

RELATIONS BETWEEN CORRUPTION AND HUMAN RIGHTS IN NORTH KOREA

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its health issues the regime is facing a succession crisis. Thus the regime will have to deal with economic collapse of an unstable new government. In circumstances where the possibility has arisen of discussing unification, a full consideration of North Korea's current situation is needed. Second, while the formula for unification that was needed in increasing exchanges and cooperation between the two Koreas, there has been no real discussion, particularly of structural engagement. At the time that this unification formula was put forward, the gap in national power was not as great as it is now, and the international diplomatic situation regarding North Korea has also changed. The gap between South and North is incomparably greater, and international views of North Korea have also changed. The administration in the U.S. pursued an engagement policy with North Korea, and at the dawn of the 21st Century there are clear signs of heading toward a fundamental change. Furthermore, South Korea pursued an engagement policy under the administrations of Kim Dae-jung and Roh Moo-hyun. In view of these facts, we clearly need to consider a unification formula delineated in separate phases. Third, the formula for unification via a national community has been considered in terms of dual state actors. Considering the changing unification environment, we need a governance-based approach. Important roles will be undertaken by actors from various different areas, not just the government. Therefore we need to consider how they will play and how to best coordinate and guide their efforts toward the goal of unification. Fourth, we must consider changes in South Korean society. As the post-nationalist, globalizing trend advances in South Korea, new views and approaches will be needed. This factor was not incorporated into the thinking behind the national community unification formula. These factors must be considered more directly. In the late 1980s international politics were still largely determined by the bipolar system. The unification environment will have many new features such as the weakening of U.S. hegemony, the rise of multipolar dynamics of Northeast Asia, a growing number of issues transcending national borders, and an international system increasingly characterized by governance and networks due to the ongoing trends of globalization, democratization and networked communication. [1] We must take all of these factors into consideration in developing a new unification plan.] Meanwhile, changes in the international environment are influencing the unification environment. First, let us consider the changes in the international environment and diplomatic range have seen revolutionary changes, not only from the dramatic changes in the national political system in the late 20th Century, but also due to the more recent worldwide trend of globalization. Integration and cooperation have grown more active due to increased economic interdependence and cultural exchange at global levels. Integration has accelerated not just in Europe but in other regions as well, and Northeast Asia is no exception. After the Cold War ended and new political and economic paradigms were established. Modern international politics is changing. Issues such as post-nationalist integration and global political networks began to emerge. In Northeast Asia, the bipolar system has continued, but economic interdependence has deepened, and cooperative efforts among civil society groups and between governments are increasing. The problem is that while the Korean Peninsula continues to struggle under the same old South-North Cold War, South Korea has been evolving in pace with these rapid changes. The disconnect between South Korea's current happy situation on the peninsula is holding South Korea back as it strives for recognition as a global power. South Korea is moving through the processes of industrialization and democratization, and the scope of its foreign policy has expanded to encompass the entire world. South Korea is devoting more of its capacity to diplomacy and investing more of its resources beyond the peninsula. It has broken out of the paradigm of focusing the majority of its interest and resources on the unification issue, as it increasingly needs to widen its foreign policy scope to take in the rest of the world. The primary target of South Korea's national strategy, but there are a growing number of new issues unrelated to the peninsula. [2] the increasing importance of maintaining strategic relations with the four key regional powers and designing a "national security" issues such as the environment, terrorism, human rights, and natural disasters. We also cannot ignore the changes in Northeast Asia. There have been fundamental changes in the political dynamics of Northeast Asia due to the rise of China's relegation to more average status, and Russia's growing power. South Korea must bear in mind all of these changes and maintain a multifaceted foreign policy; its foreign policy concerns are too broad for it to be solely preoccupied with unification. [3] In this situation South Korea's foreign policy paradigm is undergoing fundamental changes, and we need to develop a new paradigm. First, the relative status of issues related to North Korea and unification. Second, domestic views of North Korea and unification. Third, the impact on the unification environment. Globalization has impacted South Korea to the extent that it can no longer be considered a unitary. South Koreans' sense of identity is moving away from the cultural concept of nationhood, defined by a unitary national identity, to a more political concept of nationhood encompassing all those who possess South Korean citizenship. This is particularly true in Korea. Already foreign immigrants to South Korea have surpassed 1 million, and many South Koreans are living abroad. It is becoming impractical to cling to the unitary national identity of the past. This changing sense of identity is moving away from a unitary national identity. Members of this generation have traveled to different parts of the world from a young age and have formed a global identity. The youngest generation has never set foot on North Korean soil or had any direct encounters with North Korea. They tend to sympathize more with the suffering of the impoverished peoples in Africa than they do with the plight of North Korea. This generation-minded generation that questions what unification will mean for Korean development and jobs, and whose values are fundamentally different from those of the past generations. While acknowledging the appropriateness of unification, the government is inattentive in calculating its actual concrete benefits and costs.] It is time to consider how this generation will take its turn to come to take over the core leadership of South Korea. In light of the problems with the national community

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I. INTRODUCTION

I. Introduction

North Korea's public distribution system has been maintained somewhat perfunctorily since its severe economic hardship in the 1990s. However in reality, rationing to the working class has been suspended, or made through state-owned enterprises. Even the mid-to-lower elite class has not been able to receive rations from the state in a normal manner. As a result, North Korea's planned economy has not been functioning properly since the Arduous March. At the same time, illegal and antisocialist activities have become widespread, since people seek subsistence in markets. From the center to rural areas, and from the top elite to the mid-to-lower elite class, corruption, such as the accumulation of personal benefits and wealth through abnormal activities, has been rampant in North Korea.

