, similar incidents were reported elsewhere. In the wake of these incidents, the border guard units began to dispatch “missing persons search squads” to areas suspected of high defection activity. In some cases, “defection brokers,” including soldiers, would take money from defectors and then turn around and report them to the authorities. Therefore some defectors opted to collect all the information necessary for defection, including guard checkpoints, etc., from the brokers and then defect alone without their help. As the risk factors in the process of defection have increased, the cases of casual defection to China simply to make money have significantly decreased.

Some North Korean women voluntarily choose to accept “live-in” arrangements with men in China through the aid of intermediaries (brokers). But in most cases women are sold off or forced into a “marriage” without knowing the details. Defector women forced into such “marriages” are often subjected to hunger and inhumane treatment, and eventually they flee to other regions as soon as they get the chance. But many others endure the harsh reality out of fear of forcible deportation to North Korea. In exceptional cases, some female defectors obtain



“resident permits” after prolonged stay in China as their lives grow more settled. In some cases, children born to defector women and Chinese men are granted Chinese nationality.

Some defectors develop their own know-how about living in China and engage in vending (peddling) with the money they have saved during their stay in China. Sometimes a defecting North Korean woman marries a Chinese Korean man who then finds some way to come to South Korea; subsequently, the husband encourages his wife to join him in South Korea in order to receive the settlement benefit grant offered by the South Korean government. In some cases defectors use the services of “South Korea entry brokers” who arrange a safe route to South Korea via a third country. Some defector couples who come to South Korea on forged Chinese passports voluntarily confess their crime to the authorities in order to receive settlement benefit grants from the South Korean government. Some North Korean defectors who have stayed for a long period in China enter into South Korea accompanied by their Chinese-born children.

Due to the demand for women in China, North Korean women crossing the border into China are often “sold off” to Chinese men. Either because of lack of money or out of a desire to save on expenses, some North Korean women ask for help in river-crossing even though they are aware that they could become the subject of “transactions” once they enter China. In some cases the brokers in China rape these North Korean women in the process of transferring them to “safer” regions.

Some North Korean women “introduced” to Chinese “masters” are forced into prostitution at “sing-along joints” or other “entertainment” establishments. To prevent them from fleeing, some Chinese owners withhold wages from these women on



a regular basis. They are told that their wages are in safe-keeping, but in fact the owner never pays them. Some Chinese groups are known to operate pornographic “chat sites” featuring North Korean defector women; such organizations have apparently increased in recent years. In other cases, defector women are used in “voice phishing” scams targeting customers in South Korea.

Some forcibly deported defectors use the money they earned in China to reduce the penalties imposed on them during the interrogation process or to survive during their internment in the labor-training camps. In a rare case, a defector woman was able to persuade the security agent to accompany her to the border, where she telephoned her husband (actually her “live-in” companion) in China for financial help. Other defectors bribe law enforcement agents to fabricate their case documents to avoid penalties.

Article 106 of North Korea’s Criminal Procedure Law stipulates that pregnant women must not be detained during the period 3 months before or 7 months after delivery. According to defector testimonies, however, border region security agencies have often detained and interrogated such women, and in many cases various measures are taken to force abortions. Public executions of human traffickers persisted in 2010, and many defector families were forcibly banished on human trafficking charges.

*White Paper on Human Rights in North Korea 2011*



# Human Rights and the Characteristics of the North Korean System

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



# 1



## *Human Rights and Characteristics of the North Korean Regime*

### **A. Human Rights Abuses by the Totalitarian Dictatorship**

North Korea's deplorable human rights situation is deeply related to the nature of its political system. After the liberation of Korea in 1945, North Korea established a socialist system based on the doctrines of Marxism-Leninism. The Korean Workers' Party (KWP) monopolized state power and all industrial facilities and lands were nationalized. The socialist regime implemented a "centrally planned economic system" and reorganized North Korean society according to the principles of collectivism. After the experience of the Korean War in the 1950s, North Korea transformed itself into a "garrison state," "ruled by professionals who relied on violent means."<sup>1</sup> North Korea today bears all the characteristics of a totalitarian socialist system, managing all sectors of its society—economic, social, and cultural—from a national security

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<sup>1</sup> Harold Lasswell, "The Garrison State and Socialists on Violence," *American Journal of Sociology*, Vol. 46 (January 1941).

perspective.<sup>2</sup> Consequently, the fundamental human rights of its citizens are structurally abridged and breached by the powers of the Party and the state. In short, North Korean citizens are not guaranteed the freedoms of speech, expression, travel, residence, or relocation. Even individual jobs are “assigned” by the Party.

As the Soviet-Chinese ideological rift deepened in the 1960s the Kim Il-sung regime formulated its so-called “*Juche* Ideology,” promoting it as a guiding ideology which would stand equal to Marxism-Leninism. Subsequently, it was embraced as the Party’s “sole guiding ideology,” and the regime used it as a justification for promoting the personality cult and the father-son hereditary succession. In 1974, North Korea proclaimed its “10 Principles for the Safeguarding of the Party’s Unitary Ideological System,” stipulating that only Kim Il-sung’s teachings were to be respected as absolute instructions. Subsequently, the policy of deification of Kim Il-sung was emphatically implemented, and the basis for Kim Jong-il’s power succession was solidified. However, owing to the fundamental contradictions inherent in the socialist planned economic system, the North Korean economy has shown almost no growth since the 1980s. Consequently the North Korean regime drastically reduced the grain ration for its citizens and launched the “two meals a day” campaign.

After Kim Il-sung passed away in July 1994, Kim Jong-il, as Chairman of the National Defense Commission, assumed ruling

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<sup>2</sup> By “totalitarian system,” we mean a system that bears following characteristics: ① A carefully designed ruling ideology, ② Rule by one “mass-based” political party led by one dictator, ③ A system of physical and psychological terror enforced by secret police, ④ A complete monopoly over mass media, including radio, newspapers, and movies, ⑤ An effective monopoly over the armed forces, ⑥ Centralized command/control over the economic system. See Carl J. Friedrich and Zbigniew K. Brzezinski, *Totalitarian Dictatorship and Autocracy*, 2nd ed. (Cambridge, Mass: Harvard University Press, 1965).

power and revealed a new militarist ruling style dubbed “military-first politics.” The “military-first” idea was meant to complement *juche* ideology by designating the military as the main strike force of the revolution. The theory was that if the military took the lead and played an exemplary role in all sectors—political, economic, cultural, and ideological—the citizens’ creative capabilities and activities would also be greatly enhanced.<sup>3</sup> The doctrine of military-first politics asserted that North Korea’s crisis stemmed from the aggressive policies of imperialist powers, so it was necessary to divert national finances and resources to reinforce its military power, including the development of missiles and nuclear weapons. Since the collapse of the Soviet Union and the Eastern European bloc, the North Korean economy has experienced chronic problems. Yet the Kim Jong-il regime made a poor policy choice by diverting major resources to reinforce military power, thus exacerbating the economic hardships. As a result, North Korea has become a “failed state” that cannot provide even the minimum standard of living for its citizens. The journal *Foreign Policy* selected Kim Jong-il, chairman of North Korea’s National Defense Commission, as the “worst dictator in the world” and ranked North Korea the 19th worst case among the “world’s failed states.”<sup>4</sup>

As the “regime crisis” mounted, Chairman Kim Jong-il sought to acquire “regime security” through the development of nuclear weapons. Unexpectedly, however, he suffered a cerebral apoplexy and had to undergo an operation. As uncertainties about the regime’s future mounted with the deteriorating health of Chair-

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<sup>3</sup> Kim Bong-ho, *The Great Military-first Age* (Pyongyang: Pyongyang Publishers, 2004), p. 83.

<sup>4</sup> *Foreign Policy* (July/August 2010), pp. 76-90.

man Kim Jong-il, North Korea began to contemplate the hereditary succession issue. In the process, North Korea opted for a hard-line position toward the “6 Party Talks” on the North Korean nuclear issue, and thus the talks stalled. Subsequently, North Korea was placed under international sanctions in accordance with UN Security Council Resolution No. 1874 in the wake of North Korea’s test-firing of a long-range missile on April 5, 2009, and its second nuclear test on May 25, 2009.<sup>5</sup> Even as international sanctions on North Korea were intensifying, a North Korean submarine launched a torpedo against a South Korean warship, the Cheonan, instantly sinking the naval vessel on March 26, 2010.

On Sept. 28, 2010, the Delegates’ Conference of the Korean Workers’ Party was convened for the first time in 44 years. During the conference Chairman Kim Jong-il’s third son, Kim Jong-eun, was appointed to the position of Deputy Chairman of the Party’s Central Military Commission, marking his official anointment as hereditary successor. On Nov. 23, 2010, North Korea once again launched an unprovoked military attack on South Korea, lobbing artillery shells at Yongpyong Island off South Korea’s west coast. The upshot was a renewal of domestic tension about its security posture and a tightening of internal political consolidation around newly emerging leader Kim Jong-eun. However, due to its repeated acts of military adventurism, North Korea’s economic situation has entered a deeper downward spiral, and the people’s disaffection level has deepened further still. Yet North Korea has reinforced the roles and functions of its security forces, which enforce physical

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<sup>5</sup> Resolution No. 1874 expanded the terms of Resolution No. 1718, adopted right after North Korea’s first nuclear test, and contains various sanctions including an arms embargo, export control measures, cargo inspections, and financial and economic sanctions. See UN Security Council, Resolution 1874 (2009), adopted by the Security Council at its 6141<sup>st</sup> meeting, 12 June 2009.

repression of the people to prevent any complaints or grudges from arising against the installation of a 27-year-old as successor to the most powerful position in North Korea.

## B. Human Rights Violations under Economic Hardship

Socialist countries have justified the legitimacy of their systems by stressing the priority of society over individuals. In other words, workers' rights and social security rights are guaranteed, even though an individual citizen's civil and political rights may be breached. But since the collapse of the Soviet Union and the Eastern European bloc, North Korea has been unable to provide a minimal standard of living for its citizens due to its chronic economic problems. A more serious aspect of the North Korean human rights issue is the fact that the government is concentrating its efforts on nuclear and missile development while Party and government agencies are reinforcing their control over all sectors of society in order to maintain regime stability, even though citizens have no guarantee of their right to life, the most urgent and fundamental of all human rights.

In the early 1990s, the overall factory operation rate in North Korea stood below 30% due to the shortage of energy and foreign currency, and in some areas grain rations were completely suspended.<sup>6</sup> North Korea's "planned economy" was paralyzed at this point. On top of that, they suffered a series of natural disas-

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<sup>6</sup> North Korea's economy recorded negative growth of -3.7% in 1990 and -5.2% in 1991, according to Bank of Korea (Seoul) estimates. See the Bank of Korea, *Estimated North Korean GNP, 1994* (Seoul: Bank of Korea, June 19, 1995).



ters, including massive floods in 1995~1997. As a result, the already serious grain shortage further deteriorated. As grain rations were suspended, the hunger-stricken population began to move all over North Korea in search of food. They would steal grain and even tear up factories to sell the parts for food. Amid this chaotic situation, several hundred thousand (or possibly as many as one million) North Koreans are estimated to have died from starvation,<sup>7</sup> and an increasing number of North Koreans began to cross the border into China. Under these circumstances, North Korea had to openly appeal for humanitarian assistance from the international community. Thanks to the humanitarian assistance provided by South Korea and the UN organizations, North Korea's food shortage was somewhat alleviated.

Following the inter-Korean summit meeting in June of 2000, North Korea sought improved relations with Western nations in an effort to rehabilitate its economy. At the same time, North Korea internally attempted to implement economic reforms by introducing some "market economy" elements, however tentative and incomplete. With the "July 1 Economic Improvement Measures," announced on July 1, 2002, North Korea abolished its previous "price support" policy and allowed all commodity prices to reflect market values. Thanks to the "July 1 Measures," which introduced "market economy functions," productivity increased in the agricultural and light industry sectors and the commercial and service industries also began to grow. However, the July 1 mea-

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<sup>7</sup> South Korea's Statistical Office estimated there were some 336,000 North Korean deaths during the famine between 1996 and 2000, along with a loss of about 99,000 potential new births. The number of deaths exceeding the normal death rate during the eleven years between 1995 and 2005 were estimated at about 482,000. See the Office of Statistics, *An Estimate of North Korean Population, 1993-2055* (Seoul: Press Release, Nov. 22, 2010), pp. 12-13.

sures had a limited objective of normalizing the official “planned economy” by allowing market economic elements to exist within the framework of the planned economic structure.<sup>8</sup> These measures were not sufficient to solve the fundamental problem of supply shortages. When the North Korean economy began to show some signs of recovery in 2005, the North Korean authorities, wary of citizens’ changing perceptions, tried to recover trust in the government by resuming the food ration system in some areas. But they soon had to discontinue the ration system due to insufficient supplies.

Since the first nuclear test on Oct. 9, 2006, North Korea’s economy sank back into negative growth due to international sanctions against the nuclear test. North Korea then conducted a second nuclear test in May 2009, resulting in the complete cutoff of all economic cooperation with Western countries and a sharp reduction in the international community’s humanitarian assistance to North Korea. As external economic activities shrank, the North Korean authorities launched a currency reform on Nov. 30, 2009 to increase their financial revenue and to reinforce their control over the embryonic marketplaces.<sup>9</sup> Contrary to their expectations, however, this caused a jump in prices and exchange rates, leading to mounting public discontent. So the authorities had to relax the market controls again. Meanwhile, after the sinking of the navy vessel Cheonan, South Korea suspended all inter-Korean economic cooperation except for industries in the Kaesong Industrial Complex. When North Korea again launched an unprovoked

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<sup>8</sup> Unification Education Institute, Ministry of Unification, *Understanding North Korea, 2010* (Seoul: Unification Education Institute, 2010) pp. 164-165.

<sup>9</sup> Lim Kang-taek et al, *An Overall Assessment of North Korean Economy, 2010 and Prospects for 2011* (Seoul: Korea Institute for National Unification (KINU), 2011).

attack, on Yongpyong Island in November 2010, South Korea suspended all economic cooperation with North Korea, including all humanitarian assistance projects.

Thus the North Korean regime exacerbated its economic problems by conducting nuclear tests and launching unprovoked military attacks on South Korea. In an effort to cope with the spreading discontent of its citizens, North Korea expanded the People's Safety Agency (the police) and upgraded it to the Ministry of People's Safety in April 2010; the regime also strengthened its surveillance and control over the people. In addition, it has beefed up its patrols and guard posts along the Chinese border to prevent potential defections. North Korean military intelligence agencies, working together with the National Security Agency, have dispatched a large number of special agents to various parts of China on "search and arrest" missions against North Korean defectors hiding there. The level of interrogation and punishment for deported defectors has also intensified. The families of defectors are segregated from the society, banished to places like Yanggang Province. In an effort to guarantee a smooth transition during the hereditary succession, the North Korean authorities appear to have opted for hard-line policies internally and externally, thus exacerbating the human rights situation.



## 2



## *North Korea's Concept of Human Rights*

### **A. The Principle of Collectivism and the Sovereignty-Centric Perception of Human Rights**

The North Korean regime is founded on Marxism-Leninism and approaches human rights from a collectivist and class-based point of view. Article 12 of North Korean Constitution stipulates, “The state shall adhere to the class line, strengthen the dictatorship of the people’s democracy, and firmly defend the people’s power and socialist system against all subversive acts by hostile elements at home and abroad.” Article 63 also stipulates, “In the Democratic People’s Republic of Korea (DPRK) the rights and responsibilities of citizens are based on the collectivist principle of “One for all and all for one.” The Charter of the KWP stipulates, “The KWP will fully carry out its roles as the mother Party responsible for the destiny of the masses by thoroughly maintaining the class line and the mass line, by firmly solidifying the bulwark of revolution, and by serving the people and protecting their interests.”<sup>10</sup> Since the people’s dictatorship and class line are openly declared, the right

to liberty, in the sense of an individual's rights of expression, assembly and association, are denied from the beginning.

North Korea insists that the most basic and essential right of all human rights is the right to life. The Socialist Constitution, which emphasizes the principle of collectivism, stipulates, "The State shall effectively guarantee the material and cultural well-being of all its citizens." But in fact North Korea has been unable to solve its grain shortage problem, and people have been dying from starvation. For North Korea, the real meaning of the right to life is not the individual's right to life but the right to life of the collective of North Korea in the international arena. North Korea emphasizes the importance of the right to life but understands it only in the context of the nation's sovereignty.

Even after the collapse of the Soviet Union and the Eastern European bloc, North Korea still looked at international relations through the lens of Lenin's theory of imperialism. In short, North Korea's perception is, "Aggression and war are the fundamental nature of imperialism and its method of survival."<sup>11</sup> North Korea criticizes the human rights diplomacy of the United States and other Western nations as nothing but a policy of imperialistic intervention, arguing, "Human rights are inconceivable apart from the sovereignty of the nation and people." It further argues, "Human rights can never be guaranteed to people under the yoke of foreign rule."<sup>12</sup> North Korea insists that "Human rights are directly related to national sovereignty, and national sovereignty is

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<sup>10</sup> Preamble to the Statute of KWP (as revised on Sept. 28, 2010 during the Party Congress of Delegates).

<sup>11</sup> "Aggression and War, An Imperialist Method of Survival," *Rodong Shinmun*, Oct. 7, 2010.

<sup>12</sup> Kim Jong-il, "Socialism is Science" (Nov. 2, 1994), *Selections from Kim Jong-il*, Vol. 13 (Pyongyang: KWP Publishers, 1998), p. 453.

the life of the people.” It seems that the North regards human rights in the context of the modern principle of sovereign equality. In reality, however, North Korea’s perception of human rights does not even agree with the socialist principle of equality. It is simply a work of feudalistic logic, in which people are subservient to the absolute power of one ruler, whose rule is justified in terms of “socialism in our own style.”

## B. The Concept of Human Rights under *Juche* Ideology and “Socialism in Our Own Style”

The North Korean regime’s ruling ideology is known as *juche*. *Juche* emphasizes that all persons are masters of their own destiny and of the world, and that they are self-reliant beings who do not wish to be bound by anyone else. But the “self-reliance” emphasized by the *juche* ideology does not imply individual creativity and independence, because the *juche* ideology insists that “the individual’s creativity and self-reliance should be realized within the bounds of guaranteeing the unity of the collective,” and that the life of the socio-political collective is more important than the life of the individual.<sup>13</sup> In addition, it insists that “the center of the life of the socio-political collective is the *suryong* (leader) who is the top brain of this collective.” In this manner, *juche* establishes that individual independence is subservient to the collective headed by the *suryong*.<sup>14</sup> The *juche* ideology is said to have prescribed

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<sup>13</sup> Kim Jong-il, “On a few issues raised during *Juche* Ideological Education” (July 15, 1986), Collected Writings of Dear Leader Comrade Kim Jong-il (Pyongyang: KWP Publishers, 1992), p. 162.

<sup>14</sup> Kim Jong-il, op. cit. above, p. 160.

the road to human liberation in a most scientific manner, but the “man-centered world outlook” outlined by *juche* is in fact a collectivist world outlook and a ruling theory centered on “the revolutionary viewpoint of the *suryong*.” Under this view, which demands an absolute adherence to the *suryong*’s instructions, or ‘teachings,’ the *suryong* alone is defined as the subject, or master, of historical development.

The “10 Principles for Safeguarding the Unitary Ideology System” explicitly states the following: (1) We must give our all in the struggle to unify the entire society with the revolutionary ideology of the Great Leader Comrade Kim Il-sung. (2) We must honor the Great Leader Comrade Kim Il-sung with all our loyalty. (3) We must make absolute the authority of the Great Leader Comrade Kim Il-sung. (4) We must make the Great Leader Comrade Kim Il-sung’s revolutionary ideology our faith and make his instructions our creed.

From the late 1980s, North Korea began to advertise “socialism in our own style,” which was supposed to reflect *juche* ideology, and popularized the slogan, “Let’s live according to our own style.”<sup>15</sup> In its Preamble, North Korea’s Socialist Constitution enunciates, “Comrade Kim Il-sung, regarding the idea of ‘believing in the people as in heaven’ as his motto, was always with the people, devoted his whole life to them, took care of and led the people with his noble politics of benevolence, and thus turned the whole society into one great, single-hearted and united family.” North Korea argues that since the Kim Il-sung/Kim Jong-il regime “turned the whole society into one great, single-hearted and united family” through “the noble politics of benevolence” based on care

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<sup>15</sup> KINU, *North Korea in Brief, 2009* (Seoul: KINU, 2009), p. 34.

and trust, the human rights problem itself does not exist in “our style of socialist system.” North Korea’s concept of human rights, which draws heavily on feudalistic Confucian logic, cannot stand alongside the concept of universal human rights encoded in the Universal Declaration of Human Rights, which declares, “All human beings are born free and equal in dignity and rights.”





# 3



## *The International Human Rights Regime and North Korean Human Rights*

### **A. Increasing Human Rights Pressure on North Korea**

Since the mid-1990s, a large number of hunger-stricken North Koreans have fled to China in search of food, and through their personal testimonies the human rights situation inside the tightly closed North Korean society has been widely exposed to the international community. From the year 2000, sections of the international community organized around the UN human rights regime began to demand that North Korea improve its human rights situation. The UN Commission on Human Rights (UNCHR) repeatedly adopted resolutions on North Korean human rights over the three year period from 2003~2005. At the 60th Human Rights Commission meeting in April 2004 it appointed a special rapporteur on North Korean human rights with an assignment to file an annual report on North Korea's performance in the implementation of the human rights covenants.<sup>16</sup> Meanwhile, every year from 2005 onward the UN General Assembly has adopted a reso-

lution on North Korean human rights, and the UN Human Rights Council (UNHRC), which replaced the UNCHR in March 2006, has adopted resolutions on North Korean human rights every year since 2008 calling on North Korea to improve the situation.

In April 2008 the UNHRC launched its Universal Periodic Review (UPR) process, designed to promote equal treatment towards each of the UN's 192 member states and to increase human rights accountability. Under the UPR, each UN member state is subject to a human rights review every four years. The UNHRC reviewed North Korea's human rights record at a UPR session in December 2009, and the Working Group prepared a report summarizing the proceedings and recommendations.<sup>17</sup> At the 13th meeting of the UNHRC held in Geneva on March 18, 2010, however, the DPRK delegation rejected 50 of the recommendations in the Working Group's report and left 117 pending, including such issues as the prohibition of public executions, the abolition of concentration camps, and permission for the UN special rapporteur to visit North Korea.

On Nov. 18, 2010 the Third Committee of the UN General Assembly passed a resolution condemning North Korea's human rights violations.<sup>18</sup> The UN General Assembly resolution on North Korean human rights pointed out that North Korea has made

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<sup>16</sup> Vitit Muntarbhorn was appointed as the first special rapporteur and served until June 2010, when he was succeeded by Marzuki Darusman of Indonesia.

<sup>17</sup> The UPR reports are analyzed at a "working group" consisting of 47 executive member states within the UNHRC, but other member states are also allowed to participate as "observers" and discuss issues during the review sessions. See National Human Rights Commission, ed., "Collection of Materials on Universal Periodic Review – DPRK and Reactions of South Korea, NGOs, and INGOs," (Seoul: NHRC, March 2010), pp. 129-157.

<sup>18</sup> UN General Assembly, Sixty-Fifth Session, Third Committee, *Draft Resolution: Situation of Human Rights in the DPRK*, UN Doc. A/C.3/65/L.47 (28 October 2010).

some positive moves regarding the inter-Korean “separated family reunion” meetings and cooperation with international organizations in the areas of health and educational development. The resolution, however, expressed deep concern over a number of important issues, including torture and inhumane detentions, the lack of an independent judiciary, capital punishment for religious reasons, the operation of political concentration camps, the lack of freedom of residence and relocation, the harsh punishment of deported defectors, the repression of freedom of speech, beliefs, and religion, human trafficking, prostitution, forced abortions, persecution of disabled persons, and lack of labor rights. The resolution stated that serious and systematic human rights abuses are being widely and persistently committed in North Korea. The UN resolution also condemned North Korea for not permitting visits by the UN special rapporteur on North Korean human rights, for not carrying out various recommendations made at the UPR session, and for showing an unclear stance on the issue of forcible abductions of foreign citizens. The UN recommendation expressed deep concern over the deteriorating humanitarian situation brought on by the North Korean authorities who failed to properly distribute grain to the victims of natural disasters and prohibited the personal cultivation of grain and normal grain transactions at markets.

The UN promotes human rights throughout the world in cooperation with UN member states and international NGOs. In fact, the UN, the EU, the US and various international human rights groups have developed a network for global human rights improvement and made joint efforts to improve the human rights situation in North Korea. In June 2001 the EU was able to open a human rights dialogue with North Korea. Since 2003, the EU has

taken the lead in adopting human rights resolutions against the DPRK. When the UN General Assembly adopted a North Korean human rights resolution in November 2005, North Korea cut off dialogue with the EU. From early 2007, however, North Korea again began to expand its diplomatic contacts with the EU in order to solicit economic assistance.<sup>19</sup> However, after North Korea conducted its second nuclear test in May of 2009 the relationship between the two cooled off once again. The EU stands firm on the issues of human rights and nuclear development but remains committed to engaging North Korea through humanitarian assistance in an attempt to open the closed society.

Since enacting the North Korean Human Rights Act, the United States has led various efforts to improve North Korea's human rights. It has provided grants to private, nonprofit organizations to support programs that promote human rights in North Korea. In September 2008, the US Congress extended the North Korean Human Rights Act for four more years until 2012.<sup>20</sup> After the inauguration of President Barack Obama in January 2009, the US promised to help the world's weakest states to reduce poverty. But from the outset the Obama administration had to deal with North Korea's provocative actions such as the test-firing of long-range missiles and the second nuclear test, which frustrated President Obama's efforts to initiate a new human rights policy toward North Korea. The US State Department's special envoy on North

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<sup>19</sup> The third EU-North Korea Economic Workshop was held in October 2007, and the 9th and 10th "political dialogues" were held in succession in June of 2008 and March of 2009 in Pyongyang. See the Delegation of the European Union to the Republic of Korea, "EU-DPRK," <[www.delkor.ec.europa.eu/home/kr\\_relations/dprkrelations/dprkrelations.html](http://www.delkor.ec.europa.eu/home/kr_relations/dprkrelations/dprkrelations.html)>.

<sup>20</sup> US House of Representatives, H.R. 5834, North Korean Human Rights Re-Authorization Act of 2008 (Sept. 25, 2008).

Korean human rights, Robert King, during his visit to South Korea in January 2010, said that the human rights situation in North Korea was at its worst point yet, adding that the US and South Korea should strengthen their cooperation for the improvement of North Korean human rights. The US State Department's annual Human Rights Country Report for 2010 pointed out that various unlawful humanitarian abuses still persist in North Korea, including executions without trial, unreported missing persons, arbitrary detentions, arrests of "political criminals," and torture.<sup>21</sup>

International organizations and NGOs continue to monitor the human rights situation in North Korea and put pressure on North Korea to improve the situation. In its 2010 Annual Report, Amnesty International (AI) stated that over nine million North Koreans were suffering from a severe shortage of grain and the international humanitarian aid had also shrunk rapidly since North Korea's second nuclear test. Human Rights Watch also warned of a new wave of starvation deaths sweeping across North Korea since the currency reform of November 2009. In addition to these well-known international organizations, human rights NGOs in the US and South Korea have taken the lead in shaping international opinion on the North Korean human rights situation. Among the many active civilian groups, the North Korea Freedom Coalition is of particular importance. It has been hosting a "North Korean Freedom Week" in Washington, DC every year since 2004, calling for the democratization of North Korea and demanding the improvement of its human rights. In 2010 the seventh "North Korea Freedom Week" was held in Seoul and co-sponsored by several South Korean NGOs. The American and South Korean

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<sup>21</sup> US Department of State, *2009 Human Rights Report: Democratic People's Republic of Korea*, <[www.state.gov/drl/rls/hrrpt/2009/eap/135995.htm](http://www.state.gov/drl/rls/hrrpt/2009/eap/135995.htm)>.

human rights NGOs observed “North Korea Freedom Week” from April 25–May 1, 2010 in Seoul, hosting a number of exhibitions, lectures, and public rallies in their efforts to publicize the human rights abuses occurring in North Korea and calling on the North Korean regime to embrace openness and reform.

## B. North Korea’s Reaction

North Korea has shown a strong reaction to the international community’s demands regarding its human rights situation, arguing that it is an “intervention in our internal affairs.” However, North Korea’s reaction has varied depending on the international stature of pressuring parties and the nature of the issue at hand.

For example, the North Korean authorities tend to completely ignore the demands of human rights NGOs and do not even contact them.<sup>22</sup> When pressured by nation-states like the United States, Japan, and South Korea, North Korea continues to maintain diplomatic contacts depending on their political and economic needs, even as they refuse to engage in dialogue on human rights issues. North Korea is engaged in dialogue with the EU, which represents the European region, but this dialogue is inconsistent and discontinuous. In contrast to its nation-state level contacts, North Korea attends UN human rights meetings, honoring the principles of the UN Charter in respect to human rights. However, as for the UN resolutions on North Korean human rights, North Korea categorically rejects such resolutions, arguing that

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<sup>22</sup> In 1991 and 1995, North Korea had allowed visits by AI staff and opened its prison facilities to them. Since then, however, North Korea has not allowed any outsiders into any of these facilities.

they constitute a threat to its regime.

When the UNHRC was being reorganized in 2006, North Korea argued that the “UN Special Rapporteur” system, by targeting specific member states, contained dubious political motives. Therefore, it argued, the new UNHRC should be operated on the basis of “fairness,” excluding “double standards” and the politicization of human rights.<sup>23</sup> However, with the establishment of the UPR system, which was based on equal treatment of all countries, North Korea had no good excuse to reject this system on account of “fairness.” As a result, North Korea amended its Constitution in April 2009, adding in Article 8, “The state shall safeguard the interests of, and respect and protect the human rights of the working people...” In its national report to the UNHRC North Korea emphasized this addition.<sup>24</sup> Thus, North Korea was trying to adjust to the pressures from the UNHRC. However, it refused to comply with the many of the recommendations contained in the UNHRC and UN General Assembly resolutions. On Nov. 20, 2010, the North Korean Foreign Ministry reiterated its previous position that the North Korean Human Rights Resolution adopted by the UN was “a product of a political conspiracy by hostile forces.”

North Korea’s response to the UN’s human rights pressure appears to be defensive in nature, basically an attempt protect its own position. But its positions toward the US and Japan are rather aggressive, pointing out the human rights problems of those countries. A North Korean encyclopedia defines the concept of “human

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

24. UNHRC, Working Group on the UPR, Sixth Session, Geneva, 30 November~11 December 2009. *National Report Submitted in Accordance with Paragraph 15(A) of the Annex to Human Rights Council Resolution 5/1, Democratic People’s Republic of Korea*, UN Doc. A/HRC/WG.6/6/PRK/1 (27 August 2009).

rights diplomacy” as an aggressive imperialist policy led by the US.<sup>25</sup> North Korea insists that the 2004 North Korean Human Rights Act adopted by the US Congress was a typical example of an imperialist human rights policy designed to overturn the North Korean regime. North Korea has repeatedly insisted that although the United States behaves as if it were the “judge of international human rights,” it is itself a human rights violator which has breached other countries’ basic rights to survival. North Korea also denounces America’s “War on Terror” as an example of a human rights violation, pointing out the inhumane treatment of Iraqi detainees at the US base in Guantanamo.<sup>26</sup> Regarding Japan’s human rights issues, North Korea repeatedly brings up the various war crimes of imperial Japan. When the Japanese delegate raised the need for a “re-investigation of foreigner abduction cases” at a UNHRC session, North Korea argued that it was “a trick to divert international attention from the continuing demand for restitution for Japan’s past crimes.”<sup>27</sup> Furthermore, North Korea demands apologies and compensation for the past war crimes of imperialist Japan such as the employment of “comfort women,” the forcible drafting of soldiers, etc.

North Korea has shown a sensitive reaction to the human rights diplomacy of the international community, regarding it as a threat to its regime. For this reason, South Korea did not participate in the process of adopting UN resolutions on North Korean human rights until 2007. Since the Lee Myung-bak government came into office in February 2008, however, South Korea has been

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25. Encyclopedia Publishers, *The Great Chosun Encyclopedia* (28), (Pyongyang: Encyclopedia Publishers, 2001), p. 593.

26. “The Criminal Acts Committed under the Banner of ‘Human Rights Protection,’” *Rodong Shinmun*, Nov. 13, 2010.

27. “The Ultimate Shamelessness,” *Rodong Shinmun*, Oct. 6, 2010.



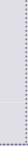
actively taking part in dealing with North Korean human rights. The position of the Lee Myung-bak government is that human rights are a universal value, and that it must actively call on North Korea to improve its human rights situation.<sup>28</sup> In November 2008, for the first time South Korea co-sponsored a North Korean human rights resolution at the UN along with the EU, Japan, and 51 other member states. Thereafter, North Korea has denounced South Korea's human rights policy as part of "South Korea's conspiracy to achieve unification under the banner of liberal democracy."<sup>29</sup> Recently, North Korea also denounced the recent attempt by the South Korean government to enact a North Korean Human Rights Law.

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<sup>28</sup> Chongwadae (The Blue House), *Foreign Policy Visions and Strategies of the Lee Myung-bak Government* (March 2009), p. 16.

<sup>29</sup> "The Human Rights Conspiracy Pursuing Dubious Goals," *Rodong Shinmun*, Dec. 13, 2010.

**White Paper on Human Rights in North Korea 2011**





# II

## The Reality of Civil and Political Rights

1. The Right to Life
2. The Rights to Liberty and Personal Safety
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



## *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 the ICCPR—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 the International Covenant on Civil and Political Rights (“Covenant B”), as well as other covenants related to the prevention and penalization of acts of mass murder. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.”

Since North Korea made a major revision to its Penal Code

on April 29, 2004, it has made additional partial revisions on six occasions: April 19th and July 26th of 2005, April 4th and October 18th of 2006, and June 26th and October 16th of 2007. Again in April 2009 North Korea made another major amendment to its Penal Code. As in previous Penal Code revisions, the revised 2009 Penal Code also lists various categories of crimes subject to capital punishment. According to this list, following crimes are subject to capital punishment: conspiracy to overturn the state, terrorism, treason against the fatherland, treason against the people, and premeditated murder. North Korea has expanded the category of capital punishment by adding the crime of treacherous (disloyal) destruction to the list (Art. 64). In addition, the 2009 revised Penal Code stipulates a statute of limitations of 20 years for crimes subject to capital punishment (Art. 56). While the stipulation of a statute of limitations should be construed as a positive development, adding another category of crime subject to capital punishment is a negative sign as it constitutes a serious breach of citizens' fundamental right to life. The required elements for crimes subject to capital punishment are listed in the following <Table II-1>:

<Table II-1> Required Elements for Crimes subject to Capital Punishment in North Korea's Revised 2009 Penal Code

Conspiracy to overturn the State	Participation in political revolt, civil disturbance, demonstrations, or violent attacks, and conspiracies thereof; applies to extremely serious cases.
Terrorism	Murder, kidnapping, or harming of officials or citizens for anti-State purposes; applies to extremely serious cases.
Treason against the Fatherland	Those who betray the Fatherland by fleeing and surrendering to another country; those who betray the Fatherland or turn over secrets to the enemy; applies to extremely serious cases.
Treacherous Destruction	Disloyal destruction for anti-state purposes; applies to extremely serious cases.

Treason against the People	Korean nationals who, living under imperialist rule, engaged in persecution of North Korea's National Liberation Movement or the struggle for unification of fatherland; applies to extremely serious cases.
Premeditated Murder	Premeditated murders based on greed, jealousy, or other despicable motivations; applies to extremely serious cases.

On December 19, 2007, North Korea added a unique form of law called an “Annex” to its Penal Code (involving ordinary crimes). This “Annex” is undoubtedly a very significant statute within North Korea’s legal structure, since the Presidium of the Supreme People’s Assembly has formally adopted it as a “government directive” and it functions as a complement to the North Korean Penal Code. For this reason, it carries a weight equal to that of the other provisions of the Penal Code.<sup>1</sup> This “Ordinary Crimes Annex” consists of a total of 23 articles, and 16 of the articles stipulate crimes subject to capital punishment, including smuggling and dealing in narcotics. At the time of the Penal Code revision in 2004, North Korea had a limited scope of crimes subject to capital punishment, such as “conspiracy to overturn the state,” “treason against the Fatherland,” terrorism, treason against the people, and premeditated murder. The fact that North Korea added an Annex to its Penal Code in the 2007 revision is definitely retrogressive in terms of human rights protection, as it has expanded the scope of capital punishment for the purpose of reinforcing control over citizens and protecting the system. In particular, all 16 articles in the Annex contain highly vague expressions such as

<sup>1</sup> Park Jeong-won, “An Assessment of North Korea’s Recent Penal Code Revision – In Connection with the Adoption of the Annex to North Korea’s Revised Penal Code in 2007” (Seoul: 144th Monthly Seminar of the Study Group on North Korean Laws, Aug. 24, 2009).

“the gravest cases” or “extremely serious cases” in connection with capital punishment, which leaves room for arbitrary decisions by the authorities; by not clearly defining these expressions, the Annex permits capital punishment for various crimes as long as the authorities can determine the crime in question was “extremely serious” (See Art. 23). The crimes subject to capital punishment as codified in the “Ordinary Crimes Annex” are listed in <Table II-2> below:

**<Table II-2> Rules for Capital Punishment in the Penal Code Annex (on Ordinary Crimes)**

Severe acts of willful destruction of military facilities and technical combat equipment	Willful destruction of technical combat equipment and military facilities (extremely serious cases)
Severe acts of plundering of state property	Plundering of state property (extremely serious cases)
Severe acts of theft of state property	Theft of state property (extremely serious cases)
Severe acts of willful destruction or damaging of state property	Willful destruction or damaging of state property (extremely serious cases)
Severe acts of engraving or printing counterfeit currency	Engraving or printing counterfeit currency (extremely serious cases)
Severe acts of smuggling or black-market sales of precious metals or colored metals	Smuggling or black-market sales of precious metals or colored metals (extremely serious cases)
Severe acts of smuggling state resources	Unlawful export of underground resources, forest resources, or fishery resources for sale in other countries (extremely serious cases)
Severe acts of smuggling or black-market dealing in of narcotics	Acts of smuggling or black-market dealing in narcotics (extremely serious cases)
Extreme instances of prisoner escape	Cases in which a prisoner serving a heavy prison term flees before serving out the term

Extreme instances of gangster-like behavior	Acts of gangster (hoodlum)-like behavior (extremely serious cases)
Unlawful business operation	Cases in which sexual services are organized at restaurants or boarding houses
Extreme instances of deliberate infliction of serious injury	Taking deliberate actions which inflict serious injury to others (extremely serious cases)
Severe acts of kidnapping	Kidnapping of a person (extremely serious cases)
Severe acts of rape	Acts of rape (extremely serious cases)
Severe acts of theft of private property	Acts of theft of another person's private property (extremely serious cases)
Other exceptional crimes subject to an unlimited term of correctional labor or death sentence	Cases in which a criminal has committed multiple crimes and displayed no remorse (extremely serious cases)

In its 2009 UPR report to the UNHRC,<sup>2</sup> North Korea said that capital punishment is handed out only in five categories of extremely serious crimes (Section 34 of the report). From this statement it can be surmised that North Korea's 2009 UPR report was filed before the enactment of its revised 2009 Penal Code.

It is noteworthy that North Korea did not officially acknowledge various capital punishment categories contained in the Ordinary Crimes Annex of its revised Penal Code. Perhaps North Korea deliberately avoided any mention of this Annex for fear of international criticism that it has expanded the scope of capital punishment.

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2. UN Human Rights Council, Working Group on the Universal Periodic Review, Sixth Session, Geneva, 30 November – 11 December 2009, "National Report Submitted in Accordance with Paragraph 15(A) of the Annex to Human Rights Council Resolution 5/1, Democratic Republic of Korea," UN Doc. A/HRC/WG.6/6/PRK/1 (27 August 2009).



North Korea's Penal Code stipulates, "Criminal liability shall be confined to those acts of crime stipulated in the Penal Code." (Art. 6, North Korean Penal Code) Despite the Penal Code's stipulations, however, various forms of punishment, including capital punishment, are enforced through such means as "proclamations" and "instructions." For example, on Jan. 5, 2008, the Organization Bureau of the KWP Central Party Headquarters issued instructions on "making this year free of human trafficking" and disseminated them all across the border regions. This document stipulates mandatory heavy penalties for those caught trafficking humans. For example, it proclaims that if anyone is found to have participated in human-trafficking, they shall be put to death without exception.<sup>3</sup>

## 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 criticized North Korean authorities for their practice of "public execution."

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

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<sup>3</sup> Good Friends, "North Korea Today," No. 107 (Jan. 30, 2008).

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 director of Provincial Safety, the director of the Provincial Security Agency, a court official, and others. The trial is conducted openly. A court official will read out criminal charges and then hand down the sentence. 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.<sup>4</sup>

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, North Korea has been perpetrating “public executions” in violation of its own Penal Code. Many victims of public execution face a firing squad even though their crimes do not rise to the level of crime subject to the death penalty as stipulated in the Penal Code. Many North Korean defectors have testified that the right to life of ordinary North Korean citizens, not to mention political prisoners, is seriously jeopardized because the North Korean authorities impose death sentences not only for crimes stipulated in the Penal Code but also for minor social misdemeanors stemming from economic hardship. As pointed out above, In 2007 North Korea made new revisions through its Penal Code Annex (on ordinary crimes) which allow capital punishment

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<sup>4</sup> Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

for many ordinary criminal offenses in addition to the previous five major categories in the Penal Code. Furthermore, since the revision expanded capital punishment to the area of ordinary crimes, it could also be viewed as an attempt to legally back up North Korea's legal basis for public executions.

Second, North Korean authorities are violating various provisions of Criminal Procedure Law in the process of carrying out public executions. According to North Korea's Criminal Procedure Law,<sup>5</sup> 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). 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.

During the review session for the 2nd regular report submitted by North Korea to the UNHRC, North Korea officially admitted to at least one case of public execution based on evidence presented. 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

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<sup>5</sup> After North Korea made a major revision to its Criminal Procedure Law on May 6, 2004, two more partial revisions were made on July 27, 2005 and Oct. 18, 2006, respectively. The Criminal Procedure Law provisions cited hereinafter are from the 2006 version.

Korea maintained the position that the authorities had done it to comply with the demands of the masses in the area. Based on this logic, the North Korean delegation openly admitted to the practice of public execution during the Universal Periodic Review Session of the UNHRC on Dec. 7th, 2009. During the session, a North Korean delegate said, “Capital punishments in principle are carried out behind the scenes. In exceptional cases, particularly in the case of an extremely heinous crime, public executions are carried out occasionally in compliance with the demands of victims’ families who demand confirmation.” North Korea has officially admitted to the practice of public execution at an open international forum discussing human rights issues.

Despite these arguments of the North Korean authorities, there is evidence clearly showing that North Korean citizens’ rights to life are routinely breached through public executions based on “proclamations,” an unmistakable violation of the Penal Code and the Criminal Procedure Law. As shown in <Graphic II-1> below, in a “proclamation” cited herein the North Korean authorities absolutely prohibited the circulation of foreign currencies and warned that anyone violating this proclamation could face “public executions.” This proclamation was issued by the Ministry of People’s Security (formerly the People’s Security Agency) on Dec. 28, 2009.

## 〈Graphic II-1〉 Proclamation of the Ministry of People's Security (formerly the People's Security Agency)

### Proclamation

#### Regarding Stern Punishment of Those Who Circulate Foreign Currency in the Territory of the Democratic People's Republic of Korea

Strict observance of the system for circulating the nation's unique currency is the sacred legal duty of all citizens and an important guarantee for safeguarding of our people's right of self-reliance and the protection of our society's economic foundation.

Recently, however, some citizens, agencies, enterprises, and social cooperative organizations are wildly violating the nation's currency circulation system, seriously harming the upright spirit of the people, destroying healthy social disciplines, and disrupting the socialist economic management system.

This is a serious crime constituting very harmful and dangerous behavior which infringes upon the interests of the State and the people, hampers the construction of a Strong and Prosperous Nation, and undermines the system of "socialism in our own style."

On behalf of the government of the Republic, the Ministry of People's Security hereby proclaims the following in order to firmly establish the nation's currency circulation system and to totally eradicate illegal activities involving the circulation of foreign currencies:

#### **1. All citizens, agencies, enterprises, and social cooperative organizations must refrain from circulating foreign currencies in North Korea.**

- (a) All business units, including restaurants, service outlets, and foreign merchandise shops must conduct all transactions in our currency and stop all service based on foreign currencies.

All professional foreigner service units, including airports and international hotels, must provide service only when foreigners present our currency, after exchanging their foreign money at an exchange booth.

- (b) State agencies which formerly accepted foreign currencies must now accept our currency only when collecting various fees, fares, and prices.

- (c) All trading agencies (including cooperatives and joint ventures) must supply imported merchandise strictly according to State plans. They must not engage in hoarding or profiteering by transferring imported merchandise to private citizens, agencies, enterprises, or social cooperative organizations, thus encouraging the illegal circulation of foreign currencies.

- (d) All citizens must exchange all foreign currencies in their possession into our currency through official currency exchange booths to safeguard our currency circulation system. They must not, with their foreign currency, engage in black market trade, private dealings, loan-sharking, cheating, brokering, smuggling, bribing, or swindling.

- (e) All agencies, enterprises, and social cooperative organizations must obtain the foreign currencies they require in accordance with state plans.

2. Except for those units approved by the state, the domestic export targets for all other units shall be abolished. All domestic agencies, enterprises, and social cooperative organizations must not engaged in illegal foreign currency credit transactions.
3. All related banking organizations must properly establish the exchange rate system between our currency and foreign currencies, and responsibly engage in exchange business.
4. All citizens, agencies, enterprises, and social cooperative organizations must not interfere with or hamper the activities of supervisory and control agencies and workers engaged in the enforcement of control over illegal foreign currency circulation.
5. All agencies, enterprises, and social cooperative organizations in violation of this proclamation shall be penalized with suspension of business or management activities or dissolution of business, and all cash and merchandise transacted shall be confiscated. All individuals involved in buying and selling things with foreign currency, black market trade using foreign currency, loan-sharking, brokering, and bribing, as well as those who illegally circulated foreign currencies, or organized or tacitly encouraged such activities, shall be subject to strict legal punishment ranging in severity up to the death penalty, and all cash and merchandise involved shall be confiscated, depending on the nature and level of crime.
6. This proclamation shall go into effect on January 1, 2010, and shall apply to all citizens (including foreigners), agencies, enterprise units, and social cooperative organizations (including special and military units) in North Korea.

December 28, Juche Year 98 (2009)

**The Ministry of People's Security**  
**The Democratic People's Republic of Korea**

The revision of North Korea's Penal Code in 2009 streamlined the provisions related to regime security and raised the levels of punishment.<sup>6</sup>

The level of punishment for the crime of "disloyal destruction" was raised to include capital punishment (Art. 64) and the

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<sup>6</sup> Lee Baik-gyu, "An Overview of North Korea's Penal Code Revision, 2009" (Seoul: the North Korean Law Study Group, 157th Monthly Seminar, held on September 16, 2010).

crime of “failure to report” was made subject to punishment in connection with “crimes against the people” as well as “crimes against the state” (Art. 71). The provisions relating to breaches of the national defense systems were overhauled and many new categories of crimes were added along with heavier punishments. To the category of “failure to execute orders, decisions, and instructions in a timely manner” a series of new orders was added, such as orders and decisions of the National Defense Commission, the Supreme Commander, and the Central Party Committee (Art. 73). A new penalty provision was added for the damaging or stealing of weapons and ammunitions (Articles 75, 76, and 78). The scope of punishments for the production of military supplies was expanded and subdivided in detail (Art. 80 and 81); the level of punishment was raised so that all crimes concerning the leaking of national defense secrets would be subject to punishment even if the leak did not lead to serious consequences (Art. 88). The level of punishment for serious defection cases was raised from up to three years of correctional labor to up to five years of correctional labor (Art. 233). Measures for cutting off the inflow of capitalist culture were also tightened. In the past, only the import and dispersal of depraved materials were subject to penalties, but now possession of such materials is also subject to punishment (Art. 193). Penalties for narcotics use were also raised (Art. 217). In addition, punishment levels have been raised for group disturbances, obstruction of justice, and the fabrication and spread of unfounded rumors (Articles 219, 220, and 222). Sometime after April 2009 North Korea revised its Penal Code, fine-tuning the provisions related to regime maintenance. It appears that these steps were taken to ensure a smooth transition of power to Kim Jong-eun and to tighten

internal controls during the transition. Through the 2009 Penal Code revision, North Korea did stipulate the protection and promotion of human rights, but due to various tighter controls built into the revision process, the human rights situation of the North Korean people appears to have worsened further, especially in regard to continuing public executions and restrictions on rights to liberty and safety.

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.

- Defector XXX testified that in 2003 there was an inspection by the National Defense Commission. Eight persons were publicly executed for trying to arrange “family reunion” meetings. Among them was a 30-year-old man nicknamed “Hopei.”<sup>7</sup>
- Defector XXX testified that someone he used to know was arrested in 2004 during the “Anti-Socialist Grouppa” inspections. In January 2005, he saw him executed by firing squad in Hweryong City, North Hamkyung Province.<sup>8</sup>
- Defector XXX testified that in April 2007 he witnessed

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7. NKHR2009000056 2009-09-22.

8. NKHR2010000010 2010-09-14.



XXX of Hweryong City, North Hamkyung Province getting executed at the marketplace in Hweryong City on charges of helping his family illegally cross the river.<sup>9</sup>

- Defector XXX testified that in 2007 a man and a woman living in Yonsa County had sold off some legally protected trees to China through an intermediary under the tacit consent of military, party, and security agency officials. North Korea had been protecting those trees by law as “relics of revolutionary history.” When this incident was uncovered during an inspection, the two perpetrators were publicly executed in Soonam Marketplace.<sup>10</sup>
- Defector XXX testified that in July 2007, XXX, the owner (president) of the Namkang Company, a 41-year-old man, was publicly executed at Shinpoong Stadium in Wonsan City on charges of having received money from South Korea’s National Intelligence Agency. He was arrested during the Central Party inspections.<sup>11</sup>

As these testimonies indicate, the North Korean authorities are tightening control over unruly social behavior through various inspections by the National Defense Commission or the “Anti-Socialist Life Inspection Groupppa.” In the process, public executions are being carried out for the purpose of making open and public warnings to the public. Public executions are also carried out for crimes involving religious activities. If anyone has had contacts with South Koreans while visiting China, he/she may also be

<sup>9</sup> NKHR2011000013 2010-06-08.

<sup>10</sup> NKHR2008000007 2008-07-30; NKHR2008000013 2008-08-19; NKHR2008000027 2008-12-02; It is believed that this incident at the time stirred up considerable social anxiety. There was similar testimony in 2009. NKHR2009000011 2009-03-03.

<sup>11</sup> NKHR2009000070 2009-11-18.

executed, according to North Korean defectors. If anyone has tried to arrange unauthorized meetings with “separated families” in South Korea or assist in defections, he/she too may be executed.

*<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 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 fact, North Korean authorities are intensively controlling the use of mobile phones by citizens.

- Defector XXX testified that in January 2005, a defector heard from a North Korean defection broker in Hweryong that 11 people had been publicly executed at a location in Hweryong City for having used Chinese cell phones.<sup>12</sup>

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<sup>12</sup> Testimony of XXX during an interview in Seoul on Feb. 28, 2007.

- Defector XXX testified that people would not be publicly executed simply because they used mobile phones, and that no one would be put to death for a cell phone call to South Korea. However, if anyone were found to have engaged in anti-state espionage activities or discussed matters concerning the repatriation of Korean War POWs, then the person would be publicly executed.<sup>13</sup>

However, not everyone caught using mobile phones is being executed. The level of punishment varies according to the contents of the phone conversation, and the heaviest penalties are imposed for those caught talking to a South Korean.

- Defector XXX testified that he/she was penalized with fines for using a mobile phone and the phone was confiscated; this level of punishment was based on the contents of conversation.<sup>14</sup>
- Defector XXX testified that he was penalized with labor-training for using a mobile phone in Feb. 2010. He was given only a fine because he was classified as having voluntarily reported the use.<sup>15</sup>
- Defector XXX testified that if anyone is detected using a mobile phone, the minimum penalty is correctional labor.<sup>16</sup>
- Defector XXX testified that anyone is caught using mobile phones illegally in 2010 would be forcibly banished or punished with an unlimited term of correctional labor.<sup>17</sup>
- Defector XXX testified that the heaviest penalties were

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13. NKHR2008000012 2008-08-14.

14. NKHR2010000007 2010-03-16.

15. NKHR2010000007 2010-03-16.

16. NKHR2010000035 2010-11-09.

17. NKHR2010000044 2010-11-02.

imposed for those caught contacting persons in South Korea.<sup>18</sup>

Sometimes individuals are publicly executed for the crime of circulating information about the outside world through leaflets and/or video materials.

- Defector XXX testified that in January 2005, a 32-year-old male was publicly executed in a lot in front of Ranam Market in the 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.<sup>19</sup>
- Defector XXX defected in February of 2008. He testified that he heard from his sister that a person was publicly executed by firing squad in Onsung County for passing out copies of a pornographic video imported from China.<sup>20</sup>

Even among those caught with South Korean videos or propaganda leaflets in their possession, not everyone is subject to public execution. Defector XXX testified that depending on the case people may be penalized with fines or sent off to labor-training camps, but not always to correctional centers.<sup>21</sup> Defector XXX who defected in January 2010 testified that people could avoid physical punishment if they could offer bribes.<sup>22</sup> But through the

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18\_ NKHR2010000044 2010-09-07.

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

20\_ NKHR2008000027 2008-12-02.

21\_ NKHR2010000018 2010-10-05.

22\_ NKHR2010000020 2010-06-01.

Penal Code revision of 2009 North Korea made it possible to punish a wide range of cases by adding penalties for possession of corruptive or depraved materials and decadent behavior in an effort to cut off the inflow of capitalist culture,<sup>23</sup> because the authorities feared that South Korean videos would have a detrimental influence on North Koreans. For example, defector XXX said he/she listened to broadcasts by South Korea's Christian Broadcasting Station and Hanminjok (One Nation) in 2009, and afterwards he wished he could go to South Korea.<sup>24</sup> It has been reported that the North Korean authorities have organized a new set of "citizen watch" units.<sup>25</sup>

This appears to be one of the steps being taken to tighten controls and raise the level of punishment in an effort to cut off the inflow of capitalist culture, particularly information about the reality of South Korea, to North Koreans so that a stable power transition to Kim Jong-eun may be ensured.

### • Public Execution of Economic Criminals

#### *<Stealing Communication Lines or Copper Wires>*

Most defectors testified that stealing or taking state-owned property such as electric wires or communication lines would be punishable by public execution.

– Defector XXX testified that he/she witnessed a person

<sup>23</sup> Lee Baik-gyu, "Overview of North Korea's Revised Penal Code, 2009," op. cit. above.

<sup>24</sup> NKHR2011000022 2010-06-24.

<sup>25</sup> It has been reported that, as part of Kim Jong-il's January 18 policy to eradicate anti-socialist thoughts, the North Korean authorities formed a consolidated enforcement unit known as "118 Sangmu." Radio Free Asia <[www.rfa.org/korean](http://www.rfa.org/korean)>, "Unstable North Korea Establishes Another Civilian Monitoring Organization" (March 2, 2011).

being executed by a firing squad in the summer of 2007 at Yonsa County public grounds. The charge against the accused XXX of Yonsa County, North Hankyung Province was that he illegally sold lumber to China from his timber mill (the Sokyung Co.).<sup>26</sup> Defector XXX testified that he also witnessed the same person being executed on charges of felling and selling trees that had stood on the grounds of a “historic battlefield.”<sup>27</sup>

- Defector XXX testified that he/she witnessed XXX getting executed in Sunchon City, South Pyong-an Province, in October 2007 on charges of stealing some factory equipment (a generator).<sup>28</sup>
- Defector XXX testified that he/she witnessed XXX getting executed by a firing squad in Eunduck County, North Hamkyung Province, in the summer of 2008 on charges of smuggling.<sup>29</sup>
- Defector XXX testified that he/she had heard a rumor that in January 2009 XXX from Kunsan-dong, Hwesan City, Yanggang Province was executed by a firing squad for stealing some “rail spikes” (steel nails).<sup>30</sup>

#### <Smuggling and Dealing in Narcotics>

Public executions are reported to be increasing on charges of smuggling, as smuggling activities have been on the rise along

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<sup>26</sup> NKHR2010000035 2010-11-09.

<sup>27</sup> NKHR2010000035 2010-11-09 Defector XXX testified that he heard a rumor in June of 2009 that the same accused person was executed on the grounds of a school in Yonsa County for smuggling timber. NKHR2011000003 2010-03-16.

<sup>28</sup> KNHR2010000093 2010-03-30.

<sup>29</sup> NKHR2011000022 2010-06-24.

<sup>30</sup> NKHR2010000018 2010-10-05.

the Korea-China border. As evident from the revision of Penal Code appendices, investigations of narcotics smuggling are being redoubled and public executions are carried out frequently.

- Defector XXX testified that in July 2007 XXX was executed at Hweryong Stadium for selling 5 kilograms of the narcotic “ice” (methamphetamines).<sup>31</sup>
- Defector XXX testified that he/she witnessed XXX getting executed by a firing squad in Hweryong City, North Hamkyung Province, in July of 2007 on charges of smuggling “ice” to China.<sup>32</sup>
- Defector XXX testified that in September 2007 a 50-year-old man was publicly executed by firing squad in Hweryong for dealing in narcotics. He was arrested for narcotics smuggling, but he was also accused of many other crimes, such as getting 5 security agents fired from their jobs at law-enforcement agencies.<sup>33</sup>
- Defector XXX testified that On Dec. 25, 2007, three men, including a 45-year-old graduate of Hamhung Chemical Engineering College and a female narcotics dealer, were publicly executed.<sup>34</sup>
- Defector XXX testified that on Jan. 30, 2008 seven persons, including XXX, the unit manager of the foreign currency business unit of the 91st Training Center, were executed at Horang Creek, Hwesang District, Hamhung City (South Hamkyung Province). They were charged with the crime of manufacturing the narcotic “ice” and selling in China;

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<sup>31</sup> NKHR2009000067 2009-11-12.

<sup>32</sup> NKHR2011000016 2010-06-03.

<sup>33</sup> NKHR2009000021 2009-04-13.

<sup>34</sup> NKHR2009000054 2009-09-17.

- they were caught during the Security Agency inspections.<sup>35</sup>
- Defector XXX testified that he witnessed XXX getting executed by a firing squad in the marketplace in Hwesan District of Hamhung City in the summer of 2008. XXX was a section chief in the provincial Office of Inspection, and his charge was dealing in narcotics (“ice”).<sup>36</sup>
- Defector XXX testified that he witnessed XXX of Hweryong City, North Hamkyung Province, getting executed by a firing squad at the City Stadium (the old marketplace) in Sanup-dong, Hweryong City in July of 2009. He was charged with a number crimes, including dealing in “ice,” smuggling cars, and human trafficking.<sup>37</sup>

*<Stealing Cows and Goats>*

There have been many testimonies recorded about public executions having taken place in North Korea on charges of stealing cattle and goats during the period of “the arduous march” (the mid-to-late 1990s). Since 2000, however, the number of similar testimonies has decreased. Others further testified that certain larcenies were also subject to public execution. However, the number of testimonies about public execution has significantly decreased during the interviews since 2000.

- Defector XXX testified that a 19-year-old man was executed in the Musan Mikang wetlands, Musan County, in Sept. 2004 on charges of stealing a pig.<sup>38</sup>
- Defector XXX testified that an inmate in a Labor Training

<sup>35</sup>\_ NKHR2011000016 2010-03-19.

<sup>36</sup>\_ NKHR2010000035 2010-11-02.

<sup>37</sup>\_ NKHR2010000069 2010-10-26.

<sup>38</sup>\_ NKHR2009000017 2009-06-25.



Camp was publicly executed in 2004 for stealing some corn.<sup>39</sup>

- Defector XXX testified that a man was publicly executed in 2005 at the marketplace in Haeju City for butchering and consuming a cow.<sup>40</sup>
- Defector XXX testified that in 2007 seven people were publicly executed, including the grain section chief and the uniforms section chief, at the Army Rear-Area Corps Command where they used to serve. They were charged with stealing and selling rice and gasoline.<sup>41</sup>

#### • 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. Reports of public execution having taken place on charges of murder and human trafficking continue to mount.

#### <Human Trafficking>

The international community has lodged strong protests against the practice of human trafficking. Since the year 2000, the North Korean authorities have continuously sentenced such criminals to public execution. Human-trafficking appears to be growing more organized and is being carried out by groups.

- Defector XXX testified that the leader of a security platoon at the Yuson Security Guard Battalion, XXX, had permit-

<sup>39</sup>\_ NKHR2008000025 2008-11-20.

<sup>40</sup>\_ NKHR2008000021 2008-09-23.

<sup>41</sup>\_ NKHR2009000017 2009-03-24.

ted many individuals to flee to China. Some 20 defectors upon deportation to North Korea confessed that XXX had allowed them to go to China. Subsequently, XXX was publicly executed in April 2005 under the Blue Bridge in Yuson.<sup>42</sup>

- Defector XXX testified that in 2006 a 26-year-old man living in Dongmyung-dong was publicly executed in the marketplace of Hweryong on charges of human trafficking and collecting gold.<sup>43</sup>
- Defector XXX testified that a 21-year-old man was executed in Hyesan on charges of human trafficking.<sup>44</sup>
- Defector XXX testified that in May 2008 XXX, a 26-year-old neighbor, was publicly executed by firing squad on charges of human trafficking.<sup>45</sup>
- Defector XXX testified that a group of about 120 people living in Hweryong City, North Hamkyung Province, were executed by a firing squad in June of 2008 in the City Stadium, Sanup-dong, Hweryong City on charges of human-trafficking. They had been trafficking units of 8 persons.<sup>46</sup>
- Defector XXX testified that three men were executed at Soosungchun in Chongjin City on charges of human trafficking.<sup>47</sup>
- Defector XXX testified that in the summer of 2008 he witnessed a student named XXX getting executed by a firing

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42\_ NKHR2008000027 2008-12-02.

43\_ NKHR2009000058 2009-09-24.

44\_ NKHR2009000066 2009-11-11.

45\_ NKHR2009000023 2009-04-16.

46\_ NKHR2010000069 2010-10-26.

47\_ NKHR2009000063 2009-11-03; NKHR2009000064 2009-11-04.

squad near the hills of Bonghung Middle School, Hyesan City, Yanggang Province, on charges of trafficking more than 10 persons.<sup>48</sup>

- Defector XXX testified that he witnessed XXX getting executed by a firing squad in July 2007 in Musan County, North Hamkyung Province, on charges of human trafficking. The executed person, XXX, sold 8 out of 12 persons to China for 12,000 yuan, and sent the remaining four back home as they were under-aged.<sup>49</sup>

### <Murder>

Despite the policy of rigorous enforcement and strict penal provisions against the use of violence, incidents of violent crime continue to increase every year. As economic hardship deepens, the number of violent crimes increases. 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.

- Defector XXX testified that in September 2007 an army sergeant was publicly executed by firing squad on a hill behind the Fifth Corps for axe-killing a civilian in the process of stealing some corn from a farmhouse. Unlike in civilian cases, the authorities instructed the on-lookers to watch the execution close-up and to spit on the man's corpse after the execution, because he had violated Kim Jong-il's "military-first" policy.<sup>50</sup>
- Defector XXX testified that he saw a person publicly exe-

48. NKHR2010000097 2010-06-15.

49. NKHR2010000044 2010-11-02.

50. NKHR2009000020 2009-04-07.

cuted in Chongjin in January 2008. The person was charged with the murder of a four-year old child his new wife had brought in with her, whom he killed because the child was fussing too much.<sup>51</sup>

- Defector XXX testified that he had heard a rumor from his wife that XXX was executed by a firing squad in Musan County, North Hamkyung Province, on charges of murder.<sup>52</sup>
- Defector XXX testified that he had heard a rumor that XXX was executed by a firing squad at a fish-farm in Kangson-ku, Musan County, North Hamkyung Province, for having murdered his common law wife in March 2010.<sup>53</sup>

#### <Other Illegal Behaviors>

Public executions are also carried out as punishment for rapes and gambling.

- Defector XXX testified that in August 2007, a 50-year-old man, nicknamed Mak-kong, was arrested on gambling charges during an inspection in Wonsan. The inspector was so strict that he could not be bribed, and the case was brought before the court. The man was ultimately publicly executed at Sinhung Stadium in Wonsan.<sup>54</sup>
- Defector XXX testified that in the fall of 2008 he witnessed XXX getting executed by a firing squad in Wonsan City, Kangwon Province, on charges of gambling. A total of 90 rounds were fired in the presence of a group of top execu-

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51\_ NKHR2008000023 2008-11-11.

52\_ NKHR2010000041 2010-10-26.

53\_ NKHR2010000024 2010-10-19.

54\_ NKHR2008000025 2008-11-20.

tives of foreign currency earning ventures.<sup>55</sup>

- Defector XXX testified that in the fall of 2009 he heard that someone was executed by firing squad at the river-side trash dump in Musan County, North Hamkyung Province, on charges of rape.<sup>56</sup>
- Defector XXX testified that in May 2009 he witnessed XXX, aged 43 at the time, getting executed by a firing squad in the Mikang wetlands near Musan marketplace, Musan County, North Hamkyung Province, on charges of murder and three rapes.<sup>57</sup>

#### • Public and Secret Executions inside Correctional Centers

It has been reported that public and secret executions are being carried out inside the correctional centers. Defector XXX testified that even though it may appear that there have been no public executions in recent years, they are in fact being secretly carried out—for example, at the Seventh Correctional Center located behind the Sariwon City Cigarette Factory.<sup>58</sup> Executions are commonly imposed on those charged with attempted flight. Defector XXX testified that in 2003 XXX, his 51-year-old co-worker at the Rahung Railroad Factory, was executed by a firing squad for attempted flight while serving in the Daehung Correctional Center in South Hamkyung Province on charges of economic crimes.<sup>59</sup> Defector XXX testified that in April 2007 a man was shot in the leg while attempting to flee from the Jongori Correctional Center. The

<sup>55</sup>\_ NKHR2010000019 2010-10-12.

<sup>56</sup>\_ NKHR2010000011 2010-09-14.

<sup>57</sup>\_ NKHR2010000044 2010-11-02.

<sup>58</sup>\_ NKHR2009000012 2009-03-05.

<sup>59</sup>\_ NKHR2009000045 2009-07-14.

center's deputy director ordered, "From now on I will shoot to kill anyone trying to flee from this center, so deal with him quickly so that I can publicly execute him within 2-3 days." But the man died from loss of blood before the execution.<sup>60</sup>

- **Public and Secret Executions in 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.<sup>61</sup> Those subjected to public executions are usually people who were caught trying to escape. Defector XXX testified that when he went to cultivate a farm at a place called Kungsim in Hweryong, North Hamkyung Province, he witnessed a female inmate running toward the barbed wire fence in an effort to flee from the Nov. 22 Management Center in Hweryong. He testified that he believes the guard took her away and executed her.<sup>62</sup> Defector XXX testified that he was detained in the spring of 2006 at Gaechon Management Center in South Pyong-an Province. He said he saw XXX getting executed by a firing squad at the Gaechon Management Center on charges of attempted flight.<sup>63</sup>

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<sup>60</sup> NKHR2009000059 2009-09-29.