Such severe corruption in North Korea is also reflected in the assessments made by international organizations. For example, Transparency International (TI) evaluates the degree of corruption in countries and annually publishes the Corruption Perception Index (CPI). Although North Korea has normally been excluded from such evaluation due to difficulties in collecting basic data, TI included North Korea among its target of corruption evaluation in 2011. Among the 183 target states in '2011 CPI,'

North Korea, along with Somalia, received the lowest score- one.

North Korea's widespread corruption is affecting North Koreans' livelihood and daily lives in a multifaceted manner. In particular, corruption at lower levels of society such as marketplaces, which are related to the daily lives of North Korean people, directly affects their subsistence. Corruption is not only related to social changes in structural ways, but also serves as direct and indirect causal factors that affect human rights in North Korea.

Since the United Nations adopted the UN Convention against Corruption on October 31st, 2003, discussions over the correlation between corruption and human rights have begun within the international community. In particular, the report jointly issued by the International Council on Human Rights Policy and TI emphasized the need for an integrated approach when considering the linkage between corruption and human rights.

So far, only little research has been conducted on North Korea's corruption. The U.S. State Department's Country Reports on Human Rights Practices for 2011 and the Korea Institute for National Unification (KINU)'s White Paper on Human Rights in North Korea have partially analyzed the correlation between corruption and human rights in North Korea. However, a comprehensive analysis on North Korea's corruption from a human rights perspective has not yet been conducted. This study looks into the current state of corruption that is rampant in North Korea and analyzes the impact of corruption on North Korea's human rights.

II. Framework of Analysis on the Correlation between Corruption and Human Rights

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Corruption generally refers to the act of public officials seeking private gains while deviating from national law or moral norms. This term is widely confused with other terms such as illegality, irregularity, and abuse of power. The most widely used definition of corruption is that of the TI's - "the abuse of entrusted power for private gain." Then how does the international community categorize acts of corruption? As there is no official definition of corruption, there are also diverse views on the types of corrupt acts. Therefore, this study aims to categorize such acts based on the UN Convention against Corruption which was introduced in the UN General Assembly on October 31st, 2003. The first type is bribery (Article 15 and 16), the second is embezzlement (Article 17), the third is trading in influence (Article 18), the fourth is abuse of functions (Article 19), and the last is illicit enrichment (Article 20).

North Korea is still not a signatory to the Convention. However, North Korea does have a criminal code and an Administrative Penalty Law which views corrupt acts as crime and stipulates punishment. According to corruption-related articles in North Korea's criminal code and the Administrative Penalty Law, the North Korean regime defines

bribery, embezzlement, and abuse of functions as corrupt acts, and has rules for punishment.

In order to examine the impact of corruption on North Korean society and especially on human rights in North Korea, it is necessary to look into the motives (purposes) behind corruption. Under the North Korean socialist system, collectivism and nationalization of production make public officials' motives behind corruption different from those in the capitalist system. Regarding the motives behind corruption (the scope of gains), two criteria, beneficiaries of corruption (organizations or individuals) and its economic nature, can be an analytic framework for bureaucratic corruption in North Korea. In North Korea, the motive for gains through corruption has changed since the Arduous March. The motive is shifting toward a combination of 'accomplishment of an organizations production goals' and the livelihood of members of the organization — in other words, public distribution. Given that corrupt acts in North Korea pursue both 'organizational and private gains,' it is necessary to deviate from the traditional viewpoint that corruption occurs merely for private gains, and thus, take a more comprehensive approach. Furthermore, given that North Korean bureaucrats seek maximization of their private gains by wielding their public authority based on active markets, 'market-centered corruption' is becoming widespread. Before the 1990s, 'corruption for livelihood' was the major type of bureaucratic corruption in the North. However, since the 1990s, the focus has shifted to the combination of 'corruption for livelihood' and 'market-centered corruption.'

Corruption affect human rights in diverse ways. A previous study led by TI explains the relations between corruption and human rights based on three causal relations. The first causal relation is where corruption works as a direct violation of human rights. The second is where corruption is an indirect violation of human rights. In this case, corruption is a necessary condition for human rights violation. Here, corrupt acts serve as fundamental factors of human rights violations and eventually become indirect factors of human rights abuses. Third is where corruption acts as a remote violation of human rights. In such case, corruption becomes one of the various causes of human rights abuses.

Corruption works as a human rights abuse by limiting states' responsibilities to protect and promote human rights. Generally, the international community identifies states' responsibilities regarding human rights in three aspects. First, states should respect human rights. Second, states have a responsibility to protect human rights. Third, states have a responsibility to fulfill human rights. Human rights violations occur when states fail to meet those responsibilities. In particular, corruption negatively affects states' fulfillment of the responsibilities and, in turn, has negative influences on human rights. Specifically, corruption acts as an inhibitor in the fulfillment of the responsibilities which is essential to realize economic, social, and cultural rights. Corruption stands in the way for states to meet their responsibilities to 'progressively' fulfill such rights in the society. Furthermore, corruption has a negative impact on its availability and accessibility.

In order to protect and promote human rights, the most fundamental

human rights principles must be respected. However, corruption hampers the appropriate application of such principles, eventually affecting human rights in negative ways. In particular, equity (equal opportunities) and nondiscrimination are key human rights principles which need to be considered regarding the impact of corruption on human rights. Corruption is a key factor that influences human rights principles such as access, nondiscrimination, and opportunities. Moreover, in terms of the relations between corruption and discrimination, corruption works as a factor aggravating discrimination against vulnerable groups. In other words, corruption can have a negative impact particularly on vulnerable and disadvantaged groups such as the poor and the socially underprivileged; especially women, by degrading the quality of public services. As such, corruption serves as one of the factors that negatively affect the socially vulnerable in enjoying their rights.

III. Causes of Corruption in North Korea

III. Causes of Corruption in North Korea

The causes of corruption in North Korea can be identified in political and economic aspects. Political causes include the possibility of power-related corruption based on the monopoly and concentration of power due to the dictatorship led by the great leader, and the state system led by the Korea Workers Party. There is also the possibility of corruption due to the regulations required to maintain the regime. In economic terms, the possibility of corruption is growing due to economic crises, driven by the malfunctioning socialist planned economy and the public distribution system, a spread of the market system, and the expansion of various regulations caused by one's own pursuit of subsistence.

The market economy in North Korea became active in the 1990s amid economic hardship. Since then, it has been a core factor in creating new interests among the state, bureaucrats, and the working-class. Among these actors, interests and relationships that focus on markets and 'subsistence' were created. In this process, 'the rule of the game' has been formed, under which all actors co-exist with one another for their own subsistence and interests. This rule acts as a structural factor causing society-wide corruption, given that it deviates from North Korea's legal and institutional principles. In addition, diverse unofficial relationships

were created to fill the gaps in overall plans and bridge distorted information. Such unofficial relationships formed under the malfunctioning planned economy have exacerbated corruption in organizational operations, in combination with an absolute lack of resources. In other words, the unstable and unclear structure influences people's behavior, and in response, networks that encourage unofficial relationships and corrupt practices are being built.

Since the economic crisis in the 1990s, North Koreans have tended to put their own gains or that of the organizations they belong to before national interests. With a malfunctioning planned economy, corrupt acts such as the pursuit of private and organizational gains have become widespread. Even though corrupt acts are also done for gains at the organizational and group level, corrupt acts for personal interests have become more rampant since the 1990s.

Such spread of corrupt acts both for private and organizational gains in North Korea can be explained in terms of 'political capital.' Political capital refers to an ability to possess and utilize public goods and services in a society where private ownership is prohibited. Such capital can increase the possibility of corruption when it meets an abnormally operating planned economy. In particular, such capital promotes bureaucratic 'altruism' in which bureaucrats share their view on the uncertainty of the planned economy and help each other in times of difficulties. They also foster the view of 'compensation' for their own subsistence and self-preservation. Such views make them insensitive to corruption.

The links among bureaucrats' exploitation, parasitism, and corruption of the market economy results in the distortion of material redistribution across the economy. From this perspective, such acts are closely related to North Korea's human rights. Bureaucrats intervene in survival-oriented market activities of the working class, not only threatening the right to subsistence but also aggravating the wealth gap and social stratification. While most of the working class participate in markets in order to secure food for their subsistence, bureaucrats accumulate wealth by abusing their status as well as authority. Big merchants such as *Donju* (North Korean commercial capitalists), seize opportunities to increase their wealth. Such corrupt acts not only violate the principles of equity and nondiscrimination but also impede the state's fulfillment of its responsibilities regarding economic, social, and cultural rights. In particular, such acts lower the availability of resources necessary to protect those rights of the working class, and limit their rights to economic and physical access as well as access to information.

As antisocialist acts become widespread, the North Korean regime has modified the law to control and regulate such acts so that it can sustain its socialist system and regime. Based on the modified law, the regime has toughened its crackdown and punishment on antisocialist acts which go against official socialist rules. However, in the process of the crackdown, the domain and the possibility of corruption of related public officials have been expanding.

As indicated in the criminal code and the Administrative Penalty Law, it is possible for the actual severity of the punishment to be

significantly influenced by the status and background of each individual, even for the same criminal act. Depending on the authorities' judgement, punishment for the same crime can vary considerably from social education, correctional labor or labor training, to hard labor, or even capital punishment. Since there is abundant room for the authorities' arbitrary judgement in the legal process of crackdown and sentencing, corruption has become entrenched.

The North Korean regime has rules of punishment to discourage corrupt acts such as bribery. Its criminal code clearly distinguishes between violation of general administrative orders and occupational crime by administrators. Furthermore, the Administrative Penalty Law stipulates punishment for embezzlement, abuse of functions, and bribery. Despite such provisions, corrupt acts have been on the rise, due to structural factors including abnormal operation of the planned economy, spread of markets, and a tougher control system.

IV. Civil and Political Rights and Corruption

IV. Civil and Political Rights and Corruption

1. Right to equality before the law

When corruption occurs before cases are sent to courts, it affects the realization of legal justice and the right to fair trial. In most cases, police officers arbitrarily crackdown without a warrant issued by the judiciary, as the aim of the crackdown is to uncover ‘antisocialist situations’ and maintain order. Moreover, without any sense of guilt or punishment, they take advantage of crackdowns as means of demanding bribery for private gains. The most common act of corruption is police officers’ acceptance of bribe in return for turning a blind eye. There have been cases where police officers accept bribes and do not document antisocialist acts so that criminal cases are not established. In the case of ‘antisocialist acts’ uncovered under the People’s Security Control Law, offenders are commonly sent to local labor training camps without an official trial. Therefore, police officials frequently take bribes in the forms of cash and commodities and exempt offenders from being sent to labor training camps.