<sup>61</sup> Testimony of defector XXX during an interview in Seoul on July 9, 1996.

<sup>62</sup> NKHR2010000069 2010-10-26.

<sup>63</sup> NKHR2010000045 2010-09-07. The witness in fact said the Gaechon "correctional center," but he must have meant the Gaechon "management center."

〈Table II-3〉 Public Executions Based on Defector Testimonies

Time	Place	Event	Testifying Defector
2007	Sunam marketplace	Two men publicly executed for cutting down symbolic trees at a “revolutionary site.”	NKHR2008000007 July 30, 2008
2003	Hyesan City	8 persons publicly executed for arranging inter-Korean “family reunion” meetings.	NKHR2009000056 Sept. 22, 2009
July 2007	Sinpoong Stadium, Wonsan City	Namkang Company Pres. (41) publicly executed for receiving money from South Korea’s CIA	NKHR2009000070 Nov. 18, 2009
Jan. 2005	Hweryong City	1 person executed by firing squad on charges of spying.	NKHR2010000010 Sept. 14, 2010
April 2007	Marketplace, Hweryong City	1 person executed by firing squad for helping his family illegally cross the river.	NKHR2011000013 June 8, 2010
Jan. 2005	Front yard, Ranam Market, Chonjin City	1 person publicly executed for listening to and singing South Korean songs.	Feb. 28, 2007
Jan. 2009	Unknown	1 person executed by firing squad for stealing rail spikes.	NKHR2010000018 Oct. 5, 2010
Summer 2007	Public stadium, Yonsa County	1 person executed by firing squad for secretly selling timbers to China through his own timber mill.	NKHR2010000035 Nov. 9, 2010
Oct. 2007	Soonchon City, South Pyong-an Province	1 person executed by firing squad for stealing factory equipment (a generator).	NKHR2010000093 March 30, 2010

Time	Place	Event	Testifying Defector
Summer 2008	Eunduck County, North Hamkyung Prov.	1 person executed by firing squad for stealing copper lines.	NKHR2011000022 2010-06-24
Jan. 30, 2008	Horang Creek, Hwesang Dist. Hamhung City	Seven people, including a section chief of the foreign currency earning unit of the 91st Training Center, for smuggling narcotics to China.	NKHR2009000016 March 19, 2009
Sept. 2007	Hweryong City, North Hamkyung Prov.	1 person executed by firing squad for selling narcotics.	NKHR2009000021 April 13, 2009
Dec. 25, 2007	Pyongsu marketplace, Hamhung City, South Hamkyung Prov.	Three men and one woman, including a 45-year graduate of Hamhung Chemical College, publicly executed for dealing in narcotics.	NKHR2009000054 Sept.17, 2009
July 2007	Hweryong Stadium, North Hamkyung Prov.	1 person executed for selling 5 kilos of narcotics ("ice").	NKHR2009000067 Nov. 12, 2009
July 2007	Hweryong City, North Hamkyung Prov.	1 person executed by firing squad for smuggling 40 kg of "ice" to China.	NKHR2011000016 June 3, 2010
Summer 2008	Marketplace, Hyesan Dist. Hamhung City	Provincial inspection section chief executed by firing squad for dealing in "ice."	NKHR2010000036 Nov. 2, 2010
July 2009	City Stadium, Sanopdong, Hweryong City	1 person executed by firing squad for narcotics dealing, smuggling cars, and human trafficking.	NKHR2010000069 Oct. 26, 2010
2005	Marketplace, Haeju City, South Hwanghae prov.	Public execution for consuming a cow.	NKHR2008000021 Sept. 23, 2008



Time	Place	Event	Testifying Defector
Sept. 2004	Musan Mikang Wetlands, Musan County, North Hamkyong Prov.	1 person executed for stealing a pig.	NKHR2009000042 June 25, 2009
2004	Unknown	Public execution of an inmate in a labor training camp for stealing corns.	NKHR2008000025 Nov. 20, 2008
2007	Unknown	Seven soldiers, including the grain section chief and the uniforms section chief of an army corps rear area command, public executed for secretly selling rice and cooking oil.	NKHR2009000017 March 24, 2009
April 2005	Under the Blue Bridge, Yuson City	A border guard squad leader publicly executed because 20 deported defectors from China confessed he allowed them to go.	NKHR2008000027 Dec. 2, 2008
May 2008	Unknown	1 person executed by firing squad for human trafficking.	NKHR2009000023 April 16, 2009
2006	Marketplace, Hweryong, North Hamkyong Prov.	1 person publicly executed for human trafficking and collecting gold.	NKHR2009999958 Sept. 24, 2009
July 2008	Susongchon, Chongjin City	Three men executed for human trafficking.	NKHR2009000063 Nov. 3, 2009
March 2008	Hyesan City	1 person executed for human trafficking.	NKHR2009000066 Nov. 11, 2008
July 2009	Musan County	1 person executed for trafficking 8 persons for 12,000 yuan.	NKHR2010000044 Nov. 2, 2010

Time	Place	Event	Testifying Defector
June 2008	City Stadium, Sanopdong, Hweryong City	Groups of 8 persons per unit engaged in human trafficking. A total of 120 executed by firing squad.	NKHR2010000069 Oct. 26, 2010
Summer 2008	Hills behind Bonghung Middle School, Hyesan City	A student executed by firing squad for human trafficking over 10 persons.	NKHR2100000097 June 15, 2010
Jan. 2008	Chongjin	1 person publicly executed for murdering his wife's 4-year-old child for being too noisy and rowdy.	NKHR2008000023 Nov. 11, 2008
Sept. 2007	Hills behind 5th Army Corps	Public execution by firing squad of a sergeant who had axe-murdered a man who caught him stealing his corn.	NKHR2009000020 April 7, 2009
March 2010	Fish farm, Kangsoku, Musan County	A man executed by firing squad for murdering his live-in wife.	NKHR2010000024 Oct. 19, 2010
Summer 2009	Musan County	1 person executed by firing squad for murder.	NKHR2010000041 Oct. 26, 2010
Aug. 2007	Shinhung Stadium, Wonsan City	A 50-year-old man was caught gambling. The inspector had a grudge against him, so the man was publicly executed as an example.	NKHR2008000025 Nov. 20, 2008
Fall 2009	Riverside trash dump, Musan County	1 person executed by firing squad on charges of rape.	NKHR2010000011 Sept. 16, 2010

Time	Place	Event	Testifying Defector
Fall 2008	Wonsan City, Kangwondo Prov.	1 person executed by firing squad for gambling; a total of 90 rounds fired. Foreign currency business CEOs were present and watching.	NKHR2010000019 Oct. 12, 2010
May 2009	Mikang Wetlands, Musan Marketplace	1 person executed by firing squad on charges of murder and 3 rapes.	NKHR2010000044 Nov. 2, 2010
2003	Daehung Correctional Center, South Hamkyong Prov.	A 51-year-old Rahung Railroad worker was shot and killed while attempting to flee from Daehung Correctional Center in South Hamkyong Prov.	NKHR2009000045 July 14, 2009
April 2007	Jonkori Correctional Center	An inmate sustained a gunshot wound while attempting to flee and died from the wound before execution by firing squad.	NKHR2009000059 Sept. 29, 2009
Spring 2006	Kungsim, Hweryong, North Hamkyong Prov.	A female inmate at Hweryong No. 22 Management Center was caught while fleeing and is believed to have been executed.	NKHR2010000069 Oct. 26, 2010
Spring 2006	Gaechon Management Center South Pyong-an Prov.	An inmate at Gaechon Management Center was executed by firing squad for attempted flight.	NKHR2010000045 Sept. 7, 2010

## • The Changing Style of Public Execution

Many defectors have testified that public executions are still being carried out across North Korea, even in the years after 2005. They say the only difference is that since 2000 the frequency of public executions appears to be decreasing compared to the “Arduous March” period. In interviews conducted with defectors who fled from North Korea between 2006 and 2008, most responded that compared to the “Arduous March” period of the 1990s, the frequency of public executions appears to be on the decline. However, other defectors testified that the reason the frequency appears to be decreasing was that the number of nonpublic executions was increasing.

- Defector XXX testified that he had not heard any rumors of public executions in Pyongyang since 2003.<sup>64</sup>
- Defector XXX testified that he/she had not seen any public executions in the Rajin-Sunbong region since 2000.<sup>65</sup>
- Defector XXX testified that since 2000 there had been no public executions in his hometown.<sup>66</sup>
- Defector XXX testified that before 2004 there were many public executions and cases of banishment, but that trend has been decreasing recently. Orders came down from on high, and now people hardly see any public executions.<sup>67</sup>
- Defector XXX testified that he/she has seen no public executions since the year 2000.<sup>68</sup>
- Defector XXX testified that in recent years they usually

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64\_ NKHR2009000013 2009-03-11.

65\_ NKHR2009000025 2009-03-30.

66\_ NKHR2009000030 2009-05-07.

67\_ NKHR2009000010 2009-02-26.

68\_ NKHR2011000002 2010-03-16.

take suspects away and kill them discreetly, rather than publicly executing them.<sup>69</sup>

Some North Korean defectors testified that “secret executions” have replaced public executions.

- Defector XXX testified that when he was detained by the Musan Security Agency in February 2007 he had heard that a 40-year-old man from Musan was being secretly executed on 24 charges of human trafficking. He had been given death sentence at a public trial at the Musan County Miners’ Hall, but was not executed in public.<sup>70</sup>
- Defector XXX testified that the authorities will now secretly execute those condemned to die instead of doing so publicly, because Kim Jong-il ordered that gunshot sounds must not be heard in public anymore.<sup>71</sup>
- Defector XXX testified that executions are carried out secretly inside prisons rather than publicly because of the international outcry.<sup>72</sup>
- Defector XXX testified that he had heard from an agent of the National Safety Protection Agency that in the border areas of North Hamkyung Province the policy had changed from public executions to “inside executions.”<sup>73</sup>

It is important to note that many defectors testified that public executions have decreased owing to international pressure from the UN and other organizations. Therefore it is important for

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<sup>69</sup>\_ NKHR2010000020 2009-06-01.

<sup>70</sup>\_ NKHR2008000022 2008-11-05.

<sup>71</sup>\_ NKHR2009000035 2009-06-02.

<sup>72</sup>\_ NKHR2009000037 2009-06-09.

<sup>73</sup>\_ NKHR2009000040 2009-06-18.

South Korea to continue to raise the North Korean human rights issue in cooperation with the UN and the international community as a whole.

- Defector XXX who defected in April 2007 testified that there were almost no public executions since the year 2000 thanks to pressure from the UN and other international organizations.<sup>74</sup>
- Defector XXX, who defected in February 2008, testified that there had not been any public executions by firing squad in the Yuson region since 2004, and he/she believed that this was due to pressure from the UN and the international community.<sup>75</sup>

On the other hand, some defectors testified that from about 2007 a new order came down from the leadership to renew public executions, and thus public executions have begun to re-appear. Personal interviews conducted in 2009 and 2010 confirm that public executions seem to be increasing again (see Appendix 1). This development seems to be closely related to the appointment of Kim Jong-eun in September of 2010 as Kim Jong-il's successor, the addition of the Annex (on ordinary crimes) to the Penal Code in 2007, and the Penal Code revision in 2009.

- Defector XXX, who fled from Wonsan in January 2008, testified that public executions were on the rise, but he/she could not provide more than one such case.<sup>76</sup>
- Defector XXX, who defected in January 2008, testified that executions by firing squad had been decreasing prior

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<sup>74</sup>\_ NKHR2008000011 2008-08-12.

<sup>75</sup>\_ NKHR2008000016 2008-09-02.

<sup>76</sup>\_ NKHR2008000026 2008-11-25.

to 2007, but they began to increase from about November of 2007. Executions are carried out on convicts charged with dealing in narcotics, human trafficking, or selling copper wires and other items of critical importance to the state. In late September 2007, a highly classified document came down from Kim Jong-il to the People's Army stating that it was necessary to let gun shots ring out to control the widespread social misconduct in the country. Accordingly, from early October 2007 intensive "guidance inspections" were conducted across North Hamkyong Province, and four persons were executed by firing squad in Hamhung City. The defector testified that he witnessed one person getting executed by firing squad.<sup>77</sup>

- Defector XXX testified that executions by firing squad had been decreasing, but from 2007 they began to increase again, and this began with an execution in Yonsa County, North Hamkyong Province, at which 90 rounds were fired.<sup>78</sup>
- Defector XXX who fled South in April 2010 testified that compared to the 1990s public executions have increased in the 2000s.<sup>79</sup>
- Defector XXX who fled south in July 2010 testified that there were more public executions in 2010.<sup>80</sup>

Also, the frequency of public executions varies from region to region, and it is difficult to obtain accurate numbers for each

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77. NKHR2008000017 2008-09-04.

78. NKHR2009000021 2009-04-13.

79. NKHR2010000043 2010-11-02.

80. NKHR2011000018 2011-01-18.

region. Defector XXX testified that he had not seen or heard about public executions having taken place in the Kaesong area since 2000.<sup>81</sup> 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.<sup>82</sup>

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. In particular, executions are carried out on those charged with the crime of attempting to arrange inter-Korean “family reunions” or any other inter-Korean contacts.

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 (see Appendix 2).

Lastly, the North Korean authorities have used intimidation tactics such as public executions to try to prevent people from breaking the law. On the contrary, however, most inhabitants seem to ignore such tactics.

– Defector XXX testified that when he was young he had heard the adults attending public executions shout, “The man killed another man, so he should be executed.” They repeatedly shouted, “Kill him!” Today, people are loathe to attend public executions, but the authorities even close down markets and factories to force the people to witness them.<sup>83</sup>

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<sup>81</sup> Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

<sup>82</sup> Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

<sup>83</sup> NKHR2008000007 2008-07-30.





# 2



## *The Rights to Liberty and Personal Safety*

### **A. Liberty Rights and North Korea's Criminal Law 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 (UDHR) provides that no one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment. Article 7 of the ICCPR also stipulates that no one shall be subjected to torture or to cruel, inhumane 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 UDHR, the UN adopted the Convention against Torture and Cruel, Inhumane or Degrading Treatment or Punishment at the General Assembly held on Dec. 10,

1984. Also, the Vienna Declaration and Programme of Action adopted in 1993 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.

North Korea's Constitution prohibits the arrest and detention of citizens unless prescribed by law. This principle is preserved in the current Constitution, which was amended on April 9, 2010 during the second session of the 12th Supreme People's Assembly. Article 79 declares that, unless based on the law, citizens shall not be arrested or imprisoned, nor shall their homes be searched.

With the April 2009 revision of its Constitution, North Korea for the first time stipulated in Article 8, "The state shall safeguard the interests of, and respect and protect the human rights of the working people ...". Previously, human rights protections were codified only in lower-level laws, such as the Criminal Procedure Law and the Attorney Law.

In the 1999 version of North Korea's Criminal Procedure Law, "investigation" and "preliminary examination" were combined into one chapter (Ch. 4), but the 2004 revision again separated them into two separate chapters, "investigation" (Ch. 6) and "preliminary examination" (Ch. 7), indicating an attempt to provide stricter and more independent procedures. Also, the revision covers the mission and duration of preliminary examinations (Sec. 1), the interrogation of suspects (Sec. 3), and arrest and detention (Sec. 4). In short, more legally precise procedures have been provided for suspects during their arrest and their period of detention in the process of investigation and preliminary examination.

In the 2004 Criminal Procedure Law, arrest and detention procedures are laid down in separate articles of the law. As in the

Constitution, the Criminal Procedure Law also specifies, “One shall not be arrested or detained in a manner not provided for in the law or without following the procedures prescribed by the law (Art. 177).” Moreover, the law clearly stipulates that no arrest shall be made without a warrant, and only investigators and “retrial agents” can make arrests (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 “The suspect’s family or organization shall be notified within 48 hours of arrest of the reasons for and the place of detention.” It will be necessary to confirm if this “family notification” provision also applies in the cases of missing persons 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 2004 revision of the Criminal Procedure Law, North Korea also 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 inhumane 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." Meanwhile, the 2004 revision of the Penal Code 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 or detained a person or searched the person's home, or seized or confiscated his property," he may be charged with up to two years of correctional labor. If he repeated the offense, or if his actions caused a public controversy, up to three years of correctional labor might be imposed (Art. 252). North Korea's Penal Code and Criminal Procedure Law have been revised several times since 2004, but these provisions still remain in the current laws, including the Criminal Procedure Law as revised in 2006 and the Penal Code as revised in 2009.

Despite these revisions in the Criminal Procedure Law the possibility of human rights violations still remains. 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.

## B. Detention and Correctional Facilities

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

North Korea operates two types of penitentiaries: prisons designed to detain political criminals and detention facilities for non-political, ordinary criminals. 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.

Punishments under the North Korean Penal Code are classified as "basic punishment" or "additional punishment." There are four types of basic punishment: the death penalty, an unlimited term of correctional labor, a limited term of correctional labor, and labor training (Art. 28). "Unlimited term of correctional labor" and "labor training" were added during the Penal Code revision of

2004. Unlimited correctional labor sentences extend 15 years or longer. 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 “correction through labor” (Art. 30). The criminals sentenced to correctional punishment are typically economic or violent criminals, rather than political criminals, and may be detained in “Correctional Centers” managed by the Correctional Bureau of the Ministry of People’s Security. In addition to the official correctional facilities, North Korea has been criticized for operating political concentration camps, collection centers, and labor training camps. Political criminals are incarcerated in “kwanliso” (concentration camps) operated by the “Farm Guidance Bureau” of the State Security Agency. These centers are political concentration camps, often called “control districts” or “special districts for dictatorial control.” At the MPS, the camps that hold former high-ranking officials are also called “kwanliso.” Depending on the nature of the crime, different agencies exercise control over the convicts. For example, the State Security Agency will handle crimes against the state and the people, 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-4〉 Confinement Facilities

Type of crime	Economic criminals and people found guilty of violent crimes	Political criminals
Supervising institution	Ministry of People’s Security	State Security Agency (Bureau No. 7)

Confinement facilities	Correctional Centers (Kyohwaso) Labor Training Camps (Rodong Danryeondae) Collection Centers (Gypkyeolso)	Concentration Camps (Kwanliso)
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- **Correctional Centers (Kyohwaso)**

A “correctional centers” is a type of prison facility in North Korea that is similar to a South Korean prison. The People’s Security Agency operates these centers and they house convicts who have committed serious crimes. Those sentenced to death or “correctional labor” penalties by the court are detained here, and there is at least one correctional center in each province.<sup>84</sup>

During the “Pyongyang Festival” period in April of 1995, the North Korean authorities told visiting members of Amnesty International (AI) that there were three correctional centers in North Korea including the “Sariwon Correctional Center,” that about 800 to 1,000 inmates were detained in them, and that about 240 anti-state (political) criminals were held in the “Hyungjaesan Correctional Center.”<sup>85</sup> During the review process of North Korea’s second periodic report on the ICCPR, a North Korean delegate argued that it was difficult to grant firsthand visits to the members of international human rights organizations because even after North Korea had twice granted such visits to members of AI, the

<sup>84</sup> According to defectors, there are two correctional centers in Hamhung City, South Hamkyung Province: a “correctional center for women” in Sapo District and a “correctional center for men” in Hwasan District. In addition, well-known correctional centers in North Korea include Kaecheon Correctional Center, Jonkori Correctional Center, and Susong Correctional Center. (Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008).

<sup>85</sup> 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.

forces hostile to the Republic were trying to take advantage of North Korea's human rights situation, irritating the sensitivities of responsible North Korean agencies.

The revised Penal Code of 2009 defines crimes and types of detention, as outlined in Table II-5.

〈Table II-5〉 Types of Crimes and Corresponding Place of Detention

Category	Correctional centers		Designated location
	Unlimited term	Limited term	Labor training
Crimes against the state or the people (14 types)	Conspiracy to overturn the state (5 types)	Conspiracy to overturn the state (14 types)	-
Crimes disruptive to national defense systems (16 types)	Inflicting deliberate damage on weapons, ammunition, technical combat equipment and military installations (1 type)	Neglecting preparedness for wartime production (15 types)	Neglecting preparedness for wartime production (10 types)
Crimes injurious to the 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 the life or damaging the property of citizens (26 types)	Deliberate murder or kidnapping (4 types)	Deliberate murder (25 types)	Excessive self-defense (13 types)



The Jongori Correctional Center consists of a main facility and an annex. The main facility has two sections known as No. 1 and No. 3. The No. 1 section houses carpenters and auto-repair men. The No. 3 section is a farm which also does animal husbandry. The No. 2 and No. 5 sections are located about one-hour walking distance away. These are copper mines. The No. 4 section, a potato farm, is another two-hours walking distance. Our witness served out his term at the No. 4 section, where there were about 400 inmates. From the end of 2007, female inmates began arriving to serve terms at the Jongori Center.<sup>86</sup> When our witness began serving there in 2003, the center's capacity was about 800 inmates, but by the time he left in 2005 there were over 1,600 inmates. An exclusive female correctional center was completed around July 2006.<sup>87</sup> In short, the Jongori Correctional Center was formerly an all-male center, but it has now been transformed into a co-ed center. According to defector XXX, visitation rules at Jongori Correctional Center allowed for one visit per inmate every 6 months.<sup>88</sup> When our witness was serving there in 2004, there was a "3-man open-watch rule" whereby one inmate was responsible for watching three other inmates. These inmates in turn would each be responsible for watching three other inmates each, etc. In short, it was a system of mutual watchdog assignments. If any member of the 60 inmate team were to attempt flight, all the others would be subjected to punishment. All inmates were required to memorize 10 basic rules, and each rule had sub-rules, so there were at least 30 rules to remember. Also, there were 6 basic rules regarding security agents, which expanded into about 20 rules altogether. All inmates

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<sup>86</sup> NKHR2009000021 2009-04-13.

<sup>87</sup> NKHR2009000059 2009-09-26.

<sup>88</sup> NKHR2009000059 2009-09-26.

were required to memorize all these rules without fail.<sup>89</sup>

- **Labor Training Camps**

In some North Korean laws, “labor-training” is listed as one of the “punishment” categories, even though the Penal Code does not contain any such stipulations.

Unable to operate even the correctional centers due to the economic problems, the North Korean authorities have merged some correctional centers, while sending minor offenders to labor training camps instead for 1~6 month terms of forced labor. Around 1990 in accordance with Kim Jong-il’s directive “on the autonomous correction of light offenders at the county level,” “labor training camps” are being operated in each city and county. These camps mainly house those convicted of theft or disruption of collective living and have capacities ranging from 500~2500 people. There is reportedly one such facility for each city and country in the country. Labor training camps were originally known as “education camps” and operated as temporary institutions, but they have evolved into permanent “labor training camps.” These camps are operated by an inspector and security officer of the county People’s Security Bureau, two members of the county level KWP Three-Revolution Team, one member of the county-level Youth League’s Committee on Deviant Youth, the commander of the labor training camp, one guidance officer, and one rear guard worker.

Article 18 of the Law on Sentences and Implementation of Decisions specifies the primary reason for suspension of sentences

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<sup>89</sup> NKHR2009000067 2009-11-12.

as follows: “Any gravely ill person serving correctional labor, labor-training, or unpaid labor punishment, or a pregnant woman in the period three months before to seven months after delivery of a baby, may be released early on a suspended sentence.” As defectors have testified, various types of punishment not listed in the Penal Code would often be imposed and carried out in reality.

Under the revised Penal Code of 2004, North Korea has established “labor training” as a new type of punishment. Labor-training is also defined as a type of penalty under the current Penal Code as revised in 2009. 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” are supposed to count as the equivalent of “one day at a correctional center.” Article 31 of North Korea’s Penal Code revised in 2004 stipulates, “The citizen’s fundamental rights are guaranteed throughout the period an inmate serves in labor-training punishment.” This provision is fully congruous with the testimonies of North Korean defectors who have served in the labor-training camps or “collection centers.” The “specified facility” mentioned in the Penal Code appears to mean a “labor-training camp.” As defector XXX testified, two types of inmates are detained in labor-training camps: ordinary criminals arrested for anti-socialist behavior and those sentenced to labor-training punishment. The latter category of inmates would get workloads that differed from those of ordinary inmates. In other words, the camp would separately manage those with pre-determined service periods. From these testimonies, it is clear that when the Penal Code stipulates that those sentenced to serve labor-training penalties are to be detained in a “specified facility,” it clearly means a “labor-training camp.” In short, two different types of inmates are detained in the

labor-training camps, but those with prescribed service periods fall under separate management inside the camp. This appears to be the result of adding “labor-training” as a new category of penalty in the Penal Code revision of 2004.<sup>90</sup>

As mentioned above, 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 have handed down 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 by the 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 Court, which sentenced him to one year of labor training. He was then imprisoned in Section 3 of the 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. At the end of his trial the Musan

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<sup>90</sup> NKHR2008000022 2008-11-05.

Court judge said, “Serving in a correctional center is hard and painful. If anyone were to serve there 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 whom one 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 the local residents of Musan. Defector XXX testified that he had to go through a pretrial in 2005 and received a formal trial before he was locked up in a “labor-training camp.”<sup>91</sup>

However, detainment in labor-training camps without trial still continues as a general and routine practice. This practice persists even though a significant amount of time has passed since North Korea revised its Penal Code in 2004 requiring labor-training penalties to be imposed only through trials. Defector XXX testified that there is usually no trial for inmates sent off to labor-training camps because the penalty does not affect the status of one’s citizenship card. Detailed records of one’s service at labor-training camps are kept in the Safety Agency, but they do not appear on

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<sup>91</sup> NKHR2009000018 2009-03-26.

other documents that are necessary for normal activities.<sup>92</sup> Defector XXX testified that he/she was sent off to a labor-training camp without a trial.<sup>93</sup> Defector XXX also testified that he/she served in a labor-training camp in Hweryong City for four months from December 2004 to March 2005 without a trial.<sup>94</sup>

As the above testimony shows, there seems to be an attempt to follow the formal trial procedures prescribed in the Penal Code even in 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 the above case, the judge's method of calculation was somewhat unusual and his explanations in favor of local residents were somewhat extra-legal. Nevertheless, the fact that the revised Penal Code procedures are being faithfully followed at the lower levels is an encouraging development.

165 of the 245 articles contained in North Korea's Penal Code mention punishment by labor training. Those convicted of more serious crimes 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

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<sup>92</sup> NKHR2009000058 2009-09-24.

<sup>93</sup> NKHR2009000065 2009-11-10.

<sup>94</sup> NKHR2010000069 2010-10-26.

to “labor-training” penalties and sent to “labor-training camps” instead of “correctional labor camps.”<sup>95</sup> Most crimes involving disturbances 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 defectors in South Korea, the crimes subject to labor training punishment in the 2004 Criminal Law revision are consistent with the crimes of people sent to labor training camps before the revision.

- According to defectors, the Security Office supervises the daily “punch cards.” Anyone failing to report to work for about a month will be sent off to a “labor training camp” for a month.<sup>96</sup> The absentees (or jobless persons) would be sent off to the labor training camps (“ganglands.”)<sup>97</sup>
- Defector XXX testified that his close friend who was unemployed for three months had been detained in the labor-training camp in the Sinam District of Chongjin.<sup>98</sup>
- The brother of defector XXX was arrested while helping activate someone’s cell phone. He was detained for a month in the provincial collection center and subsequently detained for six months in a labor-training camp.<sup>99</sup>
- Defector XXX testified that at the end of 2007 a friend of her daughter was arrested while watching a South Korean video tape. She had to spend six months at the Wonsan Labor-Training Camp.<sup>100</sup>

<sup>95</sup> Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

<sup>96</sup> Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

<sup>97</sup> Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

<sup>98</sup> NKHR2008000030 2008-12-23.

<sup>99</sup> NKHR2008000004 2008-07-17.

<sup>100</sup> NKHR2008000025 2008-11-20.

- Defector XXX testified that he and three of his friends had to serve six months in a labor-training camp for using drugs (“ice”) in December 2007.<sup>101</sup>
- Defector XXX testified that he/she was locked up in the Hweryong City labor training camp for one month in June 2008 on charges of using mobile phones.<sup>102</sup>
- Defector XXX testified that when he was detained by the Hyesan City Security Agency in July 2008 he saw an inmate, XXX, being sent to a labor training camp on charges of fortune-telling.<sup>103</sup>

The following are partial descriptions of a labor-training camp. No. 55 Labor-Training Camp in Hamhung City used to be No. 22 Camp; the number changed in 2000. This camp was divided into Sections 1, 2, and 3. Section 1 was the main office and Section 2 dealt with agricultural work. Section 3 dealt with mining.<sup>104</sup> In each camp, there is usually one security agent from the Security Agency, one training chief, one employee from the Labor Section of the local People’s Committee, and one female employee in charge of grain statistics.<sup>105</sup> Labor-training camps also operate “Educational Training Units for Boys.” Defector XXX testified that in July 2003 a student named XXX was detained at the Nampo Educational Training Unit for Boys for watching a South Korean CD.<sup>106</sup> It is also reported that the military operates its own labor-training camps. Defector XXX testified that there were military

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101\_ NKHR2008000029 2008-12-16.

102\_ NKHR2010000069 2010-10-26.

103\_ NKHR2010000089 2010-06-08.

104\_ NKHR2009000011 2009-03-03.

105\_ NKHR2009000030 2009-05-07.

106\_ NKHR2009000036 2009-06-03.



labor-training camps in Danchon (South Hamkyung Province) and Haechang, South Pyongan Province.<sup>107</sup>

- **Collection Centers (Jipkyeolso)**

“Collection centers” are similar to “correctional centers.” Staff at collection centers investigate and detain various offenders for six months to a year—without trial or revocation of citizenship. Detainees include defectors, those who have transgressed their designated areas or overstayed their travel permits, those on “wanted lists,” and ordinary “juvenile delinquents.” It has been reported that at various provincial collection centers, brutal acts are perpetrated on suspects to obtain admissions of guilt.<sup>108</sup> If a person is caught traveling without a permit, he is sent to a “collection center.”<sup>109</sup> The cases handled by collection centers include those that are not serious enough for “correctional centers” but are too serious to send off to “labor training camps.” Examples include workplace incidents (morally delinquent behavior such as failure to attend work or group training sessions) and accidental homicides by medical doctors or vehicle drivers.<sup>110</sup> Each provincial government runs a “central collection center.” Anyone at these central collection centers caught trying to escape is put to death.

- **Arbitrary Detention and Torture**

In fact, according to the testimonies of defectors, inhumane

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<sup>107</sup>\_ NKHR2009000017 2009-03-24.

<sup>108</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

<sup>109</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

<sup>110</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2004.

treatment is easily found all over North Korea, including detention and torture 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 "Grouppa") 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. Once one is detained by them (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.<sup>111</sup>

Labor training centers and collection centers 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. The MPS is solely charged with making the preliminary decisions to detain people either in 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. However, some defectors testified that since the Penal Code revision in 2004, people have been detained in labor training camps only after being sentenced by a court to serve a labor-training penalty. Defector XXX who defected in 2007 testified that since 2007 the law was revised to allow people to serve up to two years in the labor-training camps.<sup>112</sup>

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<sup>111</sup> Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

<sup>112</sup> NKHR2008000004 2008-07-17.

North Korea has denied as untrue the charges by the international community that torture and cruel treatment continue in its rehabilitation and detention centers. In its regular UPR report submitted to the UNHRC in 2009, North Korea insisted that torture and forcible or induced confessions were strictly prohibited under its Criminal Procedure Law, and that victims of torture or forced confessions would receive due compensation. In addition, law enforcement officials were receiving training and education on a regular basis to prevent any future instances of forced confessions or induced statements, and all prosecutorial agencies were taking the necessary steps to prevent such practices. Nevertheless, testimonies of torture and inhumane and degrading treatment inside various detention facilities have been documented continuously over the years. In this regard, the UN General Assembly, in its resolution on North Korean human rights adopted on Nov. 18, 2010,<sup>113</sup> expressed concern as usual over the widespread, serious, and systematic abuses of human rights in North Korea, including torture and inhumane and degrading treatment.

### C. Human Rights Abuses inside Detention and Correctional Facilities

Serious levels of torture, forced labor, beatings and other inhumane and degrading treatment are practiced inside North Korea's correctional centers, labor-training camps, collection points, and various detention and correctional facilities.

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<sup>113</sup>\_ UN General Assembly Sixty-fifth session Third Committee, "Draft Resolution: Situation of Human Rights in the Democratic People's Republic of Korea." UN Doc. A/C.3/65/L.47 (28 October 2010).

Furthermore, forced labor, torture, beatings, and other inhumane treatment often result in serious injury and illness. Furthermore, many inmates end up dying as a result of poor nutrition, inferior sanitation, and the lack of timely medical attention.

In its second regular report to the UN Civil and Political Rights Committee, North Korea stated that the conditions at its detention and correctional facilities were clearly stipulated in the “Regulations for Correctional Administration” and were fully enforced. But the reality belies these assertions; human rights abuses in correctional centers, including torture, beatings and inhumane treatment, remain at very serious levels.

- **The Reality of Forced Labor**

North Korea’s Labor Law defines a normal work day to be 8 hours long (Art. 16 of the Socialist Labor Law, Art. 36 of the Labor Protection Law). However, prison inmates work 10 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 a.m. The afternoon work shift runs from 1 to 6 p.m. (or 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 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.<sup>114</sup> Compared to labor-training camps, the

level of work at correctional centers is not as intense, but the level of discipline is much tougher. Defector XXX testified that he served in the Jongori Correctional Center from March to November of 2009, and the intensity of work was normal, but the discipline was much tougher.<sup>115</sup>

Despite the existence of labor training camps, North Korea claimed in its second periodic report that there was no “hard labor” in North Korea except for correctional labor punishments. It explained that there was no legal basis to impose sentences of hard labor against violators of law and order except for sentences of correctional labor punishment handed out at formal trials, North Korea said it does not impose any labor punishment as a means of political, social, or religious control. There are, however, “detention points.” These are 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 used forced labor. Although inmates were 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. Most defectors testified that the intensity of labor at training camps is much higher than at correctional centers, though the service term in the former is shorter. Defector XXX testified that “it would be better to serve a few years at a correctional center; because long-term inmates serve there, they do not put you through harsh train-

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<sup>114</sup>\_ Testimony of defector XXX during an interview in Seoul on March 17, 2007.

<sup>115</sup>\_ NKHR2010000015 2010-10-05.

ing. But labor-training centers and collection points are very hard because the terms there are much shorter, so they put you through harsh treatment. There's no mercy, and they treat people like dogs."<sup>116</sup> Similar testimonies were also documented in the personal interviews conducted in 2010.

- Defector XXX testified that he served in the Jeungsan Labor Training Camp in South Pyong-an Province from June 2004 to September 2005, and the work was so hard that he thought he would rather die. He said he would prefer death to going back to the Jeungsan Labor Training Camp.<sup>117</sup>
- Defector XXX testified that he served in Baikam Labor Training Camp in Yanggang Province in April and May of 2008. The work assignment was to raze off a hill in Baikam County and build a reservoir there, and it was very tough.<sup>118</sup>
- Defector XXX testified that he served in the provincial training camp in Hweryong City in May of 2008, and he had to work 11-12 hours a day. Sometimes he worked 14 hours a day.<sup>119</sup>
- Defector XXX testified that he was detained in Kyungwon (Sebyol) County, Hweryong City, from March to September 2008. He said if the inmates failed to meet the daily workload, the agents would force them to work through the night.<sup>120</sup>
- Defector XXX testified that he was detained in the Kim

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<sup>116</sup>\_ NKHR2009000015 2009-03-17.

<sup>117</sup>\_ NKHR2010000019 2010-10-12.

<sup>118</sup>\_ NKHR2011000018 2011-01-18.

<sup>119</sup>\_ NKHR2010000092 2010-06-22.

<sup>120</sup>\_ NKHR2010000034 2010-11-02.

Kyung-jik County Labor Training Camp in Yanggang Province in February 2009, and the inmates had to work without any break except for just a 10-minute lunch break.<sup>121</sup>

- Defector XXX testified that he was serving in the Kim Hyung-jik County Labor Training Camp in Yanggang Province in June of 2010, and he had to work until 11 pm and then also receive ideology education afterward.<sup>122</sup>

It is clear that some security agents provide manpower to the units engaged in foreign currency earning and illegally make money in collusion with those units.

- Defector XXX testified that if a workplace needed more workers for a construction project, they would put in a request to the People’s Security Agency, and the agency would dispatch inmates detained at collection points; the company would in turn pay money to the agency.<sup>123</sup>
- Defector XXX testified that the labor at a labor-training camp mainly consists of temporary duties at various work places which are in need of workers. The Inspector’s Section would step in to pressure the camp to dispatch workers for hard labor. The inmates were also mobilized for the construction of a “Bean Milk Facility” funded by international assistance groups to help improve children’s nutrition.<sup>124</sup>

<sup>121</sup>\_ NKHR2010000017 2010-10-05.

<sup>122</sup>\_ NKHR2010000014 2010-10-05.

<sup>123</sup>\_ NKHR2009000024 2009-04-20.

<sup>124</sup>\_ NKHR2009000031 2009-05-12.

## • The Reality of Inhumane Treatment

Human rights violations, such as beatings and inhumane treatment, were pervasive in all correctional centers. Correctional officers (or 'guides') would sometimes hit inmates, but more often the inmates would beat up other inmates under orders from the officers. This inhumane treatment would often result in serious injury or illness.

- Defector XXX testified that he was detained in the Hweryong City Correctional Labor Center in January of 2006. He said the agents would deprive the inmates of sleep. They had to sit up for 4 hours, or sometimes as much as 6 hours, during the sleeping hours.<sup>125</sup>
- Defector XXX testified that in December 2007 he was serving in the Jongori Correctional Center. As his group was marching toward a lumber yard, he was ordered to kneel down and the agent kicked and beat him so severely with his rifle butt that the man hurt his back and could not stand up again; this was done simply because he had gotten slightly out of line while marching.<sup>126</sup>

As in the correctional centers, incidents of beating in labor training centers were very frequent. This was also confirmed during the personal interviews conducted in 2010.

- Defector XXX testified that he served in Hweryong City labor training center in March 2004. Because his work performance was unsatisfactory, the agents forced him to do things like stand holding 30kg of water or carry a sack

<sup>125</sup> NKHR2010000010 2010-09-14.

<sup>126</sup> NKHR2009000059 2009-09-29.



of rocks up a mountain, and they also forced him to endure mosquito bites in the heat of summer. As a result, he was suffering from chronic pain and blood would come out when he coughed.<sup>127</sup>

- Defector XXX testified that he served in the provincial labor training camp in the Chong-am District of Chongjin in October of 2007. He was beaten so badly that he sustained a serious leg injury, and ultimately he got out on a medical release.<sup>128</sup>
- Defector XXX testified that he served in Musan County labor training camp. The agents locked his legs into fetters, forced him to kneel, and stepped on his knees.<sup>129</sup>

Like 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, Hweryong, and other 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

<sup>127</sup>\_ NKHR2011000006 2010-03-23.

<sup>128</sup>\_ NKHR2011000095 2010-03-23.

<sup>129</sup>\_ NKHR2010000044 2010-11-02.

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.<sup>130</sup> The following are examples of testimonies on specific incidents of inhumane treatment at collection points:

- Defector XXX testified that when he was detained in the Nongpo Collection Center in Chongjin in December 2006, an 18-year-old girl died. If an inmate died in the camp, the responsible party would be penalized. So they performed an autopsy on her body. The autopsy concluded that the girl had died of diarrhea.<sup>131</sup>
- Defector XXX testified that while he was detained at the Hyesan Collection Point in March of 2008 he saw an agent strike an inmate on the head with a rifle butt. The inmate was bleeding profusely but he was not treated at all.<sup>132</sup>
- Defector XXX testified that while he was detained at the Nongpo Collection Point in Chung-am District, Chongjin City, in August 2008, a security agent XXX (age 40 at the time) struck him with his fist for having some Chinese currency in his possession.<sup>133</sup>
- Defector XXX testified that while he was detained at the Provincial Collection Point in Chongjin City in August 2009, an agent beat him up for taking a break in the middle of work. Afterwards, he could not hear very well, and mucus ran out of his ears.<sup>134</sup>

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<sup>130</sup> Good Friends, “North Korea Today,” No. 11 (Dec. 12, 2005).

<sup>131</sup> NKHR2008000019 2008-09-16.

<sup>132</sup> NKHR2011000018 2011-01-18.

<sup>133</sup> NKHR2010000007 2010-03-16.

<sup>134</sup> NKHR2010000067 2010-04-27.

- Defector XXX testified that in January 2005 a drunken guard struck an inmate for “sneering at something” in a tight and narrow detention room. When the inmates resisted, the guard reported the incident to the chief guard, XXX, and the chief guard then beat the inmate terribly in the presence of all the other inmates.<sup>135</sup>
- Defector XXX testified that while he was detained in the security detention center (jail) in Onsung County in January 2007, he was forced to sit in an upright position for two hour periods with ten minutes of standing in between. This was repeated all day long. In May of 2007 a fellow inmate was being denied meals. This witness was beaten for offering some food to that inmate.<sup>136</sup>
- Defector XXX testified that while he was detained in a security agency detention center in Shinuiju in January 2008 he was struck with a fist simply because he bumped slightly with a guard as they passed each other. Afterwards he began to lose his hair.<sup>137</sup>
- A defector testified that while detained at the city security agency detention center in Hyesan City in March 2008, he saw a guard, XXX, ordering an inmate put both his hands on the door grid rail and then kicking them because the inmate changed his statement during interrogation.<sup>138</sup>
- Defector XXX testified that while he was detained in the city security agency detention center in Hyesan City, his entire group experienced hazing punishment. They were

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<sup>135</sup>\_ NKHR2010000045 2010-09-07.

<sup>136</sup>\_ NKHR2011000020 2010-05-19.

<sup>137</sup>\_ NKHR2010000089 2010-06-08.

<sup>138</sup>\_ NKHR2011000017 2010-06-08.

ordered to stand at attention and struck with fists.<sup>139</sup>

Many defectors have testified that serious incidents of human rights violations have occurred inside the Onsung County Security Agency. It appears that strict controls are being enforced at the detention points of the security agencies along the border as the number of defectors had increased. Maintaining order is said to have become more difficult but absolutely imperative.

- Defector XXX testified that a guard so severely beat his father at the provincial security agency detention center in Hyesan City that he lost many of his toes.<sup>140</sup>
- Defector XXX testified that while he was detained in the city security agency detention center (jail) in Manpo City, Jagang Province, in July 2008, he was struck with fists and beaten with a club for having spoken Chinese. Afterwards, the guards would beat him every time they found an excuse.<sup>141</sup>
- Defector XXX testified that while he was detained in the security agency detention center in Onsung County in January 2010 he was beaten for having talked to someone in the bathroom.<sup>142</sup>

Some defectors testified that security agency detention centers were psychologically painful, but there was less inhumane treatment compared to the safety agency detention centers. Defector XXX testified, “The security agency detention center was just

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<sup>139</sup>\_ NKHR2010000018 2010-10-05.

<sup>140</sup>\_ NKHR2009000033 2009-05-26.

<sup>141</sup>\_ NKHR2010000054 2010-06-22.

<sup>142</sup>\_ NKHR2010000031 2010-11-09.

psychologically painful, but at the people's safety agency they beat you very hard. They would kick you and force you to clean up bathrooms if you didn't say what they wanted. But at the security agency they would simply put you in a small room and not allow you to doze off, and tell you to kneel and write confessions, etc."<sup>143</sup>

- **The Reality of Malnutrition, Poor Medical Service, and Death**

Human rights abuses, including deaths, are rampant inside correctional centers, because the agents have no concept of human rights. Defector XXX testified that after Kim Jong-il said in 2007 that the laws were too soft, the security agents at the correctional center he was serving in publicly screamed, "Die, you guys. I don't care. I don't care if ten of you die. I couldn't care less if 20 of you were to die!"<sup>144</sup> In fact, it has been widely reported that human rights abuses, including deaths, have taken place inside the correctional centers.

- Defector XXX testified that he/she served in Gaecheon Correctional Center with his/her grandmother in the summer of 2006. He later heard that his grandmother had died from malnutrition at the dispensary.<sup>145</sup>
- Defector XXX testified that in May 2008 he spent 40 days recovering from a high fever at the dispensary known as the "Sick Unit" at the Jongori Correctional Center in May of 2008. While he was there he witnessed about 14 inmate deaths a week on average.<sup>146</sup>

<sup>143</sup>\_ NKHR2009000016 1009-03-19.

<sup>144</sup>\_ NKHR2009000059 2009-09-29.

<sup>145</sup>\_ NKHR2010000045 2010-09-07.

- Defector XXX testified that while he was detained in Jonggori Correctional Center he heard from a nursing agent that between 2008 and March of 2009 about 300 inmates had died from inhumane treatment, disease, infirmity, and suicide.<sup>147</sup>

Because of inferior conditions in the correctional centers, the inmates suffer from poor quality of food, sanitation, medicine, etc., and in many cases infirm inmates end up dying.

- Defector XXX testified that for daily meals they would each be given a ball of corn mixed with beans three times a day. The regulations called for 599 grams per day, but he thought the meals amounted to about 300 grams.<sup>148</sup>
- Defector XXX testified that in April, 2005 Kim XX died from malnutrition and physical exhaustion due to the heavy workload during the farming season. Each meal consisted of only 150 grams of steamed grain along with some grass. Many inmates would try to pick edible grasses in the fields or catch frogs and consume them. This would then cause diarrhea, which in turn would cause dehydration and death.<sup>149</sup>
- Defector XXX testified that the Jonggori Correctional Center has been housing an excessively large number of detainees since the end of 2006, resulting in a severe lack of food for the inmates. As a result, more and more inmates have died from starvation.<sup>150</sup>

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<sup>146</sup> NKHR2009000059 2009-09-29.

<sup>147</sup> NKHR2010000067 2010-09-14.

<sup>148</sup> NKHR2009000067 2009-11-12.

<sup>149</sup> Testimony of defector XXX during an interview in Seoul on March 7, 2007.

<sup>150</sup> Good Friends, “North Korea Today,” No. 61 (Feb. 28, 2007); Good Friends,

Labor training camps are said to provide meals, but many inmates die due to malnutrition and physical exhaustion from the heavy workload.

- Defector XXX testified that he personally saw a 25-year-old man, XXX, starve to death in 2005 at a labor-training camp in Pohang District.<sup>151</sup>
- Defector XXX testified that while he was serving in the Labor-training camp in Musan County, North Hamkyung Province, he heard that a fellow inmate died from malnutrition.<sup>152</sup>
- Defector XXX testified that while he was serving in Hweryong Labor Training Camp he saw a 30-year-old man from Yuson getting released for physical infirmity.<sup>153</sup>

According to defector testimonies, numerous deaths have occurred as a result of a combination of beatings and starvation. Defectors have also testified that some inmates die because they are not treated in time.

- Defector XXX testified that at a labor-training camp where he was detained in 2005 two children died from malnutrition and illness. Even though they were ill, the guards did not send them to the hospital but just abandoned them to die because they had been caught twice attempting to flee. No one was held responsible for those deaths.<sup>154</sup>
- Defector XXX testified that a woman died at a training-camp in 2005 due to malnutrition, and they discarded her

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“North Korea Today,” No. 63 (March 14, 2007).

<sup>151</sup> *Ibid.*

<sup>152</sup> NKHR2010000028 2010-11-16.

<sup>153</sup> NKHR2008000010 2008-08-08.

<sup>154</sup> NKHR2009000028 2009-04-28.

body in a goat sty in the camp.<sup>155</sup>

- Defector XXX testified that while he was serving in the Jeungsan labor training camp in Pyongsung city, South Pyong-an Province, in May of 2005, he saw an inmate having trouble passing urine. The inmate did not get any treatment and ultimately died in the camp.<sup>156</sup>
- Defector XXX testified that her sister’s husband XXX died inside a labor training camp in January 2008. She heard that he was beaten to death.<sup>157</sup>

North Korean citizens’ right to life is also jeopardized in the “collection points” just as in other detention facilities. The detainees suffer from malnutrition and poor sanitation 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 Korea, they normally suffer a harder ordeal and a longer period of detention. Without doubt, the right to life of the detainees in these centers is being seriously breached.<sup>158</sup>

- Defector XXX testified that while he was at a collection point in December 2006, an inmate suffering from tuberculosis was left untreated. As soon as he died they took him to the hospital so he could be pronounced dead at the hospital.<sup>159</sup>
- Defector XXX testified that while he was serving at the

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155\_ NKHR2009000041 2009-06-23.

156\_ NKHR2010000102 2010-07-13.

157\_ NKHR2009000065 2009-11-10.

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

159\_ NKHR2009000032 2009-05-19.



- provincial collection point in Chongjin in April 2007, he heard that three women died from contagious diseases.<sup>160</sup>
- Defector XXX testified that while serving in the Nongpo Collection Point in Chongjin City he saw a man die from malnutrition.<sup>161</sup>
  - Defector XXX testified that while serving at Songpyong Collection Point in Chongjin in March 2010 he heard from an inmate that XXX had died from malnutrition.<sup>162</sup>

North Korean defectors testified that they witnessed many deaths due to beatings by guards, starvation, and hunger-related illnesses while detained at People’s Security “detention points.”

- Defector XXX testified that his brother was beaten to death inside the Yonsa County “People’s Safety Agency” detention center (jail) on May 18, 2005. “My brother’s friend carried him, almost dead, on his back and took him to the hospital where he was pronounced dead.<sup>163</sup>
- Defector XXX testified that his co-worker XXX (45), who used to work at Rahung Rail Enterprise in 2005, was beaten to death in the Hamhung Railroad “Safety Agency” detention center during his pre-trial for stealing copper lines.<sup>164</sup>
- Defector XXX testified that while he was detained in the Kim Hyung-jin County (Huchang County) “Safety Agency” detention center in Yanggang Province in January 2009, he saw an inmate almost die from malnutrition.<sup>165</sup>

<sup>160</sup>\_ NKHR2008000004 2008-07-17.

<sup>161</sup>\_ NKHR2010000086 2010-06-22.

<sup>162</sup>\_ NKHR2010000031 2010-11-09.

<sup>163</sup>\_ NKHR2009000011 2009-03-03.

<sup>164</sup>\_ NKHR2009000045 2009-07-14.

<sup>165</sup>\_ NKHR2010000017 2010-10-05.

Many detainees were also dying in the “People’s Safety Agency” jails (detention centers) due to malnutrition and disease.

- Defector XXX testified that while he was locked up in the “Safety Agency” detention center in Gangryong County, South Hwanghae Province, in the spring of 2005, he saw the body of a woman who had died from some kind of disease.<sup>166</sup> Many inmates also died in “Security Agency” detention centers (jails) such as the Onsung Security Agency Detention Center due to inhumane treatment, disease, and malnutrition.
- Defector XXX testified that while he was detained in the Kyunghung County (Eunduck County) Security Agency Detention Center in North Hamkyung Province, he heard from XXX (43, female) from Shinhung-dong, Kokunwon Nodong District, Kyungwon County, that XXX from Kyungwon County (Sebyol County) had died from torture.<sup>167</sup>

## D. Human Rights and Corruption

North Korea’s Penal Code legally proscribes the giving and taking of bribes. If someone who is not a “supervising worker” takes a bribe, he/she may be sentenced to up to two years of labor-training penalty, or in serious cases up to three years. If a supervising worker takes a bribe, he/she may be given up to 2 years of labor-training penalty, or in serious cases (or if he/she demanded the bribe) up to four years.

This provision remained unchanged in the revised 2009

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<sup>166</sup>\_ NKHR2010000091 2010-06-15.

<sup>167</sup>\_ NKHR2010000038 2010-11-02.

Penal Code (Art. 242 and 257). Article 38 of the Administrative Penalty Law lists a series of penalties for giving or taking bribes and for brokering. These include warning, stern warning, unpaid labor for up to 3 months, and labor education. In serious cases, the penalty may include over 3 months of unpaid labor, labor education, demotion, or removal from one's job. Despite these provisions, however, corruption is widespread in North Korean society, including the giving and taking of bribes.

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. For example, a defector who fled North Korea in October 2008 testified that the size of bribe needed to avoid being detained in a security agency detention center was increasing. This was because agents at every level of the security agency must have a share of the bribe money.<sup>168</sup>

Another issue closely related to corruption and human rights in North Korea is divorce. Cases of divorce have increased in North Korea in recent years. They stem from various reasons, including spousal violence, increases in women's peddling activities, family disputes, etc. Anyone who desires a divorce must meet with a lawyer first and fill out a divorce form. Then the applicants appear before a judge in court for a pre-trial. The pre-trial is meant

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<sup>168</sup> NKHR2009000006 2009-02-05.

to encourage the couple to get together again. After the pre-trial, the applicants then meet with the chief judge of the court.<sup>169</sup> But to get a trial for divorce one must supply hundreds of thousands of North Korean won in bribes. Even then, defectors testify that most women will not be granted trials for divorce.<sup>170</sup> Defector XXX said he had to bribe the court judge to grant the divorce. In April 2008, the judge told him that all the conditions were satisfied, but that he would have to think about it. The defector interpreted this comment as a demand for some money, so he gave the judge a sum of 100,000 won in North Korean currency.<sup>171</sup>

People frequently get lighter penalties or reduced terms of service by offering bribes. Defector XXX testified that people can bribe their way out and avoid serving at correctional centers even if caught dealing in illegal drugs, a felony punishable by detention at a correctional center. The defector said that some people could even bribe their way out of crimes punishable by death.<sup>172</sup>

Defector XXX testified that he had given bribes to the pre-trial clerk and the judge and thus was able to get a “social education” penalty instead of a correctional labor or labor-training penalty.<sup>173</sup>

Defector XXX testified that he received a lighter sentence by offering about 300,000 won to the chief judge.<sup>174</sup> Defector XXX was tried in August 2009 at the People’s Court in Hyesan City for illegal river-crossing. He offered some bribes to the pre-trial clerk

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<sup>169</sup> Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

<sup>170</sup> NKHR2009000060 2009-10-06; NKHR2009000062 2009-10-20; NKHR2009000063 2009-11-03.

<sup>171</sup> NKHR2009000054 2009-09-17.

<sup>172</sup> NKHR2008000023 2008-11-11.

<sup>173</sup> NKHR2010000018 2010-10-05.

<sup>174</sup> NKHR2011000020 2010-05-19.

and the judge, and his penalty was reduced to “social education.”<sup>175</sup>

The need for mobility in order to make a living is increasing despite the travel permit system. North Koreans routinely use bribes to obtain travel permits because the procedures are complicated and an extended period of time is required to get permits through official channels. Also, more and more houses are sold and bought unofficially (“sale by owner”). In the process, people bribe the officials responsible to gain approval.

Those caught using mobile phones do not have to serve at a correctional center as long as it can be proven that there was no South Korean connection. Nevertheless, the offender may pay from 500,000 to one million won in bribes to avoid going to jail.<sup>176</sup> Videos have been spreading and official control over this trend is tightening, if caught many people try to avoid jail terms by bribing the officials.

As the economy has worsened, “anti-socialist behaviors” have spread. Also, as officials tighten social controls, cases of people trying to avoid jail terms by bribery are also increasing. Thus fair and uniform standards for punishment are not being implemented. As officials bypass uniform implementation of the law, poorer North Koreans, who are unable to afford bribery, are bound to get unfairly discriminated against relative to other citizens.

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<sup>175</sup>\_ NKHR2011000018 2010-10-05.

<sup>176</sup>\_ NKHR2009000064 2009-11-04.

## E. Human Rights Violations Inside Political Concentration Camps

### • Background to Establishment of Political Concentration Camps

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 in such camps in the immediate post-liberation years were mainly landowners, as well as 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). 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 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 by executing many of those involved in the incident and sending the rest, along with their families, to remote mountainous areas.

In 1966, North Korea began re-registering its people to prepare for the arming of one million people to form 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 had been branded as sectarians or anti-revolutionaries were executed after being given 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.<sup>177</sup> 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 Teams movement began in 1973 as a move to consolidate Kim Jong-il's power base in preparation for his succession to power, the

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<sup>177</sup> Professor Ogawa insists that the current concentration camps were 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 Camps," International Seminar on 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).

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 control of the Party at the 6th Party Congress in 1980, the need for 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 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.

North Korea operates a number of "political concentration camps" ("prisons for political criminals") to detain political and ideological criminals. A large number of North Korean defectors, former inmates, former prison guards, and their families have testified to the existence of these facilities. Many international human rights organizations, including the well-known AI, have tracked them down and reported the realities at these prisons to the outside world. The existence of "political concentration camps" was first reported in South Korea in 1982 by XXX, who was a former agent of North Korea's National Safety Protection Agency.

Additional information on these facilities was provided by a number of subsequent defectors to South Korea. Some of these include: XXX and XXX who defected to South Korea in 1992 after serving in Yodok Concentration Camp; XXX who defected to South Korea in 1994 after serving as a security guard at "Hweryong Concentration Camp"; and XXX who came to South Korea in 1995 after serving as a security guard at the National Safety Protection Agency in the mid-1980s. Further details on the reality inside the camps were revealed by four former inmates (XXX, XXX, XXX,



and XXX) who defected to South Korea after being released from the No. 8 Daesookri Camp inside Yodok Concentration Camp from 1995 to January 1999. Some aerial photographs of the No. 22 Political Concentration Camp were published by the South Korean media on December 5, 2002. These satellite photographs were taken in April 2002 by Digital Globe magazine.<sup>178</sup> In October 2003, the US Committee for Human Rights in North Korea published a report exposing the reality of these camps based on defector testimonies and satellite photographs.<sup>179</sup>

North Koreans use a variety of nicknames for these highly sensitive political concentration camps, including “control district,” “special dictatorship district,” “relocation district,” “collective prison for political criminals,” “place of exile,” or “factional cave.” North Korean authorities would label these facilities as the No. XX Management Center, etc. rather than calling them “political concentration camps” or “penitentiaries.” There are some “correctional centers” that detain only political prisoners.<sup>180</sup> Each management center has a number, representing either the specific region or the document number defining the category of criminal detained therein. For example, the concentration camp at Yodok is called the “No. 15 Management Center.” On the record, these camps are disguised as command posts under the North Korean People’s

<sup>178</sup> On Jan. 15, 2003, NBC-TV in the United States reported on the realities inside the political prison camp based on the testimonies of defectors and satellite pictures. <<http://www.msnbc.com/news/859191.asp?0sp=v3z2&0cb=114130475#BODY>>.

<sup>179</sup> David Hawk, *The Hidden Gulag: Exposing North Korea’s Prison Camps: Prisoner’s Testimonies and Satellite Photos* (U.S. Committee for Human Rights in North Korea, 2003).

<sup>180</sup> 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 in Seoul on Jan. 19, 2005.

Security Command. For example, Yodok Camp is recorded as the 2915 Command Post of the North Korean People's Command.

- **Status of Political Concentration Camps**

It has been reported that North Korea operates six political concentration camps in the northeastern region, which cover the provinces of South Hamkyung, North Hamkyung, South Pyongan, North Pyongan, and Jakang. These camps combined detain somewhere between 150,000 and 200,000 inmates.

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 2009 (released in Mar. 2010), the U.S. State Department reported that some 150-200 thousand political criminals are detained in various political detention camps in North Korea.

On October 16, 2009, the South Korean government reported to the National Assembly Foreign Affairs Committee that there were “an estimated 154,000 political prisoners detained in six political concentration camps” throughout North Korea. According to this “status report,” the prisoner distribution was as follows: 15,000 inmates in No. 14 Gaecheon Management Center in South Pyongan Province; 50,000 in No. 15 Yodok Management Center in South Hamkyung Province; 15,000 in No.16 Hwasong Management Center in North Hamkyung Province; 19,000 in No. 18 Bukchang Management Center in South Pyongan Province; 50,000 in No. 22 Hweryong Management Center; and 5,000 in No. 25 Chongjin Management Center.<sup>181</sup> At a joint seminar with

the North Korea Human Rights Information Center in Nov. 2009, South Korea's National Human Rights Commission estimated that there were about 200,000 political prisoners in North Korea.<sup>182</sup> Reliable South Korean government sources have estimated the total number of political prisoners in North Korea to be about 154,000.<sup>183</sup>

Since the size and location of these political prison camps may change frequently depending on the circumstances, it is difficult to accurately assess their real situation.<sup>184</sup> If we accept the strictest definitions of “political criminals” and “conscientious objectors,” there is a huge disparity between their numbers and the actual number of people detained in various camps.

Defector XXX, who used to work as a security guard at the Hweryong Special Dictatorship District in Hweryong, North Hamkyung Province, testified that there used to be 10 political concentration camps managed under the No. 7 Bureau of the National Safety Protection Agency alone.<sup>185</sup> However, the two camps near the Chinese border in Onsung County, North Hamkyung province, were closed down because their locations were revealed. Five other camps near Pyongyang were also closed down for fear that their locations would be revealed.<sup>186</sup> He said

<sup>181</sup> *The Dong-A Ilbo*, Oct. 17, 2009, Seoul.

<sup>182</sup> National Human Rights Commission, North Korean Human Rights Information Center, *An Assessment on Human Rights Situation in North Korea's Political Concentration Camps and International Law and North Korean Law* (Seoul: Nov. 24, 2009) p. 23.

<sup>183</sup> Yonhap News, <[www.yonhapnews.co.kr](http://www.yonhapnews.co.kr)>, “Six North Korean Political Concentration Camps detaining 150,000,” (Search date: Jan. 25, 2011).

<sup>184</sup> Defector XXX testified that after the satellite photographs of Yodok concentration camp were revealed, the North Korean authorities relocated the inmates from Yodok camp to Duckchon Camp in South Hamkyung Province. Testimony of defector XXX during an interview in Seoul on July 9, 2005.

<sup>185</sup> Testimony of defector XXX during an interview in Seoul on July 9, 1996.

the 10 camps were absorbed into five locations, including No. 14 Gaechon Management Center in South Pyong-an Province, No. 15 Yodok Management Center in South Hamkyung Province, No. 16 Hwasong Management Center in North Hamkyung Province, No. 22 Hweryong Management Center in North Hamkyung Province, and No. 25 Chongjin Management Center in South Hamkyung Province. So, he said, a total of 200,000 prisoners have been relocated in these centers.

Mr. Ahn Myung-chol testified that most political concentration camps were located in remote areas or mining towns. In order to prevent exposure as in the case of Seung-hori Camp, which was closed down in January 1991, some camp facilities were built underground. He further testified that Seunghori Camp and No. 25 Camp in Chungjin, North Hamkyung Province, were the top-ranking concentration camps holding political prisoners only (not allowing any family members). He testified that there was another camp for political prisoners under the No. 3 Bureau of the National Safety Protection Agency, and the level of human rights abuses in this camp would exceed anyone's imagination.

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.<sup>187</sup>

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<sup>186</sup> Defector XXX testified that the Onsung No. 12 Concentration Camp was abolished in 1987, and a tobacco barn was built there on April 25 the same year. Testimony of defector XXX during an interview in Seoul on Nov. 30, 2002.

### 〈Graphic II-2〉 Political Concentration Camps



### 〈Table II-6〉 Status of Closed Camps

Name	Location	Date closed	Reason for closing
No. 11	Lower Kwanmo-bong, Kyung-sung, North Hamkyung Province	Oct. 1989	To build a villa for Kim Il-sung
No. 12	Changpyong Labor Area, Onsung, N. Hamkyung Prov.	May 1987	Too exposed due to proximity to the border
No. 13	Jongsung Labor area, Onsung, N. Hamkyung Prov.	Dec. 1990	Too exposed due to proximity to the border
No. 20	Hwachun-dong, Seungho Dist. Pyongyang	Jan. 1991	Too exposed due to proximity to Pyongyang
No. 27	Chungma, N. Pyongan Prov.	Nov. 1990	Unknown

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 any malignant elements, such as attempted escapees, murderers, and malingerers, for execution or re-assignment to harsher labor. 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 is a supply service section responsible for supplying food for the security and guards' section personnel, a 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.

- **'Revolutionary Districts' and 'Complete Control Districts'**

Detention camps are divided into "complete control districts" and "revolutionary districts." The former are exclusively for those given life terms. Inmates slave away 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

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<sup>187</sup> It has been reported that No. 18 Center (located in Deukjang-ri, Bukchang County, South Pyongan Province) is managed under a garrison assigned to the People's Safety Agency.

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 revolutionary 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.<sup>188</sup> If an ex-political prisoner commits an ordinary crime, ten years imprisonment is added to the 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 Yodok, South Hamkyung Province, has two separate sections: the “revolutionary district” and the “complete” or “full control zone.” All others have only full control zones.<sup>189</sup> 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 Yodok.

In the case of returnees from Japan (and their families) who have had close personal connections with North Korean elites and/or senior officials of the pro-Pyongyang General Association of Korean Residents in Japan (or “Chongryon”), they are detained in

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<sup>188</sup> According to defector XXX, XYZ 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 Yodok 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 Nov. 30, 2002 and Jan. 19, 2005.

<sup>189</sup> In “Hidden Gulag,” David Hawk of the U.S. Committee for Human Rights in North Korea said there was a scaled-down “revolutionary sector” in the No. 18 Center located in Bukchang-ri, South Pyongan Province.

revolutionary districts within the political concentration camps. The policy is to have them endure torture and thus make them more obedient to the Kim Jong-il system before they return to society. Most other political prisoners are held for life in the complete control zones. Defectors have stated that in exceptional cases, prisoners serving out life terms may be transferred from complete control zones to revolutionary districts, though only a very small number may do so. Lee Young-guk testified that the level of punishment, as well as the length of detention and the possibility of release, would vary depending on the detainee's personal background.<sup>190</sup> In extremely exceptional cases, inmates mentioned during Kim Jong-il's "on-the-spot inspection and guidance" tours may be immediately released from the camp and directly return to society.<sup>191</sup> In most cases, however, no one ever returns to society.

### 〈Graphic II-3〉 System of Special Control Districts



<sup>190</sup> Testimony of defector XXX during an interview in Seoul on Oct. 27, 2001.

<sup>191</sup> "A Workshop for Defectors," sponsored by KINU, Jan. 20, 2006.



- **The Reality of Political Concentration Camps**

To learn about the actual situation at the political detention camps, we have to rely on the testimonies of defectors who previously worked on the prison staff or who were personally detained as prisoners. The reality of life in the camps, as related in their testimonies, is summarized as follows:

<No. 22 Hweryong Management Center>

Defector XXX testified that he had seen the area near the No. 22 Management Center. This center was smaller than a county, but he heard that about 10% of the entire agricultural output of North Hamkyung Province was produced there.<sup>192</sup> The No. 22 Management Center in Hweryong was built in such a way that a mountain blocked the view in the direction of Kungshim and Sechon. In consideration of their kinship, children would be housed with their mothers, but wives were told to divorce their husbands.<sup>193</sup> Inmates in No. 22 Management Center also manufacture traditional Korean “bean paste,” and their product is known to be very good.<sup>194</sup> Defector XXX testified that there was an elementary school inside the No. 22 Management Center, but children as young as 4th grade were forced to work in the fields. They would study in the morning, and in the afternoon each student would take a container and fill it with grass cut from the fields or rice-paddies.<sup>195</sup>

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<sup>192</sup>\_ NKHR2009000021 2009-04-13.