Another type corrupt act is offenders’ bribing their way into exemption or commutation in the process of investigation. There are some cases where they bribe officials during the investigation and write a

self-criticism paper in order to be acquitted. Also, there are many cases where during preliminary hearings before trials, preliminary judges take bribe and reduce the severity of a sentence. They sometimes distort the truth so that even those offenders who have committed the same offense can receive lighter punishments. It has been found that preliminary judges also do not forward cases for official trials in return for bribery. This type of corruption, which occurs in the second phase of the legal process, violates the principle of nondiscrimination in that bribery can determine whether or not a case will be established and offenders will be punished.

The most common corrupt act in the trial process is bribing judges for favorable rulings or probation. In other words, in order to be exempted from punishment or gain commutation, offenders bribe judges in the trial process. Also, in some cases, they give money to judges to get probation. Probation is defined in Article 51 of North Korea's criminal code (Conditions and Duration of Probation). In fact, there are numerous cases where offenders bribe their way into probation. According to one witness, his wife was sent to a prison-labor camp for four and a half years for smuggling, but managed to bribe her way into probation. Also, there are many corruption cases where offenders bribe judges and lawyers in the trial process to be exempted. One witness was tried at the Court of Huchang in 2010 for distributing CD-R and was about to face forced labor. The witness, however, bribed the judge and the lawyer and planned a fake suicide, eventually being exonerated. Moreover, there are many cases in which offenders receive lighter punishments than expected in preliminary hearings through bribery. One witness was sentenced to three

years of forced labor for recording, at the Hyesan people's court in 2006. He then bribed the lawyer through the city police station and the lawyer defended the offender, citing his young age. After 20 minutes of discussions, the sentence was commuted to one year of labor training. Given that bribery leads to the exemption of punishment or commutation and people who cannot bribe receive unfair punishments, such corrupt acts threaten the right to a fair trial and equal protection of the law and, especially, the principle of nondiscrimination.

The most widespread act of corruption in the process of executing punishment is being released for physical weakness or disease, based on false medical reports or receiving commutation based on good behavior. In the case of commutation, it is stated in the law that this is indeed possible through good behavior. However, what constitutes good behavior can be judged arbitrarily by police officers, leaving room for corruption. Furthermore, in the case of exemption from fulfilling the sentence, such arbitrary judgement can be reflected after the first half of the sentenced term. In this process, corrupt acts can occur through bribery, in order to commute an already decided sentence. Article 54 of the criminal code (Commutation and Release before Expiration of Term) stipulates regulations regarding commutation and discharge before the expiration of the term. By bribing during their sentence, offenders sometimes finish their term in better conditions.

2. Freedom of expression, right to privacy, and corruption

Freedom of expression is a necessary condition to realize the

principles of transparency and accountability. It is also a critical factor to promote and protect human rights. According to the ‘General Comment No. 1’ of the UN Human Rights Committee, freedom of expression is not only about delivering information or opinions but is also about the freedom to seek or obtain information or opinions in any desired way or through all types of media, regardless of borders. Furthermore, regarding the right to respect privacy, family, home and correspondence, and protection of honor and reputation, ‘General Comment No. 16’ mentions that interference authorized by states can only take place on a legal basis.

The North Korean authorities are strengthening regulations to block access to outside information due to concerns regarding the potentially adverse effects of information distribution on the survival of the regime. Despite such control, North Korea is seeing a spread of antisocialist acts, via accessing outside information through cell phones and video images. Crackdown on such antisocialist acts need to be studied from the perspective of freedom of expression and the right to privacy. It has become a norm for officials to accumulate personal wealth through crackdowns, and for civilians to bribe them to avoid punishment.

North Koreans can use two types of cell phone services. One is a Chinese service and the other is one officially permitted by the North Korean regime. The former enables a call not only to China but also to any other country, and is mainly used at the border areas. Therefore, North Koreans can contact people in China or even their family in South Korea, and call Chinese business partners for smuggling, illegal trafficking, brokerage in river crossing, and sending remittances, by using the

Chinese cell phone service. In such context, the North Korean regime is very sensitive to the Chinese cell phone service, and has continuously regulated its usage. When police officers detect such phones, they are confiscated, and in most cases, offenders bribe them to avoid punishment. However, the offenders face harsh punishment in case of human trafficking (brokerage in river crossing) and making calls to South Korea. However, those who own cell phones earn money through outside deals, and therefore often bribe their way out of punishment. There are also cases where people get caught for keeping South Korean songs or video files on their cell phones and then bribe officers to avoid punishment.

Distribution of copies of South Korean and other foreign videos through the China-North Korea border area has been growing. Since used or low-priced Chinese electronic devices supporting CD-R and USB functions have become available in North Korea, North Koreans are able to easily access foreign videos. South Korean videos have a comparative advantage in attracting the attention of North Koreans in that they can be easily understood in terms of language and culture. As the distribution and viewing of videos including South Korean dramas have become popular, crackdowns by the authorities have become tougher through diverse ‘antisocialist crackdown organizations’ and ‘special censorship task forces.’ In many cases, offenders often bribe officers to avoid punishment.

Punishment differs between those who merely watch foreign videos, and those who distribute them; large-scale distributors may face stricter

punishment. Therefore, the amount of bribe depends on the severity of the expected punishment. Furthermore, bribes are often offered in foreign currency, given that those who are involved in video distribution possess foreign currencies such as the Chinese renminbi or the U.S. dollar.

3. Freedom of movement and corruption

The North Korean regime has controlled the movement of its people and stipulated various sanctions related to traveling order through the travel permission system. Such permission system and sanctions encourage corruption. In particular, given that the main purpose of traveling after the economic crisis has been survival, travel permission is closely related to people's livelihood and access to food. Since people usually obtain travel permits without going through the official administrative process, the Second Department in the People's Committee (which is in charge of travel permission) has become a popular department among public officials as a channel to accumulate wealth. Some choose to travel without permission, and then bribe the train crew and officials in charge of the crackdown, as they have to resort to bribery to get a permit one way or the other. In case of traveling within the province, the cost for a travel permit is similar to the amount of bribery, making people choose bribery in most cases. As such, due to the complex process of obtaining travel permission, most people who apply for travel permits are those going on official business trips. The amount of bribery needed varies considerably, depending on how difficult it is to get a travel permit to the destinations — general areas, the border areas,

and Pyongyang. Moreover, bribery also takes place when buying train tickets. In some cases, they also receive false business trip permits or military family travel permits by bribing the brokers or officials in charge.

In North Korea, obtaining a passport for public affairs such as overseas posting is a rare occasion. In general, permission for overseas traveling is granted to those visiting relatives in China and those engaged in short-term trade deals. North Korean people who have relatives in China can get passports and pay official visits to China if they have an invitation from their Chinese relatives. Recently, this permission system appears to be spreading, and a huge cost seems to have been incurred for issuing passports or border passes. North Korean people can seize the opportunity to do business and gain wealth by building connections in China. However, even with an invitation from relatives in China, it is still difficult to receive passports because recipients may not return before the passport expires. Therefore, bribery is widely used in this process. In another common case, bribery is given to be posted overseas, China in particular. Since the wage level in China has improved significantly, many Chinese employers prefer the relatively cheap North Korean labor force. Nevertheless, to work in China, North Koreans need to engage in bribery. Without bribery, they cannot be dispatched to China as workers. In case they cannot give bribes to officials before being sent, officials also seem to allow them to pay the money after being dispatched.

V. Economic, Social, and Cultural Rights and Corruption

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1. Right to work and corruption

In North Korea, people cannot choose their jobs according to their preferences and abilities. Rather, people are systematically assigned to certain job positions, according to the Party's policy and plan. Therefore, there is a possibility that officials with the authority to assign jobs and permit movements can abuse their power and involve themselves in corrupt acts. In particular, job preferences have been changing since the economic crisis and such changes have resulted in corruption, in terms of who is assigned to which job. Preference toward state-owned enterprises increases the possibility of corruption, in that North Koreans may try to get assigned to better positions by bribing the bureaucrats who are responsible for job assignment.

Furthermore, diverse state offices are involved in businesses to earn foreign currency. Participating in businesses may put people in a better position to accumulate personal wealth than working in other business areas. Therefore, bribery occurs frequently in the process of sending workers to China to earn foreign currency. Another area where corruption can occur regarding job assignment and movement is 'job desertion.' A famous example is the well-known '8.3 workers.' North Korea is now

experiencing a steep increase in the number of those 8.3 workers who pay a certain amount of cash to factories to be exempt from their work duties.

The most typical area where corruption occurs, in order to induce favorable conditions for job assignment, is the fabrication of documents to obtain party membership. As shown above, such corrupt acts have been on the rise. Currently, while it is hard to determine if major document fabrication is being done, such as making changes to family backgrounds, fabrication on minor documents is made through bribery. Furthermore, in North Korea, where the party-centered state system has been maintained similar to other socialist states, the party membership has a significant influence on a person being assigned to his or her preferred job. Although preference for party membership has relatively declined since the economic crisis, most North Koreans still desire a party membership in the state system. In particular, with widespread corruption, securing a good job with a chance to engage in corruption is closely linked to survival and personal wealth, which in turn encourages bribery.

In addition, bribery is deeply related to position maintenance, which is, in turn, closely related to position-based corruption. People have created a well-entrenched vicious circle for bribery (receive bribery using one's position and then, bribing other people to maintain the position).

In North Korea, student labor and labor from those in detention facilities are major types of institutionalized forced labor. Student labor is forced labor, violating the right to education, and there are some cases where students gain exemption from labor through bribery. In addition,

corrupt acts occur with regard to forced labor in detention facilities. Detainees in labor training camps are mobilized for various public areas where municipalities require labor force. This shows that labor training camps are operated in association with national construction projects. However, there are some cases where the camps' labor force is mobilized for private areas that are related to officers of the camps. Despite their work the detainees are not paid.

2. Right to food and corruption

Corruption related to the right to food primarily occurs in the form of embezzlement during the process of public distribution. The impacts of embezzlement on the right to food can be divided into direct and indirect causal relations. First, embezzlement in the operation of the public distribution system directly infringes the right to food (availability and accessibility). In this case, food is taken after harvest, in the process of distribution. In particular, managers of collective farms collude with each other to misappropriate major grains such as rice. In a different case, procurement officers and managers of collective farms engage in corrupt collusion and negotiation in the process of food procurement. For instance, officials in the distribution offices make private gains through dual corruption, which involves bribery and book tampering. Such embezzlement in the process of food distribution undermines food availability. It also worsens discrimination and economic accessibility of those who actually need food. Having to purchase the stolen amount of food at a higher market price, ordinary North Koreans face a higher cost

for access to food.