<sup>193</sup>\_ NKHR2009000024 2009-04-20.

<sup>194</sup>\_ NKHR2009000057 2009-09-22.

<sup>195</sup>\_ NKHR2009000067 2009-11-12.

<No. 25 Chongjin Management Center>

In Chongjin City they call this facility the “Susong Correctional Center,” but it is in fact a “concentration camp” where political criminals are detained. The MPS rather than the SSA is in charge of management and supervision of this center.<sup>196</sup> The Susong Correctional Center is constructed not in a “village style” but in a fenced “penitentiary” style fit for “collective living.” Ordinary economic criminals are not sent to Susong Correctional Center; only political criminals are detained there. The inmates at Susong Center are engaged in the manufacture of bicycles using hand tools.

<No. 14 Gaechon Management Center>

There is no kindergarten in the No. 14 Gaechon Management Center, but there is one elementary and one middle school. The elementary school (or “people’s school”) teaches up to 5th grade. Each grade has 4-5 classes with each class consisting of 30-40 students. The middle/high school has a 6-year course. The students of both the elementary and the middle/high schools combined total over 1,000 students. 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 workplaces instead. That is why 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.

The reality of Gaechon Management Center was revealed in detail after Shin Dong-hyuk, who was born inside the center,

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<sup>196</sup> Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

defected to South Korea. Mr. Shin testified that 10 “rules and regulations” were strictly enforced inside the Gaecheon Management Center. The 10 rules and regulations are as follows: 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 have seen any outsiders or suspicious persons. 6. All inmates must carefully watch over each other and immediately report in the event of unusual behavior. 7. You must “over-fulfill” all tasks assigned to you. 8. Unless job-related, no contact between males and females is allowed. 9. You must be truly remorseful of 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 firing squad.<sup>197</sup> The following is a detailed description of life inside the Gaecheon Management Center from Mr. Shin’s personal diary:<sup>198</sup>

#### 〈Table II-7〉 The Reality of No. 14 Gaecheon Management Center

The No. 14 Gaecheon Management Center was established in about 1965. Barbed wire fences divide the Gaecheon Correctional Center and the Daedong River, and in the Center there are schools, a village, 5 inner villages, and several factories.

The management center consists of a main village and 5 inner villages. In the No. 4 and 5 Inner Villages there are no families, and all inmates live alone. There are no marriages and no families there. So all the children born inside the management center are from the main village or the No. 1, 2, or 3 inner villages. Inmates in the No. 1, 2, and 3 inner villages are not allowed into the No. 4 and 5 villages, and vice versa. The inmates in the No. 4 and 5 inner villages are never allowed outside their villages.

<sup>197</sup> Shin Dong-hyuk, *Coming Out to the World* (Seoul: Database Center for N. Korean Human Rights, 2007), pp. 60-62.

<sup>198</sup> *Ibid.*, pp. 21-185.

Mr. Shin was born in the Oidongri No. 8 Work Unit, which consisted of about 40 housing units. The housing unit was a single floor home with a kitchen and four rooms, one room for each family. Since heating is not provided in the management center, seniors over 65 have to join the “All Seniors Work Unit.”

The housing unit at the center was built with concrete, so the floors and walls are all concrete. There is no mat on the floor, so people have to sleep on the concrete. Coal is used for floor heating. Since coal is produced in the management center itself, heating coal is supplied every day on a ration basis.

The “work unit” in the management center is the most basic unit for carrying out work duties. There are all kinds of factories inside the management center, including coal-mines, a supervisors’ office, a construction unit, a food factory, a cement factory, pottery barns, a rubber factory, paper mills, a clothing factory, and farms. Each factory contains a number of work units, and security agents are assigned to each factory. The No. 14 Management Center has a security agents’ village, consisting of about 100 housing units, with two families in each housing unit. So there are about 200 agent families living in the center compound. Each agent is assigned to a group of three units.

In the clothing factory where Mr. Shin worked there were 12-13 work units, with a total of about 2,000-3,000 inmates. One work-unit has about 4-5 sub-units, and each sub-unit has about 20-30 inmates. So one work-unit has about 100-150 inmates working together. Each work-unit has a leader, and above him is a master leader appointed by the security guidance agent. Daily workloads are assigned not by the agent but by the master leader on orders from the agent. So the master leader is the most feared inmate, sometimes more feared than the agents. Unit leaders are often more demanding than agents.

In the management center, a secret prison is operated. Mr. Shin had to serve time in this secret prison after his mother and brother escaped from the center in April 1996. His cell had a concrete floor and a toilet. The size of the cell was about 150cm (5 feet), so it was a tight fit when he tried to stretch out on the floor. There was a shelf in the cell with a hanging chain, which the agents would attach to his ankles with fetters. When they pulled the chain, he would hang upside down. The center also had a separate “torture room” where they would carry out “fire tortures.”

## • Detention and Punishment of Political Prisoners

In referring to political-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 that for the victory of the socialist revolution, it would be necessary to suppress any anti-revolutionary elements opposed to or impeding the ideals and passion of the revolution, along with any hostile elements whose unsound thoughts could compromise the struggle—especially those trying to revive capitalism. In North Korea, it is a matter of course that the political foes of the Kim Il-sung/Kim Jong-il system and those who are uncooperative in the construction of socialism must be either executed or held in concentration camps. Such people are branded as political-ideological criminals.

Whether or not to send ordinary criminals to prison is determined through basic review and trial procedures. Cases of individuals charged with political-ideological crimes, however, are unilaterally reviewed by the State Security Agency in a single-trial system without judicial trial procedures.<sup>199</sup> The North Korean government punishes not only the political criminals themselves but also their relatives. This is due to the so-called “crime-by-association” system. Defectors XXX and XXX testified that this system usually applies to one’s closest family members (next of kin). If a

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<sup>199</sup> According to defector interviews conducted by the Office of Court Administration in April 2006, some testified that the State Security Agency’s Incident Judging Committee handed down decisions in cases involving political prisoners, but others testified that some political prisoners were tried by judges dispatched from State Security. According to these defectors’ testimonies, the issue of whether or not State Security handles a case is decided by the Incident Judging Committee, and since a State Security official is a member of this committee if a case is determined to have a political character then it is transferred to State Security. The Incident Judging Committee is composed of a State Security official, an official from the State Security Materials Analysis Office, an inspector affiliated with State Security and the pre-trial officer. The ultimate decision is made by the State Security official. The process is conducted off the record, and no lawyer participates. The Office of Court Administration, *North Korea’s Criminal Law* (Seoul: The Office of Court Administration, 2006), p. 31.

husband were convicted of political crimes, his wife would be automatically divorced and sent off to her original home; but if a wife were convicted, her husband would not be punished at all.<sup>200</sup> Defector XXX testified that in 1995 the husband of her friend was caught illegally crossing the river (border) and was charged with political crimes. The chief of the Protective Agency asked her, “Will you divorce him or will you and your entire family be sent off to prison with him?” She chose to divorce him. Her husband was sent off to a concentration camp, but she does not know which camp.<sup>201</sup>

Since 2005 North Korea began charging those caught contacting South Koreans or attempting flight to South Korea with the crime of espionage, and began detaining those suspects in political concentration camps.

– Defector XXX testified that while he was detained by the Onsung Security Agency in 2005, a grandmother, her son and her daughter-in-law were detained for 9 months by the agency for bringing in a Bible from China and trying to spread the Christian faith. If someone is detained in a security agency detention center for an extended period of time, it invariably means that he/she will be sent off to a political concentration camp. Some inmates tried to flee to South Korea, and they had their hair cut very short before they “graduated.” “Graduation” meant going to a political concentration camp.<sup>202</sup>

– Defector XXX testified that in 2005 XXX from Hweryong

<sup>200</sup> Testimony of defectors XXX and XYZ during an interview in Seoul on Nov. 30, 2002.

<sup>201</sup> NKHR2009000065 2009-11-10.

<sup>202</sup> NKHR2009000018 2009-03-26.

(42 at the time) was caught attempting to flee to South Korea. His brother told him that he was sent off to Yodok Concentration Camp.<sup>203</sup>

- Defector XXX testified that in 2005 his uncle XXX from Musan County was sent off to a concentration camp on charges of performing some errands for South Korea's National Intelligence Agency.<sup>204</sup>
- Defector XXX testified that his brother-in-law had worked as a security section chief at No. 22 Management Center. The brother-in-law told him that in 2005 his friend XXX was arrested by the security agency for having contacts with South Korea's intelligence agency and was sent off to No. 22 Management Center.<sup>205</sup>
- Defector XXX testified that in January 2008 he came to know XYZ (about 31) in China. XYZ was later arrested on charges of smuggling out some confidential documents and was sent off to Yodok Concentration Camp. XXX said that a ranking official told him about this.<sup>206</sup>

Some defectors testified that in recent years those who attempted defection or circulated South Korea videos would also be subject to detention in political concentration camps. This appears to be the result of various new regulations designed to cut off the inflow of outside information that were added to the Penal Code during the 2004 revisions. These rules were further tightened by the 2009 Penal Code revision.

<sup>203</sup>\_ NKHR2009000018 2009-03-26.

<sup>204</sup>\_ NKHR2009000047 2009-07-30.

<sup>205</sup>\_ NKHR2009000067 2009-11-12.

<sup>206</sup>\_ NKHR2009000010 2009-02-26.

- Defector XXX testified that in January 2006 he saw his friend, XXX, sent off to Yodok concentration camp on charges of watching South Korean videos.<sup>207</sup>
- Defector XXX testified that he had heard from a neighbor in January 2008 that XXX was sent off to Hweryong management center on charges of having telephone conversations with her sister in South Korea and attempting to defect.<sup>208</sup>
- Defector XXX testified that in October 2008 her aunt XXX was detained in Yodok Management Center for dealing in currency with a South Korean during the “separated family reunion” meetings.<sup>209</sup>

The SSA is responsible for catching anti-revolutionaries. Local SSA officials select offenders, and the Central Ministry renders a final decision concerning guilt, without any trial. The Maram Secret Guest House in the Yongsung District of Pyongyang is notorious for ferreting out political prisoners. Offenders sentenced to banishment are mainly those considered harmful to the Kim Il-sung/Kim Jong-il system, such as anti-Party and sectarian elements and anti-revolutionaries, previous landowners and pro-Japanese, actively religious people, 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 had returned from overseas duties or studies and spread knowledge of what they had seen and heard abroad were also targeted.

<sup>207</sup> NKHR2010000010 2010-09-14.

<sup>208</sup> NKHR2010000053 2010-06-29.

<sup>209</sup> NKHR2010000068 2010-04-27.



- Defector XXX testified that he had heard from his father that his grandfather was imprisoned in Susong 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.<sup>210</sup>
- Defector XXX testified that the father of his high school classmate, Ahn XX, 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.<sup>211</sup>
- Defector XXX testified that 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.<sup>212</sup>
- Defector XXX testified that his father was imprisoned in 1995 for damaging a portrait of Kim Il-sung. Although his family was not detained with him, the entire family was banished to Sunchon, North Pyongan Province.<sup>213</sup>
- Defector XXX testified that his father was a returnee from Japan. His father was locked up in a political concentration

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<sup>210</sup> Testimony of defector XXX during an interview in Seoul on March 17, 2007.

<sup>211</sup> Testimony of defector XXX during an interview in Seoul on March 10, 2007.

<sup>212</sup> Testimony of defector XXX during an interview in Seoul on March 10, 2007.

<sup>213</sup> Testimony of defector XXX during an interview in Seoul on March 10, 2007.

camp because he said he wanted to go back to Japan.<sup>214</sup>

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.<sup>215</sup> When someone is associated with a crime of political ideology, for any reason, all his/her property is confiscated and the entire family is transferred to detention camps by 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.<sup>216</sup> For fear of punishment, even those who have knowledge dare 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 help 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 confiscate his citizen ID card, depriving him of fundamental civic rights such as the right to vote or to run for public office.<sup>217</sup> Furthermore, detainees are prohibited from all verbal or written communication with family/relatives and are

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<sup>214</sup> Testimony of defector XXX during an interview in Seoul on March 10, 2007.

<sup>215</sup> Testimony of defector XXX during an interview in Seoul on Feb. 15, 2005.

<sup>216</sup> Defector XXX said her husband was detained in a concentration camp 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.

<sup>217</sup> Defectors have testified that permission is given in some exceptional cases.

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. About two hours are taken for lunch; the inmates eat steamed corn rolls they have brought 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' work hours.

In these detention camps, single people or those imprisoned without their spouses live collectively in barracks while families live in huts they build themselves with wood, mud, and straw mats. Because the floors and walls are made of earth, the rooms are very dusty. Roofs in most cases are made from wooden boards 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 frostbite or hemorrhoids, but everyone, without exception, is forced to work. When a sickness becomes so bad that the 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.

The inmates usually wake up at 4 a.m., eat breakfast, and go to work at 5 a.m. By the time they arrive at work it is about 6 a.m.<sup>218</sup> Weekend breaks are never granted in the camp, so everyone works through Saturdays and Sundays. They are given one

day off every month, however, usually at the beginning of each month. Annual holidays include New Year's Day and the birthdays of Kim Il-sung and Kim Jong-il.<sup>219</sup>

The daily ration at coal mines and farms amounts to 900 grams of corn per person per day. Since the mid-1990s, the inmates have been given only 700 grams, as 200 grams are taken away in the name of "grain savings." For side-dishes, 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 inmates suffer from extreme hunger all the time. The most popular activity among inmates is to catch and cook mice. When inmates are dispatched to help out on collective farms, they can easily catch mice. At one point, Shin had eaten mice every day for a week. Elementary school children receive 300 grams of grain per day. Middle/high school students from first to fourth grade get 400 grams, and fifth and sixth graders get 500 grams of grain rations.<sup>220</sup>

Maintaining a married life in the camp is something every inmate dreams of. The guidance officer decides whether to permit a marriage. Thus, all inmates try to win this officer's favor 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: the so-called "marriage commendation."<sup>221</sup>

At the camp "people's school" (elementary school), the daily routine is almost the same as other elementary schools across North Korea, except for the labor details the children are mobi-

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<sup>218</sup> Shin Dong-hyuk, *Coming Out to the World*, p. 56.

<sup>219</sup> *Ibid.*, p. 45.

<sup>220</sup> *Ibid.*, pp. 46-48.

<sup>221</sup> *Ibid.*, pp. 63-65.

lized for from time to time. However, there is a significant difference between camp schools and schools outside in terms of course subjects, content of instruction, and the teacher-student relationship. At camp elementary schools, they teach only three subjects: Korean language, math, and PE (physical education). No other subjects are taught there. Subjects like Kim Il-sung, the Party, revolution, North Korean history, geography, science, music and fine arts are never taught in the camps.<sup>222</sup>

In middle/high school, camp students spend most of their time at factories, farms, or coal mines, so most former inmates do not have particular memories of their middle school days. At the camp schools, therefore, students do not study in classrooms but are mobilized for work at farms or factories as soon as they graduate from elementary school and matriculate to middle school. In “high school” there are no textbooks, only notes taken during the “lifestyle review” meetings.<sup>223</sup>

- **Political Concentration Camps for Returning Korean Residents of Japan**

There is no solid information on the present situation of 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 in North Korea are rapidly becoming an international issue. According to the testimonies of Kang Chul-hwan and An

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<sup>222</sup> *Ibid.*, pp. 80-98.

<sup>223</sup> *Ibid.*, pp. 115-128.

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-hyu, who was the chairman of Chongryon's Tokyo Chapter Chamber of Commerce. He was reported missing in 1977.

Repatriates deported to the camps are usually charged with espionage or provoking social agitation by uttering information about Japan and South Korea. But the repatriates involved say they have no idea why they are being punished. Defectors say the SSA agents who supervise the camps call these repatriated prisoners "semi-Japanese" and treat them worse than they do other prisoners. The death rate among 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 of 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 elderly and a former expatriate who had returned home.<sup>224</sup>

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<sup>224</sup> 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**

Since the North Korean Penal Code was first adopted on March 3, 1950, it has been repeatedly revised in reflection of the changing social realities and the criticism of the international community over various Penal Code provisions that infringe on the principles of human rights. 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. Article 1 of the 2004 revised Penal Code is preserved intact in the 2009 revised Penal Code. However, the North Korean Penal Code still has not broken free of its original character and mission of class struggle.

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 the courts, are required by 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.<sup>225</sup> In this regard, North Korea’s Penal Code stipulates the “safeguarding of national sovereignty and the socialist system” as one of its missions (Article 1 of the Penal Code). Although there is a stipulation in Article 4 that lenient sentences will be granted for those who repent for crimes against the state and the people, political considerations have not been completely eliminated from the penal system. North Korea’s Penal Code defines anti-state and anti-people crimes in the early part of the Code, immediately after the general provisions (Chapter 3). This seems to indicate that the North Korean authorities take political crimes most seriously.

In dealing with criminal offenders, the Penal Code continues to uphold a “class struggle” posture. Article 162, Section 2 of the revised 2010 Penal Code specifies that its purpose is to “ensure that all institutions, enterprises, organizations and citizens abide strictly by state laws and staunchly combat all class enemies and law-breakers.” With respect to the principle of handling criminals,

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<sup>225</sup> Kim Geun-sik, *Criminology I* (Pyongyang: Kim Il-sung University Press, 1986).



Article 2 of the Penal Code stipulates, “In dealing with criminals the state should firmly maintain working-class principles with emphasis on social education in conjunction with legal sanctions.” So it is clear that the principles of “class struggle” continue to form the foundation of North Korea’s Penal Code. In line with this fundamental principle, Article 2 of the Criminal Procedure Law stipulates, “In its struggle to combat crimes against the state and the people, the state should strictly distinguish friends from enemies, subduing the small minority of instigators and embracing the majority who are mere followers. In its struggle against ordinary social crimes, the courts should place emphasis on social education accompanied by legal sanctions as necessary.” 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, the 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.

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 Article 9 of the new Penal Code stipulates that in the case of acts which the old code defines as crimes but the new code does not define as crimes, 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 limitations for crimes punishable by “labor training,” “limited-term correctional labor,” “unlimited-term correctional labor,” or “capital punish-

ment.” However, under Article 57 there is no statute of limitations for crimes against the state, crimes against the people, or premeditated murders. As a result, anyone charged with one of these crimes may be subject to punishment until the day of their death.

Under North Korea’s Penal Code, attempted crimes and unaccomplished crimes are to be treated as accomplished crimes, and accomplices are to be treated the same as the primary offender. The law stipulates, “The same provisions shall be applied to accomplished and unaccomplished crimes, as well as the preparations thereof” (Art. 19, Sec. 2). Also, punishment is to be imposed regardless of whether the crime was actually committed. The law stipulates, “In simple criminal cases involving accomplices, the same criminal provisions imposed on the primary offender shall be applied to all accomplices and supporters” (Art. 22, Sec. 1). The level of criminal responsibility for unaccomplished crimes and preparations for crimes shall be determined based on the seriousness of the crime, to what extent the crime was carried out, and the reasons why the crime was unaccomplished. In any case, lighter penalties shall be imposed for unaccomplished crimes than for accomplished crimes, and for preparations than for unaccomplished crimes (Art. 19).

There are also Penal Code provisions relating to “concealing anti-state and anti-people crimes” (Art. 70), failure to report anti-state and anti-people crimes (Art 71), and allowing anti-state crimes to happen (Art. 72). Furthermore, a sort of “guilt-by-association” rule is applied in cases of anti-state and anti-people crimes. In short, North Korea has regressed by raising the level of punishment for anti-state and anti-people crimes in the process of revising its Penal Code in 2009. For example, it allowed capital punishment for the crimes of “treacherous destruction” (Art. 64) and

failure to report anti-people crimes (Art. 71).

In the 2004 Penal Code revision, North Korea deleted provisions that allowed “analogical interpretations,” and it accommodated the principle of “*nullum crimen sine lege*” (no crime unless prescribed by law). It also streamlined and tightened loose expressions within various provisions, eliminating phrases like “etc” and “like.” Instead, by describing the types of criminal behavior, the provisions became much clearer. The number of articles was also expanded from 161 to 303. The crime provisions increased from 118 to 245, with more specific definitions of the elements of crime. In short, North Korea’s 2004 revisions were regarded as a step in the right direction, and significantly reduced human rights infringing elements in response to international criticisms. However, North Korea’s Penal Code still contains many provisions that are unsatisfactory for the protection of human rights. For example, its definition of “labor-training detention facilities” remains unclear, the category of “political crime” is maintained, the statute of limitations does not apply to political crimes, and elements of “crime-by-association” still persist in parts of the Penal Code. In addition, North Korea’s Penal Code revisions since 2007 have shown a negative trend. There were two revisions in 2005 and 2006. In 2007 North Korea again revised its Penal Code, adding an Annex (on ordinary crimes). The Annex allowed capital punishment on a large number of crimes, and contained very abstract expressions like “in extremely serious cases” in connection with capital punishment. In 2009, North Korea for the first time inserted an article on human rights protection into its Constitution (Article 8). This was a new source of hope in terms of human rights protection. In the 2009 revision, however, North Korea revised the Penal Code in a way that tightened internal controls to block the inflow of outside

information. Levels of crime were raised for anti-state and anti-people crimes, breaches of national management systems, and offenses against socialist culture. These measures were apparently incorporated into the Penal Code to support the “military-first” ideology concept inserted in Article 3 of the 2009 revised Constitution. These steps were also taken to ensure a stable power transition to Kim Jong-eun by strengthening internal control and blocking the inflow of outside information.

Despite repeated revisions of the penal code, ordinary North Koreans are generally not aware of the existence of the Penal Code itself. Although they are aware of criminal provisions such as those related to crimes against the state, they believe that the application of the law is not impartial but depends on one’s power and wealth. In North Korea the supreme leader’s “policies” will often take priority over legal provisions in determining actual crimes and punishments. 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 blue jeans would be banned and those caught wearing them would be punished.<sup>226</sup>

- **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 should be based on specific evidence. Furthermore, suspects should have the right to an attorney and the right to appeal unfair trial procedures, and the application

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<sup>226</sup> Testimony of defector XXX during an interview in Seoul on Jan. 19, 2005.

of laws should be institutionally guaranteed.

However considering the nature of socialism in North Korea, it would be difficult for them to have 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 these criticisms, North Korea decided to make major revisions and update the trial procedures in its Criminal Procedure Law in May of 2004. Furthermore, it made partial revisions again in July 2005. Specifically, Article 8 of the 2005 Criminal Procedure Law specifies, "All criminal cases shall follow the principles, procedures and methods stipulated in the Criminal Procedure Law." Also, Article 13 mandates, "All trials shall be conducted at appropriate levels of court, and the punishment levels shall be determined by court decisions." North Korea enacted the "Court Composition Law" in January 1976, and the law was revised twice, on July 1, 1998 and Nov. 19, 1998. The "Rulings and Judgements Implementation Law" was adopted on Jan. 23, 1997, revised on Sept. 5, 1997 and again revised on Nov. 19, 1998. After the Constitution was revised on April 9, 2009, the section on trials was partially revised again on April 9, 2010, to change the name of the Central Court to the Supreme Court.<sup>227</sup> Thus North Korea has a Supreme Court, provincial courts (the municipality directly

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<sup>227</sup> The Constitution names the highest court as the Supreme Court, but other laws like the Court Composition Law and the Criminal Procedure Law still retain the name "Central Court." These lower laws are likely to be revised in time. In this White Paper, "Supreme Court" will be used where appropriate.

under the central authority), district and county people's courts, military courts, and railroad courts (Art. 159 of the Constitution and Art. 3 of the Court Composition Law). According to the Court Composition Law, the participants in court decisions are the judge and the people's jurors (Art. 4). Article 9 stipulates that a 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 fact, these regulations are reportedly well-observed during the process of court trials, at least outwardly. Defector XXX testified that during his trial at the people's court in the Hae-an District of Hamhung City, at least five officers of the court were present, including a prosecutor from the Hae-an District Prosecutors' Office, a judge from the district court, one defense lawyer, and two people's jurors.<sup>228</sup>

In terms of organizational hierarchy, North Korean courts operate under the direction of the Supreme People's Assembly. For this reason, infringements on judicial independence are highly possible. Article 168 of the North Korean Constitution stipulates, "The Supreme 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. Article 11 of the Prosecution Supervisory Law stipulates, "The prosecutor(s) shall supervise whether the trial or arbitration of a case is accurately deliberating and resolving the legal requirements and in a timely manner." In other words, the prosecution has the right to supervise all trials

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<sup>228</sup> NKHR2009000016 2009-03-19.

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 the hierarchy than the judges.<sup>229</sup>

North Korean judges, prosecutors and attorneys seem to lack professional legal knowledge, as they are appointed by the government from among the graduates of the law colleges.<sup>230</sup> Based on this assessment, the UN Human Rights Committee in its “Final Observations” recommended that North Korea take all necessary steps to guarantee independence and fairness at all levels of the judiciary. North Korea’s Criminal Procedure Law stipulates that “The courts shall be independent in all trials and trials shall be conducted in accordance with the law” (Art. 272). 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 human rights violations. North Korea’s Criminal Procedure Law stipulates that “The state shall distinguish friends from enemies strictly in its struggles to combat crimes against the state and the people; it shall overpower reactionary instigators and embrace the majority who are mere followers; and, in its struggles against ordinary crimes, it shall hand down legal sanctions based on our social conventions” (Art. 2). Furthermore, Article 3 of North Korea’s Criminal Procedure Law

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<sup>229</sup> 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).

<sup>230</sup> Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

calls for maintaining the “mass” principle, saying, “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.<sup>231</sup> In other words, ordinary citizens are tried in open courts, but officials and party cadres are tried in secret. The reason for this practice, defectors say, is that trying officials openly may have a negative impact on society. In fact, an open trial is tantamount to punishment since they have already been censured by the Party during the pre-trial stage.

When North Korea revised its Criminal Procedure Law in 2004, it installed a new provision requiring court trials to be open to the public (Art. 271, Sec. 1). As the UN Human Rights Committee pointed out, however, the new revised law contains an exception allowing certain trials to be conducted behind closed doors if necessary to protect state secrets or the privacy of individuals, or if opening the trial to the public could have an adverse impact on the society at large (Art. 271, Sec. 2).

However, most of those who either experienced or heard about trials testified that the trial process leaned heavily toward formality over substance.

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<sup>231</sup> Testimonies of defectors XXX and XYZ during interviews in Seoul on Jan. 9, 2004 and Jan. 10, 2004; XXX is a graduate of Pyongyang Mechanical Engineering College and XYZ quit during his senior year at Kim Il-sung University. They understood the open court principle to refer to the difference between trials conducted inside or outside of buildings.



### • The On-Site Open Trial System

One of the institutional setups prone to human rights violations is North Korea's system of holding "on-site open trials." North Korea's old Criminal Procedure Law stipulated, "In an effort to prevent crimes in advance and to remind the public of the law, the courts may organize and conduct 'on-site open trials.' In this case, any representative(s) of workers and farmers may make accusations or expose 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" (Art. 179 of the 1999 Criminal Procedure Law).

An on-site open trial is a form of education about abiding by the law. It can educate hundreds or thousands by striking down only one. Properly conducted, on-site trials can teach lasting lessons to the many people who witness them.<sup>232</sup>

As Kim Jong-il's instructions make clear, the "on-site public trial system" was retained in the 2005 revised Criminal Procedure Law. Article 286 of the law stipulates, "In order to prevent crimes and awaken the masses to the issue on trial, the courts can organize trials and deliberations on-site (at any locality). In such instances, the representatives of an agency, enterprise or organization may be asked to reveal the acts of the criminal and accuse him/her." The changes here include (1) "the representatives of an agency, enterprise, or organization" has replaced the "workers and peasants" and (2) a provision was eliminated which stipulated,

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<sup>232</sup> Kim Jong-il, "On Improving and Strengthening the Work of Judicial Prosecutors," *The Selections of Kim Jong-il 13* (Pyongyang: KWP Press, 1996), p. 316.

“The person(s) responsible for the education of the criminal or those who allowed such crimes to take place shall be brought to trial to get their lessons.” Yet the provision on public accusations and revelations remains unsatisfactory because of its anti-human rights elements. The typical outcome of an on-site public trial is public execution, so there is a strong possibility of violating the person’s human rights as the trial procedures are not properly observed. According to interviews of defectors conducted in April 2006 by the Court Administration Agency (in Seoul), North Korea’s on-site public trials follow the various formalities of court trials, such as having a judge, prosecutor, and people’s jurors. The crimes subject to this type of trial are not specified, yet these trials are organized upon the instructions of the Party when it deems them necessary for social education or when there is a need to warn the masses about specific crimes.<sup>233</sup> However, many North Koreans are not aware of the requirement that a judge, prosecutor, and people’s jurors be present. It appears that decisions are made ahead of time in most cases, and only sentencing takes place during “on-site public trials.”

Specific on-site public trial cases are presented below:

- Defector XXX testified that in 2007 he saw from his home (an apartment unit) a group of 4th and 5th grade students of South Chongjin Middle School being tried on the school grounds. They were charged with stealing bicycles and money from senior high school students of North Hamkyung Province’s No. 1 School for Gifted and Talented Students.<sup>234</sup>
- Defector XXX testified that there was a trial at the end of

<sup>233</sup> Court Administration Agency, *North Korea’s Criminal Law*, p. 30.

<sup>234</sup> NKHR2009000040 2009-06-18.

March 2007 at the Miners' Hall in Musan County. Attending the trial were the chief judge of the Musan County Court, the chief prosecutor, the chairman (or deputy chairman) of the local people's committee, and the political director of the local security agency. The sentences were announced; for instance, "A shall be put to death," "B,' 'C,' etc., shall get 15 years of imprisonment, others 10 years, still others 5 years, etc." His recollection was that the chief judge had read off the sentences.<sup>235</sup>

- Defector XXX testified that there was an open trial for 12 accused persons on June 12, 2008 in Hyesan City, Yanggangdo Province. Local inhabitants were assembled in a stadium to watch. Most of the accused were charged with smuggling drugs, copper, iron, lead, and other materials. Three of the 12 received life imprisonment and four of them were sentenced to over 10 years of correctional labor. On the 17th of the same month, another on-site public trial was conducted for narcotics dealers at the Sapo District Market in Hamhung City.<sup>236</sup>
- Defector XXX testified that on Feb. 20, 2008 two men and 13 women were reportedly publicly executed on a bridge in Juwon District, Onsung County, North Hamkyung Province. The authorities had notified all agencies, enterprises and people's units to attend this trial, warning that everyone had to attend. Those executed were people who had crossed into China to solicit help from their relatives, or those who tried to help their neighbors to get across the river, or those who tried to introduce others to river-

<sup>235</sup>\_ NKHR2008000022 2008-11-05.

<sup>236</sup>\_ Good Friends, "North Korea Today," No. 157 (July 1, 2008).

crossing guides.<sup>237</sup>

- Defector XXX testified that a total of 17 persons were sentenced at a trial held at 3 p.m. March 31, 2008 on the grounds of Onsung Mechanical College in Onsung County, North Hamkyung Province. Their charges included dealing in illegal drugs and videos, human trafficking, illegal border crossing, etc.<sup>238</sup>
- Defector XXX testified that in early 2008 about ten suspects were tried at a court in Yuson Miners’ Center in Hweryong City, North Hamkyung Province on charges of illegal border crossing, human trafficking, etc.<sup>239</sup>
- Defector XXX testified that in February 2008 he saw a public trial at Musan Miners’ Center. The suspects were charged with dealing in the narcotic “ice,” watching South Korean videos, guiding illegal river-crossings, etc.<sup>240</sup>

These “public” (or open) trials are by themselves a violation of human rights, since the suspects do not get any legal assistance from lawyers.

- Defector XXX testified that defense attorneys would attend public trials only as a formality, as there would be nothing much to defend, and no need for defense.<sup>241</sup>
- Defector XXX testified that in 2005 he saw the public trial of a neighbor at the marketplace in Kogunwon, Kyungwon (Sebyol) County, North Hamkyung Province. He said the defense attorney made additional revelations and emphasis

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237. Good Friends, “North Korea Today,” No. 114 (March 5, 2008).

238. Good Friends, “North Korea Today,” No. 121 (April 23, 2008).

239. NKHR2008000010 2008-08-08.

240. NKHR2009000009 2009-02-19.

241. NKHR2009000015 2009-03-17.

of the guilt of the accused.<sup>242</sup>

Meanwhile, some defectors testified that the frequency of onsite public trials and executions by firing squad has been decreasing in recent years. It is still too early to generalize this report, but many defectors agreed that the frequency of on-site trials has decreased significantly since 2001.<sup>243</sup> Defector XXX and XXX both testified that executions by firing squad have decreased recently.<sup>244</sup> However, there is a report that Kim Jong-il issued special instructions that gun-shots must ring out to stem the tide of rising social disorder and unruly behavior. There is also a report that an intensive guidance inspection was conducted all across North and South Hamkyung Provinces.<sup>245</sup> Defector XXX testified that since the year 2000 public executions appear to have increased.<sup>246</sup>

### • The “Comrade Trial” System

North Korea has abolished the so-called “mass trial” (or people’s trial) system which it had maintained for a while immediately after the Korean War. From about 1972, however, North Korea has been enforcing a system of “comrade trials” at the regional level. The legal basis for “comrade trials” is provided by the Prosecutor’s Inspection Law. Article 40 of this law stipulates that in cases where the accused is sent to a pre-trial, sent before the Socialist Law-Abiding Life Guidance Committee, subjected to a “comrade

<sup>242</sup>\_ NKHR2010000037 2010-11-16.

<sup>243</sup>\_ NKHR200800009 2008-08-07; NKHR2008000013 2008-08-19; NKHR2009000016 2008-09-02; NKHR2008000016 2008-09-02; NKHR 2008000027 2008-12-02.

<sup>244</sup>\_ NKHR2008000010 2008-08-08; NKHR2008000012 2008-08-14.

<sup>245</sup>\_ NKHR2008000017 2008-09-04.

<sup>246</sup>\_ NKHR2008000023 2008-11-11.

trial,” or sent to a detention center or labor-training camp, the prosecutor can choose to rectify the behavior or demand further legal restitution.

The persons targeted for “comrade trials” included economic criminals, minor violators, those who had unwittingly breached the Kim Il-sung Thought (*Juche* Ideology), and other violators whose crime amounted to relatively minor infractions. These violators were given such penalties as 6-months labor without pay, a fine amounting to 10 or 20 fold the economic losses incurred by his actions (or deduction of the same from their salary), suspension of various administrative rights, demotion, self-criticism, stern warning, and so on. However, there was no appeals system.<sup>247</sup> According to the Court Administration Agency interviews of defectors in Seoul, the “comrade trials” were conducted at factories or enterprises on those employees who had carried on unruly social behaviors. The violators would stand before their colleagues and face “comrade trials.” If the violation was serious, the case could be referred to the prosecutor’s office.<sup>248</sup>

“Comrade-trials” are also conducted in the military. Defector XXX testified that in June of 1997 there was a “comrade trial” at the “Regiment Hall” of the 87th Regiment, 9th Division in Kaesong City, North Hwanghae Province. Three men were subjected to a “comrade trial,” but no decision was made there. They were sent to a detention center after the trial.<sup>249</sup> Defector XXX testified that in 2000 when he was in the military service a deputy squad leader was accused of stealing a TV set. He was sent off for one year to a

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<sup>247</sup> Court Administration Agency, *A Survey of North Korean Judicial System* (Seoul: Court Administration Agency, 1996), pp. 630-637.

<sup>248</sup> Court Administration Agency, *North Korea’s Criminal Law*, p. 30.

<sup>249</sup> NKHR201000024 2010-10-19.

military correctional center by the decision of a “comrade trial.” An open trial was conducted in front of his comrades, with the prosecutor in charge and a security agency “guidance agent” conducting the trial.<sup>250</sup> After the North Korean artillery attack on South Korea’s Yonpyong Island on Nov. 23, 2010, there was a comrade trial in the military. South Korean forces launched artillery shells in retaliation against the artillery attack, and a number of North Korean soldiers were wounded. A North Korean platoon leader (officer) was wounded, but the soldiers ran away leaving the wounded officer behind. Upon hearing this report, an enraged Kim Jong-eun was reported to have ordered the soldiers to be put on “comrade trial.”<sup>251</sup>

Many defectors seemed to confuse on-site public trials and comrade trials. Some of them repeatedly said “mass trials” when they meant to say “comrade trials.” One defector observed that some defectors who had witnessed on-site trials would refer to them as “comrade trials.”<sup>252</sup> Therefore many defectors who testified that they have witnessed on-site public trials may in fact have seen, or confused them with, comrade trials.

### • The People’s Jury

As part of its trial system, North Korea has adopted a “people’s jury” system. Article 163 of the Constitution, Article 9 of the Court Composition Law, and Article 274 of the Criminal Procedure Law stipulate that a trial shall consist of one judge and two

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<sup>250</sup>\_ NKHR2009000014 2009-03-12.

<sup>251</sup>\_ Radio Free Asia <[www.rfa.org/korean](http://www.rfa.org/korean)>, “North Korean platoon leader wounded; some soldiers fled from the scene,” (Nov. 25, 2010).

<sup>252</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

people's jurors. Judges and jurors for each level of court are elected by the Standing Committee of the Supreme People's Assembly and the supreme, provincial, and city/district people's assemblies in accordance with Article 116, Section 13 and Article 140, 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. Each trial and sentencing hearing should be attended by one judge and two people's jurors.

This system would appear, at least in form, to follow somewhat the jury system of Anglo-American courts. However, in reality it is a system employed to exercise the Party's control over the judicial system. There are no specific standards for the qualification of people's jurors except that they must be North Korean citizens who are qualified to participate in elections (Art. 6, Court Composition Law). In fact, their primary role is not to provide a fair and objective trial 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 trials.<sup>253</sup> 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 military branch of the Party. They were required to express their opinions at the trial. They did so by remarking, "Striking an official working for Kim Il-sung is dangerous to society." Prosecutors and judges proceeded with the trial on the basis of this kind of statement.<sup>254</sup> 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 what their role

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<sup>253</sup>. Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004.

<sup>254</sup>. Testimony of defector XXX during an interview in Seoul on May 16, 2001.



is or how the jurors are selected.<sup>255</sup> In reality, they are selected from among the more competent citizenry. However, since they lack professional knowledge, they play a largely token role.<sup>256</sup> Defectors Kim XX, Shin XX, and Yoon XX all testified that at open trials a judge and some People's Safety agents are present; yet in most cases executions are carried out without witnesses and without specifying the crimes committed.<sup>257</sup>

- **The Reality of Criminal Trials**

To date, there are no former North Korean prosecutors, judges, people's jury members or attorneys among the defectors in South Korea. For this reason, it is difficult to get an accurate picture from defectors 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.

Some defectors testified that the level of punishment would be determined in the absence of judges and people's jurors during the investigation or pre-trial stages, which would be before the formal trial. Defector XXX who defected in January 2010 testified that he was tried once, and a prosecutor from the prosecutor's office and two pre-trial clerks decided on a correctional sentence for him.<sup>258</sup>

A few defector testimonies seem to indicate that criminal trials

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<sup>255</sup> 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.

<sup>256</sup> Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

<sup>257</sup> Testimony of defector XXX during an interview in Seoul on Oct. 20, 2004; Testimony of defector XXX during an interview in Seoul on Nov. 13, 2003; Testimony of defector XXX during an interview in Seoul on Jan. 10, 2004.

<sup>258</sup> NKHR2010000089 2010-06-08.

in North Korea are in fact conducted in accordance with the Penal Code, Criminal Procedure Law, Court Composition Law, and other laws. Defector XXX testified that he was tried at the Musan Court in May 2007. There were present a deputy chief judge, two people's jurors, an attorney, and a prosecutor. These 5 people participated in his trial and the trial proceeded in the following order: the prosecutor's indictment, the attorney's defense, and a decision by the deputy judge and the jurors.<sup>259</sup>

However, even among those who said they received court trials, their recollections of the number of participants in their trials varied significantly. 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 at 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 before them alone. Afterwards, he was sent to the Jeungsan Correctional Center to serve out his term.<sup>260</sup>

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

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<sup>259</sup> NKHR2008000022 2008-11-05.

<sup>260</sup> Testimony of defector XXX during an interview in Seoul on March 10, 2007.

based on documentary evidence, and no defense attorney was present at the trial.<sup>261</sup>

Defector XXX served his term at Jeungsan Correctional Center from July 12, 2003 to Dec. 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 try to hold on to 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.<sup>262</sup>

Defector XXX was caught attempting to cross the river and was sent 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 trial.<sup>263</sup>

Many defectors testified that the authorities would not observe the time limit (dates) required for investigations, pre-trials, or trials. A defector testified that her elder brother had to undergo pretrial for almost a year in 2005 while detained in the North Hamkyung Province Security Agency Detention Center. The charge was that he had met with South Koreans after illegally crossing the river.<sup>264</sup>

Defector XXX testified that he received a labor-training sentence but the duration of the pre-trial or indictment phase was not

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<sup>261</sup> Testimony of defector XXX during an interview in Seoul on March 7, 2007.

<sup>262</sup> Testimony of defector XXX during an interview in Seoul on Feb. 28, 2007.

<sup>263</sup> Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

<sup>264</sup> NKHR2009000066 2009-11-11.

kept within the legal limits.<sup>265</sup> Another defector, XYZ, also testified that in the process of getting a labor-training sentence the pre-trial period limit was not observed.<sup>266</sup>

On the other hand, there were many cases reported in which the time limits for investigation, pre-trial and trial were fully observed. These cases are important evidence of North Korea's law-abiding practices. The following are specific cases in which defectors experienced trials.

- Defector XXX testified that even though the investigation period was not kept, the court observed the additional pre-trial period as well as the lower court trial period.<sup>267</sup>
- Defector XXX testified that in being sentenced to a labor-training penalty, the maximum limit for pre-trial is one month, and in his case the limit was observed.<sup>268</sup>
- Defector XXX testified that he received a labor-training penalty, but the pre-trial and lower court trial periods were observed.<sup>269</sup>
- Defector XXX testified that he received a labor-training sentence, and the time limits for pre-trial and lower court trial were both kept.<sup>270</sup>
- Defector XXX testified that although the periods of investigation and pre-trial were not observed, the periods of indictment and lower court trial were kept.<sup>271</sup>
- Defector XXX testified that he received a correctional labor

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<sup>265</sup> NKHR2010000053 2010-06-29.

<sup>266</sup> NKHR2010000102 2010-07-13.

<sup>267</sup> NKHR2010000015 2010-10-05.

<sup>268</sup> NKHR2010000030 2010-11-23.

<sup>269</sup> NKHR2010000043 2010-11-02.

<sup>270</sup> NKHR2010000053 2010-06-29.

<sup>271</sup> NKHR2011000020 2010-05-19.

penalty, and the periods for pre-trial, indictment, and lower court trial were all observed.<sup>272</sup>

- Defector XXX testified that he received a correctional labor penalty, and the period of investigation was not observed, but the pre-trial, indictment, and lower court trial periods were all kept.<sup>273</sup>

From the above testimonies it is encouraging that some have testified that while the stipulated periods for investigation and pre-trial were not observed the indictment and lower court trial periods were. However we cannot make a general assessment of North Korea's observance of trial periods based on the fragmentary testimonies above. Adherence to the indictment and lower court trial periods may be taken to signify that North Korea is strictly applying its legal standards, but it would be just as fair to interpret it as a sign that convictions and sentences are by and large decided during the investigation and pre-trial phases and that the indictment and trial phases are mere formalities.

### • **Trials of Political Criminals and Military Tribunals**

North Korea continues to enforce a policy of strictly separating political crimes from ordinary crimes, and it punishes political offenders under different terms. So-called “crimes against the state” 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 (Art. 122 and 124

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<sup>272</sup> NKHR2010000059 2010-11-30.

<sup>273</sup> NKHR2011000021 2010-06-07.

of the Criminal Procedure Law). Unlike ordinary criminal cases, the provincial and major city courts function as the primary (first level) courts for all political crimes (Art. 127, Criminal Procedure Law). The jurisdiction of the investigation and preliminary examination is strictly defined 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.

The SSA conducts "preliminary examinations" in all political crime cases, but trials are conducted by the courts. Some defectors have testified that the SSA also conducts trials. Defector XXX, who previously worked at the SSA, testified that if the Provincial Security Agency uncovered a political crime, it would report it to the Prosecution Bureau of the SSA. If the bureau confirmed the crime, a trial would be conducted in the province where the preliminary examination was conducted. A prosecutor from the Prosecution Bureau would 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 would also decide whether to imprison the criminal for life and whether the criminal's family would also be sent with him. There are no established guidelines for making this decision, however. The prosecutor, the security agent, and other officials confer to determine the scope and duration of detention for the accused.<sup>274</sup> Defector XXX, who previously performed related work at the State Security Agency, has testified that as soon as the preliminary examination is over, a prosecutor from the Prosecution Bureau of the SSA will come to the local area and hand down the sentence. He

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<sup>274</sup> Testimony of defector XXX during an interview in Seoul on April 19, 2005.

also testified that a prosecutor from the 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.<sup>275</sup> Defectors who previously worked for the SSA have all testified that the SSA'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 martials). 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.<sup>276</sup> As this case shows, there seems to exist a wide disparity in actual application of the law from region to region.

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<sup>275</sup> Testimony of defector XXX during an interview in Seoul on Oct. 10, 2005.

<sup>276</sup> Testimony of defector XXX during an interview in Seoul on March 10, 2007.

## • Appeals, Complaints and Petitions

Even North Korea's Criminal Procedure Law stipulates "emergency appeals" procedures if a court decision exceeds the legal boundaries (Art. 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 Supreme or federal court) and the appeals court (or emergency appeals court) decision. In addition, North Korea has an appeals system to permit a review process for a new decision or sentencing based on new discovery of facts (Art. 403). Even though there is an appeals system in North Korea, ordinary citizens are known to avoid going through the appeals process because they could possibly face a heavier penalty as a result of appeals. Furthermore, one has to go through a longer pretrial period if one wishes to appeal. In addition, because the pretrial period is so painful and arduous, most North Koreans choose to serve their correctional terms rather than go through the appeals process.<sup>277</sup> Meanwhile, many defectors testified that they were informed about their appeals. Defector XXX testified that she was tried and sentenced to one year in a labor-training camp. But the term of service was calculated without including the pretrial period, and for this reason they granted her 10 days in which to appeal.<sup>278</sup>

The 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. Article 69 of the North Korean Constitution stipulates, "Citizens are entitled to submit complaints and peti-

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<sup>277</sup> Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

<sup>278</sup> NKHR2009000018 2009-03-26; NKHR2009000067 2009-11-12.



tions. The state shall fairly investigate and deal with complaints and petitions as fixed by law.” North Korea has enacted a petition law in order to establish concrete and detailed procedures for citizens’ petitions and appeals. North Korea enacted the Complaints and Petition Act in 1998 and revised the act 1999, 2000, respectively. Article 250 of the 2005 Penal Code mandates punishment for officials who intentionally ignore or mishandle petitions. The Administrative Penalties Law also sets down a number of administrative penalties if a complaint or petition were ignored or improperly handled, including warning, stern warning, unpaid labor, demotion, lay-off or firing from the job (Art. 139). Questions were raised during the review of North Korea’s Second Periodic Report to the UN Human Rights Committee as to whether there were independent agencies responsible for handling and processing various petitions and appeals, a North Korean delegate replied, “Petitions and complaints can be freely raised anywhere, by anyone, verbally or in the form of documents, and directly or indirectly through an agent, and from the highest sovereign office holder to the lowest unit or enterprise of the society.”

Petitions and appeals are sometimes accepted. Defector XXX testified that XXX got a trial in 1994, but appealed the decision. He had heard that his sentence was commuted from 3.5 years of correctional labor to two years.<sup>279</sup> But this case appears to have been an exception. Petitions and appeals in North Korea are almost certain to bring enormous harm to the petitioner(s) and the appealer(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

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<sup>279</sup>\_ NKHR2010000096 2010-06-22.

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 more punishing judgment, 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”).<sup>280</sup>

Defector XXX testified that in most cases petitions and appeals are likely to result in heavier sentences, so most people do not appeal their decisions.<sup>281</sup> In this regard the Administrative Penalty Law contains a provision which stipulates that a labor-education penalty can be given for inappropriate petitions (Art. 140). Another defector testified that recently, if a petition is to be successful, one must offer bribes to officials. Defector XXX testified that if one were to simply submit a petition without the accompanying bribes, it would be a waste of paper. One must offer money to the official receiving the petition. The defector said that in his case he gave two million won.<sup>282</sup>

- **Amnesties, Stays of Execution, Suspension of Terms and the Bail System**

North Korea also has a system of amnesty which consists of special amnesties and general amnesties. Special amnesties are applied to individual criminals, while general amnesties are applicable to all criminals serving for certain crime categories.<sup>283</sup> In the

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<sup>280</sup>. Testimony of defector XXX during an interview in Seoul on Sept. 9, 1998.

<sup>281</sup>. NKHR2011000021 2010-06-07.

<sup>282</sup>. NKHR2009000021 2009-04-13.

<sup>283</sup>. Kim Geun-sik, *Criminology I* (Pyongyang: Kim Il-sung University Press, 1986), p. 181.

2009 constitutional revision, North Korea added a section on the Chairman of the National Defense Commission, authorizing the Chairman with the power to grant special amnesties, while the power to grant general amnesties was given to the Standing Committee (Presidium) of the Supreme People's Assembly (Constitution, Art. 103, Sec. 5, Art. 116, Sec. 17, and Penal Code Art. 53).

According to defector XXX, general amnesties are usually issued on special festive occasions like Kim Jong-il's birthday or the founding anniversary of the Korean Workers' Party (KWP).<sup>284</sup> Defector XXX testified that "grand amnesties" are granted on pre-determined dates in North Korea, such as the birthdays of Kim Il-sung and Kim Jongil, the anniversaries of the Party's or the Republic's founding, etc. Normally, amnesty is granted every five years, and these are called "grand" amnesties. But only a few inmates benefit from these amnesties.<sup>285</sup>

In 2008, North Korea had announced general amnesty and released or reduced the terms of the inmates serving correctional punishments, in commemoration of the 60th anniversary of the Republic's founding on September 9th and the 60th anniversary of the launching of KWP on October 10th. Unlike earlier expectations, however, the scope of amnesty was significantly reduced, and those charged with illegal border-crossing penalties were not included in the amnesty. It was further reported that the SPA Presidium and the Central Court (now the Supreme Court), in accordance with the instructions of the Party Central Committee, reduced terms of service by about a year for relatively minor offenders who had committed ordinary social crimes.<sup>286</sup>

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<sup>284</sup>\_ NKHR2008000029 2008-12-16.

<sup>285</sup>\_ NKHR2009000067 2009-11-12.

<sup>286</sup>\_ Good Friends, "North Korea Today," No. 139 (June 5, 2008), No. 152 (June 24,

In fact, defectors have testified that special or general amnesties are granted from time to time.

- Defector XXX testified that the mother of defector Chae Young-sook 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.<sup>287</sup>
- Defector XXX testified that his term was reduced by two years by the general amnesty in August, 1998. He said that economic criminals often benefit from general amnesties, but offers of general amnesty are rare for murderers and human traffickers.<sup>288</sup>
- Defector XXX testified that he was tried in August 1999 at the People’s Court in Musan County, North Hamkyung Province, and was serving 3 years of correctional labor at Hamhung Correctional Center. He received a special amnesty and was released early after seven months of service.<sup>289</sup>
- Defector XXX testified that he was released upon the general amnesty issued on the founding anniversary of the KWP on October 10, 2006. About 300 inmates (200 men and 100 women) were released on that occasion.<sup>290</sup>

North Korea also has a system of stays of execution (Art. 51 and 52 of the Penal Code). However, Article 37 of the Sentences

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2008), No. 200 (Aug. 29, 2008).

<sup>287</sup> Testimony of defector XXX during an interview in Seoul on March 17, 2007.

<sup>288</sup> Testimony of defector XXX during an interview in Seoul on March 10, 2007.

<sup>289</sup> NKHR2010000059 2010-11-30.

<sup>290</sup> NKHR2008000025 2008-11-20.

and Decisions Law specifies, “The enforcement of sentences granting stays of execution shall be carried out by the agencies receiving copies of the sentence along with confirmation notifications. The agencies shall transmit these documents to the designated agency, enterprise or organization and the affected inmate so that he/she may serve out the remaining term there.” In short, an amnestied inmate is required to serve out his/her term at a court-designated workplace; this is a unique system.

The reasons for suspension of terms are clearly stated. If an inmate suffering from temporary or serious mental illness is sentenced to unlimited correctional labor, limited correctional labor, or labor-training penalty, his/her penalty can be suspended until the disease is cured. For pregnant women, the penalty would be suspended for the period from 3 months before to 7 months after delivery (Art. 431).

What amounts to “bail” in the West would be the “medical disposition” system in North Korea. Medical dispositions are divided into 3 categories: dispositions for incurable mental disease, temporary mental disease, and serious illness (Art. 46). Surveillance of convicts with medical dispositions is the responsibility of the local people’s security agency (Art. 47). Defector testimonies reveal that medical dispositions are actually being given out. Defector XXX testified that he was due to be detained at the Hweryong Market Correctional Center but was released for reasons of illness. According to him, a convict 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 the convict’s movement.<sup>291</sup>

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<sup>291</sup> Testimony of defector XXX during an interview in Seoul on Oct. 12, 2005.

## B. The Right to an Attorney

The right to an attorney's assistance throughout the trial process is an important right in that it represents an 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 methods and procedures are stipulated in detail in the Constitution, Criminal Procedure Law, and Attorney Law.

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 164 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." Article 12 of the Attorney Law defines the attorney's rights and duties by stipulating, "At the request of the court or the client, the attorney must try to protect the legal rights and interests of his client and assist a fair trial by accurately analyzing, assessing, and clarifying the truth of the case." A defector testified that he/she has received legal assistance from an attorney

in a criminal case.

But the mission of North Korean attorneys is not the protection of individual rights, but the promotion and protection of the Party's and state's policies. 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. Also, 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."<sup>292</sup> Article 11 of the Attorney Act 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. Even though Article 6 of the Attorney Law guarantees the attorney's independence, there appears to be a contradiction, as Article 8 stipulates, "Attorneys shall perform their work under the guidance of their local Attorney Committees." Article 30, Section 4 further stipulates that higher level attorney committees are required to exercise routine control and guidance over the lower level committees and the attorneys belonging to them. Clearly, then, attorneys in North Korea do not work as individual lawyers but serve as a member of a group under various attorney committees.

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<sup>292</sup> Lee Jae-do, *The Criminal Procedure Law* (Pyongyang: The Kim Il-sung Univ. Press, 1987), pp. 76, 207.

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 (Art. 276 of the Criminal Procedure Law).

Recent North Korean defectors testified that at most trials defense attorneys would be present. However, even when they attended the trials they would seldom provide legal assistance to the accused or offer defensive maneuvers for the client. Consequently, most North Koreans were not aware of proper role of defense attorneys. Defector XXX testified that the nephew of his wife was tried in September of 2005 at the people's court in Kyungwon (Sebyol) County, North Hamkyung Province on charges of stealing electric wires. The defense attorney, instead of defending him, revealed his criminal behavior.<sup>293</sup>

- Defector XXX testified that he went on trial in Musan County, North Hamkyung Province, in October 2005. The defense attorney did not offer any defense. He instead told him, “Go to a correctional center and faithfully and completely wash away your guilt.”<sup>294</sup>
- Defector XXX testified that in December 2006 XXX was tried, but the defense attorney did not offer any defense, instead saying it was not necessary to defend someone who acted against Party policy.<sup>295</sup>
- Defector XXX testified that he was tried in 2007 in Onsung County, North Hamkyung Province, on charges of video circulation, but the attorney did not defend him.<sup>296</sup>

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<sup>293</sup> NKHR2010000034 2010-11-02.

<sup>294</sup> NKHR2010000045 2010-09-07.

<sup>295</sup> NKHR2009000041 2009-02-26.

<sup>296</sup> NKHR2010000074 2010-04-20.



Even those who are aware of the attorney system do not exactly know the role of lawyers; even if the accused thought the lawyer knew him as well as his own family, he would not expect the lawyer to play a positive role in protecting his human rights. On the other hand, some defectors testified that their lawyers did make some comments that were helpful for them.

- Defector XXX testified that in 2005, when he was being tried at a court in Jeungsan, his defense lawyer explained his predicament in detail and tried to get a lighter sentence for him, saying, “The former wife of this man lived and behaved in such and such a manner, so it would be reasonable to give him a lighter sentence.”<sup>297</sup>
- Defector XXX testified that in August 2009 he was tried at a people’s court in Hwesan City, and the defense attorney offered some defense, saying the accused was only a 17-year-old student and deserved compassionate consideration.<sup>298</sup>

### C. Administrative Penalties

In North Korea, trials are conducted at a court consisting of a judge and two “people’s jurors” (three judges at appellate court levels) (Art. 163 of the Constitution; Art. 14 of the Court Composition Law; and Art. 274 of the Criminal Procedure Law). In reality, however, many other agencies not listed in the Penal Code have handed down penal sanctions, such as labor-training, unpaid labor, demotion, lay-offs, job terminations, warnings, and fines.<sup>299</sup>

<sup>297</sup>\_ NKHR2009000018 2009-03-26.

<sup>298</sup>\_ NKHR2011000018 2010-10-05.

<sup>299</sup>\_ The types of criminal punishment stipulated in North Korea’s Penal Code include

The Socialist Law-Abiding Life Guidance Committee would often inspect whether citizens were abiding by the law and how the laws were enforced by mobilizing various law-enforcement agencies like the Prosecutors' Office and the State Inspector's Office. The Committee would examine incidents of illegal and unruly behavior and determine whether or not to impose criminal penalties. Included in the types of penalties this committee can impose are warnings, stern warnings, fines, demotions, lay-offs, and job termination, as well as one-month to one-year-long unpaid labor penalties. It can also transfer criminal cases to the prosecutor's office.<sup>300</sup> In this connection, North Korea enacted the "People's Security and Control Law" on Dec. 28, 1992, providing a legal basis for administrative penalties. The current "People's Security and Control Law" was last revised on July 26, 2005. Articles 8 through 40 of this law stipulate the various targets of control, and Articles 41 through 53 outline the methods and procedures of control. As for the types of administrative penalties, the law lists labor-education, suspension of qualifications, demotion, cancellation of qualifications, suspension, confiscation, and fines. For different types of penalties the case may be turned over to the local "Socialist Law-Abiding Guidance Committee." (Art. 57) The Sentences and Decisions Law stipulates various penal terms not specified in the Penal Code, such as fines and unpaid labor (Art. 9, 40 and 43).

There are a few provisions in the People's Security Control Law related to citizens' human rights. First of all, there is a provi-

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death sentence, life correctional labor, term correctional labor, labor-training, depriving electoral rights, property confiscation, and suspension of qualifications (Art. 27).

<sup>300</sup>. Court Administration Agency, *A Survey of North Korean Judicial System*, pp. 646-647.

sion that prohibits abuses of power or violations of human rights in the process of administering justice (Art. 6). Second, when an offender is detained, his/her family, work-place and the district office of his/her residence must be notified (Art. 49). Third, the period of detention may not exceed 3 days at the people's security agency or 10 days at the city or county (district) security agency; also, gravely ill patients, patients with contagious diseases, or women 3 months before or 7 months after delivery of a child may not be detained (Art. 50). Fourth, in the process of investigating the offender, the agent may examine his or her body and clothing, but two witnesses must be present (Art. 52). Fifth, there is an appeals provision related to investigation and detainment procedures. If anyone objects to the procedures he/she can appeal to a higher security agency within 10 days of the incident, and the agency receiving the appeal must dispose of it within 15 days and inform to the person involved of the result (Art. 62). Despite these provisions in the People's Security and Control Law, most citizens experience serious human rights violations in the process of arrest and detention. For example, the law stipulates that when a violator is detained the agency must inform his family and the office of his residence, but no defector has testified that their family was notified. This particular law was not previously known to the outside world including South Korea, so it will be necessary to continuously watch various cases involving provisions of this law.

Meanwhile, North Korea enacted the Administrative Penalty Law on July 14, 2004. This law was last revised on May 20, 2008. It stipulates various procedures and legal elements for the enforcement of administrative penalties. According to this act, administrative penalties are administrative sanctions imposed on citizens, agencies, enterprises, and organizations for unlawful acts that did

not rise to the level of criminal penalty (Art. 7). With the emergence of this law, it is clear that a wide range of administrative penalties have been imposed in North Korean society. First of all, this law stipulates various types of administrative sanctions, including warnings, stern warnings, unpaid labor, labor education, demotion, lay-off, firing from the job, fines, suspension, damage compensation, confiscation, pay-cuts, and suspension or deprivation of qualifications (Art. 14). Second, Chapter 3 of this act contains categories of various administrative violations subject to administrative penalty, including violations of economic management procedures (Sec. 1), cultural procedures (Sec. 2), ordinary administrative procedures (Sec. 3) and community life procedures (Sec. 4). The act contains a total of 146 articles. Third, there are various agencies empowered to impose administrative penalties. They include, for example, the Socialist Law-abiding Life Guidance Committee, the Cabinet, prosecutor's offices, court trials, and arbitration panels, People's Security Agencies, and the Inspector's Offices. In addition, various agencies, enterprises and organizations could also impose administrative penalties (Art. 175). One positive aspect of this act in terms of North Korean human rights is that the act clearly stipulates in writing the requirements and procedures for the imposition of administrative penalties. Some of the details include the following: First, the state is required to guarantee a scientific, objective, prudent and fair application of the administrative penalties (Art. 4). Second, the scope and method of application of administrative penalties are illustrated in detail from Articles 15 through 23. Third, only one administrative penalty in principle is imposed on each violation (Art. 27). Fourth, the agencies, enterprises and organizations are not authorized to exercise administrative penalty sanctions beyond what the law prescribes,

and if any entity needed to impose administrative penalties beyond its authority it should transfer the case to the local Socialist Law-abiding Life Guidance Committee or other authorized agencies (Art. 185). This provision clearly is intended to prevent various entities from violating the prescribed provisions. Fifth, various complaint and review procedures are prescribed in Articles 186 through 193. Sixth, an appeals system against the administrative penalty is set down in the law. Regarding any administrative penalty, the affected citizen(s), or the agency, enterprise, and organization may submit petitions to the Socialist Law-abiding Life Guidance Committee or to the agency, enterprise, or organization issuing the penalty within 10 days of such a decision (Art. 198). Seventh, the law defines various actions as illegal and a violation of human rights, and prohibits such actions, including illegal or unlawful arrest, detention, forced confessions, fabrication or exaggeration of facts, search of one's body or home, confiscation or retention of personal property, and revocation of citizen cards or ID cards (Art. 137).

Unpaid labor is most frequently listed as the administrative penalty for disorderly behavior. Of the 146 possible violations, 125 items are subject to unpaid labor. Also, labor education is most often listed as the possible administrative penalty for violations of "collective living" rules. Of the 33 possible violations, 24 of them are subject to labor education.

**<Table II-8> Types of Penalties and Behaviors Subject to Sanctions**

Administrative penalty	Behavior subject to sanctions
Warning, stern warning	104 cases including failure to meet planned targets, filing false reports
Unpaid labor	125 cases including violations in filling out people's economic planning forms

Administrative penalty	Behavior subject to sanctions
Labor education	68 cases including wasting electricity
Demotion, removal from job	77 cases including illegal economic management activities
Termination of job	24 cases including violations of the reserve materials management system
Fines	26 cases including violations of trademark rights
Suspension, compensation, confiscation, suspension of qualifications, reduced pay, cancellation of qualifications	Applied as necessary in the process of reviewing the illegal actions

During a series of personal interviews, North Korean defectors testified that the most frequently used administrative penalties were removal from job, demotion, unpaid labor, and fines. Criminal penalties like correctional labor and labor training are sometimes imposed on individuals in connection with the illegal use of mobile phones, the illegal circulation of videos, and illegal transactions in the market place. But in most cases, particularly those which are not serious, the penalty will be a fine. Some cases of criminal penalties are provided below:

- Defector XXX testified that he was accused of stealing potatoes and had to work “unpaid” at the enterprise he used to work for in Poongsong County, Yankang Province, for six months from September 2007. But the intensity of workload was not heavy.<sup>301</sup>
- Defector XXX testified that in June 2008 the KWP decided to issue a “stern warning” to the “director of education” in Chongjin City, North Hamkyung Province concerning the

<sup>301</sup> NKHR2010000036 2010-11-02.

education project he was responsible for. The warning pointed out that his preventive education was unsatisfactory in view of the fact that undesirable video tapes were widely circulated among the district's students.<sup>302</sup>

- Defector XXX testified that as a result of inspections on the Jongori Correctional Center in Hweryong City, North Hamkyung Province, all staff members of the Center were demoted a level. The inspections uncovered various corrupt practices such as the granting of unwarranted early releases of inmates upon taking bribes.<sup>303</sup>
- Defector XXX testified that in September 2008 a worker at a people's court was removed from his job for illegally granting a divorce after taking 500,000 won in bribes from the couple. Getting a divorce in North Korea is very difficult. Many couples try to bribe officials with about 400,000- 500,000 won to get a divorce.<sup>304</sup>
- Defector XXX testified that he was caught on top of a hill talking to his family over a mobile phone. But his was treated as a case of “voluntary reporting,” and he was fined 500,000 won by the People's Security Agency.<sup>305</sup>
- Defector XXX testified that teams of “regulators” would move around the market about once a week, searching for illegal items like grain, cigarettes, or any Chinese items. If caught, the merchandise would be confiscated and the vendor would be fined.<sup>306</sup>
- Defector XXX testified that the authorities would often

<sup>302</sup> Good Friends, “North Korea Today,” No. 140 (June 6, 2008).

<sup>303</sup> Good Friends, “North Korea Today,” No. 198 (Aug. 27, 2008).

<sup>304</sup> Good Friends, “North Korea Today,” No. 214 (Sept. 19, 2008).

<sup>305</sup> NKHR2010000014 2010-10-05.

<sup>306</sup> NKHR2010000093 2010-03-30.

check to see if vendors were dealing in South Korean products. For food vendors the fine would be about 500 won or 1,000 won.<sup>307</sup>

- Defector XXX testified that the duration of a travel permit would normally be 10 days. If extension was needed, one had to do it on-site. If one exceeded the duration, a fine would be imposed.<sup>308</sup>
- Defector XXX testified that those caught engaged in prostitution in serious cases would be sent off to a labor-training camp. Less serious offenders would be given a fine.<sup>309</sup>

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<sup>307</sup>\_ NKHR2010000089 2010-06-08.

<sup>308</sup>\_ NKHR2010000061 2010-05-18.

<sup>309</sup>\_ NKHR2011000017 2010-06-08.





# 4



## *The Right to Equality*

Article 6 of the UDHR 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 ICCPR stipulate 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 ensures that one will not be discriminated against by the state and allows one to demand equal treatment from the state. The right to 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 security of the person. In the economic arena, this means that no one should be discriminated against in terms of employment, wages, working conditions or taxation. In

the social sphere, it means that there should be no discrimination based on one's family background, gender, or any other factor that precludes one from participating in social groups or pursuing a 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.

- **Classifying All People According to Family Background**

Article 65 of North Korean Constitution stipulates, "Citizens shall have equal rights in all spheres of national and social life." (Art. 65) So at least legally all citizens are entitled to equal rights. In addition, the International Covenant on Civil and Political Rights requires member states "to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

North Korea insists that its citizens are guaranteed all the rights stipulated in the ICCPR, namely, equal rights without discrimination on the basis of race, color, gender, language, religion, political views, national or social background, property, birth, or personal status.

In its report to the UNHRC UPR review, North Korea insisted that complete equality is guaranteed in North Korea and no one is discriminated against based on race, sex, language, religion, education, job, rank, or property, and all citizens enjoy equal rights in all areas of national and public activities (Section 32 of the report).

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, in December of the same year the DPRK began 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 assessing 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.

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 added to the list as necessary over

time. 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 background policy.

**〈Table II-9〉 Personal Background Surveys and Citizen Control Measures**

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	April 1966~ March 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 removed up to the 6th degree)
Division into 3 classes and 51 sub-classes	April 1967~ June 1970	Based on the re-registration project all people were 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	Investigated and determined the inclinations of people based on discussions concerning North-South relations and then classified people based on those who can be trusted, those whose beliefs are somewhat dubious, and those believed to be renegades
Civic Pass Inspection Project	Jan. 1980~ Dec. 1980	Checks and renewals of citizens' certificates were ordered by Kim Jong-il in an effort to expose impure elements and increase control
Project concerning naturalized foreigners and defectors from South Korea	April 1980~ Oct. 1980	Divided those from the outside who entered North Korea, such as those who defected from South Korea, into 13 categories and updated monitoring data

Project	Period	Description
Project concerning those compatriots who were repatriated to North Korea	Jan. 1981~ April 1981	Subdivided the data on former Korean residents of Japan who were repatriated to North Korea and upgraded to more scientific methods of monitoring recent activities and ideology
Citizenship Identification Card Renewal Project	Nov. 1983~ March 1984	Renewal of citizen's certificates and revision of documents for all residents
Citizen registration law enacted	Nov. 1997	Issued birth certificates, citizen cards, and Pyongyang citizen cards
Renewal of citizen cards	Feb. 1998~ Oct. 1998	Cards changed from booklet style to plastic card style
Exchange of citizen cards	April 2004	Cards changed from plastic card style to booklet style

Source: Korea Institute for National Unification, *Overview of North Korea, 2009* (Seoul: Korea Institute for National Unification, 2009) p. 322.

### • Classifications of North Korean Inhabitants

North Korea classifies the entire population into three groups: the core masses, the basic masses, and the complex masses (wavering and hostile classes). 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.

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 Mangyongdae and Kang Bansom 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 cars registered with their companies 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, overall public discontent has been rising against Kim Jong-il and the system. However, the core class still supports and protects Kim Jong-il. The vanguard class (about 10 percent of the population) prefers the current system and enjoys favorable treatment.<sup>310</sup> 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.<sup>311</sup>

The so-called basic class 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

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<sup>310</sup>. Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

<sup>311</sup>. *Ibid.*

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 class.

The complex class consists of those branded as national enemies, 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 religiously active persons and the descendants of those who owned land or businesses prior to the communist takeover, those who were public officials under Japanese rule, and those who collaborated with the advancing South Korean forces during the Korean War. They are denied the right to receive a college education, join the Party, or become officers in the military.

Those classified as part of complex 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 social management purposes, they are classified as either dictatorial control targets, isolation targets, or absorption/indoctrination targets. Dictatorial control targets are kept separate from society; isolation targets live in society but are kept under close, round-the-clock surveillance. Absorption/indoctrination targets are intensively indoctrinated for possible absorption back into the system.

〈Table II-10〉 The 3 Classes and 51 Sub-classes

3 Classes	51 Sub-classes	Treatment
Core Class (28%)	People from the families of laborers, hired 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 bereaved families of revolutionaries (killed cadre members, 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"> <li>- Recruited as staff of the Party, government or military.</li> <li>- Set apart from individuals of other classes and offered special privileges (in education, promotion, rations, residence, judicial treatment and other areas).</li> </ul>
Basic Class (45%)	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 (3 distinct categories), people who formerly were medium-scale farmers, nationalistic capitalists, people repatriated from China, intellectuals trained before national liberation, people from the core class who are deemed lazy and corrupt, tavern hostesses, practitioners of superstition, family members of Confucianists, people who were previously locally influential figures, and economic offenders.	<ul style="list-style-type: none"> <li>- Employed as low level managers or technicians.</li> <li>- A limited number may be promoted to the "core masses" class.</li> </ul>
Complex Class (Wavering and Hostile Class) (27%)	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.	<ul style="list-style-type: none"> <li>- Assigned to dangerous or heavy-duty labor.</li> <li>- Blocked from school admissions, matriculation, and party membership.</li> <li>- Classified as subjects of control, surveillance and persuasion.</li> </ul> <p>*Control: forcible relocation, separate accommodations.            *Surveillance: constant monitoring of movement.            *Persuasion: intensive reeducation, some very few may be reclassified (esp. children).</p>

Source: Ministry of Unification, *An Overview of North Korea* (2000), p. 420.



〈Table II-11〉 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	Party members, clerks, workers, families of honorees, South Korean volunteers in the 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; families of former hostesses or shamans; former Confucian scholars and the rural area (bourgeois) leaders; former intellectuals; economic criminals
Under Surveillance	Families of the former landed class, entrepreneurs, bourgeois farmers, families of former pro-Japanese, pro-American activists, and staff of enemy organizations, religious practitioners, former inmates, former Party members (dropped from membership), persons fired from their jobs, families of inmates, and those under arrest

This table is based on the testimony of defector XXX.

〈Table II-12〉 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 cause, 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. The level of their misdemeanor is so minor as to allow inclusion in the system and ideology. These are fluid groups of people who show possibilities of returning to the fold after intensive ideology education.

The North Korean authorities exercise strict controls over their people according to these classifications. Defector XXX testified that the father of his friend used to be a “cell secretary” of the Party at his place of work. In 2000 this friend saw a document in his father’s possession which stated that another friend was the son of a former South Korean POW. One day this friend confided to him, “That guy will never see a better future.”<sup>312</sup>

- **Hereditary Discrimination based on “Crime-by-Association”**

North Korea utilizes “crime by association” as a major tool to maintain its ruling system. This 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.<sup>313</sup>

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, i.e. relatives of people classified as traitors who defected to South Korea. They are therefore relegated to the hostile class. These people are disadvantaged because of the behavior of their ancestors or events that occurred during the Japanese occupation

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<sup>312</sup> NKHR2009000024 2009-04-20.

<sup>313</sup> The UN Special Rapporteur on human right in North Korea, 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.

or the Korean War. If one's relative participated in police duties in South Korea during the Korean War or was a former POW, one may be banished to a remote area, or to a coal mine or lumber mill, to do unbearably hard physical labor. 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.<sup>314</sup>

Officially, North Korea does not admit to any social 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.

- **Systematic Discrimination based on Family Background: Party Membership, Promotions, and Educational Opportunities**

The 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

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<sup>314</sup> Testimony of defector XXX during an interview in Seoul on May 23, 2000.

after his defection, the personal background of candidates for promotion and various other selection processes began to be checked more carefully.

When appointing military officers, party officials, or officials for the judiciary, people with unfavorable personal backgrounds 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 backgrounds. In the military, people with unfavorable backgrounds are excluded from the officer ranks, although such treatment does not extend to non-commissioned officers.

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. In his case, he belonged to the core class and served as an officer at the State Security Agency after graduating from college.<sup>315</sup>

Most North Koreans prefer to work for powerful agencies like the Party, the Ministry of People's Safety, and the State 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). The background checks needed to work for the SSA include investigations of an applicant's third cousins, because workers at this agency handle many classified materials. According to defector XXX, he/she and

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<sup>315</sup> Testimony of defector XXX during an interview in Seoul on Sept. 20, 2004.

everyone in his/her extended family received patriot's benefits, including the grandfather's siblings, his/her siblings, and their children and grandchildren. Most of them landed good jobs such as positions in the Party. His/her own father was a teacher, but the government provided him with a nice house usually reserved for party secretaries and equipped with telephone service.<sup>316</sup> Another defector, XXX, testified that because his/her grandfather was an anti-Japanese resistance fighter, he/she was able to attend good schools and received a number of special benefits while growing up. A provincial party chief secretary once told a meeting of bereaved families, "The parents should always remember these precedents and strive to become major pillars of the country."<sup>317</sup>

Party officials and Protection Agency officials always place emphasis on documentary evidence (resumés). Even if one lacks competence, selection is assured with an impressive resumé.<sup>318</sup> There is testimony that resumés are important for positions in the Central Party, the SSA, or the MPS, but the MPS is recently relaxing such requirements.<sup>319</sup>

- Defector XXX testified that the family background check has been significantly relaxed, but people who have personal or family backgrounds stemming from South Korea are not able to get positions in the Party.<sup>320</sup>
- Defector XXX testified that personal background is still an important factor for admission into first-rate universities.<sup>321</sup>
- Defector XXX testified that he was able to matriculate into

<sup>316</sup>\_ NKHR2009000011 2009-03-03.

<sup>317</sup>\_ NKHR2009000052 2009-08-27.

<sup>318</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

<sup>319</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

<sup>320</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

<sup>321</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

a communist university thanks to the fact that his father was a retired soldier. People with questionable backgrounds are not accepted, since it is an institution reserved for the education of Party cadres.<sup>322</sup>

- Defector XXX testified that even though money has become important in North Korean society today, internal Party documents (on one's background) are so definitive that money can play only a limited role when it comes to internal Party business.<sup>323</sup>
- Defector XXX testified that in the case of factory managers, the District Party Branch usually examines their resumés closely. Today, however, the district party does not look into the paperwork closely. Sometimes a rich person may pay a cash bribe to district officials to take a job away from the person already designated for the position. Many have testified that rich people will usually get managerial positions.<sup>324</sup>

Meanwhile, various testimonies indicate that the discrimination based on “personal (family) background” has been significantly relaxed in recent years. Similar testimonies emerged during the personal interviews conducted in Seoul in 2010.

- Defector XXX testified that personal background was important for advancement into a university, foreign language school, or music school, etc., but in recent years one's capabilities are considered more important. Thanks to a policy called “broad-based politics,” if one displays excellence in one's area of specialty one can move up even

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<sup>322</sup> *Ibid.*

<sup>323</sup> Testimony of defector XXX during an interview in Seoul on Jan. 29, 2007.

<sup>324</sup> Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

if one's background is bad.<sup>325</sup>

- Defector XXX testified that normally only those with good background can matriculate to Kim Il-sung University or Kim Chaek Engineering College. In recently years, however, truly excellent candidates can enter these schools even in the case of “returnees” (repatriated Koreans from Japan) or those whose backgrounds are unfavorable, so long as they were not involved in serious crimes like spying (espionage).<sup>326</sup>
- Defector XXX testified that discrimination based on background has diminished overall.<sup>327</sup>
- Defector XXX, who came to South Korea in January 2010, testified that today (2010) money would resolve almost anything.<sup>328</sup>
- Defector XXX, who fled to the South in February 2010, testified that since 1995 economic power (money) has become more important than personal background.<sup>329</sup>

Others testified that personal background was still important.

- Defector XXX testified that a man who had defected with her had always received top scores on all city and provincial tests, but the children of powerful officials, whose scores were far inferior, ended up with better positions. Only after he became a high school student did he find out that he was discriminated against because his family had a “defector” (to South Korea) among them. However,

<sup>325</sup> Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

<sup>326</sup> Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

<sup>327</sup> NKHR2010000073 2010-10-19.

<sup>328</sup> NKHR2010000071 2010-11-09.

<sup>329</sup> NKHR2010000066 2010-05-11.

his school authorities protested (to the local Board of Education) that there could be no one more qualified for college education than this excellent student. As a result, he was assigned to the Chongjin College of Commerce, but he dropped out because he was unsatisfied with the level of that college.<sup>330</sup>

- Defector XXX graduated from Chosun College of Athletics. He testified that no one with unfavorable personal background could enter this college, but students with good backgrounds could enter even if their academic performance was below standard.<sup>331</sup>
- Defector XXX testified that her husband’s family was a household of “Heroes of the Republic.” She said her family received grain rations even when grain rations were suspended elsewhere.<sup>332</sup>
- Defector XXX testified that money (bribery) has become an important means, but personal background is still more important when trying to become a Party member.<sup>333</sup>
- Defector XXX who defected in February 2007 testified that he thought personal background appeared to weigh more heavily in recent years.<sup>334</sup>
- Defector XXX testified that North Korea advertises that under its policy of “broad-based governance” no questions are asked about one’s past or family (personal) background, but the reality is entirely different. North Korean defector XXX testified, “They tell you that your future is

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

331. NKHR2008000002 2008-07-04.

332. NKHR2008000010 2008-08-08.

333. NKHR2008000018 2008-09-11.

334. NKHR2008000019 2008-09-16.



guaranteed as long as you are loyal to the Party (KWP), regardless of your past. But this is just a way of justifying the Party's position during educational training. If, however, you were to seek a position in the Party, you would have to go through a process known as a "personal background check." Through that process, all facts are reviewed and screened.<sup>335</sup>

There is still significant discrimination based on personal background in the areas of Party membership and staff promotions. But many defectors testified that discrimination was not very noticeable in college admissions, job assignments, or promotions.

- Defector XXX, who defected in July 2005, testified that discrimination in college admissions was not significant at the time he defected (2005).<sup>336</sup>
- Defector XXX, who defected in October 2009, testified that discrimination was very severe in the areas of Party membership and staff promotion at the time he left North Korea, but discrimination in college admissions and job assignments was not significant.<sup>337</sup>
- Defector XXX testified that there was clear discrimination in Party membership at the time he defected, but discrimination was not so visible in the areas of college admissions, job assignments, and promotions.<sup>338</sup>

There are some differences depending on who is testifying

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<sup>335</sup>\_ NKHR2009000016 2009-3-19.

<sup>336</sup>\_ NKHR2010000032 2010-11-23.

<sup>337</sup>\_ NKHR2010000034 2010-11-02.

<sup>338</sup>\_ NKHR2010000044 2010-11-02.

and where he/she came from, but it is clear that discrimination still persists in granting Party memberships and staff promotions. On the other hand, discrimination with regard to college admissions, job assignments and promotions has relatively relaxed. However, such relaxation does not necessarily mean that equality is shared by all North Korean citizens. The phenomenon is rather due to the prevailing trends of money and bribery.

Provided below are some examples of discrimination against select groups of North Koreans including border crossers, people with criminal records, former POWs, former residents of South Korea and their families, families of defectors, families with relatives or friends in China, “returnees” (repatriated Koreans from Japan), and Chinese residing in North Korea.

*<Discrimination against defectors and people with criminal records>*

Many defectors testified that there is discrimination against those who have attempted defection or illegally crossed the border, as well as those who have served in political concentration camps. The North Korean authorities treat defectors as “missing persons.” Those who are associated with a “missing person” are not admitted into military service.

- Defector XXX testified that he and his father had served in a “political prison camp.” Subsequently, he was discriminated against in college admissions and promotions.<sup>339</sup>
- Defector XXX testified that her brother-in-law was discriminated against because of her illegal border-crossing. Her brother-in-law was a people’s safety agent but he was put at a disadvantage for promotion because of her record,

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<sup>339</sup> NKHR2010000036 2010-11-02.

- and their relationship soured as a result.<sup>340</sup>
- Defector XXX testified that his mother and aunt went “missing,” and as a result he was not admitted into military service.<sup>341</sup>
  - Defector XXX testified that his uncle made critical remarks against a policy and was sent off to a political concentration camp. As a result, XXX was discriminated against in college admissions and job assignments.<sup>342</sup>
  - Defector XXX testified that his younger brother went “missing,” and for this reason he could not join the military service.<sup>343</sup>
  - Defector XXX testified that he could not join the military service due to his illegal river-crossing (border-crossing) record.<sup>344</sup>

*<Former POWs and South Korean residents, and their families>*

Discrimination is harshest against the former POWs and residents of South Korea and their families. People with relatives in South Korea are also targets of discrimination.

- Defector XXX testified that he could not advance to a good school, even though his academic record was good, because his father was a former POW. Her brother could not join the Party either. The children were also assigned to a coal mine along with their father.<sup>345</sup>
- Defector XXX testified that he was always discriminated

<sup>340</sup>\_ NKHR2010000032 2010-11-23.

<sup>341</sup>\_ NKHR2010000044 2010-11-02.

<sup>342</sup>\_ NKHR2010000061 2010-05-18.

<sup>343</sup>\_ NKHR2010000055 2010-11-30.

<sup>344</sup>\_ NKHR2010000041 2010-10-26.

<sup>345</sup>\_ NKHR2009000029 2009-05-01.

against because his father was from South Korea, even though his academic performance was good. He could not advance to college due to his bad family background. He was barely able to join the Party after several tries.<sup>346</sup>

- Defector XXX testified that he was discriminated against in entering college and later in getting job assignments because his father was from South Korea.<sup>347</sup>
- Defector XXX testified that he was denied the opportunity to join the army because his grandfather was from South Korea.<sup>348</sup>
- Defector XXX testified that he had passed the entrance exam to Pyongyang Foreign Language College in 1986, but his admission was cancelled because his father was from South Korea.<sup>349</sup>
- Defector XXX testified that he saw an office colleague being discriminated against in his bid to join the Party because he had relatives in South Korea.<sup>350</sup>
- Defector XXX testified that her brother was discriminated against in his bid to join the Party and in his job assignments.<sup>351</sup>
- Defector XXX testified that his brother was discriminated against when he tried to join the Party because his father was from South Korea.<sup>352</sup>
- Defector XXX testified that her father-in-law was discrimi-

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<sup>346</sup> NKHR2009000046 2009-07-28.

<sup>347</sup> NKHR2010000065 2010-10-12.

<sup>348</sup> NKHR2011000021 2010-06-07.

<sup>349</sup> NKHR2010000019 2010-10-12.

<sup>350</sup> NKHR2010000040 2010-10-26.

<sup>351</sup> NKHR2010000051 2010-07-13.

<sup>352</sup> NKHR2010000064 2010-05-11.

- nated against in every aspect of his life, including Party membership, job assignments, promotions, marriage, etc., simply because he was a former (South Korean) POW.<sup>353</sup>
- Defector XXX testified that she was unable to enter a professional art school because her father was from South Korea.<sup>354</sup>
  - Defector XXX testified that he had heard from his father that he could not get a job at the safety agency because his mother-in-law (the defector's grandmother on his mother's side) was from South Korea.<sup>355</sup>
  - Defector XXX testified that he was discriminated against in promotions and was also denied the opportunity to join the army.<sup>356</sup>

*<Discrimination against the families of those who fled South during the Korean War>*

Discrimination is also very harsh against those whose family members moved South during the Korean War. The family members remaining in North Korea are not permitted to join the Party or the military. In addition, they may be discriminated against in college admissions and marriage.

- Defector XXX testified that her personal background was bad because her grandfather-in-law fled South in 1950 (during the Korean War). Thus her father-in-law could not join the Party, and her husband also could not join the Party or the military.<sup>357</sup>

<sup>353</sup>\_ NKHR2011000022 2010-06-24.

<sup>354</sup>\_ NKHR2010000065 2010-10-12.

<sup>355</sup>\_ NKHR2010000082 2010-06-22.

<sup>356</sup>\_ NKHR2011000021 2010-06-07.

<sup>357</sup>\_ NKHR2009000023 2009-04-16.

- Defector XXX testified that her uncle (father’s elder brother) fled to South Korea, and so she had lots of trouble getting married because her background was bad. She also tried very hard to join the Party when she was still single but did not succeed.<sup>358</sup>
- Defector XXX testified that in North Korea you would be mistreated if you had family who had fled South during the Korean War, and it would not matter how bright and capable you were. Such people could not join the Party, either.<sup>359</sup>
- Defector XXX testified that her aunt fled South in 1950. For that reason she was discriminated against in her bid to join the Party as well as in college admissions and marriage.<sup>360</sup>
- Defector XXX testified that he knew of someone whose relative had fled South during the Korean War. That person tried to join the army but was denied.<sup>361</sup>
- Defector XXX testified that he was discriminated against in his bid to enter college in January 2004 because a relative of his grandfather’s had fled to South Korea during the Korean War.<sup>362</sup>

Not all families of defectors to South Korea are mistreated or discriminated against. Defector XXX testified that the general attitude toward those whose relatives had fled to South Korea was negative, but if they tried hard those attitudes might become more positive.<sup>363</sup> Defector XXX, who came to South Korea in June of

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<sup>358</sup> NKHR2009000047 2009-07-30.

<sup>359</sup> NKHR2008000006 2008-07-24.

<sup>360</sup> NKHR2010000013 2010-09-14.

<sup>361</sup> NKHR2010000054 2010-06-22.

<sup>362</sup> NKHR2010000097 2010-06-15.

2010, testified that surveillance of families with relatives in South Korea has been tightened.<sup>364</sup>

*<Discrimination against people with relatives in China>*

Some North Koreans are discriminated against in their bids to join the Party or in college admissions simply because they have relatives or acquaintances in China, or because one or both parents are Chinese.

- Defector XXX testified that it would be to one's disadvantage if one had many relatives in China. Because he had relatives in China, he could not join the army.<sup>365</sup>
- Defector XXX testified that he was discriminated against in his bid to join the Party because he had many relatives in China.<sup>366</sup>
- Defector XXX testified that his elder brother was discriminated against in his effort to enter college in 2000 simply because he had some acquaintances in China.<sup>367</sup>
- Defector XXX testified that he was discriminated against in his bid to join the Party because he had relatives in China.<sup>368</sup>
- Defector XXX testified that he was discriminated against in his bid to join the Party and also in college admissions because his parents were born in China.<sup>369</sup>
- Defector XXX testified that she was denied admission to a

<sup>363</sup>\_ NKHR2010000072 2010-10-19.

<sup>364</sup>\_ NKHR2010000014 2010-10-05.

<sup>365</sup>\_ NKHR2008000018 2008-09-11.

<sup>366</sup>\_ NKHR2010000069 2010-10-26.

<sup>367</sup>\_ NKHR2011000017 2010-06-08.

<sup>368</sup>\_ NKHR2011000026 2010-10-26.

<sup>369</sup>\_ NKHR2011000022 2010-06-24.

school for nurses because she had relatives in China.<sup>370</sup>

- Defector XXX testified that his father, who had a good personal background, was discriminated against in his bid for promotion because his wife (XXX's mother) was born in China.<sup>371</sup>

*<Discrimination against returnees (Koreans from Japan) and their families and Chinese residents in North Korea>*

The North Korean authorities discriminate against “returnees” (repatriated Koreans from Japan) and their families. Defector XXX testified that he was discriminated against when his teacher in elementary school glared at him and said, “You, the one from a capitalist country, step forward!”<sup>372</sup> Defector XXX testified that her cousin was discriminated against in his bid to join the Party and in job assignments because he was a “returnee.”<sup>373</sup> Also, Defector XXX testified that “returnees” (from Japan) could not join the Party, including the Party staff or administrative staff. But he was able to join to administrative staff in recent years.<sup>374</sup> Authorities would often assign returnees to jobs in remote mountainous areas. Defector XXX testified that returnees XXX, XYZ, and XYY were assigned upon return to North Korea to jobs in Riwon County, South Hamkyung Province. They all regretted their return to North Korea.<sup>375</sup>

Chinese people living North Korea are also discriminated against, but there is no legal or institutional framework for dis-

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<sup>370</sup> NKHR2010000008 2010-05-25.

<sup>371</sup> NKHR2011000005 2010-08-10.

<sup>372</sup> NKHR2009000012 2009-03-05.

<sup>373</sup> NKHR2010000018 2010-10-05.

<sup>374</sup> Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

<sup>375</sup> NKHR2010000056 2010-11-16.



crimination against them. This may have to do with their wealth. Defector XXX testified that there was no discrimination against such people except in terms of Party membership. Many North Korean citizens regard the Chinese positively, partly because of their wealth.<sup>376</sup> Defector XXX testified that her husband was born in North Korea and her mother-in-law was also a North Korean, but her father-in-law was Chinese. Thus her husband was issued an alien card rather than a citizen's card. There were some negative attitudes toward her family, but there was no specific discrimination against her family.<sup>377</sup>

- **Social Discrimination based on Personal Background in Court Sentences and Marriage**

For criminals facing the death penalty, this is particularly crucial, for a final judgment on whether or not to reduce a sentence may depend upon the person's family background. Criminals having inferior backgrounds or 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 during the investigation process at State Security, if a criminal charge is deemed to be warranted, the suspect's family records are brought back from People's Safety Agency bureau in the suspect's hometown. The records are used as a reference in determining the terms of the penalty. In short, a person's family background is considered when determining the level

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<sup>376</sup>\_ NKHR2011000072 2010-10-19.

<sup>377</sup>\_ NKHR2011000023 2010-06-08.

of punishment. If the suspect has many Party members in his family, the authorities may assume that the suspect can be reformed by dint of his good family environment. The SSA adheres to a set of standing regulations when handling cases. For example, if the suspect has more than 9 Party members in the family, he/she can get a three-year reduction of punishment. If the suspect received a Kim Il-sung commendation or a meritorious service medal, the authorities may give that due consideration.<sup>378</sup> Defector XXX testified that a “security meeting” is held prior to a trial. During this meeting, in which the fate of the accused is decided, if someone (the accused or his family) can produce a so-called “certificate of patriotism,” then the terms of the sentence are usually reduced.<sup>379</sup>

The impact of personal background on marriage is still significant. Defector XXX, who defected in June of 2010, testified that the influence of personal background on marriage was quite heavy.<sup>380</sup> Other defectors said that while it had some impact, it was not as bad as before. Defector XXX, who fled South in October 2009, testified that one’s personal background would have little impact on one’s marriage.<sup>381</sup> Defector XXX, who fled in May 2010, testified that some ambitious people would consider personal background a serious factor in marriage, but ordinary citizens would not give it much weight.<sup>382</sup> Defector XXX, who fled South in June of 2010, testified that the impact of personal background on marriage was weakening at the time he defected.<sup>383</sup>

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

379. NKHR2009000066 2009-11-11.

380. NKHR2010000031 2010-11-09.

381. NKHR2010000034 2010-11-02.

382. NKHR2010000045 2010-09-07.

383. NKHR2010000036 2010-11-02.

- **Class-Based Discrimination in Housing**

North Korea assigns housing to people according to their background and forcibly relocates people from place to place. The North Korean authorities fear the possibility that people with bad backgrounds, primarily those from South Korea or those who once belonged to the landlord or capitalist classes, might escape from North Korea because they secretly admire South Korea. For that reason the 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, in Nampo, near the coast, or in other sensitive areas.<sup>384</sup>

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. 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.<sup>385</sup>

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 have been ostracized and forcibly relocated to remote

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<sup>384</sup> 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.

<sup>385</sup> Testimony of defector XXX during an interview in Seoul on Jan. 18, 2005.

places are called Pyongyang evacuees. These people are acutely despised and discriminated against by the local population. Instances of discrimination against expelled individuals can be easily found.<sup>386</sup>

- **Discrimination against Citizens of Pyongyang**

The North Korean authorities have divided Pyongyang City into a “central zone” and “surrounding zones” (or downtown and suburban districts). The surrounding zones are further divided into “protected districts”, “satellite districts” and “farming districts” (Art. 7 of the Management Law for the Capital City of Pyongyang). In order for any citizen to reside in Pyongyang, he must register in accordance with the methods and procedures set forth by the Cabinet (Art. 28 of the Capital City Law above). The 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, only people belonging to the first and second categories

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<sup>386</sup>. Testimony of defector XXX during an interview in Seoul on Aug. 3, 2002.

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 guaranteed to ordinary citizens of Pyongyang. Although they desperately seek membership in the KWP, the discrimination against them based on their background is not easily overcome.



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## *Civil Liberties*

The most important aspect of human rights is the ability to limit totalitarian power and guarantee individual freedom and equality. Together with equal justice under law, freedom is an important factor in human rights and is a fundamental necessity in providing all people with the ability to enjoy a happy life. Freedom has historically been a major human concern.

Article 1 of the Universal Declaration of Human Rights (UDHR) declares that “All human beings are born free and equal in dignity and rights” (Art. 1). 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.” The ICCPR also provides for broad freedoms. For example, Article 9 guarantees everyone the right to liberty and security of person. Article 12 provides the

right to freedom of movement and freedom to choose one's place of residence. Article 18 specifies the rights to 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.

In this chapter, we report and analyze various issues concerning freedom of movement and residence, freedom of speech and publication (freedom of expression), and freedom of assembly and association. We will discuss freedom of religion in a separate chapter in light of its importance.

### A. The 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 enables the creation of forums for free human exchange, thus contributing to individual development. By contributing to personal development and growth, this freedom maintains and advances the sanctity and value of human life.

Article 13 of the UDHR 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 ICCPR 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. Also, (these) rights shall not be subject to any restrictions except those which are provided by law and 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 (currently the UNHRC Consultative Committee) has adopted a resolution on North Korean human rights. Under this pressure, when revising its Constitution in September, 1998 North Korea introduced a new provision stating, “Citizens shall have the freedom of residence and travel.” (Art. 75) The reality, however, shows a serious gap between this law and actual practice. North Korea has always enforced a system of strict control over the peoples’ residence and movement (travel). The rationale for this system was that under the socialist economic structure inhabitants should register at their current residences to benefit from the nationwide ration system. The real purpose of restricting citizens’ movement is to prevent potentially subversive assemblies, protest rallies, and external contacts.

#### <Domestic Travel>

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.

During the review session of North Korea’s second Periodic Report for the ICCPR, a North Korean delegate explained in response to a written query from the UN Human Rights Committee that “Travel permits are necessary for security purposes and to protect citizens from external threats, and there are no restrictions on citi-



zens' freedom of travel." The officially stated purpose of issuing travel permits is to obstruct the activities of spies and hostile elements, in other words to protect national security. The most fundamental reason the North Korean authorities are trying to restrict travel and movement is to prevent the people from being exposed to external information that might cause them to develop ideas contrary to the regime. The traveling public might obtain information from other regions and make comparisons, which in turn could foster critical attitudes 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.<sup>387</sup> Underaged persons who are too young to have citizenship IDs cannot obtain travel permits and must be accompanied by an adult who has one. Defector XXX testified that children up to the age of 7 need birth certificates, and children of elementary school age or older need certain official tags in order to accompany their parents.<sup>388</sup> In principle, one who plans to attend the funeral or wedding of a closest relative may travel as far as the city or county of the event, but additional personal travel to any neighboring region is not allowed. If, however, one is on official business, one may travel to any of the destinations indicated on 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 any major clinic or hospital in the city or province of his residence, or he can choose to travel to the residence of a close relative who can help take care of the patient's illness.

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<sup>387</sup>\_ NKHR2011000022 2010-06-24.

<sup>388</sup>\_ NKHR2010000018 2010-10-05.

Those without a Pyongyang residence card or temporary residence permit<sup>389</sup> may only enter the city once they have obtained a travel permit stamped with a Pyongyang city permit number. In order for ordinary citizens to travel to the cities and counties near the border regions such as the DMZ (Demilitarized Zone), the Apnok River (Yalu River), and the Tuman River, they must carry “travel permits” issued by their province of residence and bearing permit numbers issued by the Section 2 Office of the provincial people’s committee of their destination, such as North Pyong-an Province, Jakang Province, Yanggang Province, or North Hamkyong Province.

Along with its travel permit system, North Korea still has travel restrictions on special areas. Those wishing to travel to the border regions or military areas must obtain an approval number from the Security Guidance office.<sup>390</sup> Those living in the inner regions have more difficulty obtaining permits to travel to the border areas.<sup>391</sup> Meanwhile, inhabitants in the border regions need to obtain the approval signature of a local security agent to get travel permits.<sup>392</sup>

Even citizens living in the provinces bordering the Tuman and Apnok (Yalu) Rivers must carry travel permits if they wish to travel to other provinces. These permits are issued by the Section 2 Office of the people’s committee of the traveller’s province of residence.

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<sup>389</sup> “Temporary resident cards” are issued to college students from outside Pyongyang, provincial students who are admitted to the No. 1 Pyongyang High School, soldiers stationed in Pyongyang, government officials on temporary duty, and enterprise workers. Of course, the duration of these cards varies depending on the purpose and duration of duty or work.

<sup>390</sup> NKHR2010000073 2010-10-19.

<sup>391</sup> NKHR2010000069 2010-10-26

<sup>392</sup> NKHR2010000062 2010-10-12.

People planning to travel must submit an application to their factory or office supervisor through the Accounting Section two weeks in advance. Approval depends on a review of the applicant's ideology and his or her "voluntary labor contribution" records. After this preliminary procedure, the traveller has to apply again three days in advance at the permit section of the local People's Safety Agency (police department). The Agency will review the applicant in terms of whether he/she is a dangerous person, is under surveillance, has any criminal record, etc. After overall confirmation by the local security agency, the applicant is 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 progress through the following route: from the office supervisor, to the office statistician (recording date of birth, destination, purpose, etc.), to the office travel clerk,<sup>393</sup> to Section 2 of the *inminban*. Each region or province is assigned a limited number of travel permits, and these are issued within the assigned limit. Thus security agents can check the permit number against a list of numbers to see if the permit is genuine.<sup>394</sup>

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.<sup>395</sup>

Ordinary citizens have to wait for about 2~3 days to travel to non-restricted areas and 7~15 days to restricted areas. However, there is no guarantee that travel permits will come.<sup>396</sup> Special

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<sup>393</sup>\_ NKHR2010000071 2010-11-09, (The word "kiyo" means high-level secrets.)

<sup>394</sup>\_ NKHR2010000069 2010-10-26.

<sup>395</sup>\_ NKHR2010000022 2010-06-24.

control areas issue permits with unique numbers.<sup>397</sup>

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. 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 actually restricts citizens’ freedom of travel and movement. This is demonstrated by the fact that violators are thrown into detention facilities (i.e., “collection centers”). As part of the regime’s social safety control measures, Article 30 of North Korea’s “People’s Security Control Act” stipulates, “The People’s Security Agency shall exercise control over violations of the rules for traveling and walking the streets.” Those traveling without permits or traveling on fake permits are penalized with fines (Admin. Penalty Law, Art. 167).

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. The local “people’s unit leader” must report those visitors traveling without permits to the local security agent in charge.<sup>398</sup> Also, as soon as one arrives at the travel permit destination, one must report and register with the local security agency (police station), so it is quite easy for the authorities to exercise control over travelers. This type of control system is still maintained in North Korea today. The “return home” date is indicated on the travel permit; it will normally be 10 days from the issue date. The traveler must report to

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<sup>396</sup> NKHR2010000062 2010-10-12.

<sup>397</sup> NKHR2010000061 2010-05-18.

<sup>398</sup> Testimony of defector XXX during an interview in Seoul on April 16, 2010.

the security branch at the railway station 4 days before departure in order to obtain a (train) boarding ticket.<sup>399</sup>

Although this travel permit system is still maintained, many North Korean defectors have testified that significant changes are taking place in traveling styles due to the economic hardships. Despite official regulations, it appears that controls over travel are becoming less restrictive in reflection of the current realities in the country. In principle, domestic travel permits are issued free of charge. However in reality, if the clerk does not get some kind of gift, processing is often delayed. Thus it takes a long time to obtain a travel permit if one only follows the proper procedures. As the need for quick peddling trips has increased, people often resort to bribes of money, cigarettes, etc.<sup>400</sup> Since the Kiyowon, or “clerk,” helps to fill out the application forms and get the approval of various sections, people usually provide gifts or bribes to him/her. The nature of the gift varies depending on the applicant’s purpose and destination of travel.<sup>401</sup>

The agents in charge of travel permits will issue the permits to those citizens who offer money through their acquaintances even if they don’t have jobs. In other words, the agents make money by selling travel permit forms.<sup>402</sup>

Most people offer cash to the agents for travel permits because the regular procedure involves long waits and complicated steps. Defector XXX testified that he was able to obtain a travel permit by offering 10 packs of cigarettes and some cash.<sup>403</sup> Defector

<sup>399</sup>\_ NKHR2010000061 2010-05-18.

<sup>400</sup>\_ NKHR2010000011 2010-09-14; NKHR2010000036 2010-11-02; NKHR2010000071 2010-11-09.

<sup>401</sup>\_ NKHR2010000071 2010-11-09.

<sup>402</sup>\_ NKR2010000087 2010-08-03.

<sup>403</sup>\_ NKHR2010000043 2010-11-02.

XXX testified that about 20,000 won would be needed for a permit to go to Pyongyang.<sup>404</sup> When applying for a travel permit, one has to offer bribes not only to the clerk in charge but also to the relevant agents at the local People's Safety Agency and the Security Agency.<sup>405</sup>

If a person who has received a travel permit were to flee from North Korea or commit crimes while traveling, not only the issuing clerk but also the people's safety and security agents would be held responsible. Therefore, if the applicant has a defector in his family (or someone presumed to be a 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 bribe in such cases is said to run about 1-3 times the amount of a normal bribe to the clerk. There is one unconfirmed report that someone purchased a travel permit at a market in Pyongyang for travel to the border region. Defector XXX also testified that he/she saw travel permits to Pyongyang being sold at a market in Chongjin.<sup>406</sup>

Since the year 2000, people have begun to prefer buses or trucks over trains as a means of transportation. People's perceptions about the necessity of travel permits have also begun to change. Obtaining a travel permit takes a long time and requires complicated procedures, and one's movements are easily revealed through them. Thus an increasing number of people are traveling without permits and trying to bribe their way through when challenged by security agents.<sup>407</sup> There have been many additional

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404. NKHR2010000073 2010-10-19.

405. NKHR2010000017 2010-06-08.

406. NKHR2010000011 2010-09-14.

407. NKHR2010000004 2010-05-25.

accounts from defectors about instances of illegal travel without permits.

- Defector XXX testified that he/she was able to obtain a travel permit quickly when he offered some money.<sup>408</sup>
- Defector XXX testified that no expenses were required to obtain travel permits in 1996 or 1997, but a lot of money is needed to get them in recent years.<sup>409</sup>
- Defector XXX testified that he was caught by an on-board safety agent while traveling without a permit in October 2005 on his way from Hyesan to Pyongyang. He was able to get a release by offering 2,000 won to the agent.<sup>410</sup>
- Defector XXX testified that travel expenses have doubled due to increases in bribery since the currency reform of November 2009.<sup>411</sup>
- Defector XXX testified that ordinary North Koreans can not even dream of obtaining a passport. He/she said that in order to obtain a passport one must have a relative in China and offer a minimum of 1.5 million won in bribes.<sup>412</sup>
- Defector XXX testified that the official regulations stipulate that travel permits must be issued within one day of application. When his permit was delayed, he offered some money to the agent and he was able to get the permit the next day.<sup>413</sup>

One must carry a travel permit to ride a train, so the on-

408\_ NKHR2010000079 2010-04-20.

409\_ NKHR2010000100 2010-07-13.

410\_ NKHR2011000005 2010-08-10.

411\_ NKHR2010000097 2010-06-15.

412\_ NKHR2011000013 2010-06-08.

413\_ NKHR2011000017 2010-06-08.

board security agents often will demand money from those who lack travel permits.<sup>414</sup> The on-board security agents bound for Pyongyang often confiscate valuables or money from those lacking travel permits. The agents frequently inspect the passengers' luggage and dozens of passengers may get in trouble. They then have to offer cigarettes or wine to the agents. 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.

Since the economic hardships set in, people have begun to travel more. Accordingly, the number of train passengers has also increased, which in turn has contribute to increases in illegal ticket trading.

When traveling by train, one needs to have a travel permit because security agents frequently check passengers' papers. However, during the dark days of the famine, travel permits were practically meaningless for those traveling on foot within the province. Since the 1990s the mobility of the North Korean citizens has tremendously increased, and the situation has reached the stage where the authorities have to condone this development. As a result, the number of bribe-taking lower-level officials has significantly increased, and the North Korean authorities have had to tacitly allow this situation to go on since they have no better way of easing their economic plight. Since inspections are frequent on trains, many people prefer to travel by highway without travel permits. If challenged by security agents, they can offer some form of bribe to get out of trouble.

The travel permit system still exists, but the practice of

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<sup>414</sup> NKHR2011000005 2010-08-10.



bribery seems to have had the effect of relaxing all travel restrictions, except for travel to or near security-sensitive areas. Strict restrictions are still imposed on special areas, but due to the recent economic hardships and increased corruption among officials, people can obtain travel permits to almost all areas, except to Pyongyang and areas designated as “off-limits.”

Although the number of travellers has increased, there is still no alternative public transportation except for the trains. Therefore various work units have begun to utilize their official cars or trucks as a means of making extra money. Known as “servi-cars,” these vehicles are not part of any publicly authorized transportation service but are a form of private transportation operated by individual enterprise units for profit. They transport people to specified points near large cities for a fee.<sup>415</sup> It is reported that even units of the military, the People’s Security Agency, and the National Safety Protection Agency are engaged in extra money-making activities using these “servi-cars.”<sup>416</sup>

An alternative aspect of travel in North Korea is the phenomenon of bus “whips” who help fill buses and trucks. Anyone trying to get transportation between Hamhung and Sariwon is bound to come across these “whips” who try to attract passengers to fill up vehicles. 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. There is said to be fierce competition for passengers among the servi-cars.<sup>417</sup>

As the number of people traveling in search of food or peddling has increased, inspectors sometimes waive travel permit

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<sup>415</sup> *DailyNK*, October 26, 2010.,

<sup>416</sup> Testimony of defector XXX during an interview in Seoul on August 27, 2010.

<sup>417</sup> Good Friends, “North Korea Today,” No. 35 (Aug. 30, 2006).

requirements for those accompanied by legitimate business travelers. Once a passenger's personal identification is properly checked out, his companion is allowed to travel too. This measure appears to be an attempt to reduce the administrative burden in the face of increasing travel demands.

In addition to ID checks on the road, the traveling public is also subjected to “bed checks” upon arrival at their destinations. Military “safety units” conduct these “bed checks” on other’s sectors to investigate if anyone staying at a private home has failed to register for the stay or if anyone is staying without a citizen’s ID.<sup>418</sup> These inspections are usually conducted during “special alert” periods, and during these periods inspections are conducted every day.<sup>419</sup> Also, inspectors will target specific towns if there is a special event scheduled for the area or if there is a deserter or fugitive in the area. Bed-check inspections are routinely conducted along the border regions.<sup>420</sup> Defector XXX testified that midnight “bed checks” were routinely conducted and the level of severity would differ from town to town. However, they would generally become more strict as they moved into the northern provinces.

Defector XXX testified that in Pyongsung City, South Pyongan Province, “bed checks” were not frequent, but in border towns like Musan County, North Hamkyong Province, “bed checks” were very frequent and strict.<sup>421</sup>

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<sup>418</sup> NKHR2011000017 2010-06-08. This defector testified that the charge for an overnight stay was 1,500 won.

<sup>419</sup> 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.

<sup>420</sup> NKHR2010000024 2010-10-19.

<sup>421</sup> NKHR2010000040 2010-10-26.

Those violating the overnight registration rules are penalized with heavy fines, and anyone who illegally allows overnight stays by accepting money or other valuables will be sentenced to “labor education” for up to two months in accordance with Article 132 of the Administrative Penalty Law. People’s Security units conduct bed-checks to check for violations of the overnight registration rules (Art. 33 of the People’s Security Control Law).

*<The Reality of Overseas Travel>*

Overseas trips by North Koreans are divided into two categories: long-term trips for work or official business, and short-term trips for travel or visiting relatives. Long-term overseas stays are on the rise 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, ordinary people who travel to China do so to visit with their relatives or for purposes of vending and peddling.<sup>422</sup> Overseas travel is possible only with a border-area travel permit or a passport. Article 2 of North Korea’s “Immigration Law of 1999” stipulates that “Citizens and foreigners entering or exiting North Korea should have appropriate exit/entry permits, such as passports, overseas North Korean certificates, boat crew certificates, or visas.” Article 9 of the law stipulates, “Citizens may enter or exit on official or personal business. Those entering or exiting must obtain exit/entry certificates through appropriate agencies, including the foreign ministry or agencies responsible for the entry/exist authorization.”

North Korea’s State Safety Protection Agency and China’s

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<sup>422</sup> NKHR2011000013 2010-06-08.

Public Safety Agency have been enforcing strict controls over the movement of their citizens across the border based on the “Bilateral Agreement on Mutual Cooperation for the Maintenance of State Safety and Social Order” (July 1998). Section 3, Article 3 of the agreement stipulates, “The security agents and city and county immigration agencies of the two countries along the border regions will issue a one-month travel permit ‘B’ to any border area resident who wishes to visit relatives on the other side of the border. On these ‘border travel permits’ each side will affix regulation stamps. Also, the border-area residents’ applications to visit 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 border-area residents want 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,” these are to be determined at a bilateral security agency chief delegates meeting. In addition, the chief and deputy chief delegates will issue travel permit “A”s 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 predesignated routes; They must travel only to authorized areas and over the designated highways inside the visiting country.

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.<sup>423</sup> But defector XXX testified that passports are issued only to men over 49 years of age and women over 45. In fact, one must obtain a letter of invitation from China in order to get a passport. In addition, confirmation must be made by the manager of one's agency or enterprise as well as by the local security agency and national safety protection agency; then, a final review must be approved by the foreign affairs agent at the city security agency. Passports are issued by the vice minister of the National Safety Protection Agency. Upon receipt of the passport, the citizen must submit a written oath promising that he/she will not defame the honor of the Republic and will return home at the appointed date.<sup>424</sup> As North Korea recently is experiencing a foreign currency shortage, the government has been known to encourage travelers to China to bring home lots of grain and Chinese currency.<sup>425</sup> Defector XXX testified that he had to pay a lot of money in order to obtain a passport. He received his "river-crossing pass" in 2007. He first had to apply to the security agent in charge. Then he had to go through the foreign section of the city security agency. The city agency confirmed that he had relatives in China and that he was qualified to be granted the pass. His application was sent for final approval to the Provincial Foreign Section, and thence to Bureau No. 2 of the National Security Agency.<sup>426</sup>

North Korea submitted the following status report on overseas travel applications and the number of denials (see Table II-13) to

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<sup>423</sup> Database Center for North Korean Human Rights, "Travelers' Circumstances in North Korea," (2007 Closed documents).

<sup>424</sup> Testimony of defector XXX during an interview in Seoul on April 15, 2010.

<sup>425</sup> Good Friends, "North Korea Today," No. 349 (July 5th, 2010).

<sup>426</sup> NKHR2010000069 2010-10-26.

the UN Human Rights Committee during the committee’s review of North Korea’s second periodic report. North Korea explained that the denials were due to lack of approval from the destination countries.

〈Table II-13〉 Status of Foreign Travel Denials

Year	Number of Applications	Number of Denials
1998	17,440	65
1999	29,875	104
2000	35,650	91

Despite the North Korean delegate’s explanations, the UNHRC urged North Korea to consider the abolishment of its domestic travel permit system for its citizens in its “final observations” on North Korea’s Second Periodic Report on ICCPR (Para. 19). In addition, the UNHRC recommended North Korea to abolish the entry permit and exit visa system for all foreign visitors and to limit such practices to the cases consistent with the terms of ICCPR (Para. 20).

Defectors have testified that people who have relatives in China are often allowed to travel. In the past, permission was limited based on age and personal background. 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.<sup>427</sup> “Border region travel permits” are issued to those living along the border regions whenever they want to visit their relatives in China. River-crossing permits are

<sup>427</sup> Testimony of defector XXX during an interview in Seoul on Jan. 20. 2006.

issued without letters of invitation from the Chinese relatives, but citizens are not even allowed to apply for passports without an invitation from their Chinese relatives. Since 2005, those who have relatives in China have been required to register their names. If the Chinese relatives are not registered in North Korea's electronic list, they cannot meet with their North Korean relatives, and likewise their North Korean relatives cannot travel to China. If a North Korean resident in the border region wants to visit China for a short trip, a "river-crossing pass" may be issued. For anyone engaged in cross-border trade, a 24-hour or 48-hour pass will be issued. A letter of invitation from China is not required for this kind of "river-crossing" permit, and these are issued immediately upon application.<sup>428</sup>

The permitted duration of stay for a visit to China is up to 3 months, but in reality the authorities usually grant only about one month. However, it is possible to get a one-month extension from the Chinese security agency.<sup>429</sup> A significant amount of money is needed to get a permit to visit China. Defector XXX testified that it is necessary to provide almost one million five hundred thousand won in addition to a letter of invitation from a relative in China.<sup>430</sup> Those wishing to visit China must pay not only the official fees but also some extra money (called an "express fee") to the agents in charge in order to expedite the process. Consequently, North Koreans who are in China on permits must work hard to make up the money they spent to obtain the permit.<sup>431</sup> If the North Korean cannot get help from his relatives in China or has no way of mak-

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<sup>428</sup> Good Friends, "North Korea Today," No. 377 (Nov. 10, 2010).

<sup>429</sup> Testimony of defector XXX during an interview in Seoul on Feb. 2, 2007.

<sup>430</sup> NKHR2010000069 2010-10-26.

<sup>431</sup> NKHR2011000013 2010-06-08.

ing up the money, he might voluntarily decide to remain in China illegally until he can make up for the losses.

There are three types of passports in North Korea: diplomatic, official and travelers' passports. Diplomatic passports are only carried by diplomats or special agency personnel such as Party officials or officials of government agencies. When operatives from the Party and spy agencies are sent abroad they are given diplomatic passports.

Upon return to North Korea, travellers must return their passports to the authorities; they are not allowed to keep them.<sup>432</sup> 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-aged children are not permitted to accompany their parents, but up to two middle school-aged children may go. However, in 2007 North Korean officials issued an order that all children who had accompanied their parents abroad must return home; this order resulted in adverse feelings and significant resistance.

*<The Reality of Residence Regulations 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, and hence they face extreme restrictions in social activities, including finding jobs and obtaining food rations. In fact, such people can be punished in accordance with new provisions of the Penal

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<sup>432</sup> Testimony of defector XXX during an interview in Seoul on Feb. 15, 2007.



Code. Article 149 of the Penal Code as revised in 2004 stipulates that anyone caught renting, selling, or purchasing state-owned houses for money or other compensation can be sentenced to up to two years of “labor-training.” 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 hardships of 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 have increased.<sup>433</sup> In such cases, one must provide about 10,000 won in bribes to the agent in charge at the city people’s committee.<sup>434</sup> Defector XXX testified that when he sold his house he had to first register the purchaser as a co-resident of the house to eliminate any controversy, and then bribed the agent in charge at the housing management section of the People’s Committee to change the title.<sup>435</sup>

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

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<sup>433</sup>\_ NKHR2010000095 2010-03-23; NKHR201000004 2010-05-25; NKHR2010000047 2010-07-27.

<sup>434</sup>\_ NKHR2011000023 2010-06-08.

<sup>435</sup>\_ NKHR2010000012 2010-09-14.

Korean War the 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 seizure 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.

As a variety of unruly social behaviors began to appear following the onset of economic hardship in the 1990s, the reasons for forcible banishment became more complex. The primary reason for banishment is, of course, defection from North Korea. If any member of a family has defected to South Korea, the remaining family members are banished.

- Defector XXX testified that because his father had illegally crossed the river his family was forcibly banished from their town and his father was sent off to a correctional center.<sup>436</sup>
- Defector XXX testified that two of his family had illegally crossed the river into China, and his family was banished by the “Central Group.”<sup>437</sup>
- Defector XXX testified that as the number of defectors increased the number of forcible banishments also increased. He testified that those who were caught illegally crossing

<sup>436</sup> NKHR2010000044 2010-11-02.

<sup>437</sup> NKHR2010000045 2010-09-07.

the river more than twice would be banished along with their entire family. But there are also some banished families that discreetly return to their towns.<sup>438</sup>

- Defector XXX testified that his entire family was banished because his son had defected to South Korea.<sup>439</sup>
- Defector XXX testified that families that have relatives in South Korea or have received money from South Korea or China are often banished.<sup>440</sup>
- Defector XXX testified that a woman in Jakang Province fell in love with a Chinese man, so she frequently traveled to China. As soon as the authorities found this out, she was forcibly banished.<sup>441</sup>

North Korea imposes forced banishment for offenses involving mobile phone use, information circulation, and listening to unauthorized media outlets.

- Defector XXX testified that he/she was banished after getting caught watching a video related to Kim Jong-il’s private life (place of birth, “pleasure girls”, etc).<sup>442</sup>
- Defector XXX testified that four persons from four families were caught watching a South Korean CD-ROM. All four families were banished from town.<sup>443</sup>
- Defector XXX testified that since 2002 those caught watching South Korean CD-ROMs have been executed (by firing squad) or banished as stern warning to the general

<sup>438</sup>\_ NKHR2010000062 2010-10-12.

<sup>439</sup>\_ NKHR2010000081 2010-04-06.

<sup>440</sup>\_ NKHR2011000013 2010-06-08.

<sup>441</sup>\_ NKHR2010000042 2010-10-26.

<sup>442</sup>\_ NKHR2010000037 2010-11-16.

<sup>443</sup>\_ NKHR2010000043 2010-11-02.

public.<sup>444</sup>

- Defector XXX testified that he had imported about 200 South Korean CD-ROMs from China and sold them in North Korea. They included dramas, movies, porno films and other materials. He said that anyone caught selling South Korean CD-ROMs would be sent off to a correctional center or forcibly banished.<sup>445</sup>
- Defector XXX testified that anyone caught using mobile phones would be sentenced to an undefined term of correctional punishment or forcible banishment.<sup>446</sup>

Defector XXX testified that banishment is determined at a “security meeting” presided over by the provincial party chief secretary and in the presence of officials from the court, prosecutors’ office, People’s Safety Agency, and State Security Agency.<sup>447</sup> Defector XXX testified that his neighbor by the name of XX was banished to Samsu Gapsan in 2007. When such banishments occurred, the people’s unit would call a meeting and inform the people about the banishment and issue warnings.<sup>448</sup>

Forced banishment is also imposed for crimes like smuggling and trafficking of persons:

- Defector XXX testified that a housewife was involved in a human-trafficking incident, and her family tried to hide the fact. As a result, the entire family was banished. He testified that on Jan. 10, 2005 a total of 10 households were forcibly banished to Sudong-ku, South Hamkyong

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444. NKHR2011000005 2010-08-10.

445. Testimony of defector XXX during an interview in Seoul on May 10, 2010.

446. NKHR2010000044 2010-11-02.

447. NKHR2010000097 2010-06-15.

448. NKHR2009000066 2009-11-11.

Province, and their houses were confiscated by the authorities. He further said that most inhabitants today would not particularly show emotion to the news of a family being forcibly banished.<sup>449</sup>

- Defector XXX testified that a family was forcibly banished for involvement in human-trafficking of a minor.<sup>450</sup>
- Defector XXX testified that his spouse was involved in human trafficking, and as a result his entire family was banished. He further said that even some banished families return to town after bribing the judges.<sup>451</sup>

Reasons for forced banishment include deviant behavior in connection with South Korea, such as helping people to cross the river or searching for relatives on behalf of South Koreans.

- Defector XXX testified that in 2000 the South Korean authorities arrested his neighbor’s son, who had been engaged in military espionage activities in South Korea. Subsequently, the neighbor’s son gave a press interview in South Korea. After that interview, his parents in the North were accused of “betrayal” and disappeared.<sup>452</sup>
- Defector XXX testified that the elder brother of her husband was involved in helping reunite “divided families.” He was then subjected to State Security Agency surveillance. In December 2006 he vanished. Subsequently, her husband’s family was banished.<sup>453</sup>
- Defector XXX testified that in October 2008 a woman was

<sup>449</sup>\_ NKHR2010000026 2010-10-26.

<sup>450</sup>\_ NKHR2010000032 2010-11-23.

<sup>451</sup>\_ NKHR2011000004 2010-03-23.

<sup>452</sup>\_ NKHR2009000013 2009-03-11.

<sup>453</sup>\_ NKHR2009000049 2009-08-07.

sentenced to correctional labor for her activities in connection with South Korea. Her husband and son were banished.<sup>454</sup>

- Defector XXX testified that XXX, who had repatriated to North Korea from Japan, was helping South Koreans locate their relatives in the North. The authorities found out about his work, and he was banished from Musan to Youngkwang, South Hamkyung Province, in the spring of 2007.<sup>455</sup>
- Defector XXX testified that anyone involved in helping people to defect would be sent off to a correctional center and his/her family would be forcibly banished.<sup>456</sup>

Meanwhile, other defectors have testified to more diverse reasons for banishment in addition to the ones described above.

- Defector XXX testified that his father had exceeded the maximum number of allowed absentee days (90 days) for two years. In 1989, during an inspection conducted just days before the 13th Pyongyang World Youth/Student Festival, he was picked out as a person subject to banishment. His entire family was banished from the Moranbong District of Pyongyang to remote Yanggang Province.<sup>457</sup>
- Defector XXX testified that Jangduckri, Myonggan County in North Hamkyong Province, serves as a collective residential village for families banished from Pyongyang.<sup>458</sup>
- Defector XXX testified that he did not know the reason but his father was labeled as a political criminal. The National

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454. NKHR2009000054 2009-09-17.

455. NKHR2009000065 2009-11-10.

456. NKHR2011000013 2010-06-08.

457. NKHR2010000006 2010-05-25.

458. NKHR2010000033 2010-11-09.

Safety Protection Agency arrested his father first. Two months later, the People's Security Agency arrested his entire family.<sup>459</sup>

- Defector XXX testified that he was banished because he made some negative comments about Juche Ideology after studying in Moscow.<sup>460</sup>
- Defector XXX testified that his father was in charge of supplies at a historic battlefield management office and was caught trying to smuggle out some supplies. He suffered a massive stroke in the process of arrest and became handicapped. Subsequently, his family was forcibly banished to Sanjiyon County in Yanggang Province due to the fact that handicapped persons are considered an embarrassment to the Republic and an impediment to progress.<sup>461</sup>
- Defector XXX testified that state-owned items were discovered in his home during an inspection, and his entire family was banished.<sup>462</sup>
- Defector XXX testified that her husband was publicly executed for unfair and unsubstantiated reasons and her family was forcibly banished. The elder brother of her husband petitioned the Central Party in Pyongyang about the unfairness of the charge. The charge was later dropped, and her family was able to return to their hometown. But there was no compensation.<sup>463</sup>
- Defector XXX was arrested while engaged in illegal vending. The court sentenced him to a correctional facility and

<sup>459</sup>\_ NKHR2010000036 2010-11-02

<sup>460</sup>\_ NKHR2010000037 2010-11-16.

<sup>461</sup>\_ NKHR2010000039 2010-11-16.

<sup>462</sup>\_ NKHR2010000039 2010-11-16.

<sup>463</sup>\_ NKHR2010000043 2010-11-02.

his family was banished. He further testified that in 2005 the “Central Party Grouppa” uncovered 300 families in Hweryong City that were involved in illegal activities, and they were all banished.<sup>464</sup>

- Defector XXX testified that his mother had an argument with her people’s unit leader. The leader reported the incident to the local Safety Agency. His/her family was banished without trial to a farm town located about 7~8 hours’ walk from his home.<sup>465</sup>
- Defector XXX testified that his was penalized for illegal behavior. When he vigorously protested in front of the Central Grouppa inspectors, he was forcibly banished.<sup>466</sup>
- Defector XXX testified that she was arrested on prostitution charges in Pyongyang, and her family (mother and brother) was forcibly sent off to Gilju County in North Hamkyong Province.<sup>467</sup>
- Defector XXX testified that the families of drug users would also be banished.<sup>468</sup>
- Defector XXX testified that a friend of her husband struck another person and the person died. He was charged with murder and sentenced for ten years at a correctional center. His family was banished to Eunchon County in South Hwanghae Province.<sup>469</sup>
- Defector XXX testified that he saw his neighbor (a manager at a rubber factory in Pyongyang) being forcibly banished

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464. NKHR2010000053 2010-06-29.

465. NKHR2010000060 2010-05-18.

466. NKHR2010000063 2010-05-18.

467. NKHR2010000102 2010-07-13.

468. NKHR2011000004 2010-03-23.

469. NKHR2011000023 2010-06-08.



- because he was a Buddhist.<sup>470</sup>
- Defector XXX testified that authorities would conduct periodic banishments twice a year (Spring and Autumn).<sup>471</sup>
  - Defector XXX testified that for this periodic banishment Chairman Kim Jong-il would set the number of families to be driven out and issue instructions to the related agencies—the Security Agency, Prosecutors’ Office, and Party apparatus—to carry them out.<sup>472</sup>

## B. The Freedoms of Speech and the Press

The freedoms of speech and the press signify the right to freely express oneself and publish one’s opinion. A broader interpretation 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 from a press institution or to establish a new one; and procedural freedoms such as the right of the press to report, edit, and compile information.

Article 19 of the UDHR guarantees 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 also 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

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<sup>470</sup>\_ NKHR2010000096 2010-06-22.

<sup>471</sup>\_ NKHR2010000066 2010-05-11.

<sup>472</sup>\_ NKHR2010000097 2010-06-15.

frontiers, either orally, in writing or in print, in the form of art, or through any other media of their choice.”

Article 67, Section 1 of North Korean Constitution clearly stipulates, “Citizens shall have freedom of speech, press, assembly, demonstration, and association.” Yet the North Korean press disregards the proper functions of the press, such as providing critical commentary and objective information to citizens. It instead focuses on the propaganda of Kim Il-sung based on 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 it achieve its goals and existing 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 reported in a straightforward manner.

#### *<Media and Information Control>*

In North Korea, personal speech and expression is extremely

limited. North Korea's Penal Code as amended in 1999 stipulates that anyone seriously disturbing social order shall be punished with up to 5 years of correctional labor, and in serious cases, their leader(s) shall be punished with up to 10 years of correctional labor (Art. 103 of the 1999 Penal Code). When North Korea amended the Penal Code in April 2004, this article was more clearly refined to include specific acts that would constitute the above crime, such as listening to South Korean broadcasts, collecting, possessing and circulating South Korean printed matter, and spreading unfounded rumors. Those who have systematically listened to anti-Republic broadcasts, or those who collected, possessed or circulated leaflets, photographs, video tapes, or printed matter, would be penalized with up to two years of "labor training," and in more serious cases they would be punished with up to 2 years of "correctional labor" (Art. 195, the 2005 Penal Code). Up to two years of labor training penalty would be given to those spreading false stories or rumors that could create distrust against the state or contribute to social disorder (Art. 222, the 2005 Penal Code). Up to 3 months of unpaid labor or labor education and a stern warning or penalty would be applied to those bringing into North Korea or circulating pornographic or corruptive audio/video tapes, or copying and circulating these tapes, and to those who used tape recorders, video tapes, computers, CD-ROMs, or cellular radios without proper registrations. Penalties for more serious cases would include unpaid labor for over 3 months, demotion, lay-offs or job termination (Art. 113). Clearly, then, North Korea tightly restricts the individual's freedom of expression and communication with others.

The North Korean authorities control all means of communication in order 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 broadcasting services and is 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.<sup>473</sup>

Defectors testified that more and more North Koreans have been discreetly watching foreign TV programs or video tapes since the mid-1990s despite the government's tight control measures. In fact, it is reported that North Koreans living in Haeju City watch South Korean news and drama programs live on their 12-inch television sets.<sup>474</sup>

- Defector XXX testified that he/she had listened to a South Korean AM radio program in Musan County, North Hamkyong Province. He said the authorities would punish those caught watching CD-ROMs, but they would not necessarily penalize people for listening to radio programs. The official agents would confiscate the equipment simply to listen to the programs themselves.<sup>475</sup>
- Defector XXX testified, “When I was roaming around jobless I watched the South Korean dramas “Stairway to Heaven” and “The General’s Son.” And through these dramas I was convinced that South Korea was a place where one could do anything one wanted and make lots of money if one worked hard enough.”<sup>476</sup>

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<sup>473</sup>. Testimony of defector XXX during an interview in Seoul on July 30, 2010.

<sup>474</sup>. “Radio Free North Korea,” Jan. 14, 2011.

<sup>475</sup>. NKHR2010000064 2010-05-11.

- Defector XXX testified, “Through CD-ROMs South Korea has successfully convinced many North Koreans to change their views. Most North Koreans who watch CD-ROMs envy South Korea. Young people are jealous of their freedoms and older people are jealous that they can live well and get plenty to eat.”<sup>477</sup>
- Defector XXX testified that he/she had watched South Korean dramas since 1998, and that these dramas had exploded in popularity, igniting the enthusiasm of the emotionally starved North Koreans. He/she said that South Korean dramas were like a drug, so strong that people could not bear not to watch them.<sup>478</sup>
- Defector XXX testified that the inhabitants of Hwanghae Province would not only listen to South Korean radio programs but also watch television and video programs. Along the regions bordering South Korea, young people would boastfully imitate the South Korean accent, and South Korean fashion was very popular among them.<sup>479</sup>

Telephone installations are restricted in North Korea, but rich people can install telephones whenever they wish. Defectors testified that wiretapping is enforced in an effort to cut off and control the flow of information.

- Defector XXX testified that his father used to install telephones for high-ranking officials and for enterprise staff. He said one could have a telephone installed if one had

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<sup>476</sup> Testimony of defector XXX during an interview in Seoul on March 31, 2010.

<sup>477</sup> Testimony of defector XXX during an interview in Seoul on May 10, 2010.

<sup>478</sup> Testimony of defector XXX during an interview in Seoul on July 30, 2010.

<sup>479</sup> Testimony of defector XXX during an interview in Seoul on April 15, 2010.

money.<sup>480</sup>

- Defector XXX testified that individuals could have telephones installed at a cost of 200 thousand won.<sup>481</sup>
- Defector XXX testified that maintaining a telephone cost a lot of money, including installation fees, user fees, etc. Thus, business people were the ones who usually had telephones.<sup>482</sup>
- Defector XXX testified that he had a telephone installed in his home at a cost of 150 dollars.<sup>483</sup> In addition to prohibiting the use of mobile phones, the North Korean authorities issued instructions throughout the nation to limit the use of fiber-optic cable telephones.<sup>484</sup>
- Defector XXX testified that if one wanted to place a telephone call to Pyongyang, one had to go through a telephone operator.<sup>485</sup>

Defector XXX testified that he used to have a telephone in his home, but since the authorities routinely conducted wiretaps, he had to exercise extreme caution when using the phone.<sup>486</sup> Defector XXX testified that people would commonly use post office telephones. But since the authorities conducted wiretaps, there was no guarantee of privacy or confidentiality.<sup>487</sup> Defector XXX testified that in each district there is a telephone branch

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

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

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

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

484. Good Friends, "North Korea Today," No. 95 (Oct. 24, 2007); Good Friends, "North Korea Today," No. 96 (Oct. 31, 2007).