Second, corruption in detention facilities directly undermines detainees' right to food. Since the regime cannot provide food for police detention camps, farmlands are assigned to the camps. Detainees are mobilized for farming and the produce grown through forced labor is used to operate the camps. However, in this process, a large portion of the produce is siphoned by police officers in charge of managing the camps.

Third, in terms of the indirect causal relations, distorted distribution of food resources also indirectly violates the right to food (availability and accessibility). Specifically, siphoning fertilizer or feedstuff in the process of food production negatively affects the food production of collective farms.

Fourth, crackdown on marketplaces can play a remote role in infringing ordinary people's right to food. Most North Koreans rely on marketplaces for their livelihood. However, if they are caught trading in marketplaces, they will have to pay a fine, the amount of which depends on the types of goods traded.

Similar to the public distribution process for civilians, acts of corruption, such as embezzlement, is rampant within the military. Such acts limit the right to food not only for soldiers but also for civilians in a complex manner.

Supplying food preferentially to the military does not mean that soldiers receive sufficient amounts of food. One reason is the corruption that occurs in the process of supplying food. First, corruption happens in the course of food distribution to the military, and second, it occurs

within the military. As a result, even in the military, there is a considerable difference in one's access to food, depending on the location and type of military service.

Infringement of the soldiers' right to food also threatens the civilians' right to food. To be more specific, when their food availability is low, soldiers take the food assigned to civilians in order to make up for the short supply, having indirect and negative influences on the civilians' right to food. The first type of infringement relates to the soldiers stealing crops from the civilians. Due to food shortage, soldiers often take crops from nearby farms during field exercises. The second type is soldiers' stealing of food and animals owned by civilians under the pretense of harsh military living conditions. Along with the Military-First Politics, such misappropriation of rations to the military indirectly undermines the civilians' right to food.

3. Right to education and corruption

In North Korea, the most widespread corruption regarding the right to education is bribery in exchange for university admission. Most of the North Korean defectors who responded to KINU's interview on the North Korean human rights situation said money makes admission into a university possible. To the extent that North Koreans say "money, not ability, matters in education," bribery is common in the process of university admission. In this case, bribes are exchanged in many ways. Furthermore, the amount of bribery depends on various factors including the school ranking and personal connections. There are two ways to enter

universities in North Korea: first, entering university immediately after graduating middle school and second, entering university after being discharged from the military. Corruption is often involved in the latter case. For instance, a quota for university admission is assigned to each military unit and the order of priority in admission is decided depending on the amount of the bribe. Sometimes, due to such corruption, military units choose more people than their quota allows. In such case, an applicant should give bribes to every person involved in the admission process. Bribery is the major type of corrupt act involved in admission to university.

According to statements by North Korean defectors, although education in North Korea is free and mandatory, parents are required to shoulder a heavy burden. In this situation, whether parents can afford to bear such burden becomes a factor violating the right to education. As many cannot provide help for school facilities and operations, there is a growing number of cases where students avoid schools and miss classes. This is because they are likely to be told something offensive or humiliating by their teachers when they fail to give the school money or goods demanded. Furthermore, wealthy parents are able to bribe teachers for their children to be given preferential treatment. As teachers struggle with economic hardship, they sometimes discriminate students if they do not give something the teachers ask for. In short, students are treated unfairly in school depending on whether they provide the help that the schools ask for. In particular, bribe leads to discriminatory acts such as provision of various benefits to the school.

In terms of children's rights, the North Korean regime runs an education system which allows forced child labor. Even such human right violation also bears discrimination due to corruption. Although students have long been mobilized for forced labor, forced labor has become more frequent than in-class learning after the economic crisis. In this case, parents provide money or goods to teachers to have their children exempted from labor.

4. Right to health and corruption

Despite North Korea's free medical treatment system, the regime often fails to meet its responsibilities and doctors demand bribe from patients in return for treatment and consultation, infringing the right of ordinary people to health. In other words, bribery is given to doctors against the human rights principle of nondiscrimination. Moreover, the quality of medical service varies because preferential treatment is given to those who are able to offer bribes. Also, since bribery accelerates the collapse of the free treatment system, such act increases the cost in terms of economic access, undermining the right to health.

In addition, along with private gains, doctors engage in corruption for organizational gains in operating clinics and hospitals. While the major motivation behind bribery is doctors' private gains, organizational interests in the operation of clinics and hospitals are sometimes reflected. According to a statement by one North Korean defector, after surgery, patients need to remove stitches, receive antibiotics and good care. However, doctors demand something from patients in return since they

also have to meet the demands of hospitals or clinics.

One major type of doctors' corrupt acts in pursuing private gains is the issuance of false medical certificates. Doctors are issuing false medical certificates for money to sustain their livelihood and gain wealth.

There is also corruption to gain preferential benefits through personal connections in the process of receiving treatment. North Korea has a medical delivery system composed of clinics, people's hospitals, provincial hospitals, and central hospitals. Under this system, the quality of treatment in tertiary and quaternary medical facilities is affected by personal connections. Patients without connections have to bribe health care professionals to make such connections. In particular, ordinary working-class people have limited access to tertiary and quaternary medical facilities which offer relatively good service, because bribery and connections can have great influence. If patients cannot bribe or do not know doctors personally, they have to get help from those who rank higher than the doctors.