485. NKHR2009000013 2009-03-11.

486. NKHR2009000024 2009-04-20.

487. NKHR2009000053 2009-09-08.

bureau. In each branch bureau there is a security agent's room where they maintain wiretapping devices.<sup>488</sup>

North Korea routinely eavesdrops on the telephone conversations of all repatriated Koreans from Japan. Defector XXX testified that it usually took 2-3 days to place an international call at the telephone bureau, because one must first apply for the call at the Overseas Compatriots' Section of the City People's Committee.<sup>489</sup>

In recent years, the use of mobile communication devices is officially permitted in parts of North Korea. Between 2001 and 2004, a global wireless communication system called GSM was put in operation. In the wake of the explosions at Yongchon Railway Station, however, the mobile service was shut down. Later, in December 2008 an Egyptian communications firm, Orascom, set up their so-called "Koryo Link," using the third-generation mobile communication service WCDMA in collaboration with the North Korean mobile phone company, "Chosun (Korean) Postal Communications Corporation." This service provides voice and text messages, but does not provide international calls or roaming service. According to the Orascom's "2010 Annual Report" about 300,000 North Koreans have enrolled in its mobile phone service.<sup>490</sup> It is also reported that cellular phone service is being provided along eight highways and in seven North Korean cities, including Pyongyang, Pyongsung, Anju, Gaechon, Nampo, Sariwon, and Haeju.<sup>491</sup> However, as the number of mobile phone users has increased, the authorities are tightening their control over usage.

In particular, tight control over cell-phone use is being

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<sup>488</sup> NKHR2009000077 2009-12-09.

<sup>489</sup> NKHR2009000012 2009-03-05.

<sup>490</sup> *Yonhap News*, Jan. 24, 2011.

<sup>491</sup> *Radio Free Asia*, Feb. 10, 2011.

enforced in the cities and counties bordering China since many people try to call South Korea using the Chinese-made mobile phones.<sup>492</sup> Security agencies and the People's Army are jointly enforcing wide-ranging searches and arrests of illegal mobile phone users all along the regions bordering China; they have increased the number of security agents in each locality from one to three and deployed 50 units of wireless communications detection devices. The army has also prepared an additional battalion for this purpose.<sup>493</sup> What is important to note is that most people caught making illegal use of mobile phones are set free if they pay some form of bribery, even though the law requires them to be sent off to a labor training camp or in serious cases to a correctional center. The amount of pay-off money can run anywhere from 500,000 won to one million won. In rare cases, the amount may go as high as 1.5 million won. The following defector testimonies indicate the level of punishment for the illegal use of mobile phones.

- Defector XXX testified that the level of punishment depends on the contents of the phone conversation with the outside world.<sup>494</sup>
- Defector XXX testified that the National Safety Protection Agency would even accept payment of fines for the illegal use of mobile phones in the form of Chinese currency or US dollars.<sup>495</sup>
- Defector XXX testified that the minimum penalty for the

<sup>492</sup> NKHR2010000011 2010-09-14. Defector XXX testified that the official detection controls were so thorough that he/she was able to use the mobile phone which his/her daughter gave her only about once a month.

<sup>493</sup> Good Friends, "North Korea Today," No. 24 (June 7, 2006).

<sup>494</sup> NKHR2010000007 2010-03-16.

<sup>495</sup> NKHR2010000034 2010-11-02.



illegal use of mobile phones would be to serve at a correctional center.<sup>496</sup>

- Defector XXX testified that if one was caught using a mobile phone illegally, the penalty would be forcible banishment or an unlimited term at a correctional center.<sup>497</sup>
- Defector XXX testified that usually illegal use of mobile phones would result in confiscation of the equipment, but if the record showed that the offender had placed calls to South Korea he/she would be sent off to a correctional center.<sup>498</sup>
- Defector XXX testified that penalties for the illegal use of mobile phones vary according to the number of years the offender has owned the phone, but if it was a Chinese mobile phone, some form of penalty would be mandatory.<sup>499</sup>
- Defector XXX testified that several “foreign currency seekers” who regularly came to her home had mobile phones. So every 10 days or so she was able to enjoy conversations with her sister in Jilin, China using their phones. However, her home was in a village; she said that in the cities the authorities operated detection devices, so anyone calling South Korean friends from the cities would be caught and penalized.<sup>500</sup>
- Defector XXX testified since the explosions at the Yongchon Rail Station in 2004 the use of mobile phones was suspended. But recently mobile phones have been permitted again. The level of punishment for the use of a mobile phone

<sup>496</sup>\_ NKHR2010000035 2010-11-09.

<sup>497</sup>\_ HR2010000044 2010-11-02.

<sup>498</sup>\_ NKHR2010000058 2010-11-23.

<sup>499</sup>\_ NKHR2010000095 2010-03-23.

<sup>500</sup>\_ NKHR2010000099 2010-07-13.

varies depending on the contents of the conversation, but the penalty usually involves five years in a correctional center and confiscation of the equipment.<sup>501</sup>

- Defector XXX testified that the most feared inspection team was “Protection Agency Unit 111,” which consisted only of agents of the protection agency.<sup>502</sup>

However, due to the persisting economic problems, even the protection agency officials and border guards are experiencing some hardship. As a result there are an increasing number of cases in which they accept bribes and release the illegal mobile phone users.

- Defector XXX testified that in minor cases (such as first or second warnings) one might end up paying some fines, but if one ignored the warnings and continued to use the phones one would be sentenced to labor-training or sent off to a correction center. He further testified that if one paid a bribe one could avoid such penalties.<sup>503</sup>
- Defector XXX testified that illegal mobile phones are usually brought in by “river-crossing” peddlers. Talking to people in South Korea is the most serious crime and those offenders are invariably sent off to a correctional center. But if one can pay about one million won in fines one can avoid serving time (In such a case the agent does not report the incident to the authorities).<sup>504</sup>
- Defector XXX testified that he/she had used Chinese

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501\_ NKHR2011000021 2010-06-07.

502\_ NKHR2011000017 2010-06-08.

503\_ NKHR2010000001 2010-05-25.

504\_ NKHR2010000045 2010-09-07.

mobile phones but was never caught. Those caught using such phones are sentenced to correctional penalties, but they can avoid this by bribing the agent.<sup>505</sup>

- Defector XXX testified that he/she was caught using a mobile phone but was released after paying 200,000 won (in new currency, which is equivalent to 10 million won in the old currency used before the currency reform) plus two cartons of cigarettes.<sup>506</sup>
- Defector XXX testified that the people using mobile phones were usually rich people, so they would get released by paying some bribes if caught.<sup>507</sup>
- Defector XXX testified that in 2006 the standard fine was about 200,000-300,000 won, but he had to give 500,000 won to the protection agency agent to avoid physical punishment. He then continued to use the phone until 2008 when his phone was confiscated by the authorities during an inspection.<sup>508</sup>

The North Korean authorities tightly control the circulation of information through video tapes. When North Korea amended its Penal Code in 2004, it installed the new crime categories of importing corruptive culture (Art. 193) and engaging in corruptive behavior (Art. 194). In addition, penalties are imposed on those who import without permission any music, dance, paintings, photographs, video tapes or CDs containing pornographic, corruptive, or depraved contents, on those who manufacture or circulate such

<sup>505</sup>\_ NKHR2010000062 2010-10-12.

<sup>506</sup>\_ NKHR2010000066 2010-05-11.

<sup>507</sup>\_ NKHR2011000004 2010-03-23.

<sup>508</sup>\_ NKHR2011000013 2010-06-08.

materials, and on those who have watched or listened to such materials or participated in such activities.

Most violators are locked up either in labor-training camps, correctional centers, or “education centers.” This has been confirmed through the testimonies of North Korean defectors:

- Defector XXX testified that those caught watching CDs have to pay up US \$300-400 or 1-2 million North Korean Won to avoid physical penalties.<sup>509</sup>
- Defector XXX testified that those caught watching CDs are sent off to a National Protection Agency training camp and the authorities confiscate the CD player.<sup>510</sup>
- Defector XXX testified that he used to have a CD of the South Korean drama “Boys before Flowers,” but he decided to burn it up when he heard that he would be sent off to a political prison camp if caught by the authorities.<sup>511</sup>
- Defector XXX testified that intensive inspections on the possession of South Korean CDs would take place during national holidays, and those caught would be locked up in a correctional center. But if you bribed the officials your penalty would be reduced to a term in the labor-training camp.<sup>512</sup>
- Defector XXX testified that those caught watching CDs would have to pay up to two million won or else serve in a correctional center.<sup>513</sup>
- Defector XXX testified that the People’s Security Agency and the National Safety Protection Agency would normally

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509\_ NKHR2010000020 2010-06-01.

510\_ NKHR2010000025 2010-10-19.

511\_ NKHR2010000016 2010-10-05.

512\_ NKHR2010000045 2010-09-07.

513\_ NKHR2010000047 2010-07-27.

conduct inspections on the possession of recorded materials. Anyone caught in possession of such materials could bribe his/her way out or be sent to a correctional facility.<sup>514</sup>

- Defector XXX testified that the price of a South Korean CD is 2,000 won and a Chinese CD is 1,000 won. He further said that the “Anti-Socialist Behavior Control Group” consists of agents from the Legal Affairs Committee and Postal Department officials. They conduct inspections every two to three months. Those caught watching Chinese CDs are deprived of Party membership, but if the CD was a South Korean product they would be banished to remote areas.<sup>515</sup>
- Defector XXX testified that the People’s Security Agency would conduct CD inspections once or twice every month. Anyone caught would be sent off to a labor-training camp for six months. To avoid such physical punishment, one had to pay 200,000-300,000 won in bribes.<sup>516</sup>
- Defector XXX testified that anyone caught watching a South Korean CD would be sent off to a correctional labor training camp and the VCR and TV would be confiscated.<sup>517</sup>
- Defector XXX testified that the authorities would frequently inspect homes with VCRs for illegal CDs and put them under constant surveillance.<sup>518</sup>
- Defector XXX testified that anyone caught watching South Korean TV programs or CDs would normally be locked up in a correctional labor center for three years, and no

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<sup>514</sup>\_ NKHR2010000082 2010-06-22.

<sup>515</sup>\_ NKHR2010000082 2010-06-22.

<sup>516</sup>\_ NKHR2010000094 2010-03-30.

<sup>517</sup>\_ NKHR2011000008 2010-08-10.

<sup>518</sup>\_ NKHR2011000010 2010-06-08.

commutation would be given.<sup>519</sup>

- Defector XXX testified that anyone caught watching CDs would be sent off to a correctional labor center and the TV set would be confiscated. But if one paid some form of bribery one could avoid physical punishment.<sup>520</sup>

The North Korean authorities operate separate units to enforce the law against CD/DVD related crimes. Defector XXX testified that in the early days a joint “grouppa” consisting of agents from the State Security Agency, the People’s Safety Agency, the Prosecutors’ Office, the Party, and other administrative units used to conduct joint inspections. But as the illegal circulation and viewing of DVDs and CDs increased, separate groups called “109 units” were organized. These units are stationed in strategic locations to conduct inspections.<sup>521</sup> Defector XXX testified that the primary purpose of these units is to recover circulating CDs and to punish those who watch them.<sup>522</sup> Despite these surveillance and control measures, most defectors consistently testified that discreet viewing of South Korean CDs and videos is widespread. North Koreans can purchase inexpensive videos flowing in from China. The low cost enables many people to buy and sell videos and to take turns borrowing and watching them. One defector testified that in extreme cases some people would watch South Korean videos along with their local police or security agents.<sup>523</sup> Defectors have testified that some people invite security agents to watch videos with them in order to avoid potential penalties.<sup>524</sup> Defector XXX

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519. NKHR2011000021 2010-06-07.

520. NKHR2011000024 2010-08-31.

521. NKHR2008000023 2008-11-11.

522. NKHR2009000012 2009-03-05.

523. NKHR2008000006 2008-07-22; NKHR2008000027 2008-12-02.

testified that there are different standards of punishment for different kinds of CDs and videos. The authorities are most sensitive about videos of a political nature, followed by sex videos.<sup>525</sup>

Another defector testified that, unlike in the border areas, the people living in the inner regions cannot even dream of watching videos due to the constant strict control and surveillance.<sup>526</sup>

### <Freedom of the Press>

Publications are used as a means for ideological education, and the Party directly manages, censors, and controls all published 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 the “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.

North Korea enacted a “Publication Law” in 1975, and revised it in 1995 and 1999. This law stipulates, “All citizens can freely engage in writing and creative activities” (Art. 6, Sec. 1). However, anyone planning to start a publishing business must register with the Cabinet or the agency responsible for publication

<sup>524</sup>\_ NKHR2009000011 2009-03-03.

<sup>525</sup>\_ NKHR2009000035 2009-06-02.

<sup>526</sup>\_ NKHR2009000054 2009-09-17.

guidance (Art. 12). Any unregistered printing equipment is subject to confiscation (Art. 49). All printing and publishing activities are tightly controlled under the Publication Law. For example, Article 47 of the law stipulates, “The Publication Guidance Agency and related agencies shall supervise, control, and maintain registration of all printing equipment. They should further ensure that reactionary ideas, cultures, and lifestyles are not circulated in the society and confidential information is not leaked through printed matter.” Administrative or criminal charges are imposed on individual citizens and/or the responsible workers at organizations, enterprises, and agencies who have brought on serious consequences as a result of violating the provisions of the Publication Law (Art. 50). The Administrative Penalty Law stipulates certain penalties to be given to those who violate various procedures related to typing, copying, printing, off-set printing, circulation and transportation of publications (Art. 105). Administrative penalties are also imposed on those who bring into the country corruptive or pornographic drawings (paintings), photographs, or publications, as well as on those who copy or circulate them (Art. 113). North Korea’s Penal Code also stipulates that those who violated publication procedures shall be penalized with up to 2 years of labor-training, and up to 3 years of correctional labor penalty in serious cases (Art. 226). Consequently, all writings are ultimately subject to the censorship of the Party’s Propaganda Department. If a North Korean citizen were to publish something in violation of censorship standards, the authorities would bring them up on “anti-State propaganda and agitation” criminal charges and impose up to 5 years of correctional labor penalty, or 5-10 years of correctional labor penalty in serious cases. 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.<sup>527</sup>

Literature and art in North Korea are important ideological tools utilized to attain a complete socialist revolution. North Korea regulates literature and the arts as a means of educating workers in the communist way and turning the entire society into a communist working class. Literature and art are used as important devices for ideological mobilization, functioning 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 the Fatherland."

The 1966 KWP Delegates' Conference called for arming North Korean society with Juche ideology. Responding to the call, writers and artists produced a literary and artistic theory based on Juche. The Juche theory of literature and the arts, therefore, sets forth as its first task the depiction of Kim Il-sung as the prototype of the quintessential communist. In addition, the Juche theory assumes and demands absolute deification of Kim Il-sung as a sacred duty.

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<sup>527</sup> Radio Free Asia (RFA), June 3, 2010.

North Korea exercises full control over its literary sector. This control is implemented through the AKLLA, which is an external organ of the KWP. Literary works and the performing arts, in particular, are strictly controlled and supervised. All performances and publications are allowed only after they have obtained a seal of censorship issued under the control and supervision of the Ministry of Culture (a Cabinet ministry) and the Korean Workers' Party. The same rule applies to all works of fine art and music.

Unlike with videotapes, anyone caught reading South Korean books will be severely penalized with espionage charges. Chinese and South Korean books are absolutely not allowed under any circumstances.<sup>528</sup>

Despite such tight controls, many defectors have testified that foreign books are being sold discreetly in the marketplaces.

- 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.<sup>529</sup>
- Defector XXX said he frequently visited bookstands in the market because of his daughter who was attending a foreign language college.<sup>530</sup>
- A defector testified that he saw foreign storybooks like “Swan Lake,” “Peter Pan,” and “Frog Prince” being sold discreetly in the market.<sup>531</sup>

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<sup>528</sup>. Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

<sup>529</sup>. Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

<sup>530</sup>. Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

- Defector XXX said that around the year 2003 he saw many printed or copied American or Japanese language books, though these were not legal or legitimate translations.<sup>532</sup>

In connection with the freedom of speech and publication, North Korea said during the UNHRC review of North Korea's Second Periodic Report on ICCPR in 2001 that it had disapproved printing and circulation of publications in about 30 cases over the last 3 years. 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 North Korea's explanations, the UNHRC in its final observations on North Korea's Second Periodic Report on ICCPR urged North Korea not to prohibit its citizens from reading foreign newspapers, and asked North Korea to specifically illustrate the reasons for prohibiting certain publications. The committee further asked North Korea to relax foreign travel restrictions on North Korean reporters, and to not misuse the concept of "national security" for the purpose of suppressing the freedom of expression (Para. 23).

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<sup>531</sup> Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

<sup>532</sup> Testimony of defector XXX during an interview in Seoul on Feb. 2, 2005.

## C. The Freedoms of Association and Assembly

The freedoms of association and 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).”

Article 67 of North Korean Constitution (as revised in April 2009) stipulates, “Citizens shall have freedom of speech, press, assembly, demonstration, and association. The state shall guarantee conditions for the free activities of democratic political parties and social organizations.”

In reality, however, only the assemblies and associations required by the Korean Workers’ Party are permitted. In their second regular report on the implementation of the International Covenant on Economic, Social and Cultural Rights (ICESCR), the North Korean authorities explained their position on freedom of assembly by saying that in North Korea citizens’ protest rallies are rare, although there are many assemblies and meetings hosted by the central, provincial, city and county governments, and various

agencies, enterprises, and organizations according to their needs and plans. This description indirectly reflects the fact that these meetings and assemblies are called according to the needs of the KWP.

Unauthorized assemblies and associations are regarded as collective disturbances that will cause social disorder. North Korea's 2005 Penal Code stipulates, "Those individuals or groups unresponsive to or resisting against the instructions of government agencies shall be given up to 5 years of correctional labor penalty" (Art. 219). So the previously strict and oppressive measures barring protest rallies remain intact. The Administrative Penalty Law also stipulates up to 3 months of labor education, or longer than 3 months of labor education in serious cases, if anyone refused to comply with the decisions or instructions of a government agency without justifiable reasons (Art. 133). Regarding freedom of assembly, North Korea in its second report on the ICESCR 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. Assemblies and demonstrations harmful to the maintenance of social order or national security may be controlled according to the procedures and methods specified in the Social Safety Control Law.

In terms of the freedom of assembly, North Korea in its Second Periodic Report on the ICESCR said that citizens wishing to

organize a democratic public organization must register with the Cabinet 30 days in advance. In North Korea, there are dozens of democratic public organizations, such as the Workers' Union, the Farmers' and Working Masses' Cooperatives, the Youth Alliance, the Women's Alliance, the Federation of Literary and Artists' Unions, the Democratic Attorneys' Association, the Christians' Alliance, the Buddhists' Alliance, the Anti-Nuclear Peace Committee, and the Association for African-Asian Coalition.

In its second regular report on the implementation of the ICESCR, the North Korean authorities explained the reasons for the formation of a "National Workers' League" as follows: 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.<sup>533</sup> However in its final observations issued after reviewing North Korea's second regular report on the ICESCR in 2003, the Committee expressed concern that the only worker's union federation in North Korea is controlled by the KWP and thus the workers' right to organize is subordinated to the state

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<sup>533</sup> North Korea submitted its Second Periodic Report on the ICESCR in May 2002. <[http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c3b70e5a6e2df030\\_c1256c5a0038d8f0?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c3b70e5a6e2df030_c1256c5a0038d8f0?Opendocument)>.

security apparatus. In addition the Committee pointed out that North Korean citizens' right to freedom of demonstration is not being acknowledged.

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. Even in the Socialist Labor Law (1999), there are no provisions concerning labor organizations for workers.

All North Koreans are required to participate in various organizations from the age of six to retirement. These include kindergarten, the youth corps, various educational institutions, the Socialist Workers' Youth Alliance, the Chosun (Korea) Employees' Alliance, the Chosun Agricultural Workers' Alliance, the Chosun Democratic Women's Alliance, the Korean Workers' Party, etc. Social organizations in North Korea are not "interest groups" or "activist groups" as understood in the West. As stipulated in Article 56, Chapter 9 of the Charter of the North Korean Workers' Party (as revised in 2010), these social organizations play the role of a "safety belt connecting the Party and the people." In short, they are "satellite organizations" of the Party that faithfully carry out the tenets of the Party.

The main purpose of social organizations is to support the 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 are required to join various organizations, including the ones in their workplaces, and they have to attend "lifestyle review" meetings and political education sessions twice a week. Should any of the inhabitants miss out on these "organized life" activities they would be subject to a stern reprimand, and in extreme cases they might be banished to a remote area. Many of them complain that it was very hard to comply with such an "organized life." In recent years, however, some people miss out these organized meetings by paying money, and in some cases they may participate by telephone, according to some defectors.<sup>534</sup>

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 its 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

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<sup>534</sup> Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004. In recent years, the "lifestyle review" meetings sponsored by the Women's League are conducted by telephone. See *The Daily NK*, July 9, 2010.



for over 50 years, and that there has in fact never been any public demand 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 organizations, are nothing but faithful supporters of the KWP, complying completely with the KWP's statutes.

With regard to human rights organizations, North Korea insisted that the government supports the formation of organizations dedicated to the promotion of human rights. The following is a summary of North Korea's explanations on this subject: The procedures for establishing such organizations are the same as the administrative requirements for any public organization. North Korea has 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 review of North Korea's Second Periodic Report, the members of Human Rights Committee asked the North Korean delegate to explain the reasons why they could not receive any information from North Korea's human rights NGOs. The North Korean delegate replied that this was because the NGOs were not very active, but he said he would relay the full contents of the Committee's discussions to all human rights NGOs in North Korea.

The Human Rights Committee in its final observations

asked for additional information on various requirements for holding public assemblies, even though North Korea insisted that the freedoms of assembly and association were fully guaranteed in North Korea. In particular, the Human Rights Committee demanded to know under what circumstances a public assembly would not be allowed, and if it was possible to appeal when a public assembly was denied (Para. 24). Pointing out North Korea's argument that there was no social demand for the formation of new political parties in North Korea and thus no need to set forth any legal procedures for it, the Human Rights Committee strongly recommended that North Korea comply with the Human Rights Committee "GI Comment No. 25" in an effort to faithfully observe the requirements set forth in Article 25 of ICCPR on citizens' rights to political participation (Para. 25).

## 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 ICCPR 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 (as revised in April 2009) stipulates, “Citizens shall be guaranteed inviolability of the person and the home and privacy of correspondence. Citizens cannot be detained or arrested and their homes cannot be searched without legal grounds. No citizens can be placed under control or be arrested nor can their homes be searched without a legal warrant.” In addition, the Postal and Telegraphic Service Law (2001) stipulates, “The postal agencies and enterprises must guarantee the confidentiality of letters (mail)...” (Art. 22). Individual citizens and the responsible workers at the agency, enterprise, or organization that leaked or violated the confidentiality shall be charged with criminal or administrative penalties depending on the case (Art. 52). In the process of revising its Criminal Procedure Law in May 2004, North Korea has removed Article 137 (amended in Sept. 1999) which stipulated, “If an investigator uncovered personal secrets unrelated to a criminal investigation, he should make sure that the secrets are not made public.” In addition, a new provision was added, which stipulates, “Collecting evidence should be confined to items and documents directly related to the criminal case” (Art. 223). This is a step back compared to the past, but at least a minimum legal provision has been put in place to protect individual privacy. Article 271 of North Korea’s Criminal Procedure Law (as revised in 2005) stipulates that part or all of a trial can be held out of public view if there is a need to protect state secrets or personal confidentiality or if the case could have an adverse impact on society.

If a pretrial agent needs to collect private (personal) letters or cables in the process of conducting a criminal investigation or

in pursuing a criminal, he should have sufficient reasons and obtain approval in advance from a prosecutor, and the agent should collect such evidence in the presence of a representative of the related agency or postal agency (Art. 217, 218, and 221, 2005 Criminal Procedure Law). Defector XXX testified that all letters arriving in North Korea from China undergo strict censorship.<sup>535</sup> Defector XXX testified that a letter from his/her aunt had been torn apart.<sup>536</sup> Defector XXX testified that since she was penalized for illegal river-crossing the letters her sister in China mailed to her have not been delivered.<sup>537</sup>

In 2003, North Korea's International Communication Bureau launched an international e-mail service claiming it would guarantee a normal speed of transmission and the confidentiality of private communication.<sup>538</sup> However, these legal provisions have little to do with reality. 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 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

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<sup>535</sup> NKHR2011000007 2010-04-06.

<sup>536</sup> NKHR2011000005 2010-08-10.

<sup>537</sup> NKHR2010000102 2010-07-13.

<sup>538</sup> *Korean Central News Agency*, Nov. 28, 2003.

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 the 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.<sup>539</sup>

North Korea is also 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 order to systematically control people’s lives and to effectively implement Party policies, the North Korean authorities have been enforcing the so-called “lifestyle review” meetings from the society’s top to bottom. The “lifestyle review” meetings 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 “lifestyle review” meetings.<sup>540</sup> 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.<sup>541</sup>

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<sup>539</sup> Testimony of defector XXX during an interview in Seoul on Jan. 20, 2006.

<sup>540</sup> Testimony of defector XXX during an interview in Seoul on April 7, 2010.

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 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.<sup>542</sup>

Each inspection team consists of two national safety protection agents from the provincial government and one security agent. The team first inspects the home of the leader of the local “neighborhood unit” or *inminban* and then, accompanied by the *inminban* leader, the team inspects the other homes. Every evening two rounds of inspection take place, one at 7 p.m. and another at midnight. More than half of the people arrested for lack of registration are those reported by the unit leader.<sup>543</sup>

North Korea also utilizes its *inminban* system in other ways. Ostensibly to prevent fires or unexpected accidents, workers must give their house keys to their *inminban* leaders. These leaders in turn visit families without notice and inspect 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. Each *inminban* consists of 15~25 households and is led by an *inminban* leader, who is authorized to pay visits to any family and to conduct “bed-checks” accompanied by an agent from the People’s Safety Agency. Since the *inminban* leader usually controls and watches over the families in his/her unit, real surveillance over the inhabitants

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<sup>541</sup> Testimony of defector XXX during an interview in Seoul on May 7, 2010.

<sup>542</sup> NKHR2011000005 2010-08-10.

<sup>543</sup> Testimony of defector XXX during an interview in Seoul on June 8, 2010.

begins with the unit leader.<sup>544</sup> In addition, among the people there are an unknown number of undercover “stringers” for the local security agents or party secretaries. Thus ordinary inhabitants are under multiple sets of watchful eyes.<sup>545</sup>

Defector XXX also testified that the unit leader would watch everything and report to the local authorities.<sup>546</sup> Many defectors testified that some inhabitants were actually penalized based on reports by their unit leaders. Defector XXX testified that his friend XXX was seen watching a CD by the son of his unit leader. Subsequently, his home was searched and he was detained in the Oro Correctional Center in Hamhung.<sup>547</sup> In recent years, the unit leaders have been keeping an eye on certain families with members who pay frequent visits to China.<sup>548</sup> Most people are fearful of the unit leader—so much so that they hate to see the leader’s young children come to their homes.<sup>549</sup> Since the unit leader has the power to decide either way on an issue, people try to avoid any confrontation with their unit leader at all times.<sup>550</sup> On the other hand, defector XXX testified that he/she did not fear the unit leader that much. Some people’s unit leaders would even let their neighbors know in advance when security agents were about to start inspections.<sup>551</sup>

Defector XXX testified that people are loath to serve as unit leaders because the neighbors always hate that person and the government does not pay any compensation for the service.<sup>552</sup>

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<sup>544</sup> Testimony of defector XXX during an interview in Seoul on June 8, 2010.

<sup>545</sup> Testimony of defector XXX during an interview in Seoul on May 7, 2010.

<sup>546</sup> Testimony of defector XXX during an interview in Seoul on April 15, 2010.

<sup>547</sup> NKHR2009000053 2009-09-08.

<sup>548</sup> NKHR2009000057 2009-09-22.

<sup>549</sup> NKHR2009000042 2009-06-25.

<sup>550</sup> NKHR2010000045 2010-09-07.

<sup>551</sup> NKHR2009000026 2009-04-23.

<sup>552</sup> Testimony of defector XX during an interview in Seoul on April 14, 2010.



# 6



## *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 his choice, and the 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 ICCPR 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... [This freedom] may be subject only to such limitations as are prescribed by law... The States Parties to the present covenant undertake to have respect 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.”



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.<sup>553</sup>

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."<sup>554</sup>

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-state and counter-revolutionary hostile elements and subjected to ruthless persecution. Christians in particular were purged because they were regarded as tools of imperialist aggression. Taking advantage of the anti-American feelings stemming from the experiences of the Korean War, North Korea reinforced religious persecution and stigmatized all religious persons and their families as "anti-revolutionary" elements based on personal background checks.

Since the Central Party's Major Guidance Project was con-

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<sup>553</sup> Korean Central News Agency, *The Chosun Central Annual 1950* (Pyongyang: Chosun Central News Agency, 1950), p. 365.

<sup>554</sup> The Academy of Social Science, *The Dictionary of Philosophy* (Pyongyang: The Academy of Social Science Press, 1985), p. 450.

ducted in 1958, all traces of religious activity have completely disappeared from North Korea. 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 on our march toward a communist society. Therefore, we have 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 in concentration camps.<sup>555</sup>

However, since the start of inter-Korean talks in the 1970s the North Korean authorities have reinstated some religious organizations for external propaganda purposes. For example, North Korea revised its socialist Constitution in 1972 and stipulated in Article 54, “Citizens shall have freedom of religion and freedom of anti-religious propaganda...” In reality, North Korea has failed to guarantee complete freedom of religion. North Korea 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 these

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<sup>555</sup> Koh Tae-woo, *North Korea's Policy on Religion* (Seoul: Minjok Cultural Pub. 1989), p. 79.

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 aimed at South Korea.

Since the 1980s, the international community has criticized North Korea sharply for its lack of religious freedom. 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 a 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.” The phrase “freedom of anti-religious propaganda” was deleted from Article 54 of the 1972 Constitution. 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**

North Korea finished construction 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 Aug. 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.<sup>556</sup> 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.<sup>557</sup>

The Buddhist temple restoration projects, such as those at the 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.

In 2001 North Korea submitted its second regular report to the UN Committee on Civil and Political Rights. During its review session, North Korea reported the following statistics concerning religious rights:

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<sup>556</sup>. *Chosun Central Broadcast*, June 25, 2003; *Yonhap News*, June 24 and 27, 2003.

<sup>557</sup>. As part of its attempt to consolidate the Presbyterian churches, North Korea built the Pyongyang First Church in November 2005. However, it does not appear to be functioning as a genuine church.

〈Table II-14〉 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’s Chosun Christians’ League insisted that there were a total of 14,000 Christians, including 300 at Pyongyang’s Bongsu Church, 150 at Chilgok Church, and about 500 “family churches” throughout the country.<sup>558</sup>

Many Pyongyang residents were aware of some of these religious facilities. However, most North Koreans in the provinces were not even aware of the fact that there were such religious facilities in Pyongyang.

– Defector XXX, who fled from Buryong, testified that he/she was not aware of any churches or cathedrals in Pyongyang.<sup>559</sup>

Even those who were aware of the existence of religious facilities did not regard them as facilities where people practiced their faith. The residents of Pyongyang were aware of these religious facilities, but they believed that access to them was restricted. In addition, no one was able to distinguish the differences between churches and cathedrals. Even those who were aware of some religious organizations in Pyongyang knew nothing about any cathedrals there.<sup>560</sup> As for Buddhist temples, nobody regarded those as

<sup>558</sup> *No-Cut News*, Nov. 10, 2010.

<sup>559</sup> Testimony of defector XXX during an interview in Seoul on July 30, 2010.

<sup>560</sup> NKHR2009000031 2009-05-12.

religious facilities, and no one believed Buddhist monks were performing any religious roles.<sup>561</sup> Defector XXX stated that the monks did not shave their heads and simply were guarding the temples and maintaining the “historical relics.”<sup>562</sup> Defector XXX testified that when he/she visited a temple in Kaesong, the monk simply guided them around the temples.<sup>563</sup>

- Defector XXX testified that he/she had heard that there was a church in Pyongyang for foreigners.<sup>564</sup> Defector XXX also testified that he/she had heard there was a church in Pyongyang.<sup>565</sup>
- Defector XXX testified that he/she had heard of Jangchoong Cathedral and Bongsu Church in Pyongyang but testified that those places were for foreigners only and were off limits to ordinary North Koreans.<sup>566</sup>
- Defector XXX testified that although he/she lived in Chongjin, he/she was aware of Bongsu Church in Pyongyang.<sup>567</sup>
- Defector XXX testified that ordinary citizens could not enter churches.<sup>568</sup>
- Defector XXX testified that he was aware of the religious facilities in Pyongyang, but said their names were Bongsu Church and Jangchoong Church, revealing the fact that he could not distinguish the difference between a church and a cathedral.<sup>569</sup>

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561. NKHR2008000001 2008-07-01.

562. NKHR2009000031 2009-05-12.

563. NKHR2009000033 2009-05-26.

564. NKHR2010000070 2010-04-27.

565. NKHR2010000091 2010-06-15.

566. Defector XXX during an interview in Seoul on Jan. 24, 2007; Defector XXX during an interview in Seoul on Feb. 9, 2007.

567. NKHR2009000027 2009-12-02.

568. NKHR2008000023 2008-11-11.

569. NKHR2008000023 2008-11-11.

- Defector XXX, a former resident of Chongjin, testified that when he/she saw the church in Pyongyang, he/she felt frightened, recalling the story about the Christian missionaries who performed experiments on human bodies.<sup>570</sup>
- A defector from Hyesan was aware that there was a church in Pyongyang, and that missionaries worked on inter-Korean events. He/she testified that there were no churches in North Korea outside of Pyongyang, and there were no monks in temples.<sup>571</sup>
- Defector XXX testified that he/she had heard that there was a new religious facility built by Russia on Unification Street in Pyongyang.<sup>572</sup>
- Defector XXX testified that he/she thought the temple in Mt. Myohyangsan was a sightseeing spot rather than a religious facility. Also, there was no monk at Bohyonsa Temple, but he/she saw Buddhist statues on TV.<sup>573</sup>
- Defector XXX testified that he/she had been to a temple but thought it was a sightseeing spot where they offered explanations on cultural assets. The monks worked as guides at the temple and offered explanations to visitors, getting paid by the government.<sup>574</sup>
- Defector XXX testified that he/she had never been to a Buddhist temple and had never seen a monk.<sup>575</sup>
- Defector XXX said he/she had visited a temple in North Korea. The temple was empty and there was only one

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<sup>570</sup>\_ NKHR2008000001 2008-07-01.

<sup>571</sup>\_ NKHR2008000020 2008-09-17.

<sup>572</sup>\_ NKHR 2009000013 2009-03-11.

<sup>573</sup>\_ Defector XXX during an interview in Seoul on Feb. 9, 2007.

<sup>574</sup>\_ NKHR2008000023 2008-11-11.

<sup>575</sup>\_ NKHR2008000030 2008-12-23.

person supervising the facility, so he/she did not believe it was a religious facility.<sup>576</sup>

- Defector XXX testified that there was a temple on Mt. Chilbo near his/her hometown. But there was no monk, and a professional guide provided explanations to the visitors. Thus, temples are regarded not as places of worship but as a cultural relics.<sup>577</sup>

Some established religious educational organizations do operate in North Korea. According to its second regular report submitted to the UN Committee on Civil and Political Rights in 2000, North Korea reported that a department of religion was newly opened at Kim Il-sung University in 1989. 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 Committee is running a Buddhist school, and the Chosun Catholic Association Central Committee also operates a Chondokyo middle school and teaches students.” In 2003 North Korea sent graduates of Kim Il-sung University to Moscow to study Christian teachings.<sup>578</sup>

### • Religious Ceremonies

The 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

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<sup>576</sup> NKHR2008000012 2008-08-14.

<sup>577</sup> NKHR2008000017 2008-09-04.

<sup>578</sup> *Yonhap News*, Mar. 31, 2003.



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, 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.<sup>579</sup> 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.

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<sup>579</sup> Ministry of Unification, “Weekly North Korean Trends,” No. 569 (Seoul: Ministry of Unification, 2001), pp. 9-10.

In terms of religious awareness, North Koreans were generally aware of the existence of the Bible through the lectures of the authorities and defectors' stories.<sup>580</sup> Since North Korea regards the Bible as a tool of cultural and ideological intrusion, the authorities deal most strictly with anyone caught in possession of a Bible.<sup>581</sup> However most North Korean defectors testified that they had heard about the Bible, even though they had never seen one in person. By contrast, they testified they have never heard about Buddhist scriptures.<sup>582</sup>

### • 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 ICCPR, 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. Their 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

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<sup>580</sup> NKHR2009000013 2009-03-11.

<sup>581</sup> NKHR2009000017 2009-03-24.

<sup>582</sup> NKHR2009000020 2009-04-07; NKHR2009000024 2009-04-20.

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.<sup>583</sup>

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.<sup>584</sup> The Chosun Buddhist League also sent delegates to the Asian Buddhist Peace Conference held in Laos.<sup>585</sup> 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

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<sup>583</sup> David Hawk, “Thank You Father Kim Il-sung,” U.S. Commission on International Religious Freedom (2005), p. 88.

<sup>584</sup> Kim Byung-ro, *Changes of North Korea’s Policy on Religion and Realities of Religion* (Seoul: KINU, 2002), p. 48.

<sup>585</sup> *Korean Central News Agency*, Feb. 10, 2003.

activities. Upon the death of Kim Il-sung in July 1994, and as the food shortage exacerbated, North Korea has tried to diversify its external contacts with various religious organizations, even as it has continued to suppress religious activities inside North Korea. In short, North Korea is utilizing religion as a means of gaining foreign currency. Defector XXX testified that he used to think religious organizations were operated for the purpose of dealing with foreign countries.<sup>586</sup>

### • Testimonies on the Reality of Religious Freedom

Religion is a very serious matter, because North Korea cannot permit any ideology other than Juche ideology.<sup>587</sup> North Korea teaches its people that religion is superstition and that it is like a narcotic. Anyone discovered engaging in religious activities is sent off to a “management” (correctional) center.<sup>588</sup>

As is evident from the testimonies above, religious freedom is not guaranteed in reality, even though North Korea has taken some positive institutional measures guaranteeing religious freedom such as clearly stipulating it in its Constitution, constructing religious facilities, and organizing religious organizations and operating religious education facilities.

First, no churches or cathedrals exist in North Korea except in Pyongyang. 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

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<sup>586</sup> NKHR 2009000013 2009-03-11

<sup>587</sup> NKHR2008000016 2008-09-02.

<sup>588</sup> NKHR2008000014 2008-09-04.

from North Korea, not one person was aware of a “family church” anywhere in North Korea.<sup>589</sup> A defector testified that although he visited Pyongyang frequently, he had never heard of any “family churches.”<sup>590</sup> In our personal interviews with North Korean defectors, no one has testified of any knowledge of “family churches” in North Korea.<sup>591</sup>

Second, North Korea is utilizing churches, cathedrals and temples for 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

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<sup>589</sup> Defector XXX during an interview in Seoul on Jan. 24, 2007.

<sup>590</sup> NKHR200800014 2008-09-04.

<sup>591</sup> NKHR2009000013 2009-03-11.

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, North Korean citizens have been receiving education designed to prevent the spread of Christianity. The education would emphasize the necessity of detecting the individuals engaged in spreading Christianity and how to identify them. A defector testified that some individuals who used to practice religion before the liberation of Korea from Japan (1945) were known to continue their practices discreetly in private. Defector XXX testified that her mother was born in 1928 in China. Her mother was a teacher there before coming back to North Korea. She believes that the songs her mother used to sing to her when she was young were hymnal songs, and she remembers her mother quietly praying. Her mother never had any arguments with her father over religious issues.<sup>592</sup> Defector XXX testified that her aunt (on her mother's side) brought several copies of the Bible from China and gave them to her family, and they were able to hide them successfully.<sup>593</sup> Defector XXX testified that she used to listen to the "Far Eastern Broadcasts." Through those programs she learned that in Christian churches there were pastors and sermons.<sup>594</sup>

- **Punishment for Religious Activity**

Freedom of religion is indeed restricted in North Korea except as part of officially sanctioned events and at designated facilities. This reality is clearly demonstrated when we look at the

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<sup>592</sup> NKHR2008000027 2008-12-02.

<sup>593</sup> NKHR2009000027 2009-04-27.

<sup>594</sup> NKHR2009000011 2009-11-03.

punishments imposed on citizens who practiced religion and on those forcibly deported defectors. As the food shortage became exacerbated and as the number of defectors rapidly increased, the 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.<sup>595</sup> However, it would appear that the North Korean authorities are no longer treating religion-related defectors automatically as political criminals. The reason the North Korean authorities are trying to curb the spread of religion via defectors is because most defectors return to North Korea with significant knowledge and understanding of religious beliefs, even if they do not actually practice any religion themselves.<sup>596</sup> The following are actual examples of punishments North Korea has imposed on its citizens for partaking in religious activities:

- Defector XXX testified that he/she personally witnessed a neighbor, who was a Buddhist, being forcibly banished.<sup>597</sup>
- Defector XXX testified that anyone caught engaging in religious activities would be sent off to a correctional center, or in serious cases locked up in a political prison camp.<sup>598</sup>
- Defector XXX testified that he/she became a Christian in China through a Chinese pastor. He was arrested upon return to North Korea and was sentenced to serve in a correctional center for three years for having brought a Bible into North Korea. He said because he received a

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<sup>595</sup>\_ Defector XXX during an interview in Seoul on April 15, 2010.

<sup>596</sup>\_ NKHR2009000011 2009-03-03.

<sup>597</sup>\_ NKHR2010000096 2010-06-22.

<sup>598</sup>\_ NKHR2010000012 2010-09-14.

Bible from a Chinese, he was turned over to the People's Security Agency from the National Safety Protection Agency. He said he had heard that if he received the Bible from a Korean, the Protection Agency would directly interrogate him, but if one received the Bible from a Chinese the Security Agency would handle the case.<sup>599</sup>

- Defector XXX testified that her elder sister used to operate boarding rooms for visiting Chinese. She received a Bible and a hymnal book from a Chinese Christian guest. She sang hymns and also prayed. Subsequently, the Chinese guest was arrested while engaged in religious activities in North Korea. During interrogation the Chinese ended up mentioning her sister's name, and her sister was arrested and sent off to a correctional center.<sup>600</sup>
- Defector XXX testified that he witnessed a person getting arrested for religious activities and being sent off to No. 17 Yodok Management Center.<sup>601</sup>
- Defector XXX testified that he had heard from friends that Christians would be crucified in 2004.<sup>602</sup>
- Defector XXX testified that he had heard the National Safety Protection Agency would handle religious cases directly, and suspects would be locked up in correctional facilities.<sup>603</sup>
- Defector XXX testified that penalties were heaviest for those who had contacted South Korean religious personnel in China. The reason, he said, was because the state's enemies were said to utilize Christian missionaries as the

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599. NKHR2010000026 2010-10-26.

600. NKHR2010000020 2010-06-01.

601. NKHR2010000069 2010-10-26.

602. NKHR2011000005 2010-08-10.

603. NKHR2011000024 2010-08-31.



front line of aggression.<sup>604</sup>

- Defector XXX testified that if the National Safety Protection Agents had some evidence that someone had contacted a South Korean after crossing the river into China and if they suspected the person had become a Christian, they would arrest the person in the middle of the night and take him away. The suspect would then be locked up in jail until he confessed, even if it took one or two years.<sup>605</sup>

It is difficult to confirm that the North Korean authorities do not permit individuals to enjoy religious freedoms, but this fact is indirectly confirmed through testimonies that reveal the existence of underground churches. Many defectors have testified that Christians practice their religion in underground churches because the North Korean authorities restrict religious freedom.

- Defector XXX testified that Bang YZ was the sister of his friend, XXX, 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.<sup>606</sup>
- Defector XXX testified that he had heard in 2004 that there was a secret (underground) church in North Pyongan Province.
- Defector XXX testified that he/she and others organized a prayer meeting at a church in China. They also used to get together at his/her home for prayer meetings.<sup>607</sup>

<sup>604</sup> Testimony of defector XXX during an interview in Seoul on April 7, 2010

<sup>605</sup> Testimony of defector XXX during an interview in Seoul on April 15, 2010

<sup>606</sup> Testimony of defector XXX during an interview in Seoul on Apr. 26, 2003.

<sup>607</sup> NKHR2009000039 2009-06-10.

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.<sup>608</sup> Defector XXX testified that his/her maternal grandmother had been a Christian a long time ago. So his/her mother naturally also became a Christian, practicing in secret. But her father told her not to practice it any more.<sup>609</sup>

Most North Koreans will end up learning something about religion and the Bible through the government’s indoctrination lectures, which are aimed at curbing religion among the populace.<sup>610</sup> Defector XXX testified that he/she was not aware of any religious facilities in Pyongyang, but she became aware of the existence of religion through the school programs designed to impart negative impressions of all religions.<sup>611</sup> Some people find out about religion through TV programs. Most North Koreans have never seen a monk at a Buddhist temple and know nothing about their existence, but a few have found out about them through TV programs.<sup>612</sup> Defector XXX also said she saw monks only in movies and advertisements.<sup>613</sup>

Superstition is widespread in North Korean society, and citizens discreetly exchange rumors as to the location of good fortunetellers.<sup>614</sup> High-ranking officials must not and will not

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

609. NKHR2009000073 2009-12-02.

610. NKHR2009000011 2009-03-03.

611. NKHR2009000053 2009-09-08.

612. NKHR2009000024 2009-04-20.

613. NKHR2009000062 2009-10-20.

seek out such services, but their wives are said to sometimes visit fortunetellers and report back to their husbands.<sup>615</sup> The North Korean authorities will punish any superstitious activities such as fortunetelling. North Korea's Penal Code (as revised in 2004) stipulates in Article 268 (on promoting superstition), "Person(s) who have shared superstition-based predictions with others for profit or egotistical reasons shall be sentenced to up to two years of labor training." All North Korean adults must uphold the 10 Principles of Unitary Ideology and demonstrate absolute loyalty; it is not permissible to have other beliefs or ideologies. That is why North Korea prohibits fortune-telling and other forms of superstition.<sup>616</sup> A defector testified that anyone who tried to "consult with fortune tellers" or "learn about personal fortune" would be punished by his or her organization.<sup>617</sup> If someone was very good at fortune-telling, even high-ranking security agents, Party members and People's Safety agents would go to consult with that person. In such cases, others who had gone there could avoid punishment. Security agents would impose punishment on fortune-tellers if they refused to pay bribes or show adequate respect. They would also punish fortune-tellers who became popular or widely known.<sup>618</sup>

- Defector XXX testified that in 2001 two fortune-tellers had to undergo a pre-trial for having made some political comments.<sup>619</sup>
- Defector XXX testified that North Korea strongly enforced

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<sup>614</sup> Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

<sup>615</sup> NKHR2008000012 2008-08-14.

<sup>616</sup> NKHR2009000012 2009-03-05.

<sup>617</sup> NKHR2008000006 2008-07-22.

<sup>618</sup> NKHR2008000023 2008-11-11.

<sup>619</sup> NKHR2009000057 2009-09-22.

its anti-occultist position in 2002.<sup>620</sup>

- Defector XXX testified that she was working in 2005 at a “foreign currency-earning” outfit that used to trade with China. There was a fortuneteller who was so good that she could accurately tell the “trading day” with China in advance. One day she was gone. It was later rumored that she was taken to the security agency for saying something wrong while engaged in fortunetelling.<sup>621</sup>
- Defector XXX testified that a fortuneteller named XXX (42 years old) was arrested for having engaged in fortunetelling activities at Pohang District of Chongjin. She had to serve at the labor-training camp in 2005 and 2006. She was also taken to the labor-training camp in 2007, but was released for reasons of pregnancy.<sup>622</sup>
- Defector XXX testified that a woman known as “Youngnam’s Mom” in Namsan District, Musan County, was arrested for her fortunetelling activities and detained at a labor-training camp for 6 months.<sup>623</sup>
- Defector XXX testified that when he was working at a detention center a woman about 50 years old named Suh XX was brought in and detained for some time because of her fortune-telling practice.<sup>624</sup>
- Defector XXX testified that XXX, about 45 years old, was caught engaging in fortune-telling. She was sent off to a labor-training camp.<sup>625</sup>

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

621. NKHR2008000009 2008-08-07.

622. NKHR2008000004 2008-07-17.

623. NKHR2008000006 2008-07-22.

624. NKHR2009000032 2009-05-19.

625. NKHR2009000051 2009-09-17.

- Defector XXX testified that a woman named Paik XX was arrested for fortune-telling in 2008. She was sent off to a labor-training camp for six months.<sup>626</sup>

### • The Ten Principles of Unitary Ideology

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. In North Korea, Kim Il-sung and Kim Jong-il are like gods.<sup>627</sup> One of the most important reasons for North Koreans' perception of religion as a source of foreign intrusion and exploitation is the antithetical nature of religion vis-a-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).

The worship of Kim Il-sung and Kim Jong-il is specifically stipulated in the Ten Great Principles of Unitary 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 Unitary 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

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<sup>626</sup>\_ NKHR2009000064 2009-11-04.

<sup>627</sup>\_ Testimony of defector XXX during an interview in Seoul on June 8, 2010.

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.<sup>628</sup>

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 Kims 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 used as an important basis for punishment.

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<sup>628</sup> The 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.
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 loyally repay the Great Leader’s boundless political trust and consideration with high political awareness and skill.
9. Establish strong organizational discipline so that the entire Party, the entire people, and the entire military 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.

“In March 2005 there was a fire at a security guard post of an enterprise in Hweryong 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 that year due to post-traumatic causes. Unlike ordinary crimes, the penalties involving the portraits are very serious. Thus 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 the North Korean authorities are expending to maintain the unitary ideology system.”<sup>629</sup>

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 Youngduk 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 October 11, 2007, it was suggested that people should follow the spirit of those who had

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<sup>629</sup> Good Friends, “North Korea Today,” No. 21 (May 18, 2006).

“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 houses were going under water and they had 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.<sup>630</sup>

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, Hyesan City of Yanggang 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 would have to spend two or three days in jail.<sup>631</sup> If one admitted to mishandling the portraits on purpose, punishment would be administered, but if one told them the damage was the result of unconscious neglect, they

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<sup>630</sup> Good Friends, “North Korea Today,” No. 94 (Oct. 17, 2007).

<sup>631</sup> *Ibid.*



would pardon the “insult.”<sup>632</sup>

Defector XXX testified that in December 2004 there was a fire in the labor-training camp where she was detained. As she was escaping from her cell with her belongings she spotted the (Kim Jong-il) portrait straight ahead, so she dropped her things, grabbed 3 portraits and exited the building. This made her a model inmate; her 6-month sentence was commuted to three and she was released from prison.<sup>633</sup> Defector Kim XX testified that the ‘10 Principles of Unitary Ideology’ were designed to force people to adhere absolutely to the Party’s policies. She said she was reminded of the portraits whenever the phrase ‘10 Principles’ came up.<sup>634</sup> This witness further testified that as recently as 2000 she would experience shock whenever she heard about a portrait being torn apart or burned.<sup>635</sup> Defector XXX testified that a neighbor woman made her living making and selling tofu at home. This produced a lot of humidity in her rooms, which made the portraits turn brownish. She was ordered to write a statement of self-criticism at a local party office and was locked up for ten days for not replacing the portraits.<sup>636</sup>

In an effort to galvanize the people’s loyalty toward the *suryong* (leader), the North Korean authorities are emphatically working to “internalize” the so-called “10 Principles” in the people’s minds through “lifestyle review” meetings. Anyone making a speech during the Party’s lifestyle review meetings must inevitably cite one or more items from the 10 Principles. Even in ordinary “lifestyle review” meetings the speakers cite specific items from the 10 Principles.<sup>637</sup> Some defectors have said the 10 Principles stand in for

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<sup>632</sup> NKHR201000062 2010-10-12.

<sup>633</sup> NKHR2008000010 2008-08-08.

<sup>634</sup> NKHR2009000011 2009-03-03.

<sup>635</sup> NKHR2009000013 2009-03-11.

<sup>636</sup> NKHR2009000053 2009-09-08.

the Christian “Ten Commandments” among North Koreans.<sup>638</sup>

Defector XXX testified as follows on the impact of the Ten Principles and the idolatry of the *suryong* in 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 been a stumbling block in our daily lives.”<sup>639</sup>

A defector testified that as life became harsh under the economic hardships, people could no longer pay much attention to the so-called “Ten Principles,” although they would not dare violate them. It is useful to recall that most defectors have testified that the “lifestyle review” meetings were conducted only as a formality.

- Defector XXX testified that during the “lifestyle review” meetings people would “self-criticize” based on the “Ten Principles,” but they knew they were doing it only as a matter of formality.<sup>640</sup>
- Defector XXX testified that ordinary citizens did not know the Ten Principles well, and “lifestyle review” meetings were simply formalities.<sup>641</sup>
- Defector XXX testified that ordinary citizens did not know the Ten Principles well. Only Party members knew them well. The reason for this is that one must thoroughly memorize all 10 Principles in order to become a party member.<sup>642</sup>

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<sup>637</sup> Testimony of defector XXX during an interview in Seoul on April 16, 2010.

<sup>638</sup> Testimony of defector XXX during an interview in Seoul on March 31, 2010.

<sup>639</sup> Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

<sup>640</sup> Testimony of defector XXX during an interview in Seoul on April 7, 2010.

<sup>641</sup> Testimony of defector XXX during an interview in Seoul on April 14, 2010.

<sup>642</sup> Testimony of defector XXX during an interview in Seoul on May 7, 2010.

- Defector XXX testified that people would “self-criticize” during the “lifestyle review” meetings, citing a specific principle(s) from the Ten Principles and saying that in light of that section he/she failed to “carry out General Kim Jong-il’s instructions,” etc. But XXX said these were simply formalities.<sup>643</sup>
- Defector XXX testified that the Ten Principles were very important, but in reality being labeled “anti-socialist” was a more fearful possibility simply because an agent could make such a whimsical judgment on the spot.<sup>644</sup>

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<sup>643</sup> Above testimony.

<sup>644</sup> Testimony of defector XXX during an interview in Seoul on April 23, 2010.



# 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 UDHR 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 opportunit... 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’ 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 Constitution as revised in April 2009, “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’ 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. Election committees are organized one month ahead of the actual elections. Each election committee compiles a list of the voters in their district and manages the district elections. An election committee usually consists of representatives of the Party, the People’s Committee, the security agencies, and the local community.<sup>645</sup>

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.<sup>646</sup> Citizens’ views toward voting are very negative. Instead of viewing elections as a right they see them as part of their civic duty.<sup>647</sup> Anyone who refused to participate in an election would be labeled a “reactionary.” Thus everyone participates in elections unless there are unavoidable circumstances.<sup>648</sup> No one would dare cast a negative vote for fear of retaliatory penalties.<sup>649</sup> The authorities encourage music and dancing on election days, but defector XXX testified that such displays are done out of duty rather than pleasure.<sup>650</sup>

In an effort to demonstrate local loyalty to the party by raising voting rates, each electoral district operates a “moving ballot box”

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645. *Chosun Central News*, Jan. 12, 2009.

646. Testimony of defector XXX during an interview in Seoul on May 7, 2010.

647. Testimony of defector XXX during an interview in Seoul on April 14, 2010.

648. Testimony of defector XXX during an interview in Seoul on April 16, 2010.

649. Testimony of defector XXX during an interview in Seoul on May 19, 2010.

650. Testimony of defector XXX during an interview in Seoul on May 10, 2010.

system for those who are unable to come to the voting booths because of illness or old age.<sup>651</sup>

Free expression of opinions 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.<sup>652</sup> This process was repeated during the election of deputies for the 11th Supreme People's Assembly conducted on August 3, 2009. 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 99.9 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."<sup>653</sup>

On every election day, the North Korean authorities encourage sloganeering of exactly the same phrases as follows:

"Let's all participate in the elections and solidify our revolutionary sovereignty like a rock."

"All voters! Let's all participate in elections as one person and cast affirmative votes."

"All voters! Let's all participate in elections and cast 100 percent affirmative votes."<sup>654</sup>

<sup>651</sup> *Chosun Central News*, March 8, 2009; Testimony of defector XXX during an interview in Seoul on April 15, 2010.

<sup>652</sup> Testimony of defector XXX during an interview in Seoul on May 7, 2010.

<sup>653</sup> *The Rodong Shinmun*, March 10, 2009.

<sup>654</sup> *Chosun Central Broadcast*, March 3, 2009.

During elections, agents of People's Security and People's Safety exercise strict control over the people. Anyone who fails to participate in 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 that for these reasons they always participated in voting.<sup>655</sup> The "people's unit" leader would go around the households prodding everyone to vote. There is also a People's Safety agent in charge of elections, so no one is excused from voting.<sup>656</sup>

The North Korean authorities always insist that secret ballots are guaranteed in all elections. However, no one would ever cast a vote against one of the solitary candidates; indeed no one would even dream of doing such a thing.

- Defector XXX testified that voters would have absolutely no idea who the candidate was, much less whether he was a good or bad person. They would simply cast an affirmative vote for the candidate pre-determined by the authorities. The polling booth is curtained to guarantee secret voting, but casting a negative vote is unthinkable.<sup>657</sup>
- Defector XXX testified that on election day, student marching bands take to the streets, playing drums and gongs to encourage voting and calling on citizens to cast affirmative votes for the local delegate for the Supreme People's Assembly. If anyone were to cast a negative vote, it would be construed as a vote against Kim Jong-il and that person would be arrested shortly after the elections. Everybody knows this, so no one would even think about casting a

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<sup>655</sup>. Testimony of defector XXX during an interview in Seoul on April 7, 2010.

<sup>656</sup>. Testimony of defector XXX during an interview in Seoul on May 7, 2010.

<sup>657</sup>. Testimony of defector XXX during an interview in Seoul on April 7, 2010.



negative vote.<sup>658</sup>

- Defector XXX testified that he was told he could cast a negative vote. But officials were watching so closely that no one would even think of doing so.<sup>659</sup>
- Defector XXX testified that if you scribbled or placed a mark on the ballot you would be locked up in a security agency jail, and depending on the result of the trial you might be sent off to a correctional center (penitentiary).<sup>660</sup>

North Koreans always cast 100% affirmative votes at polling places, and when they do so they must first bow to the Leader's portrait hanging over the ballot boxes. One must bow first, put one's ballot in, bow again, and only then can you leave the polling station.<sup>661</sup>

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<sup>658</sup> Testimony of defector XXX during an interview in Seoul on April 7, 2010.

<sup>659</sup> Testimony of defector XXX during an interview in Seoul on April 16, 2010.

<sup>660</sup> Testimony of defector XXX during an interview in Seoul on April 15, 2010.

<sup>661</sup> Testimony of defector XXX during an interview in Seoul on May 19, 2010.

*White Paper on Human Rights in North Korea 2011*





# III

## The Reality of Economic, Social, and Cultural Rights

1. The Right to Food
2. Social Security Rights
3. The Right to Work
4. The Freedom to Choose One's Job



# 1



## *The Right to Food*

North Korea's food crisis is generally said to have begun in the mid-1990s due largely to its ineffectual "collective agricultural system" and a series of natural disasters. In view of the various measures taken by the North Korean authorities, however, it would be fair to say that the food crisis, or the grain shortage crisis, actually began in the late 1980s. In 1987 the authorities decided to reduce grain rations by 10% for the first time in 20 years, and in 1991 they launched a nationwide "two meals a day" campaign. The next year they had to shave an additional 10% off of the public grain ration for everyone except soldiers and heavy-load workers.<sup>1</sup> In view of the many steps taken by the North Korean government during the late 1980s and early 1990s to solve its grain shortage problem, it is reasonable to assume that North Korea's food crisis began long before it became known to the world outside.

The causes of North Korea's grain shortage may be traced to several structural weaknesses. First, because North Korea has

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<sup>1</sup> Suk Lee, *The DPRK of Famine 1994-2000: Existence and Impact* (Seoul: KINU, 2004), pp. 18-19.

relatively little arable land, it has had to rely on energy-intensive methods of agricultural production. Due to a series of unexpected natural disasters, North Korea suffered a sharp drop in the production of coal, which was the major domestic source of energy. In addition, with the collapse of the former Soviet Union and the Eastern European states, as well as political turmoil in China, there was a sharp decline (down to less than 10% of the amount from previous years) in the supply of strategic industrial inputs (such as oil, fertilizers, technical know-how, and other industrial materials). In the past, North Korea used to benefit from a steady supply of these materials from its allies, based on reciprocal and strategic considerations. When this supply was cut off, North Korea was faced with a serious energy shortage which had a direct negative impact on all industrial sectors, including agriculture, manufacturing, transportation, etc.<sup>2</sup> Fertilizer production, in particular, saw a sharp drop; North Korea produced only 12% of its projected 1990 output, and in subsequent years until 2000 it was able to produce only 20-30% of its required fertilizer demand. A second structural flaw that contributed to reduced grain output was the so-called “collective production method,” i.e. agricultural cooperatives which failed to provide incentives for farmers. A “cooperative farm” normally has 15 or more workers in each unit (or team). When a team has a large number of workers, there will naturally be “slackers” and the unit’s efficiency will drop. In short, the unexpected and enormous natural disasters on top of the endemic structural weaknesses resulted in a sharp drop in grain output.

North Korea sustained tremendous flood damage between

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<sup>2</sup> Meredith Woo-Cumings, “The Political Ecology of Famine: The North Korean Catastrophe and Its Lessons,” *Asian Development Bank Institute Research Paper* (Jan. 1, 2002), p. 21.

1995 and 1997. After North Korea's grain output began to show a declining trend, many North Koreans entered a period of hunger and starvation. According to North Korea's official statistics, its total grain output in 1994 was 6.66 million tons, but this declined to 3.37 million tons in 1995. In 1996 and 1997, the total grain output was 2.24 million and 2.58 million tons, respectively. In order to fill the shortage, North Korea needed to import more than one million tons of grain annually from external sources. Due to the famine from 1994 to 2000, a countless number of North Koreans died from starvation. Some have estimated the total deaths at a minimum of 580,000 and a maximum of 1,120,000 persons.<sup>3</sup>

Since 2000 North Korea's agricultural output has been showing signs of some recovery. The total grain output passed 4 million tons in 2002 and reached around 4.5 million tons in 2005 and 2006. This was the result of assistance from South Korea and the international community as well as other factors including the donation of fertilizer, the transfer of agricultural know-how, improvements in the operability rate of various agricultural equipment made possible by increased shipments of fuel assistance, and favorable weather conditions. Due to natural disasters, the total grain output fell by 470,000 tons from the previous year to only 4.01 million tons in 2007, resulting in a deteriorating food situation for the population. The total grain output in 2008 was 4.31 million tons, an increase of 300,000 tons over the previous year. But, The Rural Development Administration estimated North Korea's total grain output for 2009 to be about 4.11 million tons, showing about 200,000 tons of decrease over the year 2008.

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<sup>3</sup> Suk Lee, *The DPRK of Famine 1994-2000*, p. 75.

〈Table III-1〉 North Korea's Total Grain Output and Demand

(unit: 10,000 tons)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Output	359	395	413	425	431	454	448	401	431	411
Demand	518	524	536	542	548	545	560	543	540	548

Source: Rural Development Administration; Ministry of National Unification, *Understanding North Korea, 2010* (Seoul: The Unification Education Center, Ministry of National Unification, 2010), p. 144.

Since North Korea's annual grain output falls far short of minimum demand, it has to depend on imports from China as well as international aid. North Korea's grain demand for 2010 was about 5.4 million tons, and North Korea imported about 350,000 tons of grain during the 2010 "grain year."<sup>4</sup> Assuming that North Korea produced 4.11 million tons of grain in 2010, which would have been about the same output as 2009, North Korea would have had a shortage of about one million tons of grain in 2010. In addition, South Korea's grain assistance to North Korea has been suspended since 2008, and due to rising international grain prices the international grain assistance for North Korea was also significantly reduced in 2009 and 2010. Another factor that contributed to North Korea's reduced grain production was South Korea's suspension of fertilizer aid to North Korea. Furthermore, the failure of North Korea's currency reform at the end of 2009 forced food prices to rise sharply. In 2011 these factors together added to the pain most North Koreans were already suffering due to food shortages. In short, the prospects for North Korea's grain supply remained grim in the 2010 "grain year" (November 2009~October 2010).

<sup>4</sup> Lim Kang-taek et al, *An Overall Assessment of North Korean Economy, 2010 and Prospects for 2011* (Seoul: KINU, 2010) p. 26.

In order to tide people over during the persistent grain crisis and boost agricultural output, the North Korean authorities have repeatedly emphasized the need to concentrate nationwide efforts on agricultural goals. The 2008 New Year's Joint Editorial declared, "At the present time no task is more important and critical than the solution of [the] people's grain problem and the problem of food." In 2009, the editorial said, "The solution of [the] grain problem is the dire demand of our reality." North Korea's 2010 New Year's Message proclaimed "We must brilliantly realize the Party's agricultural revolutionary policies and drastically increase our agricultural output." However, due to the structural problems of the North Korean economy, efforts by the authorities to alleviate the severity of the grain shortage through increased grain production are not making any headway. Moreover, North Korea's grain shortages are further exacerbated when foreign assistance is cut off due to the unfriendly international atmosphere brought on by North Korea's own hostile and aggressive foreign policy.

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 grain 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.

However, the grain-ration system as a means of public control has begun to lose its efficacy. In 1994, when the famine began in earnest, North Korea began to partially suspend national rations. By 1996, North Korea had to totally discontinued the



ration system in certain regions. By the end of 1996, citizens had to fend for themselves. Agencies, factories, and businesses independently began to engage in various illicit profit-making trade ventures to earn foreign currency. They then distributed three or four days worth of food per month to their employees. Foreign aid has helped to 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. A North Korean who defected from Pyongyang in 2006 stated that the situation was so bad that even people in Pyongyang, a privileged city, received only one week's worth of "grain ration" per month.<sup>5</sup>

North Korean defectors have testified that<sup>6</sup> even under these circumstances, official grain rations are offered on a priority basis to select groups of people working for such key organizations as the Party, the National Safety Protection Agency, the military and defense industries. A North Korean defector who used to receive grain rations as a worker at the Musan Mine testified that he had seen empty rice sacks bearing marks like "UN" or "Republic of Korea," but he had never received actual rice rations flowing from these sources.<sup>7</sup>

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

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<sup>5</sup> Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

<sup>6</sup> NKHR 201000005 2010-03-16; NKHR2010000031 2010-11-09; KHR2010000071 2010-11-09.

<sup>7</sup> NKHR2010000011 2010-12-07.

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.<sup>8</sup> According to one female defector who used to be a soldier, the daily military “regulation grain ration” was 450 grams, but her unit would “save” a little, so she used to eat about 130 grams per meal.<sup>9</sup> A defector who used to serve in the military in Kangwon Province and in Pyongyang testified that the grain situation was different from district to district.<sup>10</sup> When he was serving in Kangwon Province district, he had to go hungry because they issued only 100-150 grams of grain per meal. He had to sneak outside undetected by his superiors and steal some corn or rice from civilian homes to survive. However, when he served in Pyongyang, they issued better quality grain and the amount was also greater, so the situation was far better than when he served in Kangwon province.

Defector XXX testified that the grain situation in the farm villages was slightly better than urban areas, but city workers had to undergo serious hardship when the grain rations were discontinued.<sup>11</sup> He also said the food shortage was most severe in remote provinces like Hamkyong, Yanggang, and Jakang, 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.

As the central ration system failed to function properly, most

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8. Testimony of defector XXX during an interview in Seoul on Jan. 29, 2003.

9. Testimony of defector XXX during an interview in Seoul on Jan. 11, 2003.

10. NKHR2008000014 2008-08-26.

11. Testimony of defector XXX during an interview in Seoul on May 6, 2002.

ordinary citizens had to deal with the grain shortage problem on their own. Their main sources for grain were the farmers' markets, the black market, and relatives in farming areas. Some people secured grain by illegally trading their grain ration coupons or housing vouchers. 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 grain. 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.

A significant change took place when the government announced the "July 1 Economic Management Improvement Measures" in 2002. The nominal ration system was abolished, and the citizens were told to purchase daily necessities at the state-run stores.

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 line with the rising consumer prices in the aftermath of the July 1 Measures, wages have also been raised at the same rate. 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.<sup>12</sup>

The price of rice would differ from place to place, but generally speaking, a kilogram of rice cost about 900 won in 2006 and it went up to 1,700 won in 2007.<sup>13</sup> In about October 2007, the price went up still higher to about 4,000 won per kilogram.<sup>14</sup> In 2008, the price of rice fell to 3,000 won per kilogram,<sup>15</sup> but in 2009 it again increased to 4,000 won.<sup>16</sup> In view of the devaluation of North Korean currency, the price of rice in 2010 was much higher than it was before the currency reform.<sup>17</sup> Meanwhile, 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 over-

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<sup>12</sup> Testimony of defector XXX during an interview in Seoul on Dec. 20, 2002.

<sup>13</sup> Testimony of defector XXX during an interview in Seoul on Jan. 29, 2008.

<sup>14</sup> NKHR2008000025 2008-11-20.

<sup>15</sup> NKHR2008000024 2008-11-18.

<sup>16</sup> Testimony of defector XXX during an interview in Seoul on March 22, 2010.

<sup>17</sup> NKHR2010000002 2010-08-10; NKHR2010000066 2010-05-11.

come 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 trading or peddling in the market, people could earn as much as 5 thousand won per day. A defector who used to buy bean curds from the market and make tofu to sell testified that she was able to make about 10,000 won a day.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup>

In view of the fact that grain rations are regularly distributed at normally operating factories and enterprises, the people’s grain situations seem to vary according to the jobs they are holding. For example, a defector who used to work at Yuson Mine (in Hweryong) testified that he received some grain rations at the mine until he fled in 2008.<sup>21</sup> The quality of the bricks for blast furnaces produced at the Yuson Mine was so good that they lasted about 3 months, but

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<sup>18</sup> Testimony of defector XXX during an interview in Seoul on March 30, 2010.

<sup>19</sup> Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

<sup>20</sup> Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

<sup>21</sup> NKHR2008000016 2008-09-02.

bricks manufactured by other places would last only about one month. For this reason, the authorities guaranteed the maintenance of good facilities and raw materials to support the Yuson Mine, including better grain rations. Another defector testified that the United Sungjin Steel Mill Enterprise also enjoyed better supplies than other places.<sup>22</sup> This factory did not operate as it had before due to the lack of electricity and raw materials, but grain rations were distributed somewhat normally thanks to the ingenuity of higher-ranking staff members. However, because no one could survive on 450 grams of grain a day, the workers had to buy at least one meal a day at the marketplace.

When the grain ration system stopped working, the food situation of ordinary citizens became unspeakably bad.<sup>23</sup> Even some farmers had to steal grain due to the deteriorating situation. A farmer (in Kangso County, South Pyongan Province) was penalized with 3 months of labor-training for stealing some corn, and XXX (Hweryong, North Hamkyung Province) was punished with 6 months of labor-training after a public trial in front of fellow farmers for stealing a few ears of corn cob in the field.<sup>24</sup> On the other hand, the families of “anti-Japan fighters” and “heroes of the Republic” would get special benefits in grain rations. A defector whose paternal and maternal grandfathers were heroes of the Republic testified that his family used to receive 40 kilograms of grain rations (corn) every month even when others did not.<sup>25</sup>

Despite the serious grain shortage, most of the food stuffs coming into North Korea through international humanitarian

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<sup>22</sup>\_ NKHR2008000015 2008-08-27.

<sup>23</sup>\_ NKHR2008000017 2008-09-04.

<sup>24</sup>\_ Good Friends, “North Korea Today,” No. 217 (Sept. 24, 2008).

<sup>25</sup>\_ NKHR2008000010 2008-08-08.

assistance did not seem to reach the sectors of the general population most in need. A defector testified that citizens would line up to receive beef rations provided by UN agencies. However, after the UN staff finished taking photographs and departed the scene, the citizens would have to return the beef to the stores (rationing authorities).<sup>26</sup> A defector who once served as a “people’s unit” leader testified that she cooked “foreign aid rice” at home twice in an effort to show off for (i.e. deceive) on-site UN inspectors, but she never again received “foreign aid rice.”<sup>27</sup> In addition, UNICEF workers would sometimes come and directly distribute “foreign aid rice” to the local inhabitants. However, most “foreign aid rice” did not go to the people; at least 80% of it ended up in the hands of the military, which in turn sold it in the marketplaces.<sup>28</sup> What is interesting is that most North Koreans consider it natural that “foreign aid rice” ends up going to the military. Even if people privately disapproved, they would usually pretend as if they had no complaints.

In this way, the North Korean authorities have been tightening control over the marketplaces since 2008. Grain is generally traded in the marketplaces, but now when the government tightens control over the market the grain prices go up, which in turn makes life more miserable for the people. Some media reports have said that since the currency reform of November 2009 the grain prices in North Korea have gone up sharply.

According to a North Korean defector who came to South Korea recently, the chronic food shortages persisted in North Korea in 2010. Others have testified that the food shortage following the

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<sup>26</sup> NKHR2008000011 2008-12-16.

<sup>27</sup> NKHR2009000061 2009-10-08.

<sup>28</sup> NKHR2009000027 2009-12-02.

currency reform (late 2009) was far worse than the food shortage they experienced during the so-called “Arduous March” period (in late 1990s).<sup>29</sup> Even the grain rations handed out to mine workers were discontinued after the currency reform of 2009.<sup>30</sup> In view of the fact that many defectors said they saw or heard of starvation deaths since the currency reform, North Korea’s grain shortage appears to have reached a crisis level.<sup>31</sup> In short, the North Korean authorities may have achieved a level of market control through the currency reform, but the reform has posed an added threat to ordinary citizens whose livelihoods depended on the market mechanism.<sup>32</sup>

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<sup>29</sup> NKHR2010000002 2010-08-10.

<sup>30</sup> NKHR2010000005 2010-03-16; NKHR2010000010 2010-09-14; NKHR2010000031 2010-11-09; NKHR2010000071 2010-11-09.

<sup>31</sup> NKHR201000029 2010-11-09; NKHR2010000058 2010-11-23; NKHR2010000074 210-04-20; NKHR2010000097 2010-06-15; NKHR2010000017 2010-10-05.

<sup>32</sup> Lim Kang-taek et al, *An Overall Assessment of North Korean Economy, 2010 and Prospects for 2011*, p. 51.





# 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). Also, 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).”

From the recipients’ point of view, these systems play the role of supplier of food, shelter and clothing under the national social security system. And the free medical treatment system plays the role of primary social safety net designed to protect the individual’s livelihood. On the other hand, the “industrial disaster compensation system,” which is a form of national social insurance, plays the role of secondary social safety net.

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: (a) health related insurances such as life insurance, casualty insurance, insurance for children, and passenger insurance; and (b) 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. In addition, North Korea has a pension system as part of its social security 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.

The North Korean authorities advertise that North Korea's "social security" system is far better than those of advanced nations. What is important to note, however, is the vast gap between the system in theory and the reality. One of the reasons the North Korean social security system is not working is that there is a widespread shortage of necessary materials and equipment. For example, the most basic means of livelihood, the grain-ration system, is not functioning properly except in Pyongyang and a few select areas. Thus it is hard to imagine that the sick, the infirm, and the elderly benefit much from North Korea's social "guarantee" system. North Korea's pension system is supposedly all provided for under the law, but none of the practical details are carried out, due to the economic problems.

A significant portion of North Korea's social security system in reality became defunct in the wake of the July 1 Economic Measures of 2002, and the gap between the ideal system and reality widened. Officially and outwardly, the old "system" is maintained, but the operating principles and the nature of welfare payments have gone through a fundamental change in the wake of the July 1 Measures. In short, through the July 1 Measures the government gave up responsibility for providing food, shelter, and clothing for the people; the responsibility for the people's welfare was transferred from the state to the individual, even though North Korea's welfare system continues to stipulate various terms for state-guaranteed social insurance and social security. In other words, North Korea's national social welfare system and the roles and functions of its social safety net have largely been curtailed.

It is also noteworthy that the nature and level of pay (either

in cash or in kind) have drastically changed since the July 1 Measures. In the past, if one worked one could automatically get various welfare payments. After the July 1 Measures, the pay scale became stratified based on individual skill, total output, and overall income. Due to the rising price of rice, which is used as payment in kind, the government's role as a guarantor of the livelihood of workers has significantly diminished.

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. In short, most people who would qualify for annual pensions have never actually received them.<sup>33</sup> Even if one were to receive a pension, the amount would be so modest that it could hardly be called social security. As one defector testified, "They call it "seniors' security," but they don't give us grain rations, and no one could live on 750 won a month, which would amount to about half a kilogram of rice." He further said, "If you don't have a son, you simply starve to death when you get old."<sup>34</sup> Many defectors testified that they had to resort to vending or farming since they could

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<sup>33</sup> NKHR2010000032 2010-11-23; NKHR2010000056 2010-11-16.

<sup>34</sup> NKHR2008000020 2008-09-17.

not survive on their pensions. In short, North Korea's social security system has become a complete failure.<sup>35</sup>

North Korea appears to be giving priority treatment to men and women in uniform under the banner of "military-first politics," but in reality the government is unable to provide housing for the discharged soldiers. 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.<sup>36</sup> These testimonies well describe the reality of the government's "meritorious service grant" system, and are evidence that there exists a wide gap between the system and reality in North Korea's social security policies. Due to the exacerbating economic and food crises, the grain ration system, which used to be the source of basic livelihood, is not operating properly and the suffering of most vulnerable class of people, such as children, the old, and the infirm, is truly serious.

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

<sup>35</sup> NKHR2010000042 2010-10-26; NKHR2010000084 2010-03-30.

<sup>36</sup> Testimony of defector XXX during an interview at Seoul on Jan. 29, 2003.

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. In preparation for unexpected inspections, however, the family doctors would maintain bogus medical check-up records, which would show once a month family visits and various false records, like blood pressure tests, and the like.<sup>37</sup> The "district doctor (or family doctor) system" is intended to realize the Socialist preventive medicine, but the system in reality is in name only.

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. 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. 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

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<sup>37</sup> NKHR2008000024 2008-11-18.

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. 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.

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.<sup>38</sup>

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.<sup>39</sup> 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

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<sup>38</sup> Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

<sup>39</sup> *Yonhap News*, Jan. 29, 2004.

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.<sup>40</sup>

In its annual “World Disasters Report 2000” published June 28, 2000, the International Federation of Red Cross and Red Crescent Societies observed that North Korea was suffering from a serious shortage of medical equipment and supplies. It reported that North Korean hospitals were substituting traditional herb-based medicine for modern medicine in over 70% of the cases due to a lack of modern pharmaceutical supplies. Also, contagious diseases were on the increase, with over 40,000 tuberculosis patients a year.

The testimonies of defectors consistently and repeatedly confirm these assessments of the international community of North Korea’s medical situation. Defector XXX had practiced medicine for 30 years in North Korea, after graduating from a medical school in 1968. Until before his defection to South Korea in 1998, he had worked as a pediatrician at XX City Hospital in North Hamkyung Province. He testified on the situation of medical service in North Korea: 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 do not 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

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<sup>40</sup> Norbert Vollertsen, “The Prison State,” *Wall Street Journal*, April 17, 2001.



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.<sup>41</sup>

A defector who used to work as a medical doctor until before he defected to South Korea in 2007 testified in detail on North Korea's health and medical system and services. This graduate of Chongjin Medical School provided the following details about the situation in XX district, Buryong County, North Hamkyung Province:<sup>42</sup>

In North Korea the Party's standing policy is preventive medicine. The reason the Party is unable to maintain its policy of preventive medicine is because the authorities are unable to enforce preventive inoculation due to the lack of necessary medicines. In the winter of 2006 a measles epidemic broke out in my area of responsibility, so we gave local residents measles shots that had been manufactured in North Korea. Nevertheless, those who got the shots became infected. Upon re-testing the medicine, it was revealed that the medicines were bogus. I stopped using the bogus medicine and instead used the medicines provided by the UN agencies, and the measles disappeared. Obtaining measles vaccines also required some power and influence. The director of the clinic had to visit higher authorities to obtain measles vaccine and even he had to rely on some friendly sources (contacts) to get them.

The free medical treatment system has nearly ground to a halt in recent years. People need money from the very first stage of diagnosis

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<sup>41</sup> Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

<sup>42</sup> NKHR2008000005 2008-07-22.

at the hospital. Upon admission to the hospital, each patient must bring in food and his own bedding. Since there is no heating in winter, the patient must bring in an electric heater or firewood. A patient might sometimes get some medicine, but in most cases the hospital issues medicines only to high-ranking officials. Thus a patient has to pay for all his medicines. The so-called free treatment system has virtually disappeared with the collapse of the economy.

The pay scale for the health workers (doctors) was very poor. I was a medical doctor 2nd class, and used to get paid 2,500 won a month. But there were lots of deductions every month, like 500 won for the construction of the Mt. Paikdu electric power plant, a certain amount in support of the People's Army, and so on. After these "voluntary deductions" I would be left with not enough money to buy even a bottle of rice wine for myself. For these reasons, even doctors were trying to make some money on the market, although they continued to treat patients at work. And medical doctors were also responsible for various social duties. All doctors at clinics or hospitals would be responsible for collecting and donating to the country 40 kilograms of medicinal herbs from the mountains every year. Doctors who fell sick would purchase the herbs from the market to fulfill this annual duty.

Health workers would try to survive by practicing their various skills. If a doctor individually performed certain procedures, like female sterilization, mid-term abortion, treatment of inflammation, cervical cyst removal, etc., he would receive a certain amount of money. For example, female sterilization would bring in 10,000 won, mid-term abortion would cost 20,000 won, and so on. So like everybody else medical doctors had to also engage in various "struggles" to make money, otherwise they would ultimately perish. Under these circumstances, the "family doctor" system has all but disappeared.

According to a defector who came to South Korea in 2010, it wasn't necessary to pay any hospital bills, but in most cases one had to provide the doctor some sort of compensation, like alcohol, food, or money. One defector said some doctors openly demanded

cash payments.<sup>43</sup>

North Korea's medical/health problems may be summarized into four broad categories. The first is the extreme shortage of medical equipment. Due to the lack of proper equipment, hospitals cannot function properly. 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 stethoscopes. Because blood-testing equipment is not available, doctors cannot properly diagnose the condition of their patients.

Due to the lack of medicines and medical equipment, there appeared any number of cases that should not happen in the world of free medical treatment. Since there are no medicines at hospitals, doctors simply diagnose and prescribe medication for the patients to buy themselves in the market.<sup>44</sup>

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.<sup>45</sup> The small

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<sup>43</sup> NKHR2010000082 2010-06-22.

<sup>44</sup> "A Workshop for the Defectors," sponsored by KINU, Jan. 20, 2006; Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

<sup>45</sup> *Yonhap News*, July 3, 2002.

amount of medicine supplies in hospitals is dispensed only to ranking officials or to the doctor's acquaintances; all other patients get consultations only. Even if one were able to obtain a prescription from a doctor, the medicine purchased in the market is in many cases bogus. 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 because the pharmaceutical factories are not operating properly. Doctors and hospital staff, including nurses, smuggle hospital medicines out to the market. A defector testified that a large amount of medicine was being leaked or diverted to other places in the process of distribution. He said if ten pills were allotted to a local hospital, only one or two pills would actually reach it, and medical doctors would take advantage of these diverted medicines.<sup>46</sup> The dwindling medicine supplies pushed up their values higher, which in turn encouraged them to flow into the black-market. As a result, ordinary people had no other choice but to purchase necessary medicines from the marketplaces.

The second problem is that due to the collapse of the medical system, the so-called "free treatment benefits system" has become a completely unrealistic slogan. The patient's family becomes responsible for administering treatment. According to XXX 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. Even under these conditions, admission into the hospital is not allowed as needed. The number of patients is predetermined by each diagnostic department, and

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<sup>46</sup> NKHR2008000009 2008-08-07.

admissions are not allowed except for extremely urgent cases.

It has been some time now since the free medical treatment system had collapsed in North Korea. The system was said to be free treatment, but doctors would demand money by telling patients, “Such and such medicines will be needed for your operation,”<sup>47</sup> or “The price of penicillin is such and such.”<sup>48</sup> A defector testified that a patient had to have one of his legs amputated. The man also had to undergo a second surgical procedure, but he was unable to be hospitalized for lack of money. He could not even obtain outpatient treatment.<sup>49</sup> Ordinary citizens understand state hospitals to be as expensive as private hospitals, regardless of whether they are county or provincial hospitals.

- Defector XXX testified that the situation in Musan Miners’ Hospital was a little better, but at other hospitals the patient should bring all their own food to the hospital if hospitalized. There were medicines and syringes at the hospital, but the doctors would not use them except in emergency cases.<sup>50</sup>
- Defector XXX testified that only the patients requiring operation would go to hospitals. Otherwise, the doctors at the hospital would give you information on necessary medicines and the patient would have to get them from the market.<sup>51</sup>
- Defector XXX testified that at Hweryong OB/GYN Hospital, the doctors would provide diagnostic results but the patient would have to pay for the bed sheets, cleansing solutions,

47\_ NKHR2008000024 2008-11-18.

48\_ NKHR2008000026 2008-11-25.

49\_ NKHR2009000068 2009-11-12.

50\_ NKHR2008000022 2008-11-05.

51\_ NKHR2008000029 2008-12-16.

and medicines. The only item the patient did not have to pay for was the bed itself. In addition, the patient would have to provide the doctor with at least one meal or something. These days, he said, hospitals have a list of set prices for treatment according to the types of illness.<sup>52</sup>

- Defector XXX testified that he had injured himself and was hospitalized for five days at Yuson Hospital. However, he had to pay for his own food and bandages. He also had to purchase necessary medicines from the market. He added that if you wanted to get proper treatment at the hospital these days, you had to pay for everything yourself.<sup>53</sup>
- Defector XXX testified that his father-in-law (70 years old) was hospitalized at the Hweryong Hospital for a month (Oct. 2007) to have a liver operation. Hospitalization and medicines cost him about 500,000 won altogether. They performed the operation, but he had to pay for everything else, including meals and medicines.<sup>54</sup>
- Defector XXX testified that the cost of an operation was pre-determined. For example, an operation for an appendicitis would cost 50,000 won, surgical operations (like abdominal incisions) would cost 100,000 won, and so on. The patient is 100% responsible for the cost of all medicines.<sup>55</sup>
- Defector XXX testified that he was hospitalized at Chongjin City Hospital in the Sinam District for 15 days in October 2006 for kidney stone treatment. The hospital only had kidney stone medicines it had made (which did not work),

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<sup>52</sup>\_ NKHR2008000027 2008-12-02.

<sup>53</sup>\_ NKHR2008000016 2008-09-02.

<sup>54</sup>\_ NKHR2008000013 2008-08-19.

<sup>55</sup>\_ NKHR2008000021 2008-09-23.

so he had to purchase other medicines from the market, and he also had to cook his own meals at the hospital.<sup>56</sup>

- Defector XXX testified that when she gave birth to a baby at the Pyongyang OB/GYN Hospital, she had to buy her own medicines from the market. The hospital would provide cooked rice and soup, but she had to bring meals from home for better nutrition.<sup>57</sup>
- Defector XXX testified that he witnessed a woman who was suffering from post-abortion complications. She was hospitalized but the doctors did not give her any treatment, and she ultimately died.<sup>58</sup>
- Defector XXX testified that she knew of a person who went to the hospital with a severe headache. But the doctor told her there was nothing wrong. The next time the patient visited the hospital, she was found to have brain inflammation which had reached a critical stage, and she died.<sup>59</sup>

Third, the North Korean authorities are trying to compensate for the lack of medicine by encouraging the use of unorthodox “folk medicine” methods. 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 propagate herbal treatments, they taught the people about various cases of folk medicine treatment, while encouraging an “all-masses campaign” for the production and distribution of medicinal herbs. A North Korean defector

<sup>56</sup> NKHR2008000017 2008-09-04.

<sup>57</sup> NKHR2008000023 2008-11-11.

<sup>58</sup> NKHR2010000042 2010-10-26.

<sup>59</sup> NKHR2010000020 2010-05-19

testified that he was infected with typhus, but he could not get hospital treatment because he did not have money. So he had to treat himself at home with local folk medicines (herbal medicine).<sup>60</sup>

Fourth, for their own survival doctors will take bribes in exchange for medicine. When 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 they need from those friends.<sup>61</sup> 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. There was even a case in which an active duty soldier had paid money and obtained a bogus diagnosis, and got his discharge from the military service. A defector testified that he had served for four years from 2002 to 2006 as a radio-man at the Marine Garrison in Nampo. He had six more years to serve. So he claimed to be ill and got himself hospitalized. Subsequently, he obtained a medical diagnosis by paying 350,000 won, which got him a discharge from military service.<sup>62</sup> Medical doctors also have to earn extra money to make a living. Doctors in the provinces have to take turns working on personal farms cultivated in the outlying areas to compensate for the dire shortage of food.

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.

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<sup>60</sup> NKHR2010000032 2010-11-23.

<sup>61</sup> Testimony of defector XXX during an interview at Seoul on Feb. 3, 2003.

<sup>62</sup> NKHR2008000030 2008-12-23.



But it is said that even the Pyongyang Red Cross Hospital is experiencing an electricity cut-off rate of 30 percent.<sup>63</sup>

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.<sup>64</sup> Because doctors would divert good medicines for their personal profit, the medicines provided by UN agencies were hard to come by.<sup>65</sup> Whenever the medicines from UN agencies arrived at the hospital, the staff would systematically divert them and sell them at the market.<sup>66</sup>

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<sup>63</sup> Testimony of defector XXX during an interview in Seoul on Sept. 23, 2004.

<sup>64</sup> "A Workshop for the defectors," sponsored by KINU, Jan. 20, 2006.

<sup>65</sup> NKHR2008000010 2008-08-08; NKHR2008000029 2008-12-16.

<sup>66</sup> NKHR2008000027 2008-12-02.



# 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 International Covenant on Economic, Social and Cultural Rights (ICESCR) also stipulates, “The States parties 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 remuner-

ation for public holidays.” Articles 7 and 8 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) 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. Article 31 says, “The minimum working age is 16 years old. 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). However, laws and institutional guarantees are absolutely irrelevant to the realities on the ground. In North Korea, labor is the responsibility of all people, because labor is not for the individual’s benefit but is based on collectivist principles—it is a group activity for the benefit of everyone. Ultimately, the “right to work” in North Korea is not a right but a duty to respond to mobilized labor.

For example 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. 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 Korean Workers' Party has sole responsibility for representing the interests of laborers, and the trade union exists merely as a formality.

Even the policies on leaves of absence and vacations show a wide gap between the workers' rights as stipulated in North Korean laws and the rights they enjoy in reality. 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. But, the official leave policy for workers is not observed in reality. The North Korean Constitution in Article 30 stipulates, "The daily working hours of the working masses are eight hours." On the other hand, Article 33 of the Socialist Labor Law decrees, "In terms of organizing workers' lives the State shall strictly enforce the principle of 8 hours of work, 8 hours of rest and 8 hours of education." Because of this specific stipulation, the "8-hour rest" rule mentioned in the Constitution became nothing but a formality. 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 "The 90's Speed Creation Movement" have been established. Under

these circumstances, extended work hours are inevitable. In short, workers are driven to the limit as additional work is forced on them such as labor mobilization, education and training, and various group meetings in addition to regular working hours.

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 can not find places to work. A defector who used to work at a factory rhetorically asked, “How can anyone work when there are no source materials to work with?” He testified that most workers would be mobilized for “social work” during working hours.<sup>67</sup> 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.<sup>68</sup>

In Chongjin City there are many well-known enterprises, including the Kim Chaek Steel Mill. However, many of these factories and enterprises are not operating normally. For this reason, there are many “squatters” in front of factories and enterprises; there is no work even if they want it.<sup>69</sup> The Kim Chaek Steel Mill failed to pay its workers from January 2008, and many workers

<sup>67</sup> NKHR2009000018 2009-03-26.

<sup>68</sup> Good Friends, “North Korea Today,” No. 56 (Jan. 24, 2007).

<sup>69</sup> NKHR2008000011 2008-08-12.

did not report to work without authorization. Faced with this situation, the local Party and the “workers’ league” officials held an emergency meeting and issued instructions to all workers to report to work unconditionally.<sup>70</sup> A North Korean defector well described the current North Korean situation: “Work-related rights and regulations are meaningless. Since the workplaces are not managed properly, most workers do not report for work but instead try to make a livelihood on their own.”<sup>71</sup>

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<sup>70</sup> Good Friends, “North Korea Today,” No. 139 (June 5, 2008).

<sup>71</sup> NKHR2011000013 2010-06-08.



# 4



## *The Freedom to Choose One's Job*

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, as in other areas, the freedom to choose jobs is extremely restricted in North Korea. One's job depends on the Party's plans which dictate the supply and demand of manpower rather than one's individual choices. In other words, job assignments are determined by the central economic plan and the demands of each sector; individual talents, preferences, and capabilities are not seriously considered. 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.

*<Discrimination and Imbalance in Job Choices>*

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.



Many recent defectors testified that the most important factor in job placement was money. In short, most people who get good job placements do so through bribery.<sup>72</sup>

*<Group Assignment and Deprivation of Job Choice>*

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, the 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. A defector has testified that in 2002 about one thousand young discharged soldiers were “group assigned” to a collective farm in the Daeheungdan County.<sup>73</sup> The North Korean authorities would award “medals of honor” and host massive send-off rallies for them. According to North Korean defectors, however, the so-called “group assignments” are one-sidedly imposed on these people by the authorities regardless of personal choices.<sup>74</sup>

<sup>72</sup> NKHR2010000001 2010-05-25; NKHR2010000004 2010-05-25; NKHR2010000061 2010-05-18.

<sup>73</sup> Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

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 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.

If anyone who has been “group-assigned” to a workplace fails to report to work or goes absent without leave for any reason, the workplace suspends grain rations and stops issuing daily necessities to that person. Thus everyone has to report to work regardless of individual feelings or excuses. The reason the North Korean authorities refuse to permit job transfers is to prevent loss of manpower (or man-hours) and to systematically implement their economic plans through effective control of manpower. Furthermore, the government is able to exercise institutional control over its population through this system. Arbitrarily assigning jobs to individuals and preventing mobility between jobs are other ways of demanding loyalty to the Party and extracting psychological allegiance from the people.

Due to the recent food shortage, however, government rations are not guaranteed and corruption is pervasive everywhere. One

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<sup>74</sup> *Yonhap News*, Dec. 13, 2001.

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.<sup>75</sup>

In the past, the authorities used to “group-assign” discharged soldiers to various mines and coal mines in groups of several hundreds. Since many of them would flee from these sites, in recent years they have been assigned to work places near their homes or hometowns.<sup>76</sup>

#### *<Bribery and Job Choices>*

Despite strict labor laws and ration systems, recently significant changes have been taking place in the existing job market and in people’s attitudes toward jobs. Bribery is routine in job assignments, and people change jobs frequently. In getting a job assignment, one’s major field of study or specialty does not matter in most cases. However, for a bribe, one may get assigned to a commercial or trading outfit where it is possible to make some easy money. One defector, who used to be an ordinary worker, testified that he was able to make some money by bribing the Labor Section officials with things like cigarettes.<sup>77</sup> So it is quite possible to get desired job assignments by bribery. Another factor which plays a role in job assignment is, of course, power. A defector testified that he was assigned as a researcher at a research institute after his graduation from college. He said the most important consideration in his assignment was his parents’ power (i.e., clout or capabilities).<sup>78</sup> Students without influential background would be assigned

<sup>75</sup> Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

<sup>76</sup> NKHR2008000024 2008-11-18.

<sup>77</sup> NKHR2009000011 2009-03-03.

<sup>78</sup> NKHR2008000023 2008-11-11.

to jobs that the university would offer, whereas students with powerful support would inform the school where their assignments were going to be.<sup>79</sup> Because of these instances, more and more North Koreans came to believe that the North Korean economy was growing worse due to the crooked staffing practices such as “bribery assignments” and “my-buddy” assignments.<sup>80</sup>

Money, power, and other capabilities have brought about various changes in work rules.

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. In North Korea, the enterprises engaged in foreign currency earning or work places dealing with foreign currency are considered good jobs. So everyone would try to get assigned to such good positions.<sup>81</sup> 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.<sup>82</sup> 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.”<sup>83</sup>

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<sup>79</sup> NKHR2008000001 2008-07-01.

<sup>80</sup> Testimony of defector XXX during an interview in Seoul on Feb. 3, 2008.

<sup>81</sup> NKHR2008000021 2008-09-23.

<sup>82</sup> Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

<sup>83</sup> Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008

*<Bribery and Job Desertions>*

People who for lack of money and talent cannot secure a job at the foreign currency companies go into peddling jobs. They pay their bosses to make up for their absence from work, so they can continue vending and peddling. Many people would provide nice meals or discreetly offer money to the doctors to obtain a bogus diagnosis, which they submit to their work places and set out to peddling in the market.<sup>84</sup>

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.<sup>85</sup> 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.<sup>86</sup> A defector testified that at Gochang Mine in 2003 some workers could get appointed as “8.3 workers” if they paid 5,000 won, which would cost about 30,000 won today.<sup>87</sup> Another defector who used to work at a paper mill testified that he had worked as a “8.3 worker” for four years before his defection.<sup>88</sup> Another defector testified that he had worked as a peddler while maintaining his position as a teacher by paying off the school’s principal from 2004.<sup>89</sup>

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84. NKHR2008000025 2008-11-20.

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

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

87. NKHR2008000025 2008-11-20.

88. NKHR2008000027 2008-12-02.

89. NKHR2008000011 2008-08-12.

In North Korea, everyone has to have a job, however nominal it may be. However, many workers try to engage in “8.3 work” (i.e., self-employment), instead of reporting to their regular job. In some cases, a worker will inform his supervisor that “I will be on a 8.3 work” and not report to their regular job.<sup>90</sup> Since most North Korean workers are not able to survive on the pay they get from their regular job, many of them try to earn some money on their own, paying a certain amount of money or bribes to their nominal work place. They do not get into trouble as long as they pay some money to their supervisors.

These “8.3 workers” not only do not work at their nominal jobs but they also do not attend the “lifestyle review” meetings.

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.

As the “absences without leave” multiplied, more and more workers were sentenced to labor-training penalties. A worker at Sangwha Mine (in Onsung, North Hamkyung Province) received a 3-month labor-training sentence because he had concentrated his efforts on private farming without reporting to his regular work. Another worker was also sentenced to 3 months of labor-training because he had submitted a bogus diagnosis to his work place.<sup>91</sup> As the number of workers penalized with labor-training for their

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<sup>90</sup>\_ NKHR2008000021 2008-09-23.

<sup>91</sup>\_ Good Friends, “North Korea Today,” No. 156 (June 30, 2008).

absences from work increased, the level of workers' grudges also rose. However, the authorities would overlook some absentees who were really missing regular meals, because sending them to correctional centers would be too harsh.<sup>92</sup>

### <Changing Jobs>

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 affiliation, ration card, military record, and change of residence.<sup>93</sup> 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.<sup>94</sup>

In order to change jobs, one must obtain in advance the approval of the hiring work place. One must obtain a "letter of employment" from the hiring employer and submit it to the current job, which would then issue a letter of resignation. The worker should then submit it to the Labor Department, which would issue a "labor card" and the Socialist Labor Agency would issue a transfer certificate. Then the People's Committee would issue a "dispatch order" on the basis of the labor card.<sup>95</sup> A defector testi-

<sup>92</sup> NKHR2008000006 2008-07-24.

<sup>93</sup> Testimony of defector XXX during an interview in Seoul on Jan. 9, 2004.

<sup>94</sup> 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.

<sup>95</sup> NKHR2008000022 2008-11-05.

fied that most people would purchase “letters of employment” by paying about US \$100 for ordinary jobs and US \$500-1,000 for “good” jobs.<sup>96</sup> Another defector stated he had a number of different jobs. Finally, he rented a fishing boat, and then decided to defect to the South.<sup>97</sup>

So anyone who did not like their current job could pay their way out and move to another job by cancelling the current job.<sup>98</sup> 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.

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<sup>96</sup>\_ NKHR2008000023 2008-11-11.

<sup>97</sup>\_ Testimony of defector XXX during an interview in Seoul on Feb. 4, 2003.

<sup>98</sup>\_ NKHR2008000009 2008-08-07.





# IV

## The Reality of Minority Human Rights

1. Women's Rights
2. The Rights of the Child
3. Care for the Disabled



# 1



## *Women's Rights*

### **A. Gender Equality and Women's Social Participation**

Article 3 of human rights “ICCPR” 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.”

In terms of laws and institutions,<sup>1</sup> North Korean women enjoy

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<sup>1</sup> Through the adoption of the “Gender Equality Law” prior to the founding of the North Korean government, and afterwards through the adoptions of the Constitution, the Law on Upbringing and Education of Children, the Socialist Labor Law, and the Family Law, North Korea established guarantees of the political and social roles of women; systemic measures such as abolishing the family registry system

the same civil and political rights as men, and so it is reasonable to say that their social roles and status have improved. In February 2001, North Korea joined the UN CEDAW 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,<sup>2</sup> 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 such improvement as the North Korean government asserts. In its first periodic report on CEDAW, North Korea said, “Progress was possible in implementing the terms of the convention as we had in place various legal and institutional measures designed to eliminate discrimination against women, but we admit that there is room for further 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, 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.

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and implementing a national childcare system, as well as the socialization of domestic labor, contributed to women’s entry into society and improved their status.

<sup>2</sup> North Korea was due to submit its second report on the implementation of the CEDAW convention by March 27, 2006. As of February 2011, the report has not been submitted to the CEDAW committee.

Regarding women's political participation, about 20 percent of the people's deputies at the Supreme People's Assembly (SPA) have been women. However, in the 12th SPA, which started in April 2009, the ratio of female deputies decreased to 15.6%.<sup>3</sup> It has also been reported that the ratio of female deputies elected to the Provincial People's Assemblies was about 20~30%, which seems to indicate that women's political participation in North Korea is relatively high. This ratio of female delegates shows a high level of women's political participation, perhaps as high as that of advanced countries. 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 SPA 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 Central Committee positions.

In July 2001, North Korea submitted its second regular report on the implementation of the International Covenant on Civil and Political Rights to the UN Committee on Civil and Political Rights. During the committee's review session on this report, the North Korean delegate commented on the issue of promoting women's social status, saying, "Only 10% of central government employees are women. We do admit that this clearly is not enough for the realization of gender equality." He then promised that his govern-

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<sup>3</sup> The ratio of women was 20.1% in both the 10th (July 1998) and 11th (August 2003) SPAs.

ment would develop policies to improve the situation.<sup>4</sup>

In its first report on the implementation of CEDAW submitted in September 2002, North Korea said, “We have increased the ratio of female senior staff in the public sector as an effort to upgrade the social status of women. The ratio of female judges, for example, has reached 10%, while some 15% of Foreign Ministry employees are women.” 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 to the 64th UN General Assembly (August 2009), the Special Rapporteur on North Korean Human Rights, Vitit Muntarbhorn, pointed out that although equal rights between men and women are guaranteed under the North Korean Constitution, women have much fewer opportunities for promotion to major policy-making positions than men.

North Korea employs women mainly as senior staff of the Chosun Democratic Women’s League (hereinafter, “Women’s League”). Other sectors employing women include “People’s Committees,” Women’s Affairs Management Sections, and document sections of

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<sup>4</sup> Lee Won-woong, “An Observer Report on the UN Human Rights Committee’s Review Session on North Korea’s Second Periodic Report on Human Rights,” at a seminar sponsored by the Citizens’ Alliance for North Korean Human Rights in Seoul, Oct. 3, 2001.

city and county Party offices.<sup>5</sup>

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-nursery-commerce sector who were female was 70 percent.<sup>6</sup> One hundred percent of nurses and 86 percent of school teachers were also women.<sup>7</sup> According to the "3rd and 4th Combined Report" on

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<sup>5</sup> Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

<sup>6</sup> North Korea's first progress report on the CEDAW convention.

its implementation of the Rights of the Child Convention, which North Korea submitted in December of 2007 (hereafter the “3rd and 4th Combined Report”),<sup>8</sup> as of 2007 the ratio of female teachers averaged 57%. This broke down as follows: 100% of kindergarten teachers, 86% of elementary school teachers, 58% of middle/high school teachers, 23% of college professors, and 19% of universities professors were female. But according to the 2008 North Korean Census Report published in 2009, the occupational distribution of the workforce above the age of 16 showed that only about 55.6% of teachers were women, slightly lower than the 57% figure indicated above.<sup>9</sup>

According to the 2008 North Korean Population Census conducted with the support of the UN Fund for Population Activities (UNFPA), 48% of North Korean workers above the age of 16 were women, and if the “housework” category was included, the percentage of working women came to 51.4%. This means that female workers account for over 50% of all North Korean workers above the age of 16. However, most of these female workers are employed in particular job categories that are generally regarded as lower level jobs. For example, 83.6% of high-ranking officials and management positions are held by men, but 93.4% of sales and service personnel are women. Women also account for 54.8% of workers in the agricultural and fisheries sector.<sup>10</sup> In connection

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<sup>7</sup> 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 the ICESCR in November 2003.

<sup>8</sup> 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, December 2007, Pyongyang, DPRK. <<http://www2.ohchr.org/english/bodies/crc/docs/AdvanceVersions/CRC.C.PRK.4.pdf>>.

<sup>9</sup> Central Bureau of Statistics, DPR Korea 2008 Population Census, National Report, Pyongyang, DPR Korea, 2009, p. 200 <Table 37>.

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 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 has seemed to contribute to the weakening of the role and activities of the Women's League. However most women's organizations are known to enforce their rules rather strictly, and they have strengthened some functions and activities such as public education and prevention of anti-socialist behavior.<sup>11</sup> A female defector testified that the difficulty of working for the Women's League would vary from district to district, and also with the local league leader. In poor districts, there would be almost

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<sup>10</sup> Central Bureau of Statistics, *op. cit.* above, p. 202 <Table 38>.

<sup>11</sup> 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.



no “lifestyle review” meetings throughout the year.<sup>12</sup> Since the food crisis, however, the Women’s League leaders would conduct “lifestyle review” meetings or ideology education, paying due consideration to the hardships of local league members.<sup>13</sup>

North Korea’s Women’s League normally would not deal with the issues of sexual harrassment, family violence, or discrimination against women. The League plays a leading role in issues like labor mobilization but is of little help in promoting women’s interests regarding issues like family violence against women.<sup>14</sup> In this connection, 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.

It has been reported that the main role of the Women’s League in recent years is labor mobilization. As women’s economic roles have increased since the onset of economic hardship, the activities of the Women’s League have also increased significantly, particularly in connection with farming, coal production, fertilizer production, railroad repairs, highway construction, and so on. For this reason, people describe the League as “flying high” at present.<sup>15</sup> As chronic workforce shortage persists, the North Korean authorities mobilize members of the Women’s League for farming and construction work, as well as various military support activities. The authorities justify this type of mobilization in terms of preventing ideological hazards that could fester among jobless housewives at home.<sup>16</sup>

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<sup>12</sup> Testimony of defector XXX during an interview in Seoul on May 8, 2008.

<sup>13</sup> Testimony of defector XXX during an interview in Seoul on May 23, 2008.

<sup>14</sup> NKHR2009000049 2009-08-07.

<sup>15</sup> NKHR2009000006 2009-02-05; NKHR2009000058 2009-09-24; NKHR2009000070 2009-11-18; NKHR2009000073 2009-12-02.

## B. The Status and Role of Women at Home

The status of women in the home also significantly differs from the alleged guarantees of gender equality provided for in North Korea's Constitution and laws. 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, premodern traditions in family life began to be emphasized again. North Korea's "family law," enacted in 1990, contains various outdated male-dominant elements of the family structure, such as the broad scope of "prohibited marriages," the principle of following the paternal line, and the role of "breadwinner" in the family.

The 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.

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<sup>16</sup> Testimony of defector XXX during an interview in Seoul on April 7, 2010.

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."<sup>17</sup>

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

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<sup>17</sup> Park Young-sook, "Revolutionizing Families and Women's Responsibilities," *The Korean Women Magazine*, No. 3 (Pyongyang: Labor Organization Press, 1999), p. 15.

“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 with securing food, has tremendously increased.

Since the famine the economic activities of North Korean women, such as vending and peddling, have significantly increased, and as their economic role has increased their influence in the family is also on the rise. Female defectors who fled North Korea after 2007 testified that gender equality in North Korea was a phrase fit for slogans only; men were still dominant in most North Korean homes and the concept of “men dominating over women” was still pervasive in North Korea.<sup>18</sup> Most women, however, were known not to object to the traditional man-centered family life, as they believed that supporting the man as head of the family would be the best way of keeping peace at home.<sup>19</sup> Most North Korean women would accept and follow rather than object or resist against the traditional social precept that providing meals and maintaining family life were the woman’s responsibility.

A male defector in his 30s who used to lead a wealthy life in North Korea testified that North Koreans over the age of 40 still display male-dominant attitudes. Most North Korean men still maintain a feudalistic, Confucian way of thinking, and they often mistreat women and ignore their opinions, while most North Korean women respect and support their husbands as if they were

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18\_ NKHR2009000003 2009-01-15; NKHR2009000033 2009-05-26; NKHR2009000044 2009-07-02; NKHR2009000060 2009-10-06; NKHR2009000073 2009-12-02.

19\_ Testimony of defector XXX during an interview in Seoul on Dec. 2, 2008.

their masters.<sup>20</sup> In connection with this, North Korean defectors have testified that the source of the male-centric family structure can be traced to their early family education. As children mature, they naturally get accustomed to the patriarchal family structure they grew up in and come to believe that they ought to do the same.

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.” In many North Korean families, women have actually been playing the role of family head. Men have had a significantly less dominant role in the family, sometimes giving away the role of “breadwinner.” Nonetheless, the traditional belief that the man is the head of the family has remained strong, and most families have not seen a new division of labor at home. The reason for this appears to be the pre-modern and outdated the concept of “men dominating over women” which is deeply rooted in the North Korean society. North Korea defines the traditional concept of “men dominating over 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

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<sup>20</sup> Testimony of defector XXX during an interview in Seoul on July 30, 2010.

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.

A man in his 20s or 30s who defected in 2008 said he believed that the man was head of the family and women should submit to their husbands’ wills.<sup>21</sup> Many women in their 30s, however, were breadwinners for their family and said they would resist or even ask for a divorce if their husbands assaulted them or were incapable of earning money.<sup>22</sup> On the other hand, husbands would help out with household chores, such as cooking, washing, and house cleaning. Thanks to ongoing public education, the family lifestyles of the younger generation (in their 20s and 30s) are gradually changing for the better.<sup>23</sup> According to defectors who came to South Korea in 2009 and 2010, as the food shortages have persisted and families have come to depend on their women for their livelihood, the concept of “men dominating over women” appears to be waning among most North Koreans today. During personal interviews many North Korean defectors responded that concept of “men dominating over women” was quite unsatisfactory and should be improved.<sup>24</sup>

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21. NKHR2008000022 2008-11-05; NKHR2008000017 2008-09-04; NKHR2008000010 2008-08-08; NKHR2008000015 2008-08-27; NKHR2009000002 2009-01-14; NKHR2008000015 2009-01-22.

22. 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; NKHR2008000020 2009-09-17; NKHR2009000044 2009-07-02; NKHR2009000060 2009-10-06.

23. Testimonies of defector XXX during an interview in Seoul on Sept. 13, 2007; NKHR2008000021 2008-09-23; NKHR2008000009 2008-08-07; NKHR2009000070 2009-11-18.

24. NKHR2010000005 2010-03-16; NKHR2010000006 2010-05-25; NKHR2010000014 2010-10-05; NKHR2010000019 2010-10-12; NKHR2010000031 2010-11-09;

They further responded that in recent years there has been an increasing rate of divorce among North Koreans. The reasons for divorce include earning capabilities, family violence, and family feuds, in that order.<sup>25</sup> However, divorces are granted only through court decisions in North Korea. Since judges do not grant divorces easily, many people try to bribe their way to a divorce.<sup>26</sup> Consequently, many North Korean housewives who want to get divorced are unable to for lack of cash, and so they simply live separately without going through legal procedures.

### C. Sexual Violence

Under the strong influences of patriarchal perceptions and the concept of “men dominating over women,” 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. A defector who used to work as a physical education teacher testified

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NKHR2010000035 2010-11-09; NKHR2010000038 2010-11-02; NKHR2010000042 2010-10-26; NKHR2010000043 2010-11-02; NKHR2010000058 2010-11-23; NKHR2010000093 2010-03-30; NKHR2010000099 2010-07-13; NKHR2011000003 2010-03-16.

<sup>25</sup> NKHR2010000002 2010-08-10; NKHR0000005 2010-03-16; NKHR2010000006 2010-05-25; NKHR2010000012 2010-09-14; NKHR2010000017 2010-10-05; NKHR2010000019 2010-10-12; NKHR2010000021 2010-10-12; NKHR2010000031 2010-11-09; NKHR2010000035 2010-11-09; NKHR2010000038 2010-11-02; NKHR2010000040 2010-10-26; NKHR2010000042 2010-10-26; NKHR2010000043 2010-11-02; NKHR2010000058 2010-11-23; NKHR2010000069 2010-10-26; NKHR201078 2010-06-08; NKHR2010000089 2010-06-08; NKHR2010000092 2010-06-22; NKHR2010000093 2010-03-30; ; NKHR2010000100 2010-07-13.

<sup>26</sup> NKHR2009000001 2009-01-08; NKHR2009000005 2009-01-29; NKHR2009000056 2009-09-22; NKHR2009000060 2009-10-06.

that at girls' middle schools they would teach cooking, sewing, tailoring, etc., but there was very little sex education except for a little bit about menstrual cycles.<sup>27</sup>

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. North Korea submitted its second regular report on the implementation of the ICCPR to the UN Committee on Civil and Political Rights in July 2001. During the Committee's review session, the North Korean delegate asserted that the trafficking of women had been absolutely eliminated. Furthermore, he said trafficking of women had never occurred 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 in the border areas..." This comment would seem to indicate that the North Korean authorities are aware of human trafficking activities along the border.

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 in the Korea-China border regions. In 2009 and again in 2010, there have been reported cases of forced marriage in which North Korean women, after being trafficked to China, were forced into "live in" relationships with Chinese men and suffered from domestic violence.<sup>28</sup>

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<sup>27</sup> Testimony of defector XXX during an interview in Seoul on May 19, 2010.

<sup>28</sup> NKHR2010000005 2010-03-16; NKHR2010000002 2010-08-10; NKHR2010000018 2010-10-05; NKHR2010000018 2010-10-05; NKHR2010000054 2010-06-22; NKJR2010000075 2010-04-20.



Defectors have testified that a significant number of criminals were publicly executed as “human-traffickers.” In light of this, many defectors were very critical of the North Korean authorities because they would bring “human-trafficking” charges on relatively minor offenders and publicly execute them simply to warn against similar offenders. For example, the authorities would bring human-trafficking charges on the “guides” or those who (for a fee) helped women who wanted to cross the river into China.<sup>29</sup> In fact, many outside observers believe that in cases where the North Korean woman voluntarily asked for help in crossing the border, charging the “guide” with “assisting illegal entry/exit” would be more appropriate than the more serious “human-trafficking” charge.<sup>30</sup>

In the past, incidents of sexual assault against North Korean women in the workplace were often initiated by supervisors or Party officials who would induce the woman with promises of promotion or Party membership.<sup>31</sup> In some cases, North Korean women would offer sexual service to Party officials in order to secure Party membership or to their managers at work in order to get a good assignment.<sup>32</sup> People said that in most cases when a single woman became a party member, sex was involved. On military bases, male officers would often sexually assault enlisted women.<sup>33</sup> However, 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

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<sup>29</sup> NKHR200800027 2008-12-02; NKHR2008000029 2008-12-16; NKHR2008000017 2008-09-04; NKHR2008000018 2008-09-11; NKHR2008 2009-09-17.

<sup>30</sup> NKHR2010000006 2010-05-25.

<sup>31</sup> Testimony of defector XXX during an interview in Seoul on May 26, 2008; NKHR2009000053 2009-09-08.

<sup>32</sup> Testimony of defector XXX during an interview in Seoul on April 16, 2010.

<sup>33</sup> Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008.

inferior to men, so women have little recourse even if sexually harassed or assaulted. If a sexual assault on 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, most female defectors testified that it would be absolutely pointless to petition or complain about sexual violence, because nothing would come of it.

Very rarely, an incident of sexual violence might be handled by the People's Security Agency and dealt with legally, if the case was widely known.<sup>34</sup> According to defectors who came to Seoul in 2009 and 2010, the North Korean authorities usually punish sex offenders in accordance with Penal Code provisions.<sup>35</sup> According to the Penal Code as amended in 2009, any man who rapes a woman by the use of force (violence), intimidation, or in a situation where the woman has no recourse to get help, will be given up to 5 years of correctional labor penalty. (Art. 293) Any man who forces a woman into sex, in cases where the victim works for or reports to him, will be punished with up to two years of labor-training, or in serious cases, 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." The law stipulates that the more serious offenders are to be sentenced to 5-10 years of correctional labor.

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<sup>34</sup> Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

<sup>35</sup> NKHR2010000014 2010-10-05; NKHR2010000035 2010-11-09; NKHR3020000038 2010-11-02 NKHR2010000040 2010-10-26 NKHR2010000042 2010-10-26; NKHR2010000053 2010-06-29 NKHR2010000054 2010-06-22; NKHR2010000058 2010-11-23; NKHR2010000078 2010-06-08; NKHR2010000017 2010-06-08; NKHR2011000022 2010-06-24.

Sexual assaults on women became more widespread after women assumed the burden of family support during the food crisis and economic hardship period. 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. Since the food crisis, incidents involving sexual violence against North Korean women forcibly deported back from China deserve particular attention. When defectors are forcibly deported back and detained in a holding facility, they are prone to violence and torture. For women, the authorities would search their body for money, confidential letters or secret documents, and in the process they would even check their wombs. Also, the agents would force them to take off all their clothes in the name of investigation and torture them with electrical rods on specific parts of their body.<sup>36</sup> In many cases, the detained female inmates are raped or subjected to other forms of sexual violence.<sup>37</sup>

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 right 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.”

Many forms of gender-based violence have been reported against North Korean women, including domestic violence such as

<sup>36</sup> 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.

<sup>37</sup> NKHR2008000022 2008-11-05; NKHR2008000021 2008-09-23; NKHR2008000008 2008-08-01; NKHR2008000010 2008-08-08; NKHR2009000073 2009-12-02.

wife-battering. Many defectors have testified that incidents of domestic violence are widespread in North Korea even in recent years. Husbands who drink or take drugs often beat up their wives or daughters at home.<sup>38</sup> In most cases, the Women's League does not get involved in cases of domestic violence or infidelity, treating them as "family problems." Domestic violence is not regarded as a serious matter in North Korea, and even the Women's League chooses not to intervene.<sup>39</sup> Sometimes domestic violence is reported to the People's Safety Agency, but it is not punished, on the grounds that it is a family matter.<sup>40</sup> Even local Party officials simply issue a personal warning or advice to the husband involved.<sup>41</sup> A defector testified that her husband used to severely beat her at home, and when she reported the problem to the local Security Agency and County Party office, they saw it as a "family matter" and did not bother to investigate. They simply required the husband to write up a letter of self-criticism.<sup>42</sup> Furthermore, victimized housewives are often unwilling to report cases of domestic violence to the authorities, thinking such incidents are shameful.<sup>43</sup> Domestic violence is thus not legally punishable in North Korea, and it is an issue that society simply chooses to bypass.<sup>44</sup> However, in some rare cases, housewives have reported domestic violence to the authorities and their husbands have been arrested and sent off to labor-training camps.<sup>45</sup>

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<sup>38</sup> Testimony of defector XXX during an interview in Seoul on April 15, 2010.

<sup>39</sup> Testimony of defector XXX during an interview in Seoul on April 16, 2010; Testimony of defector XXX during an interview in Seoul on April 14, 2010.

<sup>40</sup> NKHR2010000069 2010-10-26.

<sup>41</sup> Testimony of defector XXX during an interview in Seoul on April 15, 2010.

<sup>42</sup> Testimony of defector XXX during an interview in Seoul on Jan. 17, 2008.

<sup>43</sup> Testimony of defector XXX during an interview in Seoul on May 7, 2010.

<sup>44</sup> NKHR2008000027 2008-12-02; NKHR2009000065 2009-11-10.

<sup>45</sup> NKHR2010000014 2010-10-05.

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.<sup>46</sup> 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 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 periodic 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 2009 stipulates that anyone who has repeatedly engaged in prostitution shall be subject to up to two years of labor-training penalty, and serious sex offenders shall be sentenced up to two years of correctional labor. Repeat offenders and socially sensational sex offenders will get 5~10 years of correctional labor. (Art. 262, Penal Code) Prostitution

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<sup>46</sup> NKHR2009000053 2009-09-08; NKHR2009000057 2009-09-22; NKHR2009000058 2009-09-24.

cases involving under-age persons are subject to correctional labor penalties of up to 5 years, and more serious cases may get 5~10 years of correctional labor. (Art. 295) However, due to the severe food shortages persisting since the 1990s many North Korean women are reportedly involved in the practice of prostitution.<sup>47</sup> 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.<sup>48</sup> There were many cases of prostitution under duress. Recently, sex-for-money cases have been increasing, especially because of demand from high-ranking officials or their adult children.<sup>49</sup>

## 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.<sup>50</sup> Pregnancies occurring under conditions of severe malnutrition result in abortions, stillborn

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<sup>47</sup> Good Friends, "North Korea Today," No. 129 (May 22, 2008); Good Friends, "North Korea Today," No. 145 (June 13, 2008). The "sex industry" situation is different from region to region. In recent years, the sex industry is said to flourish in Nampo City (Hwanghae Province). A defector testified that there were some cases of "professional" sex trade. NKHR2008000021 2008-09-23.

<sup>48</sup> 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, 2007; Good Friends, "North Korea Today," No. 94 (Oct. 17, 2007).

<sup>49</sup> 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.

<sup>50</sup> According to North Korean women defectors, since the food crisis many North Korean women have been experiencing irregular menstrual periods or none at all.

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 complications was 67 out of 100 thousand, placing North Korea at No. 60 in the world.<sup>51</sup>

Owing to malnutrition of pregnant mothers, the infant mortality rate is also high. The 2007 UNFPA report estimated North Korea’s infant mortality rate (for infants less than one year old) at 42 per thousand.<sup>52</sup> According to South Korea’s National Statistical Office, North Korea’s infant mortality rate during the 2005-2010 period was 48.0% (annual average), while South Korea’s rate during the same period stood at 4.4%.<sup>53</sup> North Korea’s infant mortality rate is high and its birth rate is low. According to the report “State of World Population, 2007,” the average child-birth rate for North

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<sup>51</sup> UNFPA, “State of World Population, 2007,” p. 87, <[http://www.unfpa.org/swp/2007/english/notes/indecators/e\\_indicator1.pdf](http://www.unfpa.org/swp/2007/english/notes/indecators/e_indicator1.pdf)>.

<sup>52</sup> *Ibid.*

<sup>53</sup> This number represents the ratio of total number of infants dead within a particular year divided by the total number of newborns in that year. The ratio is normally reported in terms of 1/1,000. See National Statistical Office, *Major Statistical Index of North Korea* (Seoul: National Statistical Office, December 2010), p. 20.

Korean women (the total number of children a woman will give birth to in her lifetime) that year was 1.94, much lower than world average of 2.56 births per woman.<sup>54</sup> South Korea's Statistical Office estimated that the per-person average birth rate of North Korean women stood at 1.86 babies during the period of 2005-2010.<sup>55</sup>

Other consequences of the food shortages on North Korean women include malnutrition and the resulting gynecological problems. Most numerous were cases of gynecological "complications," caused mainly by malnutrition. The North Korean authorities insist that all women in North Korea are given responsible and routine care by "home doctors" and gynecological physicians who promote and protect their health, and over 98% of women get professional help during childbirth.<sup>56</sup> However, North Korean defectors have testified that most North Korean women give birth at home, and their health deteriorates due to lack of care during and after delivery.

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

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54\_ UNFPA, "State of World Population 2007," p. 87, <[http://www.unfpa.org/swp/2007/english/notes/indicators/e\\_indicator1.pdf](http://www.unfpa.org/swp/2007/english/notes/indicators/e_indicator1.pdf)>.

55\_ National Statistical Office, Same place above, p. 20.

56\_ The DPRK, "National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)"; South Korea's National Human Rights Commission, *Collection of Materials concerning North Korea's National Human Rights Report contained in the UN's Universal Periodic Report, 2009, and South Korea's Report on NGOs and INGOs* (Seoul: NHC, March 2010), pp. 18-19.



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 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-procedural pain but also seriously damage their health.

According to our source materials,<sup>57</sup> North Korean girls get a brief education during middle school on the subjects of pregnancy and menstrual cycles, but they do not get any information concerning venereal diseases, sex hygiene, or methods of avoiding pregnancy. Therefore most North Korean women must rely on abortion if they do not want to have a child, and these abortions are carried out at home by doctors without anesthesia. They have to do the procedures at home because abortion is illegal in North Korea and because there are not enough doctors at small-city hospitals due to the economic troubles. Furthermore, many women who have had to undergo forced abortions in detention facilities suffer from deteriorating health for lack of medical help. A female defector testified that in 2002 a detainee who was six-months pregnant was forced to abort her child without anesthesia simply because the baby was

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<sup>57</sup> North Korean Human Rights Coalition, "Newsletter on North Korean Human Rights," No. 144 (May 2010), p. 9.

half Chinese. After the abortion, the woman was also severely beaten.<sup>58</sup>

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 with Chinese medicine purchased at the market.<sup>59</sup> This situation has not improved since 2000. Many North Korean women visit hospitals for gynecological problems. But there is a severe shortage of medicine at most hospitals, so patients have to procure the necessary medicines on their own at the marketplaces. Most medicines sold there are provided by UN agencies or made in China.<sup>60</sup>

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<sup>58</sup>\_ NKHR2011000018 2011-01-18.

<sup>59</sup>\_ Testimony of defectors XXX and XXX during interviews in Seoul on April 16, 2004.

<sup>60</sup>\_ NKHR2009000058 2009-09-24; NKHR2009000065 2009-11-10; NKHR2009000070 2009-11-18.

Many women who cannot afford to get proper feminine hygiene have to go through extreme personal difficulties leading to health hazards.<sup>61</sup> For those women who have been deported from China and held in detention facilities, the authorities would take away the “blue jeans” they had worn, cut them up into pieces and distribute them for use as sanitary pads.<sup>62</sup> According to female defectors, disposable sanitary pads are not widely available in North Korea, so most women use hand-sewn cloth or gauze pads.

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<sup>61</sup> Good Friends, “North Korea Today,” No. 86 (Aug. 22, 2007); Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008.

<sup>62</sup> NKHR2008000021 2008-09-23.



## 2

### *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)<sup>63</sup> 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 ICCPR 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.”

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<sup>63</sup> 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.”

North Korea insists that since its founding it has consistently maintained the principle that children are the 'kings' and represent the future of the country. North Korea says it legally guarantees the rights of children through such laws as the Constitution, the Education Law, the People's Health Law, the Children's Education Law, the Social Safety Law, the Handicapped Persons Protection Law, and the Family Law.<sup>64</sup> Article 12 of North Korea's Child Rearing Guidelines Law reads, "The state and social cooperative organizations shall guarantee all necessary measures for child rearing under the principle of 'only the best things for the children.'"

North Korea signed the Convention on the Rights of the Child in September 1990, established and implemented a national action program for children's welfare (1992~2000), and in April 1999 launched the National Coordination Commission for Children (NCRC) charged with implementing the Convention on the Rights of the Child. In addition, North Korea adopted and implemented the Second National Action Program for the children's welfare (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 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

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<sup>64</sup> The DPRK, "National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)"; South Korea's National Human Rights Commission, *Collection of Materials concerning North Korea's National Human Rights Report contained in the UN's Universal Periodic Report, 2009, and South Korea's Report on NGOs and INGOs* (March 2010), p. 19.

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 grain and medical treatment free of charge to all children. In December of 2007, North Korea submitted a consolidated report on the 3rd and 4th terms of its 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 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. North Korea has revised and updated many of its legal provisions, including the Penal Code (in 2004) and the Family Law (in 2004). It has newly enacted the Inheritance Law (in 2002), the Handicapped Protection Law (in 2003), the National Budget and Revenue Law (in 2005), the Cigarette Control Law (in 2005), and the Korean Red Cross Society Law (in 2007). 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 an effort to promote children's rights to education and to guarantee equal access to education for them all, in 2002 North Korea established a "National Plan of Action on Education for All." 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, "Only the best things for our children."

On January 23, 2009 in Geneva the UN Rights of the Child Committee convened a review session on North Korea's 3rd and 4th period combined report on the implementation of the Rights of the Child Convention submitted in December 2007, and the UN committee adopted its "concluding observations" on Jan. 29, 2009.<sup>65</sup> In its concluding observations, the committee made some positive observations about North Korea's various administrative

efforts to carry out the terms of the Rights of the Child Convention. The committee favorably noted a number of North Korean policies, including the DPRK Strategy for the Promotion of Health of Pregnant Women (2006~2010), the AIDS Prevention Strategy (2002~2007), the First Stage Health Promotion Strategy for Mothers and Children (2008~2012), the Overall Action Plan for Handicapped Persons (2008), the population census of October 2008, and the establishment of the Central Commission of Chosun Handicapped Persons Protection League (See Section 3 of the “concluding observations”). However, the UN Rights of the Child Committee expressed regret over the unsatisfactory performance and incomplete implementation of various recommendations the UN committee had adopted after reviewing North Korea’s second regular report, submitted in 2002. The UN Committee also called on North Korea to faithfully carry out these recommendations, along with the committee’s recommendations in connection with the 3rd and 4th period combined report (Sections 5 and 6). The UN committee also expressed concern over the absence of independent watch-dog organizations and the lack of independence of NGOs involved in implementing the Rights of the Child Convention (Sections 11 and 13).

## 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. In 2002, the North Korean authorities conducted a survey in cooperation with UNICEF

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<sup>65</sup> Committee on the Rights of the Child, 50th Session, “Concluding Observations: Democratic Peoples’s Republic of Korea,” CRC/C/PRK/CO/4, 27 March 2009.



and WFP on malnutrition among North Korean children. Of the 6,000 children surveyed, 20.15% were found to be underweight, 39.22% were suffering from chronic malnutrition, and 8.12% were acutely malnourished. 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 Term 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. In December of 2009, UNICEF published a report on this subject. The report said that during the 2003-2008 period 23% of the children under the age of six were underweight, 9% suffered from chronic debility, and 45% showed substantial underdevelopment.<sup>66</sup>

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 mea-

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<sup>66</sup> UNICEF, “*The State of the World’s Children*,” special edition (November 2009), Table 2, Nutrition.

asures 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.

In its concluding observations on North Korea's combined 3rd and 4th report, the UN committee expressed its concerns over such issues as the persistent poverty, lack of grain and drinking water, and general hygiene, as well as the deplorable environment for children and their standard of living, and called upon North Korea to take necessary measures to improve these situations as early as possible (Sections 50 and 51).

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.<sup>67</sup> The annual report "State of the World's Children, 2009" released by UNICEF pointed out that the mortality rate of North Korean children under the age of 5 was 55 per 1,000, placing

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<sup>67</sup> UNFPA, "The State of World Population, 2007," p. 91.

North Korea 62nd among 189 countries.<sup>68</sup> The report “State of the World Population, 2010” pointed out that the mortality rate of newborn babies in North Korea stood at 47 per 1,000 and the mortality rate of children under the age of 5 was 63 per 1,000 during the period 2005-2010.<sup>69</sup>

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.

According to a report by the International Federation of Red Cross and Red Crescent Societies published in October of 2009, the nationwide nutrition level assessment conducted in mid-2008 showed that the overall nutrition level of North Korean children was deteriorating and the health of mothers and children was still a critical issue. The rate of disease occurring in winter was of particular concern. Due to poor heating at health-care facilities the bed occupancy rate was less than 50%. Also, 9.8% of babies under 24 months of age were suffering from acute respiratory diseases such as tuberculosis, a major contributing cause of death.<sup>70</sup> In connection with this, the UN committee’s “concluding observations” on North Korea’s 3rd and 4th period combined report expressed concerns over various breaches of the rights of the child, including the right to life, the right to food, and the right to proper growth.

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68\_ UNICEF, “The State of the World’s Children, 2009,” p. 117.

69\_ UNFPA, “The State of World Population, 2010,” p. 96, p. 102.

70\_ International Federation of Red Cross and Red Crescent Societies, “Democratic People’s Republic of Korea (MAAK002) – Country Plan 2010-2011,” Oct. 20, 2009.

The committee expressed particular worry over North Korean childrens' poor level of nutrition and the related problems of stunted growth and untimely death (Section 23). The UN committee expressed particular concerns over such problems as chronic malnutrition of children, acute pulmonary disease, and diarrhea, as well as sharp increases in malnutrition and anemia among pregnant women and the impact of those mothers' poor health on their newborn babies. The committee also expressed its concerns over the quality of drinking water, which could have a serious adverse impact on children's health, and the lack of free medical service for all children (Section 44). The UN committee also expressed concerns over the possibility that young pregnant women may not have ready access to reliable information and services related to health and child-birth, and in particular raised the possibility that young women were undergoing unsafe abortions (Section 46).

Recently, a major threat to the health of North Korean youngsters is posed by narcotics ("ice" or methamphetamine). As previously reported, the dealing and use of narcotic drugs are becoming widespread among North Korean inhabitants, and even some middle school students are getting involved in drugs.<sup>71</sup> Narcotics are rapidly spreading among middle school students, especially from 4th grade on (equivalent to 10th grade in the West), and some of these children show symptoms of addiction.<sup>72</sup> On this issue, the UN committee in its "concluding observations" on North Korea's 3rd and 4th period combined report expressed concerns over the harmful effects drugs may have on the physical, emotional, and psychological development of these young students and the potential accidents that could result from student drug

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<sup>71</sup> Good Friends, "North Korea Today," No. 326 (Jan. 19, 2010).

<sup>72</sup> Newsys. Jan. 5, 2011.

abuse, as well as concerns about the practice of mobilizing young students for work on opium farms (Section 61).

## **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 the ICESCR, 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 Child rearing Guideline Law stipulated that children not under state or family protection would be cared for by the nurseries and orphanages.

In its concluding observations, the UN Committee also expressed concern over the facts that many children housed in child protection facilities were not actual orphans and that a majority of them were sent there as a matter of general practice, especially those children whose parents were locked up in detention centers (Section 34).

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* (literally “flower-swallows”—a euphemism for food-snatching children) and engaged in begging or stealing.