Due to North Korea's failing pharmaceutical industry following the economic crisis, an absolute shortage of medicines has persisted, exacerbating corruption. The Health Department of the People's Committee has considerable power and plans, and is responsible for medicine supply, making the department a highly desired workplace. Those who are in charge of drug supply often steal medicines in the supply process. Also, medicine supply offices accept bribes using their authority in the process of drug distribution. They also make sub-offices that take charge of receiving the supplies, fabricate documents, and take

medicines from offices that are in charge of distribution.

Corruption in the process of supplying drugs also happens at the level of doctors and patients. Doctors personally take medicines which are already in short supply and sell them at marketplaces, or receive bribes from patients for drug administration. In particular, doctors make personal gains by purchasing quality and important drugs at a low price from private pharmacies and selling them to patients at a higher price. When medicines are critically lacking in clinics and hospitals, doctors forge connections with private pharmacies for their subsistence and take money from those pharmacies. Usually, such private pharmacies have cozy relationships with doctors, who give them information about drug purchases. This can be seen as a kind of rebate system.

When there is an absolute shortage of medicines, officials with absolute power are treated first, and the corruption of medicine suppliers driven by officials' abuse of power becomes frequent. In the case of insufficient drugs, officials in the Party or other organizations abuse their power to secure their needs. Also, such corruption becomes more serious in the case of high-quality medicines offered by the U.N. and the international community.

VI. Assessment of the Correlation between Corruption and Human Rights in North Korea

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The pursuit of both private and organizational gains through corruption is negatively influencing the formation of ‘good governance.’ Corruption consolidates not ‘good governance’ but deep rooted ‘bad governance.’ Due to corruption, rules and norms fail to work effectively, and their level of institutionalization deteriorates, generally giving a negative impact on North Koreans’ human rights. At present, North Korea is experiencing a vicious circle of ‘corruption, bad governance, negative impacts on their human rights, and aggravation of corruption.’

As corruption entrenches ‘bad governance,’ it hinders the regime from meeting its responsibilities for North Korean human rights protection and promotion. In particular, corruption, along with a lack of finance due to economic difficulties, frustrates the regime in carrying out its responsibility of fulfillment. Nevertheless, the regime has fundamentally failed to perform ‘its responsibility of fulfillment’ regardless of corruption, in that it has distributed already insufficient finances mostly to the key elite. However, corruption further blocks the regime from meeting ‘its responsibility of fulfillment.’

Corruption is a key factor negatively affecting the application

of basic human rights principles, equity and nondiscrimination, to North Korean people. Corruption worsens inequity and discrimination in North Korea in two ways. First, corruption is a secondary factor aggravating the ‘discrimination between the elite and the working class.’ Second, corruption is a core factor driving ‘discrimination within the working class.’ Considering the principles of equity and nondiscrimination, corruption limits North Korean people’s human rights mostly in terms of the latter. As the public distribution system is unable to function adequately due to the economic crisis, the working class seeks their own means of subsistence, causing the wealth gap to a certain extent. Along with this gap, corruption also worsens discrimination among the working class in terms of equity and nondiscrimination.

In terms of availability, accessibility, and quality, corruption acts as a key factor negatively affecting the North Korean people’s economic, social, and cultural rights. First, the abuse of one’s authority and embezzlement undermines the availability of finances which need to be spent on promoting the working class’s economic, social, and cultural rights. Second, the decrease of availability driven by corrupt acts results in a higher cost for economic access, regarding the North Korean people’s rights to education, food, and health. Third, deterioration of the availability and economic access not only limits the working class’s economic, social, and cultural rights but also undermines those of the vulnerable or the marginalized.

In terms of the correlation between corruption and human rights violation, North Korea shows all of the three causal relations — direct

indirect and remote violation. Also, in North Korea, one form of corruption directly/indirectly infringes different types of human rights in a chain reaction. Given the motives behind corruption and the characteristics of the North Korean regime which restricts the North Korean people's human rights through its control mechanism, the impacts of corruption on human rights are complex.

For instance, ordinary people are starting to bribe middle-level officials as crackdowns have become tougher, and at the same time, they also have more room to escape from North Korea or avoid punishment. Even though it goes against the principle of nondiscrimination, it does not take a large sum of bribe to gain freedom of movement, indirectly relaxing control over most North Koreans' mobility. At the same time, since such loosened control facilitates participation in an unofficial distributive economy, it has a partially positive impact on the North Korean people's right to food. Moreover, freedom of residential mobility is unofficially accepted as bribery, making sales of houses possible, albeit illegal.

As mentioned above, freedom of movement and exemption from punishment indirectly relaxes control over the right to freedom. However, from the perspective of equity and nondiscrimination, corruption is definitely a negative factor affecting the human rights of the working class. Therefore, the impacts of corruption on North Koreans' human rights are 'imbalanced and complex,' which means corruption has both positive and negative implications, but its negative impacts on the human rights of North Koreans are much more serious than positive ones.

Even if corruption has certain positive impacts on North Korea's human rights, they are limited given the characteristics of the regime. In the course of establishing the Kim Jong Un regime, control over society and the people have tightened, and as a result, the cost (bribe) to nullify or alleviate the impact of control has also increased. Moreover, while corruption has an indirect short-term effect of encouraging 'voluntary liberalization' of the North Korean society, it will have a negative impact in the process of reform and opening-up. In short, if corruption hampers development, it will negatively affect the economic, social, and cultural rights of North Korean people including the rights to food, education, and health in the medium-to-long term.