The North Korean authorities have established and operated so-called “9.27 facilities”<sup>73</sup> 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 North Korean authorities are operating so-called “*gotchebbi* centers” at city and county levels. But due to the strict internal rules and continuing hunger, many children attempt to escape from the centers.<sup>74</sup>

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<sup>73</sup> The so-called “9.27 facilities” refer to a Central Party decision on Sep. 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. Good Friends, *Human Rights in North Korea and the Food Crisis*, p. 83.

<sup>74</sup> Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008;

Since the currency reform at the end of 2009, the numbers of *gotchebbi* began to increase once again. They were being sent to various facilities such as relief centers, boarding houses, young boys education centers, or *gotchebbi* centers.<sup>75</sup> For example, a two-story building known as “9-27 Sangmu” located in Kyung Sung County, North Hamkyong Province houses some 70~80 *gotchebbi*.<sup>76</sup>

Meanwhile, the North Korean authorities encourage individual families to take these “swallows” into their families and raise them, saying such practice is a model way of giving to society.<sup>77</sup> 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 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

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NKHR2008000004 2008-07-17; Good Friends, “North Korea Today,” No. 187 (Aug. 12, 2008).

75\_ NKHR2010000010 2010-09-14; NKHR2010000011 2010-09-14; NKHR2010000040 2010-10-26; Also see, Good Friends, “North Korea Today,” No. 330 (Feb. 9, 2010), Good Friends, “North Korea Today,” No. 332 (Feb. 18, 2010).

76\_ NKHR2010000067 2010-04-27.

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



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. As the food shortage worsened, cases of sex-for-money involving under-age girls were known to take place in North Korea. In its concluding observations, the UN Committee expressed concerns over the lack of information on the level of children’s sex exploitation and prostitution, and recommended that accurate information be gathered and appropriate measures taken for prevention (Sections 65 and 66). The committee also expressed deep concerns over the fact that North Korea did not have anti-human trafficking laws, and that North Korean citizens were being trafficked to China (Section 67).

## 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 consolidated 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 inhumane manner. In its consolidated report, North Korea said there were no cases of mistreatment of children, such as torture or inhumane and degrading treatment, during the entire reporting period (2001~2007). Contrarily, the children who had been deported from China were known to have gone through various forms of torture, verbal and physical abuse, including beating and intimidation. They would further be forced to endure hard labor and hunger.

In connection with this issue, the UN Committee in its concluding observations expressed concern based on information it had obtained indicating that some *gotchebbi*, children who have illegally crossed the border, and other children detained by the police or other agencies were being seriously mistreated (Section

31). Although the North Korean authorities insisted that there were no refugee children in North Korea, the UN committee expressed concern over the fact that the children repatriated after crossing into the neighboring country were being mistreated (Section 55). The committee further expressed its concern over the real possibility that children victimized by human-trafficking might be criminally penalized upon their return to North Korea. It recommended that the North Korean authorities treat these children as victims of a crime rather than as criminals and provide them with various service programs for reintegration into society (Section 67-68). The UN Committee called upon the North Korean authorities to develop a juvenile justice system for children aged 14-18 in accordance with the UN standards for juvenile justice, pointing out that North Korea has not developed such a system at this time (Section 72).

The UN committee noted that North Korea failed to uphold the principle of non-discrimination of handicapped children, children living in care facilities, and children under legal dispute, and it also expressed concerns over the possibility of discrimination of children based on their political opinions, social background or other personal status, whether based on the parents or the children themselves (Section 19). The committee called on North Korea to implement current North Korean laws guaranteeing the principle of non-discrimination (Section 20).

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. For a North Korean woman who has formed a family with a Chinese or a Korean-Chinese man, the "marriage" is not regarded as "legal." She is only

a “common law wife” who is “living-in” through human-trafficking or is “sold off” by the intermediaries. As a result, their children cannot expect to receive any legal protection.

## 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 Art. 31) and Socialist Labor Law (in Art. 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 mobi-

lized 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.<sup>78</sup> According to one magazine report, children are not as a rule assigned to 8-hour workdays. But the middle school students in Shinuiju City, North Pyong-an Province were mobilized for “8-hour-day” work for the development of an orchard.<sup>79</sup> Even in recent years, North Korean students are mobilized 2~3 times a year for farming and construction projects.<sup>80</sup> During the peak farming season, students above the 3rd grade in elementary school are mobilized for 1~2 hours a day for farming projects.<sup>81</sup>

In its “concluding observations” on the 3rd and 4th period combined report, the UN committee pointed out that even though North Korea has prohibited child labor under the Constitution, North Korean children were known to be mobilized for labor as part of school life. The committee said this practice went far beyond the scope of vocational education, and the labor demanded heavy physical exertion (Section 59).<sup>82</sup> The UN Committee also called on North Korea to take the necessary measures to prohibit all mobilization of children for exploitative labor, expressing its concern that North Korea’s labor-related laws did not proscribe labor mobilization of children for work that could be dangerous and harmful to children under the age of 18 (Sections 60 and 61).

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<sup>78</sup> Testimony of defector XXX during an interview in Seoul on July 14, 2005.

<sup>79</sup> Good Friends, “North Korea Today,” No. 338 (March 30, 2010).

<sup>80</sup> NKHR2010000021 2010-10-12; NKHR2010000029 2010-11-09; NKHR2010000035 2010-11-09; NKHR2010000042 2010-10-26; NKHR2010000043 2010-11-02; NKHR2010000044 2010-11-02; NKHR2010000069 2010-10-26; NKHR2010000076 2010-04-20; NKHR2010000078 2010-06-08.

<sup>81</sup> NKHR2010000075 2010-04-20.

<sup>82</sup> UNCRC, “Concluding Observations: Democratic People’s Republic of Korea (unedited version),” Jan. 31, 2009.

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.<sup>83</sup> 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)." According to North Korean defectors, even in recent years middle school 5th graders (11th graders in the West) were undergoing "Youth Red Guard" military training, and depending on the situation they would be forced into week-long military-style marches.<sup>84</sup> The UN committee in its concluding observations expressed its concern that this "military" training could have a negative impact on the purpose of education specified in Article 29 of the Rights of the Child Convention, and called on North Korea to take necessary steps to stop the practice of early military training of students (Section 57).

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 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

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<sup>83</sup> Testimony of defector XXX during an interview in Seoul on Aug. 11, 2005.

<sup>84</sup> NKHR2010000011 2010-09-14.

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.<sup>85</sup> College applicants, who are relatives of Kim Il-sung or children of “anti-Japan fighters,” 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, those selected for the ‘honorary guards’ (inspection and reception), Group 6,<sup>86</sup> or Kim Jong-il’s “palace guards”—are assigned to appropriate colleges according to national demand.<sup>87</sup>

Since the 1990s, however, family background or Party mem-

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<sup>85</sup> Testimony of defector XXX during an interview in Seoul on May 12, 2005.

<sup>86</sup> 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.

<sup>87</sup> Testimony of defector XXX during an interview in Seoul on Aug. 12, 2005.



bership 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 onset of economic hardship, children from wealthy families would often be admitted to major universities by way of bribes. North Koreans cynically say, "Since the 'Arduous March' money is more important than loyalty and personal background," and "You can't even dream of going to college if you don't have money."<sup>88</sup> In particular, the children of high-ranking officials bribe their way into foreign language colleges and colleges of music and ballet.<sup>89</sup> Even in recent years, the most essential element for matriculation to institutions of higher learning is wealth, although personal background and political power also play important roles.<sup>90</sup>

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 differ according to gender. On this point the UN Committee on the Rights of the Child recommended in Section 55b that North Korea "provide female students with the same opportunities for higher education as male students." However, in the 3rd and 4th Term Combined Report, North Korea

<sup>88</sup> Testimony of defector XXX during an interview in Seoul on Jan. 20, 2005.

<sup>89</sup> Testimony of defector XXX during an interview in Seoul on Jan. 9, 2008.

<sup>90</sup> NKHR2010000017 2010-10-05; NKHR2010000018 2010-10-05; NKHR2010000029 2010-11-09; NKHR2010000035 2010-11-09; NKHR2010000042 2010-10-26; NKHR2010000044 2010-11-02; NKHR2010000069 2010-10-26; NKHR2010000075 2010-04-20; NKHR2010000078 2010-06-08; NKHR2010000089 2010-06-08; NKHR2010000094 2010-03-30; NKHR2010000022 2010-06-24.

insisted that there was no gender discrimination in children's education.

Since September 1975 North Korea has offered an 11-year compulsory education program in accordance with its education laws. North Korea has insisted that all education programs are completely free as the government pays for all expenses. North Korean defectors have testified that free education was indeed provided in most areas until the economic crisis hit the nation. From the 1990s, however, free school supplies, which had previously been provided every semester, were issued every 3~5 years, and as the economic crisis worsened these supplies were completely cut off.

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.<sup>91</sup> In recent years, most students would have to purchase their school supplies, including textbooks from the market. Most school supplies such as backpacks, notebooks, pencils and pencil cases were Chinese-made.<sup>92</sup>

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.<sup>93</sup>

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<sup>91</sup> Testimony of defector XXX during an interview in Seoul on Aug. 12, 2005.

<sup>92</sup> NKHR2008000024 2008-11-18.

<sup>93</sup> 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.

Even after 2000, students from poor families experienced difficulties at school because schools would demand cash contributions for a variety of reasons. These included classroom decorations, laboratory upgrades, school hygiene projects, teachers' birthdays, commencement exercises, support for the People's Army, helping construction sites, and firewood.<sup>94</sup> 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.<sup>95</sup> This was largely because of financial burdens imposed by the school.<sup>96</sup> In its concluding observations on North Korea's 3rd and 4th period combined report, the UN committee expressed its concern over the fact that due to the woeful shortage of resources and materials the overall educational quality and school infrastructure were extremely poor, and the rate of truancy was unusually high due to the repeated natural disasters and economic hardships (Section 52). The committee also expressed its concern over the increasing truancy rate stemming from the rising educational costs.

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' atten-

<sup>94</sup> NKHR2008000009 2008-08-07; NKHR2008000010 2008-08-08; NKHR2008000012 2008-08-14.

<sup>95</sup> Testimony of defector XXX during an interview in Seoul on Jan. 16, 2008; Good Friends, "North Korea Today," No. 111 (Feb. 13, 2008).

<sup>96</sup> NKHR2008000022 2008-11-05; NKHR2008000028 2008-12-12; NKHR2008000006 2008-07-24; NKHR2008000010 2008-08-08; NKHR2009000032 2009-05-19; NKHR2009000044 2009-07-02; Good Friends, "North Korea Today," No. 351 (July 9, 2010).

dance, 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 (Sec. 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 (Sec. 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.<sup>97</sup> 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.<sup>98</sup> According to a magazine report, elementary and middle schools in South Pyong-an and North Hamkyong Provinces were unable to operate on normal class schedules due to the low student attendance rate. Students would be unable to come to school because they were hungry or suffering from various diseases. Many parents would give up on educating their children due to poverty and mounting school costs.<sup>99</sup>

North Korea’s educational facilities and equipment are known to be extremely poor. Since the economic hardships set in in the early 1990s, the supply of educational equipment was mostly cut off and maintenance stopped. Even the North Korean authorities

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<sup>97</sup> Testimony of defector XXX during an interview in Seoul on Jan. 19, 2008; NKHR2008000016 2008-09-02.

<sup>98</sup> Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008; 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; NKHR2008000005 2008-07-22; NKHR2009000044 2009-07-02; NKHR2009000070 2009-11-18.

<sup>99</sup> Good Friends, “North Korea Today,” No. 331 (Feb. 16, 2010); Good Friends, “North Korea Today,” No. 359 (Aug. 4, 2010).

have acknowledged this situation. In its 2002 “Second Implementation Report” on the International Covenant on Economic, Social, and Cultural Rights, North Korea stated that due to the natural disasters of 1995 many schools were destroyed or lost educational facilities or equipment, and the manufacturers of that equipment also suffered tremendous damage from the disasters. For these reasons, the report said, North Korea was experiencing great difficulties in its educational sector.<sup>100</sup> However, the situation has significantly improved thanks to the contributions of parents.<sup>101</sup> Even so, the school facilities and educational equipment in most regions of North Korea outside of Pyongyang were very poor. Furthermore, in August and September of 2007 North Korea again suffered from severe flood damage, which brought wide-ranging damage to educational facilities and equipment. In the “3rd and 4th Term Combined Report” submitted in December of 2007, North Korea reported that 316 schools had suffered partial or total destruction, leaving a total of 35,040 students without classrooms. The North Korean authorities continued to insist that all North Korean children were receiving 11 years of free education and were given full opportunities to develop their individual talents and youthful hopes under the free education system. They said the enrollment rate for elementary schools was 100%, middle schools 99.7%, and the graduation rate was 100%.<sup>102</sup> Contrary to these assertions, however, North Korean children in reality are not guaranteed their right to an education.

<sup>100</sup> DPRK, *2nd implementation report on the ICESCR*, April 9, 2002.

<sup>101</sup> Testimony of defector XXX during an interview in Seoul on Jan. 10, 2008.

<sup>102</sup> The DPRK, “National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)”; South Korea’s National Human Rights Commission, *Collection of Materials concerning North Korea’s National Human Rights Report contained in the UN’s Universal Periodic Report, 2009, and South Korea’s Report on NGOs and INGOs* (March 2010), p. 19.



# 3



## *Care for the Disabled*

Due to the closed nature of the North Korean system, it is difficult to collect accurate information on the number and reality of disabled people. World Milal is an international evangelical group that helps the physically challenged around the world. In 1999 the group released a “Survey of Disabled Persons in North Korea” which it had obtained from the (North) Korean Association for Supporting the Disabled. According to this survey, there are a total of 763,237 disabled persons in North Korea, 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 were vision-impaired (i.e., blind), 68,997 were suffering from multiple disabilities, and 37,780 were mentally disabled. Disabled persons made up about 1.75 percent of the Pyongyang population. 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.<sup>103</sup>

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<sup>103</sup> *Yonhap News*, April 9, 2006 and Nov. 23, 2006.

In addition, in its report to the UN, North Korea clarified that there were 3,639 children with handicapped mobility, 2,176 boys and 1,463 girls, according to its own special survey conducted in 2005.<sup>104</sup>

〈Table IV-1〉 Handicapped Children by Age

Age	0~4	5~6	7~10	11~17
100%	11.6%	11.2%	30.2%	47.0%

(Unit %)

In its Second Report on ICESCR, 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 maintained 3 specialized schools for blind and deaf-mute children, and 9 schools for children with speech-impairment. In these schools, a total of 1,800 handicapped children were receiving elementary and high school education. 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 periodic report on the ICESCR in 2003, the UN Committee on Economic, Social and Cultural Rights, in its concluding observa-

<sup>104</sup> The DPRK, "National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)" (Aug. 27, 2009); South Korea's National Human Rights Commission, *A Collection of Materials concerning North Korea's National Human Rights Report contained in the UN's Universal Periodic Report, 2009, and South Korea's Report on NGOs and INGOs* (March 2010), p. 20.

tions, expressed concern about the fact that disabled children were excluded from the normal educational process.

In the second regular report on the ICESCR, the North Korean authorities insisted that they were protecting the rights of handicapped persons. In addition, in its 2009 report to the UN North Korea insisted that all disabled persons were receiving proper education and treatment and were given the opportunity to choose jobs according to their talents and wishes. North Korea further insisted that they were guaranteed equal rights with other citizens and were able to fully enjoy their cultural rights.<sup>105</sup> North Korean defectors, however, have testified that handicapped persons are discriminated against. Two types of discrimination are apparent from the defector testimonies below; the first and most serious type of discrimination is the operation of segregated facilities and forced sterilizations for people suffering from dwarfism.

- According to Hwang Jang-yop’s testimony, in the 1960s Kim Il-sung instructed that dwarfs not be allowed to reproduce, and that they be rounded up and relocated. Subsequently, a concentration camp for dwarfs was established in Jungpyong County, South Hamkyung Province.
- Defector XXX testified that there were dwarf concentration camps in the 1960s and 1970s.<sup>106</sup>
- Defector XXX testified that two dwarfs were admitted to the hospital he was working at in 1993. They told him that they were there to receive sterilization.<sup>107</sup>
- Defector XXX testified that his relative XXX was forced by the government to be sterilized in the late 1980s because

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<sup>105</sup> *Ibid.*

<sup>106</sup> Testimony of defector XXX during an interview in Seoul on Jan. 31, 2007.

<sup>107</sup> Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.



- he was a dwarf.<sup>108</sup>
- Defector XXX testified that there was a dwarf camp in Bujon County, South Hamkyong Province, and that the authorities performed “neutering” operations there.<sup>109</sup>
  - Defector XXX testified that her sister had seen a dwarf first-hand around 1998. She followed the person to his place of residence, and there she saw a group of dwarfs living together under a supervisor.<sup>110</sup>
  - Defector XXX testified that he had gone for fishing in July 2007 to an area near the Samsok Power Plant. He said he saw a group of dwarfs living together at a place called Kwansengi in Samsok County.<sup>111</sup>
  - Defector XXX testified that he/she had heard that dwarfs were detained in segregated facilities and forced to submit to sterilization.<sup>112</sup>
  - Defector XXX testified that he/she personally saw a village of dwarfs at Sangchong-ri in Kim Hyong-jik County (or Huchang County), Yanggang Province.<sup>113</sup>
  - Defector XXX testified that dwarfs were detained in segregated facilities and there was a “village of dwarfs” in Kim Kyong-jik County (Huchang County), Yanggang Province.<sup>114</sup>
  - Defector XXX testified that he/she saw a “village of dwarfs” in Pyongsong City, South Pyong-an Province.<sup>115</sup>

<sup>108</sup>\_ Testimony of defector XXX during an interview in Seoul on March 10, 2007.

<sup>109</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2006.

<sup>110</sup>\_ NKHR2009000029 2009-05-01.

<sup>111</sup>\_ NKHR2009000028 2009-04-28.

<sup>112</sup>\_ NKHR2010000007 2010-03-16.

<sup>113</sup>\_ NKHR2010000005 2010-08-10.

<sup>114</sup>\_ NKHR2010000018 2010-10-05; NKHR2011000001 2010-03-23; NKHR2011000018 2011-01-18.

- Defector XXX testified that he/she had heard that dwarfs were not allowed to get married and that they lived collectively in Poongsan, Yanggang Province.<sup>116</sup>
- Defector XXX testified that he had overheard conversations between his father and some friends in the late 1980s. They said the authorities rounded up dwarfs and put them through biological experiments in an effort to obliterate their hereditary “seeds” (genes). In addition, they experimented to find out how the dwarfs reacted to certain chemical materials that the researchers were developing at the time. Even deformed children were subjected to such experiments.<sup>117</sup>

However, other defectors testified that the authorities segregated dwarfs but later set them free, and that the segregation facilities for dwarfs have been eliminated.

- Defector XXX testified that dwarfs were detained in segregated facilities, and male dwarfs were sterilized. However, under mounting pressure from the international community they were all released between 1998 and 1999.<sup>118</sup>
- Defector XXX testified that there was once a “village of dwarfs” in Huchang County (Kim Hyung-jik County), but it does not exist today.<sup>119</sup>
- Defector XXX testified that dwarfs were detained in a segregated facility near Huchang County 9-ri (Woltan-ri), Yanggang Province. Dwarfs could get released from the “dwarfs’ village” by paying cash, and by now many have

<sup>115</sup>\_ NKHR2010000097 2010-06-15.

<sup>116</sup>\_ NKHR2010000071 2010-11-09.

<sup>117</sup>\_ Testimony of defector XXX during an interview in Seoul on July 30, 2010.

<sup>118</sup>\_ Testimony of defector XXX during an interview in Seoul on Oct. 20, 2003.

<sup>119</sup>\_ NKHR2009000023 2009-04-16.

- been released and have moved to the cities.<sup>120</sup>
- Defector XXX testified that when he was young he had heard a story about sending the dwarfs off to a remote location, but he believed that there are no such dwarf camps today.<sup>121</sup>
  - Defector XXX, who used to work as a medical doctor, testified that there were no special facilities designed to segregate and detain dwarfs.<sup>122</sup>
  - Defector XXX testified that he/she saw a few dwarfs in Yonsa County.<sup>123</sup>
  - Defector XXX testified that he/she saw a female dwarf in Namsan District, Musan County where he/she was living. He/she had heard that they were segregated in the past, but this dwarf woman had a baby and a family.<sup>124</sup>
  - Defector XXX testified that in the 1980s people shorter than 150cm were required to register themselves and the females were sterilized. Since then, however, these practices have disappeared.<sup>125</sup>
  - Defector XXX testified he/she saw a number of hunch-backed persons, but they were not segregated. They got married and had children also.<sup>126</sup>

Second is the issue of restricting residential areas for handicapped persons. North Korean defectors have testified that the

<sup>120</sup>\_ NKHR2009000030 2009-05-07.

<sup>121</sup>\_ Testimony of defector XXX during an interview in Seoul on Jan. 23, 2007.

<sup>122</sup>\_ NKHR2008000024 2008-11-18.

<sup>123</sup>\_ NKHR2009000011 2009-03-03.

<sup>124</sup>\_ NKHR2009000009 2009-02-19.

<sup>125</sup>\_ Testimony of defector XXX during an interview in Seoul on Nov. 18, 2008.

<sup>126</sup>\_ Testimony of defector XXX during an interview in Seoul on April 15, 2010.

authorities thoroughly restrict the areas where handicapped persons are allowed to reside, especially in cities like Pyongyang, Nampo, Kaesong, and Chongjin, where many foreigners visit. The authorities control the residence of handicapped persons simply because they might leave an unpleasant impression upon visiting foreigners.

- Defector XXX testified that rather than periodically relocating handicapped persons the authorities relocate them during periods of specific events.<sup>127</sup>
- Defector XXX testified that the authorities would relocate handicapped persons to provincial areas so that they would not be seen in Pyongyang, which the authorities were trying to transform into an international city.<sup>128</sup>
- Defector XXX testified that he/she could not continue living in Pyongyang from the early 1980s because she had mentally handicapped children.<sup>129</sup>
- Defector XXX testified that he/she thought handicapped persons were sent away from Pyongyang and not permitted to return.<sup>130</sup>
- Defector XXX testified that the authorities would also banish persons with post-birth physical handicaps to provincial towns. If someone were to contract infantile-paralysis the parents would keep the child at home and not send the child to school. The main reason was that once the disabled child had grown up it would be difficult for the authorities to force him/her out of town.<sup>131</sup>

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<sup>127</sup> 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.

<sup>128</sup> Testimony of defector XXX during an interview in Seoul on Feb. 15, 2003.

<sup>129</sup> Testimony of defector XXX during an interview in Seoul on March 10, 2007.

<sup>130</sup> NKHR2009000013 2009-03-11.

<sup>131</sup> Testimony of defector XXX during an interview in Seoul on July 30, 2010.

- Defector XXX testified that any handicapped person would be classified as a “subject of action” (action-required person), and would not be permitted to live in Pyongyang. The authorities would explain that since Pyongyang was the “face” of the country, they wanted to show only the “good side” of the city to foreigners.<sup>132</sup>

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, whereas in the past they were rounded up and sent to the countryside.<sup>133</sup>
- 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.<sup>134</sup>
- 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 1980s the government had forcibly relocated all those with physical deformity, such as dwarfs, 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.<sup>135</sup>
- The Lighthouse Welfare Association (in Seoul) is in the process of building a Combined Welfare Center for the

<sup>132</sup> Testimony of defector XXX during an interview in Seoul on July 30, 2010.

<sup>133</sup> Testimony of defector XXX during an interview in Seoul on Jan. 24, 2007.

<sup>134</sup> Testimony of defector XXX during an interview in Seoul on Feb. 9, 2007.

<sup>135</sup> Testimony of defector XXX during an interview in Seoul on Jan. 30, 2008.

Handicapped in Pyongyang. The association said it has made a significant contribution to reducing the authorities' prejudices on dwarfs.<sup>136</sup>

- Defector XXX who was born in Pyongyang testified that in the past the authorities used to expel handicapped persons like dwarfs, deafs, and hunchbacks, but in recent years they have discontinued such a practice. Today people can occasionally see handicapped persons in the streets of Pyongyang.<sup>137</sup>
- Defector XXX testified that he saw many handicapped persons during 1998~1999 when he was roaming around extensively in the streets of Pyongyang.<sup>138</sup>
- Defectors who used to live in Pyongyang testified to unfair practices against disabled persons in Pyongyang. However, because Pyongyang has more foreigners than any other city, these practices were reported to the international community and subsequently ceased, and the number of disabled persons has been on the increase in recent years.<sup>139</sup>

Other defectors testified that handicapped persons were living freely in areas other than Pyongyang.

- Defector XXX who fled in 2007 testified that he/she had seen dwarfs leading normal lives in Gilju County, North Hamkyong Province.<sup>140</sup>

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<sup>136</sup> Testimony of a Lighthouse Foundation official during an interview in Seoul on Feb. 20, 2008.

<sup>137</sup> NKHR2008000023 2008-11-11.

<sup>138</sup> NKHR2008000029 2009-12-16.

<sup>139</sup> Citizens Coalition for North Korean Human Rights, NKHR Newsletter – North Korean Human Rights, No. 144 (May 2010), p. 9

<sup>140</sup> NKHR2010000102 2010-07-13.

- Defector XXX who fled in 2009 testified that he hadn't seen any dwarfs but he had seen many hunchbacks. They were leading normal lives with families and children.<sup>141</sup>
- Defector XXX testified that he saw a person in a wheelchair in Haeju City, South Hwanghae Province.<sup>142</sup>
- Defector XXX who came to Seoul in 2009 testified that in 2006 he saw a dwarf who came to visit his next-door neighbor.<sup>143</sup>
- Defector XXX who came to Seoul in 2010 testified that several days before he fled he had seen two dwarfs (men) who were freely living in Sengjang district, Woonhung County, Yanggang Province.<sup>144</sup>

In response to the rising concerns of the international community over discrimination against disabled persons, North Korea in June of 2003 enacted a 54-article “Handicapped Persons Protection Law,” thus providing a legal basis for the protection of the rights of disabled persons. Article 1 defined the purpose of the law as follows: “To firmly establish a system for the treatment, recovery, education, work, and cultural life of handicapped persons, and to contribute to the development of living conditions and environments for them.” Article 2 of the law defines a handicapped person as: “A citizen whose normal life is hampered due to a long-term loss or limitation of physical or mental functions.” It also stipulates, “The state shall respect the individuality of handicapped persons and guarantee them the same socio-political rights, interests, and

<sup>141</sup>\_ Testimony of defector XXX during an interview in Seoul on April 15, 2010.

<sup>142</sup>\_ NKHR2011000023 2010-06-18.

<sup>143</sup>\_ NKHR2010000018 2010-10-05.

<sup>144</sup>\_ NKHR2010000055 2010-11-30.

freedoms enjoyed by other citizens.” The law also lays out various rules concerning disabled persons’ treatment and recovery (Chapter 2), their education (Chapter 3), cultural life (Chapter 4), and their right to work (Chapter 5). The law specifically guarantees various rights for the handicapped persons, including guarantees for overall free medical care (Art. 9), compulsory education at elementary and secondary schools (Art. 17), college and professional education, if desired (Art. 18), operation of special classes or schools depending on the specific physical and mental needs and types of handicap (Art. 19), assignment to appropriate jobs at proper enterprises and work-places according to their wishes (Art. 32), and the creation of a disabled persons protection committee in charge of the projects of the “Disabled Persons League” (Art. 45).

In connection with the protection of the rights of handicapped persons, North Korea established a joint disabled persons survey plan. Participating in this plan would be the National Commission for the Rights of the Child (NCRC), the Chosun Handicapped Persons Protection League, the Central Statistical Office, and the Ministry of Health. North Korea has also constructed a rehabilitation center at Kim Man-hyu Hospital so that the Ministry of Health could conduct rehabilitation research for the handicapped children. It has also formed a new organization for the protection of the rights and interests of disabled persons. In addition, there is an organization designed for the promotion and protection of the rights of the disabled. A non-governmental organization called the “Korean Association for Supporting the Disabled” was formed in July, 1998. In July 2005 it was said to have been expanded and reorganized into the “Korean League for Protecting the 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. Also, a ‘comprehensive action plan 2008-2010 for disabled persons’ has been established.<sup>145</sup>

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

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<sup>145</sup> “The 3rd and 4th Periodic Reports of the DPRK on the Implementation of the Convention on the Rights of the Child,” December 2007, Pyongyang, DPRK (CRC/C/PRK/4).

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.<sup>146</sup>

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.

- In an effort to help the inter-Korean exchange program for handicapped persons, an inter-Korean seminar was held on Dec. 19, 2006, at Yanggangdo Hotel in Pyongyang. Participating in the seminar were delegates from the North Korean Red Cross Hospital and a South Korean delegation from Daegu City. The delegates discussed their respective research results in the fields of rehabilitation treatment, special education, and other subjects.<sup>147</sup>
- On Feb. 26, 2007, the South Korean missionary organization the Lighthouse Welfare Association and the Central Committee of North Korea’s Handicapped Protection League agreed to build a Senior Citizens/Disabled Persons Welfare Center on Daechu Island on the Daedong River in Pyongyang.
- With support from the Lighthouse Welfare Association, North Korea built the “Potong River Consolidated Convenience Center,” a combined welfare facility for the self-support and convalescence of disabled persons.
- The Lighthouse Welfare Association has provided school supplies, daily necessities, farming equipment, and special education supplies to various special education schools in North Korea, including 8 schools for the hearing-impaired

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<sup>146</sup> *Voice of the People*, April 5, 2006.

<sup>147</sup> *Yonhap News*, Dec. 22, 2006.

(1,035 students) and 3 schools for the blind (840 students).<sup>148</sup>

- With the help of the Lighthouse Welfare Association, three North Korean “observer delegates” from the Central Committee of the North Korean Handicapped Protection League attended the Ninth Far East and South Pacific Games for the Disabled (PESPIC Games) held in Kuala Lumpur, Malaysia from Nov. 25, 2006.<sup>149</sup>

On the occasion of World Disabled Day, Dec. 1, 2007, North Korea carried an article in *The Pyongyang Times* entitled “For more rights of the disabled,” which was the first indication of support for the disabled. In their report submitted to the United Nations in 2009,<sup>150</sup> the North Korean authorities said that hearing and sight-impaired children would attend special schools on scholarships, and other children with minor disabilities would be included in normal school classes.

North Korea reported that in order to provide jobs for the disabled it has established factories for honorably discharged soldiers and “welfare convenience service centers.” There the disabled would receive free booster pills and “walking-aid” equipment, as well as paid vacations. North Korea said it was sponsoring major promotional events to remind citizens to respect the values of disabled persons; on June 18th every year it would observe a “Day

<sup>148</sup> *Yonhap News*, Oct. 23, 2006, and Feb. 26, 2007.

<sup>149</sup> *Yonhap News*, Nov. 23, 2006.

<sup>150</sup> The DPRK, “National Human Rights Report submitted in accordance with Human Rights Council Resolution 5/1, Annex 15(A)” (Aug. 27, 2009); South Korea’s National Human Rights Commission, *A Collection of Materials Concerning North Korea’s National Human Rights Report Contained in the UN’s Universal Periodic Report, 2009, and South Korea’s Report on NGOs and INGOs* (March 2010), p. 20.

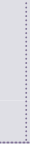
for the Disabled” with various benefit events, and the Chosun Handicapped Persons Protection League, which became active in July of 2005, was playing an important role.

Thus the North Korean authorities have enacted various laws for the disabled, including the “Handicapped Persons Protection Law.” Through exchanges and cooperation with South Korea and the international community they are trying to develop and pursue various policies to protect the rights and interests of the disabled. However, many North Korean defectors have testified that discrimination against the disabled has not significantly abated. They testify that in North Korea it is rare to see disabled persons such as paraplegics, sight-impaired or speech-impaired persons, hunchbacks, dwarfs or persons with missing limbs. Also, the public generally has a negative attitude toward such persons. Most defectors were not aware of any associations for the disabled or equipment or convenience facilities for the disabled. But some of them testified that there were special schools and “rehab centers” for the sight, hearing, and speech-impaired, as well as factories for disabled persons including honorably discharged soldiers. They also reported that some disabled persons like hunchbacks and paraplegics were engaged in light-duty work like watch-repairs, seal-carving, and bicycle, shoe, and television repair work at local convenience service centers, and some sight-impaired persons would collect money by playing guitars.

In its “concluding observations” on North Korea’s 3rd and 4th period combined report, the UN Committee on the Rights of the Child expressed its concern over the fact that the non-discrimination principle specified in Article 2 of the Rights of the Child Convention was not being fully carried out with respect to disabled North Korean children (Section 19). The committee welcomed

various measures North Korea had taken to improve the protection of disabled persons, including the disabled children, such as the collection of reliable data, action plans for the disabled, and statistical surveys (2008~2010) on the disabled. However, the committee expressed its concern over the continuing discrimination against the disabled and the lack of society-wide service for these children and their families (Section 42). The UN committee recommended that the “Action Plan for the Disabled” (2008-2010) should include a special focus on disabled children and that the North Korean authorities should work to ensure full realization of the right to education for disabled children. The committee then called on North Korea to ratify the Human Rights Covenant for the Disabled and its optional protocol (Section 43).


***White Paper on Human Rights in North Korea 2011***





# V

## Human Rights in Major Issue Areas

1. South Koreans Abducted and Detained in North Korea
  2. Human Rights Abuses on Korean War POWs
  3. Human Rights Abuses on Defectors
- 



# 1



## *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. The seven lists of abducted persons identified so far show significant differences between them. For example, the Statistics Bureau of South Korea's Ministry of Public Information listed the number of abducted Seoul citizens to be 2,438.<sup>1</sup> The Family Association for the Korean War Abducted Persons had published a list in 1951, containing the names of 2,316 abducted persons.<sup>2</sup> In 1952 the South

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<sup>1</sup> This list divides the data (total 4,616 persons) into three categories: shot to death (976 total, 796 men, 180 women), abducted (2,438 total, 2,345 men, 93 women), missing (1,202 total, 1,149 men, 53 women). Also included in the list are 10 items of personal information, including name, sex, age, occupation, workplace and position, time, place and type of incident, personal history and address at time of incident. For further details, see the Institute for Data and Materials on Korean War Abducted Persons, *A Compilation of Data and Materials on Korean War Abducted Persons*, vol. I (Seoul: IDMKWAP, 2006).

<sup>2</sup> This is a list compiled by the "Association of Families of Korean War Abducted Persons." Most of the persons listed were from the Seoul area; the list contains the name, occupation, age, address, and date of incident. Unlike other lists which sort



Korean government published a list of names of 82,959 abducted persons during the war,<sup>3</sup> but the 1953 Statistical Almanac listed 84,532 names. The Police Headquarters of the Ministry of Internal Affairs documented 17,940 abducted persons,<sup>4</sup> the Missing Civilians List compiled by Korean Red Cross in 1956 reported 7,034 persons,<sup>5</sup> and the Missing Civilians List compiled by the Ministry of Defense reported 11,700 persons.<sup>6</sup> Many names appear on different

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names by region, this list divides the names into 17 different job categories (including “other” job category) and also contains some descriptions in English. Major job categories of abducted persons include 442 Anti-Communist Youth Corps members, 391 businessmen, 328 government officials, 209 policemen and correctional officers, and 209 bank and company employees. For details, see Vol. II, op cit. in footnote 1 above (Seoul: 2009), p. 963.

3. This five-volume data source is compiled by region contain names, sex, age, 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 KWAFU 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. Korean Red Cross conducted a two-month campaign to compile a list of abducted persons from June 15 to August 15, 1956. For its “Missing Civilians Report,” the Red Cross requested the families to record such items as name, sex, date and place of birth, place of original family registry, last known address, occupation at the time of abduction, name, address, and relationship of the reporting person, time and place of abduction, and other details of circumstance at the time of abduction. The Korean Red Cross conducted this campaign in the hope of obtaining some information on the status of abducted persons from the North Korean Red Cross with the help of the International Red Cross Committee. But because the campaign was not widely known to the public, the number of names reported was significantly smaller than the 1952 list.
6. The “Missing Civilians List” published by the Defense Ministry on Jan. 1, 1963 is equivalent to a list of abducted persons even though it was compiled by the military authorities. It lists four items: name, age, sex and address. The number of names on this list is much smaller than other lists, partly because it does not list young people who may have participated in the war in a number of different ways. The total number of abducted persons is estimated to exceed 20,000. Up to this

lists, indicating that they were clearly abducted by the North during the war.

〈Table V-1〉 Statistics of Persons Abducted in Wartime<sup>7</sup>

Category	Source (compiled by)	Year	Number of victims	List exists?
List of victims from Seoul City	Statistical Bureau, Ministry of Public Information	1950	2,438	yes
List of persons abducted during the Korean War	Statistical Bureau, Ministry of Public Information	1952	82,959	yes
Number of persons abducted during the Korean War	Police Headquarters, Ministry of Internal Affairs	1952	(126,325)	no
List of persons abducted during the Korean War	Statistical Office, Ministry of Public Information	1953	(84,532)	no
List of persons abducted due to circumstances of the Korean War	Police Headquarters, Ministry of Internal Affairs	1954	17,940	yes
List of citizens registered as missing	Korean Red Cross	1956	7,034	yes
List of missing citizens	Ministry of Defense	1963	11,700	Vol. 1 yes Vol. 2 no

Based on the lists discovered so far, the Association of Families of Korean War Abducted Persons has conducted an analysis of the 96,013 abducted persons (minus the overlapping names) according to the distribution of their ages at the time of abduction, as follows:

point, the total number of names compiled by the Institute for Data and Materials on Korean War Abducted Persons is 11,700 persons. See op. cit. above. p. 959.

<sup>7</sup> The Institute for Data and Materials on Korean War Abducted Persons, *A Compilation of Data and Materials on Korean War Abducted Persons*, Vol. II, (Seoul: IDMKWAP, 2006).

〈Table V-2〉 Age Distribution of Wartime Abducted Persons

Age	1~10	11~15	16~20	21~30	31~40	41~50	51~60	61~older	Unknown	Total
Number	338	376	20,409	51,436	14,773	5,456	1,675	746	804	96,013
Ratio	0.4	0.4	21.2	53.6	15.4	5.7	1.7	0.8	0.8	100

According to the Korean War Abductees' Family Union<sup>8</sup> Kim Il-sung wrote an article in 1946 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, Aug., and Sep. of 1950).<sup>9</sup> 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. KWAFU insisted that the abduction of Seoul citizens began from early July 1950. KWAFU argument was based on two documents entitled, "Concerning the Grain Situation in Seoul (Decision No. 18 of North Korea's "7-men Military Committee" – July 17, 1950)<sup>10</sup>

8. <<http://www.kwafu.org>>.

9. Kim Il-sung, *Collected Works of Kim Il-sung*, Vol. 4 (July 1946~Dec. 1946), (Pyongyang: KWP Publishers, 1992), pp. 66-69. Kim Myong-ho, "An Evidence-based Analysis of the Reality of Korean War Abducted Persons," *A Collection of Materials on Persons Abducted during the Korean War* (Seoul: The Korean War Abductees Research Institute, 2006), pp. 1114-1149.

10. The document instructed in part, "The related agencies are conducting transfer projects for the liberated Seoul citizens (workers) who will be assigned to industries, mines, and enterprises in the northern half of the Republic. ... If any of them attempt to flee, put them under arrest!" South Korea's History Compilation Committee, *Historical Materials on the Relations with North Korea*, Vol. 16, (Kwachon, Seoul: National History Compilation Committee, 1993), <<http://www.kwari.org>>.

and “Concerning the Cooperation for the Transfer Project of Seoul Citizens (Kangwon Province Internal Affairs No. 3440 – Sept. 5, 1950).<sup>11</sup>

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 persons<sup>12</sup> 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.<sup>13</sup>

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11. Prof. Kimura Mitsuhiro of Japan has recently discovered from the archives of the former Soviet Union a secret North Korean document entitled, “Decision No. 18.” Section 3 of the document stipulated, “The chairman of Seoul Provisional People’s Committee has a duty to systematically transport 500,000 citizens from Seoul City to North Korea’s mining industries and agricultural farms in response to the requests of various ministries and agencies.” This document was sent to the chairman of Seoul Provisional People’s Committee from the “Seven-men Military Committee,” which was the supreme source of power at the time. <<http://www.kwari.org>>.

12. As for the profile of Korean War Abducted Persons, see Monthly Chosun, *The 82,959 Korean War Abducted Persons* (Seoul: Monthly Chosun, 2003).

13. According to an intelligence report on “How North Koreans handled POWs in 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*, April 13, 2007.

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 Sept. 1, 1951, the Family Association for the Korean War Abducted Persons (or “Family Association”) was organized. The Family Association had compiled a list of abducted persons and submitted the list to the then Speaker of the House, Shin Ikhee. 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 Aug. 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 Feb. 26, 1957, but no meeting took place. Later, the North Korean Red Cross responded, on Nov. 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 Dec. 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 periodic 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. In addition to its recommendation in April 2004, National Human Rights Commission of Korea called on the government again on July 23, 2008 to enact a special law for the investigation, compensation, and relief for the families (victims) of persons abducted to North Korea. With the adoption of the “Bill for Fact-finding about Korean War Abduction Victims and the Restoration of Their Honor” by the National Assembly on March 2, 2010, the “Committee for Fact-finding about Korean War Abduction Victims and the Restoration of their Honor” was launched on Dec. 13, 2010. The committee consists of 15 members, headed by the Prime Minister. Other committee members include the foreign minister, the unification minister, the defense minister, six vice ministers, six civilian members, and three abductee family members. The committee will receive applications for abduction damages from across all city and county administrative districts over the next four years and engage in activities aimed at finding out the facts about victims of forced

abduction during the Korean War and restoring their honor.<sup>14</sup>

On Nov. 30, 2000, a “Family Group for Korean War Abductees” was organized, and on Sept. 6, 2001, the group renamed itself as the “Korean War Abductees’ Family Union (KWAFU)” and began to actively re-focus on the issue. In March 2002, the KWAFU began renewed efforts to compile a detailed “List of Korean War Abductees.” 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, KWAFU 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.<sup>15</sup> Through these activities, KWAFU demanded speedier results regarding the status of the persons abducted during the Korean War as well as their early return. On Aug. 19, 2008, KWAFU produced a “User-Created Commercial” entitled “People Who Could Not Return” and posted it on their web site. According to the association, the issue of abducted persons was “very difficult to publicize in contemporary South Korea, with the eye-witnesses growing old and passing from the scene.” The Institute for Data and Materials on Korean War Abducted Persons published its *Compilation of Korean War Abduction Cases*, Volume I in September of 2006. It published Volume II in September of 2009.

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,

<sup>14</sup> *Maeil Business Newspaper*, Dec. 13, 2010.

<sup>15</sup> <<http://www.kwari.org>>.

2005) the two sides agreed to “consult humanitarian issues,” including the confirmation of status of those who went missing during the wartime (Sec. 3, Joint Press Release). During the 6th Inter-Korean Red Cross meeting (Aug. 23~25, 2005) and the 16th Inter-Korean Ministerial Meeting (Sept. 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, father 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 of their family members. North Korea confirmed one 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. In 2010 the inter-Korean family reunions were resumed. On that occasion, South Korea asked the North Korean authorities to confirm the status of five family members abducted during the Korean War, but North Korea sent notice that it was unable to confirm their status.<sup>16</sup>



## B. The Abducted Persons in the Postwar Years

A total of 3,835 persons have been abducted to North Korea since the cease-fire of the Korean War. They have been involuntarily held in North Korea as a result of their usefulness, physical conditions, and educational background.<sup>17</sup> A total of 3,310 of them (86.5%) returned to South Korea after being held for 6 months to a year. Not including the eight persons who have recently returned to the South, there are currently a total of 517 persons still held in the North.

〈Table V-3〉 Status of Abducted and Detained Persons

(Unit: persons)

Category	Total	Fishermen	Korean Airlines	Soldiers/ Policeme	Other	
					Domestic	Overseas
Abducted to the North	3,835	3,729	50	30	6	20
Returned to the South	3,318	3,271	39	–	–	8
Detained in the North	517	458	11	30	6	12

<sup>16</sup>. *Naeil Newspaper*, Nov. 4, 2010.

<sup>17</sup>. 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-4〉 Number of Abducted Persons by Year

(Unit: persons)

Year	Number detained	Cumulative total	Year	Number detained	Cumulative total
1955	10	10	1973	8	430
1957	2	12	1974	30	460
1958	23	35	1975	28	488
1962	4	39	1977	4	492
1964	16	55	1978	4	496
1965	20	75	1980	1	497
1966	25	100	1985	3	500
1967	52	152	1987	13	513
1968	127	279	1992	1	514
1969	20	299	1995	1	515
1970	36	335	1999	1	516
1971	21	356	2000	1	517
1972	66	422			

Source: Ministry of Unification, Abduction Victims Support Group.

〈Table V-5〉 Status of Abducted Persons Who Have Returned Home

Name	Date of Abduction	Occupation	Date of Return
Lee XX	Apr. 29, 1970	Crew of the Bongsan #22	July 26, 2000
Jin XX	Apr. 12, 1967	Crew of the Chundae #11	Oct. 30, 2001
Kim XX	Nov. 24, 1973	Engineer of the Daeyoung-ho	June 23, 2003
Koh XX	Aug. 17, 1975	Crew of the Chunwang-ho	July 12, 2005
Choi XX	Aug. 17, 1975	"	Jan. 16, 2007
Lee XX	Aug. 17, 1975	"	Sept. 10, 2007
Yoon XX	Jul. 2, 1968	Crew of the Kumyoong-ho	Jan. 9, 2008
Yoon XX	Aug. 17, 1975	Crew of the Chunwang-ho	Feb. 26, 2009

Source: Same as above.

Since the forcible abduction of 10 fishermen aboard the “Daesung-ho” on May 28, 1955, the North Korean authorities have abducted a total of 3,721 fishermen. Subsequently, they decided to return 3,263. Since eight of them have recently returned home to South Korea on their own, a total of 458 fishermen are still held in North Korea. 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. Fourteen sailors of the Suwon No. 32 who had been presumed dead or missing in 1974 have been identified as alive in North Korea. At the time, it was believed that the boat was attacked and sunk by a North Korean patrol boat. In fact, they were rescued by the North Korean boat and taken to North Korea, according to an investigation by South Korea’s “Abduction Victims Review Commission.” In some instances fishermen would board fishing boats without registering their names, and sometimes the ‘fishermen’ roster’ showed a different number from the actual number of fishermen on board. 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 Advo-

cate's 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 Hweryong 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.<sup>18</sup> 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."

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<sup>18</sup> *Yonhap News*, Jan. 6, 2005.

Five persons who had previously been classified as “missing persons” have been newly identified as “abducted persons” during the interrogation process of North Korean spy agents in 1997. Their names are Kim Young-nam, Hong Keon-pyo, Lee Myung-woo, Lee Min-kyo, and Choi Seung-min.

Kim Young-Nam (being in Kunsan Technical High School at that time) was reported missing from Kunsan Seonyudo Beach on Aug. 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 Aug. 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 appear to be more abducted persons in North Korea than are listed on the South Korean government’s “management card for abducted persons.” “The Association of Families of Abducted South Koreans” (hereafter, the “Association of Families”) has been releasing additional names of kidnapped persons based on testimonies of abductees who have returned alive from North Korea. This list has been partially confirmed by the Review Committee for Compensation for Abduction Victims in the process of deliberations on compensation cases. On Feb. 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 XX, 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.<sup>19</sup> On Dec. 2, 2007, the Family Association for Abductees to North Korea 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 advancement into socialism, Nov. 9, 1972.”

In 2008, the Family Association obtained photographs of the abducted persons and released them through the *Chosun Ilbo* (a daily newspaper in South Korea). The pictures showed 31 abducted fishermen and two North Korean guards. They were taken at the “Rajin Revolutionary Struggle Site” in Rajin, North Hamkyung Province during the “group education period” in Wonsan in 1985. Altogether 23 fishermen were confirmed through the pictures, including Park Si-dong (deckhand on the Chunwang-

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<sup>19</sup> *The JoongAng Ilbo*, Seoul, Feb. 3, 2005; This “re-education center” is located at “Jangduksan Motel” which belongs to No. 62 Liaison Office of Foreign Project Section of the Committee for the Peaceful Unification of Fatherland. The center consists of a three-story main building and an annex (containing a mess-hall). The abducted persons from South Korea were believed to have received ideology education there from lecturers dispatched from the Central Party. The abducted person XXX who returned to South Korea testified that during the period of ideology education conducted by the No. 62 Liaison Office the abducted persons were given three out-of-town tours, lasting about 42 days, to various noted places, including Pyongyang where they saw the “Arch of Triumph,” the Great People’s Study Hall, Mansudae Palace, the War Memorial, Mankyung-dae, Folk Village Homes, the Cultural Palace, subway facilities and mass game demonstrations.

ho). Others were Park Young-suk, Jeong Bok-sik, Kim Yong-bong, Jeong Chol-kyu, Choi Hyo-gil, Tak Chae-yong, Choi Young-cheol, Yoon Jong-soo, Lee Byung-ki, Kim Ui-joon, Kim Il-man, and Hong Bok-dong.<sup>20</sup> According to the returned fishermen, the North Korean authorities appear to be conducting regular ideological indoctrination of abducted fishermen and group sightseeing tours (as seen below) of Pyongyang and other historical and cultural relics.

〈Graphic V-1〉 Photograph of Abducted South Koreans



Source: The Association of Families, *The JoongAng Ilbo*, Feb. 2, 2005.

<sup>20</sup> *The Chosun Ilbo*, May 19, 2008.

## <Graphic V-2> Photograph of Abducted South Koreans



Source: The Association of Families, *The Chosun Ilbo*, May 19, 2008.

South Korea's "Abducted Victims Compensation Commission" which began work in November of 2007 decided to include in the abduction list the following persons who were not previously included in the list of abduction victims: 14 crew members aboard the Gilyong-ho (Jan. 22, 1966), 6 crew members aboard the Nampoong-ho (Dec. 21, 1967), 2 South Koreans soldiers dispatched to Vietnam, three individuals aboard a row-boat (Aug. 5, 1967), four soldiers from Army 2nd Division (July 14, 1962), one soldier from Army Ordinance Command (Oct. 12, 1967), six fishermen aboard the Daehan-ho (Jan. 11, 1968), and one each aboard the Anhung-ho (June 4, 1967), the Ducksung-ho (July 12, 1968), the Odaeyang-ho (Dec. 28, 1972), and the Jinbok-ho (Aug. 27, 1992).

A total of 40 persons have been recently added to the official list as "abducted persons."



〈Table V-6〉 List of Additionally Confirmed Abducted Persons

Incident	Date	Name	Date of birth	Address	Occupation
Army 2nd Division	July 14, 1962	Choi Jeha	March 4, 1939	Youngyang, North Kyungsang Province	Army corporal
Army 3rd Ordinance Command	Oct. 12, 1977	Cho Byungwook	Jan. 31, 1940	Jinhae, South Kyungsang	Military civilian
The Kilyong-ho	Jan. 22, 1966	Park Sungman	Feb. 23, 1917	Tongyoung, South Kyungsang	Skipper
"	"	Kim Kwangsup	Oct. 9, 1918	Tongyoung, South Kyungsang	Engineer
"	"	Yang Hokeun	March 5, 1925	Wando, South Cholla	Crew
"	"	Jeong Boksik	Aug. 28, 1941	"	"
"	"	Lee Dukhwan	Oct. 23, 1911	Tongyoung, South Kyungnam	"
"	"	Kim Dusok	Jan. 19, 1931	Koje, South Kyungsang	"
"	"	Nam Jeongsik	Feb. 15, 1928	Sanchung, South Kyungnam	"
"	"	Lee Sengki	Dec. 1919	Namhae, South Kyungnam	"
"	"	Kim Kyungnam	1935	Tongyoung, South Kyungsang	"
"	"	Lee Sutae	1935	"	"
"	"	Jeong Uidoh	Aug. 10, 1938	Seoku, Busan	"
"	"	Suh Ilyong	July 23, 1937	Young-il, North Kyhungsang	"
"	"	Park Jangwoon	July 18, 1937	Tongyoung, South Kyungsang	"

Incident	Date	Name	Date of birth	Address	Occupation
"	"	Kang Jongkil	194	Koje, South Kyungsang	"
The Nampoong-ho	Dec. 21, 1967	Kim Youngpil	May 18, 1935	Kosung, Kangwon Province	Engineer, Boat owner
"	"	Paik Donghyun	March 14, 1942	"	Crew
"	"	Kim Seung-ok	July 9, 1919	"	"
"	"	Lee Youngjun	May 16, 1945	Yangyang, Kangwon	"
"	"	Kim Bongrae	Dec. 7, 1928	Kosung, Kangwon	Skipper
"	"	Choi Sungmun	1936	"	Crew
Soldier in Vietnam	Sept. 9, 1966	Ahn Haksu	Sept. 23, 1943	Pohang, North Kyungsang	Army Staff Sergeant
Row boat	Aug. 5, 1967	Bae Seungyoon	Feb. 10, 1929	Ongjin, Incheon	Boat owner
"	"	Bae Seungku		"	Crew
"	"	Jeong Chulkyu	May 5, 1943	"	"
The Anhong-ho	June 4, 1967	Hwang Jungsoon	Feb. 9, 1947	"	"
Soldier in Vietnam	Nov. 3, 1965	Park Sungryol	Oct. 19, 1943	Jinchun, North Chungchong	Army sergeant
The Jinbok-ho	Aug. 27, 1992	Lee Choljin	Feb. 5, 1947	Sinahn, South Cholla Prov.	Boat owner, Skipper
The Duksung-ho	July 12, 1968	Lee Yangjin	May 20, 1945	"	Crew
The Odaeyang-ho No. 61	Dec. 28 1972	Chun Wook-pyo	Nov. 18, 1946	Gojai, South Kyongsang Province	Crew
The Daehan-ho	Jan. 11, 1968	Jang Young-chan	Feb. 23, 1938	Kosung, Kangwon Province	Crew
"	"	Kim Ku-yang	1933	Unknown	Engineer
"	"	Kim Tae-soon	1945	Unknown	Crew
"	"	Yoon Young-ju	Oct. 20, 1933	Kosung, Kangwon Province	Crew

Incident	Date	Name	Date of birth	Address	Occupation
"	"	Lee Sang-ki	1918	Unknown	Crew
"	"	Lee Kuk-hyon	Dec. 29, 1943	Kwangsang-ku, Kwangju City	Crew
Army 2nd Division	July 14, 1962	Woo Ji-won	Oct. 5, 1930	Changwon, South Kyongsang Province	First lieutenant
"		Lee Keum-sop	July 19, 1934	Changwon, North Chungchong Province	Sergeant First Class
"	"	Park Ki-chan	Jan. 19, 1939	Yongdungpo-ku, Seoul	Sergeant

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 (Aug. 10, 1994) and Yoo Sung-keun (Aug. 11, 1994), whose names were included on the list, were made to confess their voluntary entry into North Korea. A defector 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 “enter 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.<sup>21</sup>

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.

**<Table V-7> List of Abducted Persons Reportedly Detained in Political Concentration Camps (22 persons)**

Name	Abducted Year	Occupation
Lee Young-hoon	April 1992	Law Office, manager
Jeong Rak-ho	July 1991	Crew, Chokwang Marine Company
Lee Jae-kwan	December 1989	Samsung Electronics Branch Office

<sup>21</sup> Testimony of defector XXX during an interview in Seoul, Jan. 7, 2004.

Name	Abducted Year	Occupation
Cho Hong-rae	August 1992	Owner, Sports Shop
Choi Hee-chang	October 1991	Crew, Chokwang Marine Company
Lee Dae-sik	September 1988	Former immigrant to Paraguay
Shin Won-shik	June 1991	Bridge Designer in USA
Kang Kwang-suk	December 1992	Realtor
Kim Sung-bae	May 1983	Director, Construction Co.
Kim Soon-sung	Unknown	Former miner in Germany
Lee Jae-hwan	July 1987	Son of former National Assemblymen Lee Young-wook, studying in USA
Choi Jong-suk	January 1987	Crew, the No. 27 Dongjin-ho
Kim Wan-suk	February 1990	President, Tourist Co.
Yang Chil-sung	September 1988	Realtor
Kim Sung-jin	September 1984	Army private
Kwon O-mun		Identity unknown
Cho Seng-ku		Identify unknown
Suh Hak-sik		Identity unknown
Park Jong-shin		Identity unknown
Lee Chan-soo		Identify unknown
Yoo Jae-won		Identity unknown
Kim Choon-gil		Identity unknown

Source: *Yonhap News*, Jan. 31, 1991.

Meanwhile, in a Red Cross statement on Sept. 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 Chinese government on Sept. 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 (Nov. 30~Dec. 2, 2000), a South Korean sailor, Kang Hee-kun of the fishing boat Dongjinho, which had been seized by the North on Jan. 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 Kyunghee (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 (Sept. 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 (Feb. 20~25), 7th reunion (June 27~July 2), and 8th reunion (Sept. 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 Jan. 15, 1987) and Kim Sang-sup, met their mothers from South Korea.<sup>22</sup> 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 (Nov. 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 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-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-

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22. 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 of Korea Public Hearing Proceedings, Dec. 19, 2003).

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 17 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 (Aug. 23~25, 2005) and the 16th Inter-Korean Ministerial Meeting (Sept. 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 post-war years. At the 7th Red Cross talks (Feb. 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. Due to the tension in inter-Korean relations, discussions on the abducted persons have ceased between the two sides. The Family Association later inserted the list of names of abducted persons in leaflets and flew them to North Korea, which has caused a strong protest among the North

Korean authorities.<sup>23</sup> With the resumption of inter-Korean Red Cross talks on the family reunion event planned for the 2009 Chusok (Korean Thanksgiving) holiday, the South Korean government decided to re-emphasize the need to discuss various humanitarian issues including the issue of abducted persons. On the occasion of the resumption of Inter-Korean Family Reunion meetings in 2010, South Korea asked the North to confirm the status of 11 abducted persons in the post-Korean War period, but North Korea responded that it was unable to confirm their status.<sup>24</sup>

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. The South Korean Cabinet approved the implementation decree of the law on Oct. 16, 2007, and the Committee for the Support and Compensation for the Abducted Persons' Families was launched on Nov. 30, 2007. As of February 2011, the committee has held 25 meetings and decided on the disbursement of consolation funds and compensation for damages.

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<sup>23</sup> *The Rodong Shinmun* (Nov. 29, 2008) in a commentary entitled, "Who Are the Leaders of Leaflet Balloon Campaign?" argued that sending balloons containing anti-North Korea leaflets was an act of serious provocation.

<sup>24</sup> *Naeil Newspaper*, Nov. 4, 2010.

〈Table V-8〉 Status of Abduction Damage Applications Received

(Unit: Cases)

Consolations for damages					Settlement and housing stipend	Compensations	Total
Fishermen	I-2 boat	Korean Airlines	Other	Subtotal			
377	11	11	29	428	8	12	448

Source: Ministry of Unification, Abduction Victims Support Group.

〈Table V-9〉 Status of Decisions on Consolation Payments for Abduction Victims

Category	Number of applications	Disbursement decisions (cases)	Amount (thousand won)	Remarks
Total	448	401	13,869,499	Based on disbursement decisions
Consolation payments	428	392	12,273,575	Payment decisions: 378 cases Nonpayment: 7 cases Not approved: 7 cases
Settlement and Housing stipend	8	8	1,528,320	Settlement: 1,017,767,000 won Housing: 510,553,000 won
Compensations and medical stipend	12	1	67,4604	Compensation: 51,491,000 won Medical: 16,113,000 won Not approved: 8 cases

Source: Same as above.



# 2



## *Human Rights Abuses on Korean War POWs*

A total of 41,971 South Korean soldiers went missing in action during the Korean War. Some 22,562 have been determined “killed in action” based on reports and other materials. To date, the status of 19,409 soldiers has not been confirmed.<sup>25</sup> The “South Korean POWs” are those South Korean soldiers who were not returned home during the POW exchange negotiations at the end of Korean War ceasefire. At the time, the United Nations Command estimated the number of missing-in-action (MIAs) to be as many as 82,000.<sup>26</sup> But, only 8,343 soldiers have returned home, and the rest of them were thought to have been withheld in North Korea.

〈Table V-10〉 Status of South Korean POWs

Total	Assumed killed-in-action	Missing-in-action
41,971	22,562	19,409

Source: Provided by the Ministry of Defense.

<sup>25</sup> In 1998, the government finalized the total number of Korean War MIAs at 19,409 after reviewing the list of MIAs several times, removing duplicate names,

According to the testimonies of returning Korean War POWs from North Korea, there were an estimated 510 POW survivors in North Korea as of the end of 2009. Military personnel regulations require that all POWs and MIAs be re-classified into the “killed-in-action” category after a certain period has elapsed, so that their families may benefit from various compensation and consolation payments.

Since the return of Lt. Cho Chang-ho (a former POW) in 1994, the number of Korean War POWs returning to South Korea has steadily increased over the years. As of December 2010 a total of 80 former POWs and 211 family members have returned to South Korea.

〈Table V-11〉 Status of Returning Korean War POWs by Year

Year	'94	'97	'98	'99	'00	'01	'02	'03	'04	'05	'06	'07	'08	'09	'10	Total
No. of POWs	1	1	4	2	9	6	6	5	14	11	7	4	6	3	1	80
No. of Family Members	-	2	5	8	9	12	9	10	34	18	32	23	9	26	14	211

Source: Provided by the Ministry of Defense.

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

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checking against the original military rosters, and considering testimonies and reports filed by MIA families up to 1994.

26. The United Nations Command and the communist side conducted three POW exchanges between April 1953 and January 1954. At the time, the UN Command estimated the number of South Korean MIAs at about 82,000, but the final number of POWs the UN Command received from the communist side was 8,343. Thus, it is reasonable to assume that a significant number of South Korean POWs have not been repatriated but are being held by the North Korean side.

“group assigned” to coal mines, factories, and farm villages for rehabilitation projects. According to a U.S. Defense Department document<sup>27</sup> 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 between November, 1951 and April, 1952. They were then detained in Kholima Detention Center near Yakutsk.<sup>28</sup> The number of POWs transferred to the Chukotski 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 December 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 U.S. 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. The South Korean Defense Ministry has commissioned a research project concerning the transfer of South Korean POWs to the former Soviet Union during the Korean War.<sup>29</sup> The Institute for Military

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<sup>27</sup> 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.

<sup>28</sup> *Yonhap News*, April 13, 2007.

<sup>29</sup> Dr. Cho Sung-hoon at the Institute of Military History conducted this research from December 2008 to August 2009.

History sent a fact-finding mission to the “Magadan” area of Siberia, where the Soviets formerly operated a concentration camp. It has also reviewed a joint study report by a U.S.-Russian team on American POWs and MIAs. Although the research effort produced a few testimonies from North Korean defectors in South Korea regarding the transfer of South Korean POWs to the Soviet regions, there was no conclusive evidence to support the case.

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. According to the testimonies of defectors in South Korea, the Korean War POWs were deployed for work at various coal mines: Working at Sanghwa Youth Mine in Onsung County (North Hamkyung Prov.) were Ahn Hwa-sik, Woo Kwangyoon, Jang XX, Hong Seung-ro, Park In-gong, Kim Sang-jin, Shin Sang-won, Choi XX, Ok Sam-sik, Bae Myung-jo, Paik Boo-jae, Jeong Won-mo and Lee Bok-man.<sup>30</sup> Working at Musan Mine were Lee Gap-so, Kang Young-ho, and Lee Hee-keun.<sup>31</sup> Working at Hakpo Mine in Seichon County in Hweryong City (North Hamkyung Prov.) were Jang Yong-yon, Ryu Tae-in, Oh XX, Lee Jeung-ho, and Jeong Soo-hwan.<sup>32</sup>

South Korean POWs were given citizen ID cards and released to the society from collective detention centers in June 1956, but most of them were assigned to coal mines near their old collective detention centers, since the authorities needed their manpower. In

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<sup>30</sup>\_ NKHR2008000021 2008-09-23.

<sup>31</sup>\_ NKHR2008000016 2008-09-02.

<sup>32</sup>\_ NKHR2008000011 2008-08-12.

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 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. A defector testified that North Koreans called the South Korean POWs “puppet soldiers” (captured soldiers).<sup>33</sup>

After the 1990s, most Korean War POWs were old enough to qualify for the “old-age” pensions. But after the economic management improvement measures of 2002 all social services became payable in cash and consumer prices rose up so high that the pension-dependent former POWs were forced to face a major crisis that jeopardized their basic livelihood. 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. 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 most cases, the families former POWs who defected to South Korea arrived by themselves, as the POWs have mostly passed away; however, in some cases surviving POWs have accompanied their families. In December of 2004, former POW Han Mantaik defected from North Korea in an attempt to return to the South, but he was captured by Chinese security agents and deported to North Korea. In August of 2009, a

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<sup>33</sup> NKHR2008000011 2008-08-12.



similar incident took place. A former POW tried to return to South Korea, but he was arrested by Chinese security agents and detained in a hospital in Yenji City. Some people were punished for trying to help these former POWs flee from North Korea and return to the South.<sup>34</sup>

From the 2nd to the 18th “Inter-Korean Family Reunion” meetings, the status of a total of 126 former POWs has been confirmed. Of those 126 POWs, 19 were alive, 14 deceased, 93 unknown, and 17 have shown up at reunion meetings. In addition, 119 persons from 26 POW families participated in the reunion meetings.<sup>35</sup>

In accordance with the “law concerning the repatriation and treatment of former POWs” and its implementation rules, all returning POWs are entitled to their salaries, pensions and housing stipends for the period covering from the day they became POWs to the day they returned to the Republic of Korea and were discharged from their military service. If a POW were to die while being held in North Korea, his bereaved family, upon returning to South Korea, would receive additional compensation as the family of a former POW. At POW Action Committee meetings, the Ministry of Defense decided to add two former MIA soldiers, Ahn XX and Park XX, to the list of missing POWs in June and September of 2009, respectively.

<sup>34</sup> Koh XX, a resident of Ahnwon-ri, Sebyol County, and Hwang X, a guidance agent at Military Security Command were locked up in a “concentration camp” on charges of assisting a former POW. (Testimony of defector XXX during an interview in Seoul on Jun. 14, 2008). Uhm XX, a resident of Sambongku, Onsung County, was arrested while trying to hand over a former POW. (Testimony of defector XXX during an interview in Seoul on Sept. 23, 2008.)

<sup>35</sup> On the occasion of the family reunion meeting in 2010, it was confirmed that former POW Suh Pil-hwan (82) had died, while four POWs previously classified as “killed-in-action” attended and met with their loved ones from South Korea. They were Lee Won-sik, 77, Lee Jong-ryol, 90, Yoon Tae-young, 79, and Bang Young-won, 81.



# 3



## *Human Rights Abuses on Defectors*

### **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. However, there are various ways of fleeing such as fleeing at officially assigned jobs abroad.<sup>36</sup>

In February, 2005, the U.S. State Department announced

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<sup>36</sup> It is believed that a significant number of North Koreans are living illegally in Russian Far Eastern Provinces after having escaped from various timber-farms and construction sites. But, no estimate is available.

that the number of North Korean defectors had reached its peak between 1998 and 1999, and said that as of 2000 the number was somewhere between 75 thousand and 125 thousand.<sup>37</sup> 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.<sup>38</sup> 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).<sup>39</sup> 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.<sup>40</sup> Other than these estimates, however, no systematic survey has been conducted on the number of North Korean defectors in China. In 2008 the number of North Korean defectors dropped; one analyst estimated the number to be between 20-40 thousand.<sup>41</sup> The number of defectors staying in Yanbian Province has

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<sup>37</sup> 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, February 2005).

<sup>38</sup> *Yonhap News*, Aug. 21, 2005.

<sup>39</sup> The Good Friends sample-surveyed 135 villages along the Korean-Chinese border in Jan. 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.

<sup>40</sup> International Crisis Group, "Perilous Journeys: The Plight of North Koreans in China and Beyond," *Policy Report*, No. 122 (October 2006).

<sup>41</sup> Yoonok Chang, Stephan Haggard, and Marcus Noland, "Migration Experiences of

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 far away from the border regions. Professor Courtland Robinson of the Bloomberg School of Public Health at Johns Hopkins estimated the total number of North Korean defectors in the three Northeastern Provinces of China at 5,688 males (minimum of 3,305 and maximum of 9,109), 4,737 females (minimum of 2,741 and maximum of 7,599), and 6,913 children (minimum of 3,606 and maximum of 11,063).<sup>42</sup>

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 and as the defectors' language skills improved, they began to relocate to Chinese communities and urban areas. Some reasons for the decreasing number of North Korean defectors since 2000 include more stringent border patrols and inspections,<sup>43</sup> continuing forced deportations, the rising costs involved in the process of defection, increases in the number of legal visitors as China has relaxed its procedures for issuing "border travel passes."<sup>44</sup> On the occasion of the 2008 Beijing Olympic Games, the Chinese and North Korean authorities

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North Korean Refugees: Survey Evidence from China," Peterson Institute for International Economics, Working Paper Series (March 2008).

<sup>42</sup> Courtland Robinson, "Population Estimation of North Korean Refugees and Migrants and Children Born to North Korean Women in Northeast China," May 2010 (Seoul: KINU Seminar, Dec. 7, 2010). Dr. Robinson's survey was conducted by interviewing 324 North Korean refugees living in 108 randomly selected areas of the three northeastern provinces of China.

<sup>43</sup> In July 2010 North Korea's Defense Commission issued "Instruction 0082" to the Chinese border region military units authorizing them to shoot to kill all defectors on site.

<sup>44</sup> In order to obtain a "border travel pass" one still must pay some bribes, but the time required has been significantly shortened. Good Friends, "North Korea Today," No. 377 (Nov. 17, 2010).

significantly tightened border controls. From 2009, as the National Security Agency began to implement a new set of emergency measures against defection, control over every avenue of defection has been tightened, including tighter surveillance and detection of ideological trends,<sup>45</sup> rigorous ideological education,<sup>46</sup> travel permit checks along the borders, “bed-checks,”<sup>47</sup> and inspections at border security units. Since the currency reform in late 2009, the North Korean authorities have apparently tightened surveillance and punishment of the remaining defector families in North Korea in anticipation of increasing numbers of defectors.<sup>48</sup> It was also reported that a sizable number of North Korean “arrest units” had been dispatched to China’s Shandong and Yunnan Provinces,

<sup>45</sup> The authorities investigated even law enforcement workers (at security agencies, people’s safety agencies, and prosecutors’ offices) to see if any of their relatives had defected. If so, the employees involved would be punished, removed from their jobs, or fired. Good Friends, “North Korea Today,” No. 321 (Jan. 5, 2010), and No. 334 (March 2, 2010); According to “NK Intellectuals Solidarity,” the North Korean authorities conducted “in-depth inspections” of all defector families along with a census survey in May of 2010. They then designated “banishment villages” in remote areas and forcibly banished defector families to those villages. “Open Radio for North Korea” reported on Aug. 16, 2010 that North Korea’s People’s Safety Agency organized “strike units” at all city and county administrative levels to watch over families of defectors and missing persons. The NK Intellectuals Coalition also reported on July 7, 2010 that the “strike units,” launched in June following up on the April 2010 instructions, were conducting tight control and surveillance aboard trains in Musan County in 2010.

<sup>46</sup> On Jan. 27, 2010, North Korea’s Central Party designated the month of February as a period of in-depth inspections of boarding houses in the border areas. The authorities also decided to punish the party secretaries and administrative supervisors of any enterprises whose employees had defected. Good Friends, “North Korea Today,” No. 332 (Feb. 18, 2010).

<sup>47</sup> According to Good Friends, in the border region one may be punished merely for allowing a relative to stay overnight at one’s home unregistered. Good Friends, “North Korea Today,” No. 326 (Jan. 19, 2010).

<sup>48</sup> NKHR2011000026 2010-04-27; The NK Intellectuals Coalition reported that from early June North Korea’s Central Party and Security Agency have jointly strengthened controls over suspected defectors, arresting and punishing dozens of people.

known to be major connection points (or “jump-off points”) for defectors on the way to South Korea. On June 4, 2010, North Korean border guards opened fire on inhabitants of Dandong City, China, who were engaged in illegal trade along the Apnok (Yalu) River. Three persons were killed and one wounded in the incident. Subsequently, China’s Deputy Minister of Public Security paid a visit to North Korea and signed a “Police Equipment Donation Certificate” on August 12, 2010. In the wake of these developments, enforcement actions against defections and crimes along the border region have been further strengthened.<sup>49</sup> In June 2010, a female defector was deported to North Korea after having attempted to disguise her disappearance as a suicide. Subsequently, these “false suicide” missing persons cases increased, so the border guards organized “special search units for missing persons.” In order to prevent defections by sea, a special meeting was held in North Hamkyung Province attended by working-level officials from all related agencies, such as the fisheries agency, and special agents from the military and the Party. Under the instructions of National Defense Commission, the meeting was held to develop tighter measures for the management, operation, and registration of fishing boats of all varieties. During the meeting various issues and problems were discussed, such as unauthorized fishing boat wharfs and the unauthorized arrival and departure of special agency vessels such as military and Party boats.<sup>50</sup> As anti-defection measures have been tightened, the “fee” (i.e. bribe) the “river-crossing guides” have to pay the border security guards has gone up.<sup>51</sup> This practice has

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<sup>49</sup> According to Good Friends, the border guard command in Pyongsung boosted border patrols by distributing 1,200 night-vision goggles to its agents and training them on their use. Good Friends, “North Korea Today,” No. 354 (July 16, 2010).

<sup>50</sup> NK Intellectual Alliance, Oct. 1, 2009.

become so widespread that at one point an order was issued in Hweryong City, North Hamkyung Province to the effect that even border guards who took money from river-crossing guides would not be penalized as long as they reported it afterward.<sup>52</sup> As the number of “whistle-blowing” brokers, including soldiers, increased,<sup>53</sup> some defectors began to investigate details on their own and defect alone without the brokers’ help.<sup>54</sup> As the risk of getting caught in the process of defection has increased, the cases of people trying to get to China simply to make money have significantly decreased.

In addition to China, defectors appear to be attempting to move to Russia and other CIS countries, Mongolia, and Southeast Asia, including in illegal Chinese and Korean immigration communities. Assisted by civilian organizations, volunteers and activists, defectors are seeking asylum and safe havens around the world, including in Thailand, Japan, Canada, Australia, the United States, the EU member states, and Israel. Since 2005, the number of North Korean refugees illegally entering Thailand in hopes of going to the United States has risen continually. In 2005, only 189 North Korean refugees went to Thailand, but in 2006 a total of 729, and in 2007 some 1,767 refugees entered the country.<sup>55</sup> Thai authorities have arrested many groups of North Koreans illegally crossing

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<sup>51</sup> Yoon XX, “The Status and Prospects of North Korean Defectors in China,” Undisclosed Consultation Meeting, KINU (Seoul: June 14, 2010).

<sup>52</sup> Good Friends, “North Korea Today,” No. 353 (July 14, 2010).

<sup>53</sup> After the Central Border Guard Command raised the reward for the arrest of illegal border-crossers in February 2010, there have been increased incidents in which border guards entrap citizens by promising to help them illegally cross the border for a fee, and then reporting them to their higher command for a reward. Good Friends, “North Korea Today,” No. 366 (Sept. 15, 2010).

<sup>54</sup> Defector XXX from South Hwanghae Province said he obtained the necessary information for defection from a discharged border guard and then defected alone in 2008. NKHR2011000028 2011-01-25.

<sup>55</sup> *Voice of America*, March 26, 2008.

into their border. As the detention period grows longer, some refugees have staged “hunger-strikes” in protest in demand of faster processing, which has brought on speedier entry procedures. An increasing number of refugees have applied for political asylum in Great Britain or other EU member states. Many of them, however, appeared to be Korean-Chinese, South Korean or Chinese nationals posing as North Korean refugees. For a North Korean citizen to cross the border and file an exile application with the European Union or another Western country requires a large amount of cash. For this reason, it would be very difficult for any North Korean to file an exile application with a Western country, except in the cases of a few wealthy people or North Koreans defectors already working overseas. In 2009 South Korea revised its laws concerning protection and settlement support for North Korean defectors. If any former North Korean who has obtained South Korean nationality applies for political asylum in a third country by concealing his/her new nationality, the South Korean government will reduce the amount of his/her settlement grant. In more serious cases, the government may file administrative or criminal charges.

## 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. Most North Koreans would quickly return to North Korea after getting help from their relatives, and the relatives tried their best to protect them.

However, as the food crisis persisted in North Korea, many North Koreans who did not have relatives in China began to cross



the border in search of food and jobs. Once 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.

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 husbands and children, choose to “live in” with Chinese men simply to avoid the famine situation back home. These extreme cases often originate through a third party or the women are involuntarily “sold off” to the Chinese. Some women voluntarily enter into such a relationship,<sup>56</sup> while others would be unwittingly sold.<sup>57</sup> In cases where female defectors are forced to live as involuntary “live-in maids,” the conditions are often so inhumane and unbearable that the victims grasp at any chance to

<sup>56</sup> NKHR2010000024 2010-11-26; NKHR2010000084 2010-03-30.

<sup>57</sup> MKHR2010000001 2010-05-25; NKHR2010000002 2010-08-10; NKHR2010000004 2010-05-25; NKHR2010000005 2010-03-16; NKHR2010000007 2010-03-16; NKHR2010000009 2010-08-10; NKHR2010000021 2010-10-12; NKHR2010000030 2010-11-23; NKHR2010000031 2010-11-09; NKHR2010000032 2010-11-23; NKHR2010000033 2010-11-09; NKHR2010000037 2010-11-16; NKHR2010000039 2010-11-16; NKHR2010000043 2010-11-02; NKHR2010000048 2010-07-27; NKHR2010000049 2010-11-30; NKHR2010000050 2010-07-13; NKHR2010000052 2010-06-29; NKHR2010000053 2010-06-29; NKHR2010000054 2010-06-22; NKHR2010000059 2010-11-30; NKHR2010000060 2010-05-18; NKHR2010000063 2010-05-18; NKHR2010000065 2010-10-12; NKHR2010000067 2010-04-27; NKHR2010000068 2010-04-27; NKHR2010000070 2010-04-27; NKHR2010000072 2010-10-19; NKHR2010000085 2010-04-20; NKHR2010000079 2010-04-20; NKHR2010000085 2010-04-06; NLHR2010000086 2010-06-22; NKHR2010000087 2010-08-03; NKHR2010000088 2010-08-03; NKHR2010000095 2010-03-23; NKHR2010000098 2010-03-23; NKHR2011000002 2010-03-16; NKHR2011000003 2010-03-16; NKHR2011000005 2010-08-10; NKHR2011000010 2010-06-08; NKHR2011000015 2011-01-04; NKHR2011000024 2010-08-31; NKHR2011000008 2010-08-10; NKHR2011000012 2010-12-07; NKHR2011000020 2010-05-19; NKHR2011000022 2010-06-24.

run away to a distant region.<sup>58</sup> Others stay on, living in fear of forcible deportation and having given up all hope. 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 woman who illegally crosses the river into China cannot survive unless she chooses to “live-in” with a Chinese man. Consequently, once they realize the danger of arrest and other unavoidable realities most North Korean women who have crossed the river into China accept the situation in which they must “live-in” with a Chinese man.<sup>59</sup> After prolonged stays in China, some defectors are able to obtain resident permits.<sup>60</sup> Others give birth to Chinese babies.<sup>61</sup> In some cases, children born in China to female defectors have been granted resident permits.<sup>62</sup>

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58\_ NKHR2010000060 2010-05-18.

59\_ NKHR2010000007 2010-03-16; NKHR2010000063 2010-10-05; NKHR2010000018 2010-10-05.

60\_ NKHR2010000060 2010-05-18; NKHR2010000063 2010-05-18; NKHR2010000095 2010-03-23; NKHR2011000005 2010-08-10.

61\_ NKHR2010000001 2010-05-25; NKHR2010000002 2010-08-10; NKHR2010000004 2010-05-25; NKHR2010000005 2010-03-16; NKHR2010000007 2010-03-16; NKHR2010000009 2010-08-10; NKHR2010000030 2010-11-23; NKHR2010000032 2010-11-23; NKHR2010000033 2010-11-09; NKHR2010000037 2010-11-16; NKHR2010000048 2010-07-27; NKHR2010000049 2010-11-30; NKHR2010000050 2010-07-13; NKHR2010000052 2010-06-29; NKHR2010000054 2010-06-22; NKHR2010000059 2010-11-30; NKHR2010000060 2010-05-18; NKHR2010000063 2010-05-18; NKHR2010000065 2010-10-12; NKHR2010000067 2010-04-27; NKHR2010000070 2010-04-27; NKHR2010000076 2010-04-20; NKHR2010000087 2010-08-03; NKHR2010000088 2010-08-03; NKHR2010000095 2010-03-23; NKHR2010000102 2010-07-13; NKHR2011000010 2010-06-08; NKHR2011000012 2010-12-07; NKHR2011000014 2011-01-04.

62\_ NKHR2010000001 2010-05-25; NKHR2010000007 2010-03-16; NKHR2010000009 2010-08-10; NKHR2010000030 2010-11-23; NKHR2010000032; 2010-11-23; NKHR2010000048 2010-07-27; NKHR2010000052 2010-06-29; NKHR2010000054 2010-06-22; NKHR2010000060 2010-05-18; NKHR2010000063 2010-05-18; NKHR2010000065 2010-10-12; NKHR2010000067 2010-04-27; NKHR2010000070

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. Some defectors have learned to live in China by saving some money and engaging in vending business.<sup>63</sup> In exceptional cases, some women “live in” with South Korean businessmen in China and subsequently come to South Korea. Some North Korean women in China find out about the settlement grants offered by the South Korean government through their husbands, who go to South Korea first to find jobs. Upon their husbands’ suggestion, these women come to South Korea through guidance brokers operating in China. In their efforts to receive the settlement-support grants offered by the South Korean government, some Korean-Chinese couples voluntarily confess the fact that they came to South Korea on employment visas they obtained based on fake Chinese passports. In January 2007, South Korea revised its laws concerning the protection and settlement of North Korean defectors and decided to exclude those who had lived in a country

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2010-04-27; NKHR2010000076 2010-04-20; NKHR2010000087 2010-08-03; NKHR2010000088 2010-08-03; NKHR2010000095 2010-03-23; NKHR2011000010 2010-06-08; NKHR2011000012 2010-12-07; NKHR2010000014 2010-10-05.

<sup>63</sup> NKHR2011000030 2011-01-04.

outside North Korea for more than ten years. As a result, North Korean defectors who lived in China for many years began to show a tendency to rush their entry into South Korea. Some North Korean defectors who entered South Korea after staying in China for over ten years were excluded from the settlement benefits under the revised South Korean laws. These defectors and citizens groups assisting them staged protest rallies against the government decision. Subsequently, in January 2009 the South Korean Government decided to make some adjustments to the law, allowing some exceptions to the rule in cases of “special circumstances.”<sup>64</sup> As a result, there are an increasing number of in which North Koreans who have stayed in China for an extended period of time are entering into South Korea with their Chinese-born children.<sup>65</sup>

### 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,

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<sup>64</sup> Art. 9 Sec. 2 of the Act on the Protection and Settlement Support of Residents Escaping from North Korea. Revised on Jan. 30, 2009.

<sup>65</sup> NKHR2010000065 2010-10-12; Some North Korean women bring their Chinese-born babies, especially girls, without the father’s permission. These incidents occur because the mothers suspect that the Chinese father or grandparents might agree to raise a boy baby, but not a girl.

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.<sup>66</sup>

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.<sup>67</sup>

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<sup>66</sup> Norma Kang Muico, *Absence of Choice: The Sexual Exploitation of North Korean Women in China* (London: Anti-Slavery International, 2005), p. 3.

<sup>67</sup> U.S. Department of State, *The Trafficking in Persons Report* (June 2007), <<http://korean.seoul.usembassy.gov/uploads/images/KvT6tA2qzNuoSxuRtB5Qpw/TraffickingInPersonsReportNK.pdf>>.

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. In the early period, the professional river-crossing guides were involved in human trafficking. These “guides” will approach young 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.” 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 “professional river-crossing guides” inside North Korea operated in close contact with ethnic Koreans in China. They have been involved in the border crossing of many North Koreans.

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. 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 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. 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. 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 man or an entertainment establishment for a fee. Korean Chinese intermediaries (brokers) would turn over defecting North Korean women to Korean Chinese men, telling them to contact them if they have any problems. If they received any complaints, they would move the women to another region for an additional fee.

As China industrialized, women on the farms began to 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. Even if they knew that they were destined to be sold off to Chinese men, some North Korean women would ask for help in river-crossing to



save the crossing expenses.<sup>68</sup> In the process of moving from the border region to the inner regions, Chinese brokers often rape these women.<sup>69</sup>

Human trafficking is illegal in China, and if detected, those involved are heavily fined. Since the “go-between” 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. It was reported that the border patrol battalions were conducting intensive investigations on North Korean defectors with particular emphasis on human trafficking and narcotics trade.

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.

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<sup>68</sup> NKHR2010000031 2010-11-09.

<sup>69</sup> NKHR2011000003 2010-03-16; She was pregnant as a result of rape by a Chinese broker at the time she came to South Korea.

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.

Many North Korean women who were sold in China are forced to provide sex services at restaurant bars and “sing-along joints.”<sup>70</sup> In order to prevent them from fleeing, the bar operators would withhold their pay, saying they would save money for them.<sup>71</sup> It is also reported that organized criminals are operating pornographic “computer chatting” businesses in China, using North Korean women escapees.<sup>72</sup> They are also utilized for telephone scams (“voice phishing”) targeting South Koreans.<sup>73</sup>

#### D. Levels of Punishment for 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: sim-

<sup>70</sup> NKHR2011000030 2011-01-04.

<sup>71</sup> Testimony of defector XXX during an interview in Seoul on April 6, 2007.

<sup>72</sup> NKHR2010000006 2010-05-25; NKHR2010000017 2010-10-05; NKHR2010000018 2010-10-05; NKHR2010000080 2010-06-15; NKHR2010000082 2010-06-22.

<sup>73</sup> NKHR2010000082 2010-01-18.

ple 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.<sup>74</sup> 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.” 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. In addition to North Korea’s Penal Code, the terms of punishment for defection are dictated by the People’s Safety Control Law (enacted on Dec. 28, 1992 and revised on July 26, 2005) and the Administrative Penalty Law (enacted on July 14, 2004 and revised on May 20, 2008). Article 30 of the Safety Control Law stipulates, “The People’s Security Agency shall check and control violations of travel laws and disorderly street-wandering behavior.” Article 57 specifies that penalties may be directly applied to the violator(s). These provisions do not directly apply to the act of defection, but rather they serve to interdict travelers on their way to the border regions for defection. Arti-

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<sup>74</sup> Han In-sup, “The Contents and Significance of the 2004 Revision of North Korean Penal Code: Progress toward the Principle of Legality?” Vol. 46, No. 1 (March 2005).

cle 123 of the Administrative Penalty Law stipulates 3 months of unpaid labor for violations of border inspection rules. Article 167, outlining “Acts of Violation of Orderly Travel,” stipulates that “any violation of orderly travel or illegal travel to and from restricted regions, including national borders, shall be subject to fines, warnings, stern warnings, or unpaid labor for 3 months (correctional labor). In more serious cases, correctional labor or unpaid labor for longer than 3 months may be imposed.”<sup>75</sup>

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.<sup>76</sup> Article 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 Article 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 bor-

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<sup>75</sup> Article 17 of the “Administrative Penalty Law” defines “correctional labor” and “unpaid labor” as penalties lasting anywhere from five days to six months. The decision to send defectors off to “labor-training camps” without a trial seems to be based on this law.

<sup>76</sup> North Korea claimed 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.

der and the frequent involvement of border guards in providing “systematic” assistance to them.<sup>77</sup> 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 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’ 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

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<sup>77</sup> Unlike earlier periods, it is understood that safe border crossing would be possible only if advance arrangements were made between the North Korean and Chinese border guards.

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.<sup>78</sup> 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 deportation to final release. In some cases, however, people were detained in the "revolutionary district" for having had contacts with South Koreans.<sup>79</sup> However, punishments for defection became heavier in 2009, and it was reported that forcible banishment of families became frequent in the border regions.

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 Hyesan and Seibyol in Yanggang Province and movements by boat) show very low rates. One new phenomena in 2010 was

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<sup>78</sup> NKHR2009000023 2009-04-16.

<sup>79</sup> Defector XXX testified that after she was forcibly deported back to North Korea, the interrogating agent told her that she would be released early by stating that she had "contacted South Korean intelligence agents." She was however later sent to the "Revolutionary District" in Yodok Prison, and served as a platoon leader from 2004. In 2004, the inmates locked up there for 3-year terms included Cho XX (Danchon), Kim XX (Eunduck), Choi XX (Hyesan), and Kang XX (Musan). The "Revolutionary district" of Yodok Prison was created in 1999 to house defectors and bore the signage "Military Unit No. 0000" (Testimony of defector XXX during an interview in Seoul on Aug. 20, 2008).

that as border controls were tightened in North Hamkyung Province (to the east), the number of defectors has greatly increased in the Hyesan region of Yanggang Province (in the center/west). 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,”<sup>80</sup> 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. In the early years of this practice, the inspectors confiscated the items brought in from China, but in recent years, the detention centers return all personal items and possessions to the detainees when they are released. Many defectors use the money they made in China to try to reduce the terms of their penalties in the process of interrogation or to support their lives inside the labor-training camps. In a very rare case, a woman was able to persuade a security agent to accompany her to the border region, where she received

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<sup>80</sup> NKHR2009000023 2009-04-16



financial help from her “live-in” husband in China who responded favorably to her telephone call. In some cases, the defector will bribe the law enforcement officers to fabricate the contents of interrogation documents in order to avoid punishment.

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.<sup>81</sup> 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

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<sup>81</sup> 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.

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 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."<sup>82</sup>

Pregnant suspects should not be detained within the period three months before to seven months after childbirth, according to Article 106 of the 1999 and 2004 Criminal Procedure Law. However, many defectors have testified to cases in which the detaining agents conducted interrogations of pregnant women within that period. 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.<sup>83</sup> In the face of mounting international criticism over the practice of forced abortions of North Korean women who

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<sup>82</sup>-Defector Jang XX was released in 2006 without penalty after forcible deportation because he was underage at the time. NKHR2011000003 2010-03-16.

<sup>83</sup>-NKHR2009000010 2009-02-26; NKHR2009000048 2009-07-30; NKHR2009000078 2009-12-10.

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 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. Reports on forcibly induced abortions and abandonment of newborn babies to die, however, continued through the year of 2004.

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.”

**<Table V-12> Cases of Human Rights Violations against Forcibly Deported Pregnant Women through the Testimonies of North Korean Defectors**

Time	Place	Event	Testifying person
Summer 2002	Undisclosed facility halfway between the Sports Univ. and the Agriculture Univ. in Hyesan	Induced abortion by beating	NKHR2011000005 Aug. 10, 2010
Jan. 2003	Security Agency detention center, Onsung County	Baby allowed to be born, as it was the last month of pregnancy. Mother allowed to raise baby.	KNHR2011000011 Dec. 7, 2010
Jan. 2004	Security Agency detention center, Kilju County	Insertion of abortion-inducing medicine into Kim XX (age 31)	NKHR2010000102 July 13, 2010
April 2004	Collection point, Shinuiju	Abortion administered by injection (defector's own experience)	NKHR2010000033 Nov. 9, 2010

Time	Place	Event	Testifying person
April 2004	Security Agency, Hyesan	Abortion by insertion of medicinal compound	NKHR2010000019 Oct. 12, 2010
Jan. 2005	Gaechon Correctional Ctr.	A woman in her 8th month of pregnancy released due to illness	NKHR2010000008 Augu. 10, 2010
May 13, 2005	Nongpodo Collection Ctr, Ranam Dist. Chongjin	A woman who was 4 months pregnant collapsed while working on a farm in Uhdaejin, Ranam Dist. Agents struck and kicked her. Inmates forcibly dragged her out to farm the next day for fear of group hazing. She died May 15th on the farm during lunch-break.	March 10, 2007
May 2005	Collection Ctr, Shinuiju	A woman who was 8 months pregnant (aged 26, from Musan) and a woman in early pregnancy (20) were given abortions at the hospital	Aug. 13, 2008
May 2005	North Pyong=an Provincial Security Agency Detention Center	A forcibly deported woman got pregnant in China. After the baby was born inside the detention center, nobody was allowed to touch it, and so it died.	April 7, 2007
June 2005	XX Detention Ctr.	Abortion at hospital	NKHR2009000032 May 19, 2009
Aug. 2005	Hweryong City Security Center	Abortion at hospital	June 12, 2008
Autumn 2005	Provincial Collection Ctr, Chongjin	A 30-year old woman gave birth to a baby. The baby died for lack of care.	May 19, 2007
2005	Onsung City Security Agency	A newborn died for lack of care.	NKHR2009000019 March 31, 2009
Jan. 2006	Kyungwon (Sebyol) Security Center	An fetus died due to negligence.	NKHR2010000034 Nov. 2, 2010
Jan. 2006	Security Agency Detention Center, Shinuiju city	A woman from Sebyol (24 weeks pregnant) was forced to have an abortion.	NKHR2011000003 March 11, 2010
2006	Manpo Security Agency Detention Center, Jakang Prov.	A 38-year-old woman from Jakang Prov. was given an abortion at the hospital.	July 8, 2008

Time	Place	Event	Testifying person
2006	Security Agency Detention Center, Musan County	All "Chinese" babies get aborted without exception. Joo XX avoid abortion by insisting that she lived with a Korean Chinese.	Sept. 2, 2008
July 2006	Security Agency Detention Center, Musan County	A 34-year old pregnant woman from Sambong was severely beaten and lost her baby.	July 2, 2008
Jan. 2007	Safety Agency Detention Center, Hweryong city	Abortion by operation	NKHR2010000092 June 22, 2010
April 2007	North Hamkyong Provincial Collection Center	Abortion at hospital	NKHR2008000004 July 17, 2008
April 2007	Provincial Collection Center, Sinuiju	A woman from Chongjin (age 35) was operated on at the hospital.	NKHR2010000016 Oct. 5, 2010
May 2007	Safety Agency interrogation room, Hweryong	Agents struck Choi XX (24) in the abdomen. The prematurely born baby died for lack of care.	June 25, 2008
July 2007	Security agency, Hweryong	Abortion at hospital.	NKHR2009000073 Dec. 2, 2009
Jan. 2008	Collection center, Hyesan, Yanggang Prov.	A woman from Chongjin (20) was operated on at the hospital.	NKHR2010000043 Nov. 2, 2010
March 2008	Provincial Collection Center, Shinuiju	Operation at hospital.	NKHR2010000089 June 8, 2010
July 2008	Provincial Collection Center, Chongjin, North Hamkyung Prov.	A woman from Danchon (27) gave birth to a child. The agent in charge ordered the baby to be neglected until it died. The mother was forced to work 3 days after delivery.	NKHR2010000071 Nov. 9, 2010
July 15, 2008	Manpo Collection Center, Jakang Prov.	Confirmed pregnancy through blood test – Abortion at hospital. (defector's own experience)	NKHR2010000054 June 22, 2010
Jan. 2009	Provincial Collection Center, Shinuiju	A woman from Hamhung (21) got an operation at the hospital.	NKHR2010000096 June 22, 2010
Sept. 2009	Security Agency Detention Center, Onsung County	A newborn baby died for lack of care (suffocation).	NKHR2010000031 Nov. 19, 2010
May 2010	Security Agency Detention Center, Shinuiju	A 24-week pregnant woman, Huh XX from Danchon, got an abortion at the hospital. She was severely beaten after the operation and suffered from malnutrition and dehydration.	NKHR2010000031 Jan. 18, 2011

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.<sup>84</sup>

One of the reasons the court will order the suspension of service is “if the inmate sentenced to correctional labor, labor training or non-paid labor fell gravely ill, or a female inmate is between three months before and seven months after childbirth (Art. 18, Sec. 3 of the Decision and Judgement Law).” Defectors testified that if the authorities determined death was imminent

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<sup>84</sup> NKHR2009000011 2009-03-03.

(due to tuberculosis, dehydration, infirmity) or if the inmate had contracted a contagious disease, the term would be suspended,<sup>85</sup> and the authorities would contact his/her hometown security agency to take over the case. 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.”<sup>86</sup> Quite the contrary, camp guards assigned the detainee hard labor<sup>87</sup> 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. Unlike cases where women were impregnated by Chinese men, the agents would not force abortions or kill the baby if the woman could prove that her pregnancy began before leaving North Korea, even if she was forcibly deported from China, or if her husband was working at a stable job.<sup>88</sup> In one very rare case, a pregnant woman who was deported was able to bribe her way out of the Hyesan collection

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<sup>85</sup>. NKHR2011000019 2011-01-18.

<sup>86</sup>. Defector XXX testified that she was forcibly deported in Apr. 2004 while pregnant. She was released from the security agency after 6 days of interrogation. This was an exceptional case. At the time, Kim Jong-il’s instructions came down, so they did not confiscate any of her possessions except for the cash she carried (Testimony of defector XXX during an interview in Seoul on July 9, 2008).

<sup>87</sup>. NKHR2009000025 2009-03-30.

<sup>88</sup>. Defector XXX testified that she was forcibly deported to North Korea on while 8 months pregnant. She was able to prove that she was pregnant before leaving North Korea, and she escaped a forced abortion. NKHR2008000003 2008-07-09; Apparently, if a woman is pregnant with a “North Korean baby,” she will not be forced to abort the child. NKHR2009000032 2009-05-19.

point.<sup>89</sup>

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.<sup>90</sup>

If a different crime subject to a longer sentence is uncovered while a detainee is serving a labor training term, the inmate is 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.

The North Korean authorities have relaxed the penalty on simple defectors. Recently though, they have been tightening the penalties again.<sup>91</sup> Since 2004, heavier penalties have been imposed on those forcibly deported or arrested in the process of border-crossing. If a defecting family was captured as a group, the authorities would file the "attempted defection to South Korea" charges against them. The punishment of defectors, however, varied considerably from region to region and from person to person according to reports since 2004.<sup>92</sup> One defector and 15 "river-crossing guides"

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<sup>89</sup> NKHR2009000023 2009-04-16.

<sup>90</sup> Testimony of defector XXX during an interview in Seoul on March 7, 2007.

<sup>91</sup> The sentences for captured or deported defectors have been raised by 5~7 years since March 1, 2007. Good Friends, "North Korea Today," No. 114 (March 5, 2008).

<sup>92</sup> If the families were able to pay bribes to the related agencies immediately after deportation, the sentences would be greatly reduced. In August 2006, Kim XX and four others were sentenced to 3-year correctional labor penalties because they



(2 men, 13 women) were publicly executed in Juwon District, Onsung County on February 20, 2008.<sup>93</sup> In some cases defectors were forced to serve longer terms than those recorded as their official sentences.<sup>94</sup> On the other hand, there were many reported cases in which the level of punishment was raised from “labor-training” to “correctional labor,” but through bribery inmates could often get released on bail (for reasons of illness) or get released through general amnesties in the middle of their terms.<sup>95</sup> A recent trend is that heavier sentences are being imposed on defector families living near the border region as the number of defectors has

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were repeat offenders, and they were locked up in the No. 9 Correctional Center in Hamhung. NKHR2008000011 2008-08-12.

<sup>93</sup> Good Friends, “North Korea Today,” No. 114 (March 5, 2008).

<sup>94</sup> Defector XXX testified that in Oct. 2003 he was sentenced to a 1-year labor-training penalty on charges of illegal border-crossing and was detained for 16 months in the Social Safety Agency (current People’s Security Agency), No. 11 (Jeungsan) Training Camp (Testimony of defector XXX during an interview in Seoul on Aug. 13, 2008).; Defector XXX testified that he and his sister each received a one-year sentence on river-crossing charges at Uiju County, North Pyongan Province, and were sent to the No. 11 Correctional Center. They served for longer than a year, however (Testimony of defector XXX during an interview in Seoul on June 15, 2008).

<sup>95</sup> Defector XXX was arrested while trying to come to South Korea from Qingdao in 2005 because of a whistle-blower (a former defector, Korean), among a total of 13 defectors who were forcibly deported. He was sentenced to a 3-year correctional labor penalty. He was released on general amnesty after serving one and a half years at Jongori Correctional Center. (Testimony of defector XXX during an interview in Seoul on Aug. 30, 2008.) Defector XXX defected with his wife in 2006. When his wife was arrested, however, he returned to North Korea voluntarily. He was, however, sentenced to two years of labor training on family defection charges. He served six months at Oro Training Camp and was released on general amnesty. His wife was sentenced to one-and-a-half years at Jeungsan Correctional Center, and was also released on general amnesty after serving five months. (Testimony of defector XXX during an interview in Seoul on Sept. 6, 2008.) Defector XXX was arrested after returning to North Korea on charges of attempted flight to South Korea. When he learned his penalty would be about 6 years, he bribed the agent-in-charge into burning the essential investigation documents. Subsequently, he received a four-month labor-training penalty and served as a “tekgan,” or a “whip” who was responsible for ensuring every inmate at the center reported to work. (Testimony of defector XXX during an interview in Seoul on July 26, 2008).

increased, even though the sentences have been reduced during the deteriorating food crisis. In fact, a great number of families of defectors who used to live near the border regions have been banished to the remote regions away from the borders.<sup>96</sup> Very rarely, the decision to banish a family at a public trial would be reversed as a result of petitions,<sup>97</sup> but in most cases the defector families had to move to the designated area and could only return after a certain period of time. If a person were to defect from an area, the official responsible for the area would be dismissed from his position.<sup>98</sup> For this reason, the defector family would bribe him in the early stages of the incident for a lenient disposition of the case. He would then discard the documents or make necessary changes in the documents to evade his responsibilities and profit from the case, as well.

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<sup>96</sup> In April 2004, the family of Kang XX living at Ontan-ku, Onsung County, was banished because Kang was caught crossing the border. The families of Han XX and Kim XX were also banished from Kerim-dong, Hweryong City in 2005 (Testimony of defector XXX during an interview in Seoul on July 8, 2008). In Nov. 2007, Kim XX was sentenced to a correctional labor penalty and his family was banished from Onsung to Jangjin, South Hamkyung Province. (Testimony of defector XXX during an interview in Seoul on July 2, 2008.) In 2004, 20-30 defector families were banished from Musan County to Kangwon Province. (Testimony of defector XXX during an interview in Seoul on June 25, 2008.) In Aug. 2004, the family of Kim XX was banished from Sechon County, Hweryong City, North Hamkyung Province to a farm in South Hamkyung Province because Kim XX had crossed the river into China. NKHR2008000011 2008-08-12.

<sup>97</sup> Defector XXX received a public trial in Sinuiju while attempting to defect in Jan. 2005. A decision was made to banish his family, but the decision was reversed as a result of petition. (Testimony of defector XXX during an interview in Seoul on Oct. 21, 2008).

<sup>98</sup> NKHR2008000011 2008-08-12.

〈Table V-13〉 Cases of Actual Punishments against Defectors

Time	Punishment (area)	Testifying person	Remarks
Nov. 12, 2003	One month in a labor-training camp	NKHR2010000013	-
Nov. 28, 2003	6 months in a labor training camp (Onsung)	NKHR2011000011 Dec. 7, 2010	-
June 1, 2004	6 months of correctional labor (Hweryong)	NKHR2010000010 Sept. 14, 2010	-
Dec. 18, 2004	2 years in a labor training camp (Jeungsan)	NKHR2010000102 Sept. 14, 2010	Term reduced by 1 year (by general amnesty)
Jan. 2005	9 years of correctional labor (Hweryong)	NKHR2011000021 June 7, 2010	Deported for the second time after trying to flee to South Korea. Benefited from general amnesty twice, reducing a 5 year term to 4 years
Jan. 2005	8 years of correctional labor (Pyongyang)	NKHR2011000022 June 24, 2010	Hyungsan-ri Correctional Center
June 2005	2 years of correctional labor (Gaechon)	NKHR2010000045 Sept. 7, 2010	Attempted flight to South Korea
July 2005	3 days at a relief center (Onsung)	NKHR2010000077 June 1, 2010	Underage (14 years old)
Jan. 2006	2 years of labor training (Hweryong camp)	NKHR2010000053 June 29, 2010	-
March 2006	Released	NKHR2011000003 Mar. 16, 2010	Underage (16 years old)
May 2006	Correctional labor (Jeungsan)	NKHR2010000098 Mar. 23, 2010	Detained for 7 months
Aug. 6 2006	3 months of labor training (Onsung)	NKHR2010000051 July 13, 2010	-
Nov. 2006	3 years of correctional labor (Jongori, Hweryong)	NKHR2010000010 Sept. 14, 2010	Deported a 2nd time
Jan. 15, 2007	6 months of labor training (Onsung)	NKHR2011000020 May 19, 2010	3 months in a detention center; not actually detained at a training center. Received a trial.

Time	Punishment (area)	Testifying person	Remarks
May 2007	6 months of labor training (Hweryong)	NKHR2010000092 June 22, 2010	-
Oct. 26 2007	1.6 years of labor training (Jeungsan)	NKHR2010000095 Mar. 23, 2010	Scheduled for the provincial training camp, but moved to a district camp.
Nov. 13, 2007	2.6 years of correctional labor	Kim XX	Deported for the 6th time.
Dec. 2007	1 month of labor training (Hyesan)	NKHR2010000082 June 22, 2010	-
March 2008	Released	NKHR2010000071 Nov. 9, 2010	Old age (67 years old). Released after bribery.
March 2008	6 months of labor training	NKHR2011000018 Jan. 18, 2011	Voluntarily returned to North Korea.
March 2008	1 year of labor training (Hyesan)	NKHR2010000089 June 8, 2010	-
March 14, 2008	6 months of labor training (Hyesan)	NKHR2011000018 Jan. 18, 2011	-
May 15, 2008	Correctional labor	Kim XX	Fled from camp.
May 20, 2008	5 months in special prison "Steel 3" (Shinam Dist.)	NKHR2011000013 June 8, 2010	-
July 2, 2008	2 months in a provincial collection center (Manpo)	NKHR2010000054 June 22, 2010	-
July 2008	1 month of labor training (Onsung)	NKHR2010000086 June 22, 2010	-
Aug. 18, 2008	Detainment at a provincial collection center (Nongpo)	NKHR2010000007 Mar. 16, 2010	Fled from camp.
Feb. 1, 2009	6 months of labor training (Huchang County)	NKHR2010000017 Oct. 5, 2010	-
Feb. 13, 2009	5 months of labor training	NKHR2010000043 Nov. 2, 2010	Deported for the 2nd time
July 18, 2009	6 months of labor training	NKHR2010000021 Oct. 12, 2010	Only 20 days of actual detention
Aug. 5, 2009	1 month at a provincial collection center	NKHR2010000067 Apr. 27, 2010	Deported for the 2nd time
Aug. 20, 2009	2 months of labor training (Hyesan)	NKHR2010000097 June 15, 2010	-

Time	Punishment (area)	Testifying person	Remarks
May 28, 2010	1 month and 10 days at a provincial collection ctr.	NKHR2011000018 Jan. 18, 2011	Deported for the 2nd time
March 18, 2010	Early release through bribery.	Huh XX	Deported for the 6th time

(Table V-14) Cases of Forcible Banishment of Defectors and Their Families

Time	Route of Banishment	Testifying person	Remarks
Jan. 2004	From Musan to Danchon	NKHR210000028 Nov. 16, 2010	
Jan. 2005	From Hweryong city to Wonsan-ri	NKHR2010000033 Nov. 9, 2010	
Jan. 2005	From Hyesan to Poongso County	NKHR2010000062 Oct. 12, 2010	Fled more than once with entire family.
Jan. 2005	Joocho district, Musan	NKHR2010000064 May 11, 2010	Wang XX
Jan. 2005	From Eunduck county to Orang County	NKHR2010000022 Oct. 10, 2010	
Jan. 10, 2005	From Hweryong City to Soodongku, South Hamkyung Prov.	NKHR2010000026 Oct. 26, 2010	Ten families banished at the same time. (Namkung XX, Kim XX, Huh XX, others)
Aug. 2005	from Musan to Sangri-ri (inner village), Ducksong County, South Hamkyung Prov.	NKHR2010000041	Central Party inspection. Jeon XX, Yang XX. Two family members fled from North Korea.
Jan. 2006	From Musan County to Oryong-ri, Musan County	NKHR2010000044	
Jan. 2006	From Poong-in District, Onsung County to Pyongnam	NKHR2010000077	4 persons
March 2008	From Hweryong to Kungsim, Hweryong County	NKHR2010000069	Rhee XX, public trial.

Time	Route of Banishment	Testifying person	Remarks
Jan. 2009	From Wiyon-dong to Samsoo County, Yanggang Prov.	NKHR2010000089	XX Byol
Summer 2009	From Kangson District to Obong-ri	NKHR2010000041	
Summer 2009	Kang-an-dong, Hweryong	NKHR2010000101	4 defectors

## E. 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-15〉 Punishments Recorded for Human-Trafficking

Time	Place of punishment	Type of punishment	Personal details of convicted human-traffickers
Jan. 2004	Marketplace, Hweryong, North Hamkyung Prov.	Public execution	3 men, according to NKHR2010000006 May 25, 2010
2005	Boraksan, Yuson, North Hamkyung Prov.	Public execution	Han XX (29, male, correctional soldier, Hweryong).
Jan. 2005	Miners' Hall, Musan	Public trial and execution, People's Security agency	1 man and 1 woman

Time	Place of punishment	Type of punishment	Personal details of convicted human-traffickers
Jan. 2005	Marketplace, Hweryong	Public execution	6 persons (including border guards) according to NKHR2010000053 June 29, 2010
Jan. 2005	From Dongjjoong Oro Correctional Center, Hweryong to Sudong District, South Hamkyung Prov.	11 years of correctional labor, forcibly banished.	Witnessed himself and his family according to NKHR2010000026 Oct. 26, 2010
May 2005	Musan County	– Public execution – Life-term of correctional labor	– Rhee XX (male, born 1973, from Kangson Dist. Musan) – Rhee (47, female from Musan County)
Summer 2005	Shoe factory, Songbong 2–Dong, Hyesan	Public execution	– 1 male according to NKHR2011000005 Aug. 10, 2010
Aug. 2005	Onsung, North Hamkyung Prov.	11 years of correctional labor	– Yoo XX (39, from Jongsung, Onsong County)
Aug. 2005	Onsung, North Hamkyung Prov.	18 months of correctional labor	– Kim XX (52, family of Provincial Security agent)
Oct. 2005	Onsung Labor–Training Camp	Execution by firing squad after public trial	– Lee XX (37, from Joo–on)
Nov. 2005	Pohang District, Chongjin	Public execution	one female
Nov. 2005	Pohang District, Chongjin	Correctional labor	two female
April 2006	Musan Detention Center	Secret execution	
Aug. 2006	Namsan–ri, Onsong County, North Hamkyung Province	Public execution	Kim XX (55, Changpyong–ri, Onsong County)
April 2007	Gang–an marketplace	Public execution	NKHR2910000013 Sept. 14, 2010

Time	Place of punishment	Type of punishment	Personal details of convicted human-traffickers
May 2008	Hyesan	Public execution	Han XX from Hyesan according to NKHR2009000023, 2009-04-16.
Summer 2008	Hillside behind Bonghung Middle School, Hyesan	Public execution	Two men according to NKHR2010000097, June 15, 2010
July 2009	City Stadium, Sanop-dong, Hweryong	Public execution	5 men, 3 women according to NKHR2010000069, Oct. 26, 2010
Autumn 2009	Riverside trash dump, Musan County	Public execution	One man according to NKHR2010000011, Sept. 14, 2010

As Table V-15 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, Hweryong, Chongjin, and Onsung. Clearly, the 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. In 2007 and 2008, the Central authorities have conducted extensive major inspections concerning missing persons (defectors).



Some family members (parents, siblings) of the defectors (missing persons) have been punished on “human trafficking” charges.<sup>99</sup> It is reported that as recently as 2010 a defector family was forcibly banished on charges of trafficking in persons.

## 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 from the previous year, to 1,383. 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. However, the increasing trend continued overall. A total of 2,019 defectors came into South Korea in 2006; 2,553 in 2007; 2,809 in 2008, and 2,927 in 2009. In 2010, the number of defectors coming into South Korea totaled 2,423, showing a slight decrease. Some defectors came along with their families in 2010 and others who were in North Korea or in China came into South Korea with the help of family members already in the South.<sup>100</sup> Planned entry attempts

<sup>99</sup> A report released during the “Hyesan City Anti-Socialist Group” on Dec. 27, 2007, contained a list of names of missing persons and human traffickers. Defector XXX testified that he was banished to a coal mine region in Kapsan County, Yanggangdo Province on charges of “selling off (human trafficking)” his daughter, who had in fact fled to South Korea. NKHR2008000020 2008-09-17.

<sup>100</sup> The ratio of families entering together into South Korea increased to 40% in the first half of 2010 compared to 12% in all of 2009. The ratio of defectors who already have family in South Korea also increased from 23% in 2009 to 40% in the first half of 2010.

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 two years, so there have been increasing efforts to come to South Korea through Southeast Asian countries such as Thailand. Among those entering South Korea in 2010, defectors who stayed in China and other countries for less than one year totaled 30%.

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 have. An analysis of the types of defectors who came to South Korea in 2010 showed that a majority of them (75%) were women, in accordance with the continuing trend. 85% of these women came from North Hamkyung Province, and 95% had been low-level workers and farmers in the North. In 2010, as in 2009, many of them came to South Korea aboard small boats.

In the past, most were last resort cases under circumstances of extreme background discrimination and/or human rights violations. However, recent 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 already entered South Korea, and (d) increasing activities of professional intermediaries and business-type agencies. North Korean defectors who have settled in South Korea are increasingly working as “entry-visa” brokers. A significant number of the brokers engaged in making arrangements for entry into South Korea were former female defectors. Their fee in 2010 was about 3 million won in South Korean currency (US \$2,700). As the number of brokers has increased,

competition among them is also becoming intense. Some of them even visit “Korean towns” in China where they believe many defectors are hiding in an effort to find and persuade them to relocate to South Korea for a fee.<sup>101</sup>

As family unit defections increased, the age groups of defectors began to show an even distribution. As usual, some 60% of them are in the 20~30 year-old group, representing the highest ratio among all age groups. There were also cases in which earlier defectors planned and assisted the defection of their families from the North. The cases of North Korean women bringing over children or parents they had left behind in the North are increasing. 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.

North Korean defectors who came into South Korea would receive South Korean nationality and settlement support grants from the government. Subsequently, some of them would relocate themselves to the United States, United Kingdom, or a third country and apply for political exile there, and similar cases continued to occur in 2009. 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.

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<sup>101</sup> In many cases, female defectors staying in “Korean towns” in remote areas of China do not have accurate information about relocating to South Korea. In those areas, there is invariably conflict between “relocation brokers” and church activists who are trying to protect female defectors in China. See Yoon XX, “Current Status and Prospects for Defectors in China,” (Seoul: KINU, unpublished consultative seminar, June 14, 2010).

## Major North Korean Human Rights Events in 2010

- Jan. 4 Professional counsellors for North Korean defectors are assigned to all “Hana Centers” across South Korea.
- Jan. 9 The Korea Education Development Institute (Youth Defectors Assistance Center) plans to develop a program for the re-training of defectors who were former school teachers.
- Jan. 11~14 Robert R. King, the US special envoy for North Korean human rights, visits South Korea.
- Jan. 12 The Chinese government forcibly deports 5 North Korean defectors arrested near the Vietnamese border.
- Jan. 12 Freedom House’s “Human Rights Report 2010” includes North Korea in its “Worst of the Worst” category.
- Jan. 14 The “Campaign for a Warmer Korean Peninsula through Sharing of Coal-Bricks and Affection” delivers 100,000 coal-bricks for heating to the Kaesung Industrial Complex in North Korea.
- Jan. 14 The South Korean government approves the delivery of materials to North Korea.
- Jan. 20 South Korean government decides to disburse some of its Inter-Korean Cooperation Fund to provide 10,000 tons of corn to North Korea.
- Jan 21 The National Human Rights Commission (of South Korea) denies the petition submitted by Choi Sung-yong on behalf of the “Abducted Per-

sons' Family Group." The petition requested that the commission urge North Korea to disclose the current status of abducted persons and former South Korean POWs.

- Jan. 21 Human Rights Watch's "World Human Rights Report 2010" describes the North Korean human rights situation as "horrific."
- Feb. 4 The US National Endowment for Democracy (NED) and the Far East Research Institute of Kyungnam University jointly host the First International Donors' Conference on North Korea.
- Feb. 10 The National Human Rights Commission (of South Korea) files a complaint with the Foreign Affairs-Trade-Unification Committee concerning the "North Korean human rights bill" pending in the National Assembly.
- Feb. 11 The National Assembly's Committee on Foreign Affairs, Trade and Unification adopts the "North Korean Human Rights Bill." Major points include establishment of a government agency for the improvement of North Korean human rights and increased support for organizations involved in North Korean human rights.
- Feb. 18 The Korean Bar Association releases a statement recommending revision of the draft of the "North Korean Human Rights Bill" that was adopted by the National Assembly's Unification Committee.
- Feb. 22 The South Korean government provides North Korea with hand-lotion-type disinfectant to combat the new H1N1 type of influenza.

- Feb. 22 The National Human Rights Commission (of South Korea), releases a statement citing survey results of actual human rights violations on female defectors in the South and urging the implementation of a governmental “settlement support system” taking into consideration the various violations of women’s rights.
- Feb. 26 The Kyunggi Provincial Branch of the Small and Medium Businesses Agency sponsors the 2nd meeting of North Korean defectors and small and medium business owners.
- Feb. 27 The aid group “Sharing Love among the Korean People” provides North Korea with fall and winter clothes worth 830 million won (US \$750,000).
- Mar. 2 National Assembly passes the “Bill for Fact-Finding about Korean War Abduction Victims and Restoration of their Honor.”
- Mar. 9 Two North Korean lumberjacks enter the South Korean Consulate General in Vladivostock and request asylum in the USA.
- Mar. 10 The Ministry of Labor revises parts of “Administrative Rules concerning Job Training of North Korean Defectors.”
- Mar. 11 US State Department releases its annual National Human Rights Report, describing the North Korean human rights situation as “deplorable.”
- Mar. 17 The Ministry of Unification releases a proposed draft revision on “Regulations concerning Humanitarian Assistance and Cooperative Projects for North Korea.”

- Mar. 18 The UN Human Rights Council adopts its “Concluding Observations” to the Universal Periodic Report on North Korean human rights.
- Mar. 24 The Thai Police arrest 16 North Korean defectors.
- Mar. 25 The US Congress proposes a draft bill on “Adoption of Defecting North Korean Orphans.”
- Mar. 25 The UN Human Rights Council adopts a resolution on North Korean human rights at its 13th session.
- Mar. 26 The South Korean government promulgates partial revisions on the “Bill for the Protection of North Korean Defectors and their Settlement Support” (taking effect Sept. 27, 2010).
- Mar. 30 The National Human Rights Commission sponsors an evaluation seminar on North Korea’s Universal Periodic Report for 2009.
- April 6 The relief agency JTS hosts a “boat-loading ceremony” for sending aid materials for North Korean children.
- April 7 The EU opens a public hearing on North Korean human rights.
- April 17 The group Human Rights without Frontiers (HRWF) hosts a “screening” of the movie “Kimjongilia” at the EU Parliament.
- April 25~May 1 The US North Korea Freedom Coalition (NKFC) hosts the 7th North Korea Freedom Week event in Seoul.
- April 27 Ten organizations, including “Attorneys for Demo-

cratic Society,” release a “resolution by social organizations promoting human rights” concerning the “draft North Korean Human Rights Bill.”

- April 29      The US Commission on International Religious Freedom (USCIRF) designates North Korea as the “Country of Primary Concern (CPC)” in terms of persecution of religious freedom in its 2010 “Annual Report on Religious Freedom in the World.”
- April 30      The UN Special Rapporteur on North Korean Human Rights labels North Korea as a “State of Fear.”
- May 31        The Ministry of Unification requests that government agencies suspend all assistance to North Korea.
- May 27        Amnesty International (AI) releases its “Human Rights Report on South and North Korea.”
- May 31        The South Korean government decides to establish an “Archive of North Korean Human Rights Records” under the supervision of Ministry of Justice.
- June 4         The Ministry of Defense releases a draft “Bill concerning the Repatriation and Treatment of Korean War POWs (from North Korea)”
- June 9         The Ministry of Unification approves assistance for North Korean newborn babies for the first time since the suspension of contacts with North Korea in the wake of North Korea’s attacks on the South Korean warship Cheonan.
- June 14        An international conference calling on North



Korea to “stop committing crimes against peace and humanity” is sponsored by three South Korean groups including the Campaign Headquarters for Democratization of North Korea, the Open National Assembly Forum for North Korea, and the Committee for the Investigation of North Korea’s Crimes against Humanity.

- June 14      The US State Department’s annual “Trafficking in Persons Report” places North Korea in “Tier 3,” the worst level, for the 8th year in a row (since 2003).
- June 15~24      The Ministry of Unification and the Korean Red Cross host an event for separated families (the third such event).
- June 16      The “Association of All Koreans in Europe” was formed in London.
- June 18      The 14th UN Human Rights Council appoints Marzuki Darusman, the former chairman of the Indonesian Human Rights Commission, as the new UN special rapporteur on North Korean human rights, succeeding the outgoing Dr. Vitit Muntarbhorn.
- June 22      Foreign Policy magazine selects North Korea’s Kim Jong-il as the worst dictator in the world.
- June 24      The Ministry of Unification approves the delivery of malaria preventive materials to North Korea, as requested by the “Campaign for Koreans for Mutual Assistance.”
- June 24      The National Assembly’s Committee on Foreign Affairs and Unification adopts a resolution on

“Appreciation of Korean War Veterans, Denuclearization of the Korean Peninsula, and Achievement of Peace.”

June 26 A small row boat carrying two North Korean defectors is found about 40km off South Korea’s East Coast.

July 2 The Ministry of Unification approves the delivery of humanitarian aid materials for North Korea’s most vulnerable inhabitants.

July 6 The Ministry of Unification and Hyundai Motor Company’s “Smiles Loan Foundation” conclude a Memorandum of Understanding concerning “Financial Support for North Korean Defectors’ Opening of Small Businesses.”

July 8 The EU Parliament adopts a resolution on North Korean human rights.

July 13 The International Criminal Court (ICC) receives a petition from South Korea’s Committee for the Investigation of Crimes against Humanity indicting North Korea’s National Defense Commission Chairman Kim Jong-il.

July 13~14 The Korean Coalition of Churches for a Free North Korea hosts a “Torch Rally” in Washington DC calling for the improvement of North Korean human rights.

July 21 The Ministry of Unification and the Korean Bar Association conclude a Memorandum of Understanding on legal assistance for North Korean defectors.

- Aug. 3 Three South Korean NGOs for North Korea, including Global Sharing Together, the Kwon Jeong-seng Cultural Foundation for Children, and the Dandelion of Peace, jointly host a sending-off ceremony for “Milk of Hope for North Korea.”
- Aug. 12 The Chinese government signs an agreement to provide police equipment to North Korea.
- Aug. 13 The Ministry of Unification approves the visit of a humanitarian assistance group to North Korea for the first time since North Korea’s sinking of the South Korean warship Cheonan.
- Aug. 19~22 The Citizens’ Alliance for North Korean Human Rights and “Han Voice” jointly host the 10th International Conference on the Human Rights of North Korean Refugees in Toronto, Canada.
- Aug. 25 The 7th General Assembly of Inter-Parliamentary Conference for North Korean Refugees (IPCNKR) adopts a joint resolution for the improvement of North Korean human rights.
- Aug. 27 Former US President Jimmy Carter returns home accompanied by Aijalon Mahli Gomes, who was released by North Korea.
- Sept. 2 The US government agrees to disburse a sum of \$750,000 for the purchase of medicines and other flood relief materials for North Korea.
- Sept. 8 The National Human Rights Commission (of South Korea) hosts the 7th International Symposium on North Korean Human Rights at the Peterson Economic Institute in Washington, DC.

- Sept. 10 A “National Campaign for the Enactment of the North Korean Human Rights Bill” is launched, with a total of 137 citizens’ groups participating, including the Association of North Korean Human Rights Organizations.
- Sept. 14 The Ministry of Unification begins to receive “damage report applications” from Korean War abduction victims and their families.
- Sept. 17 inter-Korean Red Cross working-level talks are held (Kaesung City).
- Sept. 23 The Human Rights Committee of the US House of Representatives holds public hearings on North Korean defectors.
- Sept. 25 President Obama in his UN General Assembly speech points out North Korea as a human rights oppressor country.
- Sept. 29 The Ministry of Unification decides to allocate 860 million won (about US \$8,000,000) out of its Inter-Korean Cooperation Fund to support the Korean Red Cross’ plans for flood relief assistance to North Korea.
- Oct. 1 The third inter-Korean Red Cross working-level talks are held. The two sides agreed on a date and place for a “Separated Family Reunion” meeting.
- Oct. 5 The “Fact-Finding Report on Abducted Persons,” released by the Ministry of Unification, lists a total of 517 abducted persons still believed to be held in North Korea (abducted in the post-Korean War period).

- Oct. 6            The Changwon Local Court, No. 1 Administrative Division, decides that abducted persons, previously wrongfully labeled as defectors to North Korea, should be listed as “persons of meritorious service” to South Korea.
- Oct. 10          Chairman Hwang Jang-yop of the Committee for the Democratization of North Korea (The former secretary of North Korean Workers’ Party who defected to South Korea) dies.
- Oct. 18          Delegates from 30 countries participate in an international conference on countries with human rights problems, including North Korea. (Sao Paulo, Brazil)
- Oct. 19          Reporters without Borders (RSF) designates North Korea as one of the “10 worst oppressors of press freedom,” along with China and Syria.
- Oct. 20          The UN annual report states that “the human rights situation in North Korea continues to deteriorate.”
- Oct. 21          The Sejong Institute, the Network for North Korea’s Democratization, and the US National Endowment for Democracy jointly sponsor the “2010 International Conference on North Korean Human Rights” in Washington, DC.
- Oct. 21          The Emerson Pacific Group and the Peace 3000 Group donate 100 tons of flour to North Korea as part of flood relief assistance.
- Oct. 29          A North Korean lumberjack working in Russia enters a Korean consulate general.

- Oct. 29            The Ministry of Unification announces it will guarantee medical payments for defectors for five years.
- Oct. 30~Nov. 5   An Inter-Korean Separated Family Reunion meeting is held at the “Separated Family Reunion Hall” at Mt. Keumkang.
- Nov. 11            The School of Advanced International Studies (SAIS) at Johns Hopkins University hosts a human rights seminar.
- Nov. 15            The Ministry of Unification announces that the total number of North Korean defectors in South Korea has exceeded 20,000.
- Nov. 18            The First Committee of the 65th UN General Assembly adopts a resolution on North Korean human rights and calls on North Korea to improve its human rights situation.
- Nov. 21            The UN General Assembly adopts a resolution denouncing the human rights violations taking place in North Korea.
- Nov. 22            The Ministry of Justice holds public hearings on a draft “Bill concerning Family Relationships between Persons in South and North Korea and Inheritance Issues.”
- Nov. 22            A ceremony is held to commemorate the founding of the “Support Foundation for North Korean Defectors.”
- Nov. 23            The Ministry of Unification indefinitely postpones Inter-Korean Red Cross talks in the wake of North Korea’s military provocation against Yonpyong

- Island in South Korea's West Sea.
- Nov. 24 The Ministry of Unification suspends all flood relief aid to North Korea in the wake of the military provocation against Yonpyong Island in South Korea's West Coast.
- Nov. 25 The National Human Rights Commission denounces North Korea's military provocation against Yonpyong Island as an anti-humanitarian act.
- Nov. 25 South Korea's Association of All Christian Churches declares the suspension of its grain and other donation campaigns for North Korea in the wake of the military provocation against Yonpyong Island.
- Dec. 6 The International Criminal Court (ICC) initiates a preliminary investigation to determine if the sinking of South Korean warship Cheonan and the shelling attacks on Yonpyong Island amounted to war crimes within the purview of the ICC's jurisdiction.
- Dec. 10 The North Korean Human Rights Bill fails to pass South Korea's National Assembly.
- Dec. 13 The National Human Rights Commission releases a "road-map" for the improvement of North Korean human rights.
- Dec. 13 The Committee for Fact-finding about Korean War Abduction Victims and Restoration of their Honor officially begins its activities by holding its first formal meeting.

## <Appendix 1> Public Executions in North Korea Since the Currency Reform (Total: 52)

Date	Target	# of people	Location	Charge
Dec. 2009	Platoon leader of border guard in Namyang, N. Hamkyung	1	Namyang, N. Hamkyung	Drug smuggling, leaking secrets, human trafficking
	Protesters (name & sex unknown)	2	Hamhung, N. Hamkyung	Protesting currency reform
	Protesters (name & sex unknown)	2	Chungjin, N. Hamkyung	Protesting currency reform
	General criminals (8 men, 2 women)	10	Vacant lot in Hyungjesan District, Pyongyang	Theft/rape/pickpocketing/prostitution, etc.
Jan.	Border guard in Yeonsa, N. Hamkyung	1	Yeonsa, N. Hamkyung	Helping a family of 6 to defect
	Hamhung munitions factory worker	1	Hamhung, N. Hamkyung	Leaking internal information via cell phone to a defector in South Korea
Feb.	Ethnic Chinese living in NK (name, sex unknown)	2	Chungjin, N. Hamkyung	Leaking internal information
March	Director of Planning and Finance Pak Nam Gi and Deputy Director Ri Tae Il	2	Kanggeon Military Academy, Pyongyang	Responsible for failure of currency reform; espionage linked with South Korea
	Ri Gi Woong (male, age 38), Oh Chung Il (male, 24)	2	Vacant lot in Nakrang District, Pyongyang	Forgery and circulation of 376,000 won in North Korean banknotes
	Yanggang Central Bank Branch Manager Kim Seung Pil (male)	1	Hyesan, Yanggang	Large-scale embezzlement; adulterous affairs with 6 women

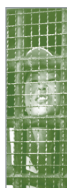


Date	Target	# of people	Location	Charge
April	Platoon leader of border guard in Hweryong, N. Hamkyung	1	Shinam District firing range, Hweryong, N. Hamkyung	Human trafficking; ignoring defections; leaking state/military secrets
	Gang of pickpockets	17	Pyeongyang	Forming a pickpocketing gang; criticizing Kim Jong-il
May	Secret Christians in Pyeongseong (name, sex unknown)	3	Kuwol District, Pyeongseong, S. Pyeongan	Spreading Christianity
June	General criminals (name, sex unknown)	3	Onsung, N. Hamkyung	Murder (2), human trafficking (1)
July	Hweryong food shop worker (male, 25) and younger brother	2S	ports Stadium, Hweryong, N. Hamkyung	Phoning a younger sister who had defected; killing a State Security agent
	Chungjin residents (name, sex unknown)	2	Youth Park, Chungjin, N. Hamkyung	Parodying Kim Jong-il's image; distributing flyers criticizing the currency reform (3 accomplices given life sentences)

## <Appendix 2> Major Figures Publicly Executed in the Last 5 Years

Name (Age)	Position	Job history and details of execution
Oh Mun Hyuk (mid-40s)	District manager of “Nungra888” Trading Company for Yeonsa-Gun, N. Hamkyung	<ul style="list-style-type: none"> <li>– Earned foreign currency through logging trade with China</li> <li>– Executed ~July 2007 in public stadium in Yeonsa-Gun, N. Hamkyung on charges of causing deforestation due to excessive logging, indiscriminate logging including Kim Jong-il’s protected woods</li> </ul>
Chun Chul Su (born 1957)	District manager of Dongyang Trading Co. for Shinuiju	<ul style="list-style-type: none"> <li>– During intensive crackdown on anti-socialist elements ~July 2008, was arrested on charges of embezzlement of foreign currency, metal smuggling, and spying for South Korea; executed at firing range in Yeomju-Gun, N. Pyeongan</li> </ul>
Cha In Gun (mid-40s)	President of Changseng Trading (military-affiliated)	<ul style="list-style-type: none"> <li>– Promoted to president of Changseng Trading with help from Kim Il Chul, former director of People’s Trade Bureau</li> <li>– During intensive crackdown on military-affiliated trading companies ~Aug 2008, was jailed on corruption charges, then executed on charges of running a slush fund and illegally concealing foreign currency earnings</li> </ul>
Kim Yong Sam (born 1941)	Former Railways Minister	<ul style="list-style-type: none"> <li>– Delegate to Supreme People’s Assembly (Feb 1982); Minister of Railways (Aug 1998~Nov 2008); Manager of Kaecheon Railways Bureau (Nov 2008~Sept 2009) etc.</li> <li>– Dismissed from Railways ministry due to the Nov. 2008 international train delay incident and demoted to Kaecheon Railways Bureau; executed ~Sept 2009 on charges of espionage and leaking of secrets related to the April 2004 Ryongchon explosion</li> </ul>

Name (Age)	Position	Job history and details of execution
Suh Nam Shin (born 1930)	1st Deputy Minister of Railways	<ul style="list-style-type: none"> <li>– Director of Traffic Dept of Ministry of Transportation (1961); 1st Deputy Minister of Railways (Dec 2005~April 2009); technocrat with over 30 yrs experience in railways</li> <li>– Executed alongside Kim Yong Sam ~Sept 2009 on charges of espionage and leaking of secrets related to the April 2004 Ryongchon explosion</li> </ul>
Pak Nam Gi (born 1934)	Director of KWP Planning and Finance Dept	<ul style="list-style-type: none"> <li>– Economic specialist who served as Vice Minister of Metal Industry (March 1972); Director of (March 1998); Director of KWP Planning and Finance Dept (July 2005~Jan 2010); led the Nov 2009 currency reform</li> <li>– As social unrest deepened in the wake of the currency reform, he fell under suspicion as the son of a landlord, and was executed last March at Kanggeon Military Academy in Pyongyang on charges of leading the failed currency reform and spying for South Korea</li> </ul>
Ri Tae Il (born 1934)	1st Deputy Director of KWP Organization and Guidance Dept	<ul style="list-style-type: none"> <li>– Spent the early 1990s as deputy director of State Planning Committee; was appointed deputy director of Organization &amp; Guidance Dept on Pak Nam Gi's recommendation</li> <li>– Was executed last March at Kanggeon Military Academy in Pyongyang alongside Pak Nam Gi for leading the failed currency reform</li> </ul>



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