As corruption promotes individualism, it is necessary to examine the relation of corruption with the formation of human rights awareness in North Korea. North Koreans tend to see corruption as something that is natural rather than a crime. Such a change in perception is linked to the reality where bribery is indispensable for the survival of bribers.

In a survey conducted by KINU on North Korea's human rights situation, most of the North Korean defectors who responded commonly used the word, 'business,' to refer to bribery. This shows that North Koreans perceive bribery as simple business matters, similar to the idea of doing business in South Korean society. Such perception leads to a self-centered way of thinking that people can engage in bribery for their own survival. Therefore, even if it promotes individualism, it is unlikely to contribute positively to the formation of human rights awareness. Rather, corruption hinders the establishment of human rights principles of

equity and nondiscrimination. Therefore, it is hard to expect a virtuous circle of 'a spread of corruption, stronger individualism, and positive contribution to the formation of human rights awareness.'

VII. Conclusion

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Corruption is a negative factor in promoting ‘good governance’ and the rule of law. It will also become an obstacle to North Korean human rights policies which aim to turn the country into a responsible member of the international community through reform and opening-up. There is also a need to focus on how corruption impacts the perception of the North Korean people. With a malfunctioning planned economy and the control mechanism in place, they seek their own means of survival, and perceive corruption not as a negative act but as something natural. In terms of the correlation between the public perception of bribery and human rights, bribery negatively affects the establishment of human rights awareness. When people believe that the pursuit of private gains through bribery is natural, it is hard to realize the human rights principles of equity and nondiscrimination. Although corruption acts as a factor promoting individualism, this trend is less likely to have a positive impact on North Koreans’ awareness of human rights.

In conclusion, corruption is a negative factor in establishing good governance, the rule of law, and awareness of human rights. In the future process of establishing and executing North Korean human rights policies, the impacts of North Korea’s corruption on the policy actions should be considered. Also, North Korean policies in the future should reflect the international community’s discussions which approach human rights and corruption in an integrated manner.

First, a system should be built to continuously monitor corruption in North Korea. There should be a systematic and specific understanding on which types of human rights are being violated by widespread bribery. Also, the impact of corruption on North Korea's governance, the rule of law, and human rights awareness needs to be continuously monitored. Furthermore, the impact of corruption on North Korean people should be identified in consideration of the three causal relations — direct, indirect, and remote correlations.

Second, North Korean human rights policies should be adjusted based on such findings, in efforts to minimize the negative impacts of corruption on human rights and maximize its positive impacts. Despite its imbalanced feature, given corruption's complex effects on North Korean people's human rights, a strategy should be established to promote its positive impacts in the short term. Although corruption encourages individualism, such individualism has negative influences on the establishment of human rights awareness. Moreover, corruption hampers the understanding of equity and nondiscrimination. Therefore, in creating strategies to foster North Koreans' awareness of human rights, those strategies should also aim to remove the negative perceptions created by corruption. Most of all, strategies have to be devised to change the wrong perception of corruption, equity, and nondiscrimination as well as a corruption-driven self-centered way of thinking, and to encourage individualism to positively affect human rights awareness.

Third, there should be strategies to minimize the negative impacts of corruption on reform, opening-up, and the rule of law. Fundamentally,

corruption in North Korea acts as a factor further deteriorating the already bad governance. In order to improve North Korea's human rights, there must be conditions to lay the foundation for good governance, which will not only encourage reform and opening-up, but also put an end to the corrupt structure. In the process of promoting economic exchanges and development cooperation, a foundation for 'good governance' should be strengthened. In particular, to enable participatory development in the course of cooperation, negotiating power toward North Korea needs to be exerted in the early stages. To this end, strategies should be implemented in North Korean policies to reflect the international norms of participation, nondiscrimination, and accountability. Given that corruption affects the violation of economic, social, and cultural rights in terms of accessibility, accountability, availability, and adaptability, supportive measures should be prepared to promote the rights of the vulnerable to education and health.

Fourth, considering the impacts of corruption on human rights, the North Korean regime should be urged to correct diverse irrational practices and institutions which cause corruption. While an integrated approach needs to be taken to human rights and corruption, the regime should be called on to change its institutions specifically in a way to reflect the following. The North Korean regime must come up with legal and institutional measures to prevent authorities from arbitrarily carrying out crackdown operations or punishments. Also, there should be adjustments on institutions which inhibit the practical realization of the basic rights specified in its socialist constitution in consideration of

international human rights instruments which include North Korea as a signatory. While the travel permission system, which restricts freedom of movement, should be abolished, the immigration permission system should be expanded and streamlined. Measures which punish personal access to outside information and limit freedom of expression must be applied in a restricted manner only to special and exceptional cases stipulated in the law, in consideration of internationally accepted principles. Random and arbitrary inspections without warrants during crackdowns on cell phones and videos are serious human rights infringements. Corruption, which has been rampant since the food crisis, has a considerably negative impact on the public perception of the law in that both the bribers and the bribees do not perceive corruption as a serious social problem. In this sense, along with reforms on institutions which arbitrarily infringe individual rights, appropriate measures should be taken to actually punish those who engage in bribery.



Relations between Corruption and Human Rights in North Korea



This study looks into the current state of corruption in North Korea and analyzes the impact of corruption on North Korea's human rights. It explains why corruption is a negative factor in establishing good governance, the rule of law, and awareness of human rights. The causes of corruption are discussed at length, as well as its impact on North Koreans' civil, political, economic, social, and cultural rights.